

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 TUESDAY, FEBRUARY 16, 2016.

1. **CALL TO ORDER** - Mayor Hudson called the meeting to order at 6:30 p.m.
2. **OPENING PRAYER** - Pastor Keith Albury of Macedonia Seventh Day Adventist Church offered the opening prayer.

3. **PLEDGE OF ALLEGIANCE**

4. **ROLL CALL**

Present: Mayor Linda Hudson; Commissioner Rufus Alexander; Commissioner Edward Becht; Commissioner Thomas Perona; Commissioner Reginald Sessions

Staff Present: City Clerk Linda Cox
City Manager Nicholas Mimms
City Attorney Robert Schwerer

5. **APPROVAL OF MINUTES**

- a. Approval of minutes from the February 1, 2016 regular meeting.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Rufus Alexander to approve the minutes from the February 1, 2016 regular meeting.

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

Passed

6. **PROCLAMATIONS**

- a. Mayor Hudson issued a proclamation declaring February 21 - 27, 2016 as National Engineer's Week.
- b. Mayor Hudson presented First Step Awards to Representative Larry Lee, Jr., Sheriff Ken Mascara, Commissioner Kim Johnson, Chief Diane Hobleby-Burney, Fire Chief Buddy Emerson and Scott Van Duzer on behalf of the City of Fort Pierce, the Van Duzer Foundation and Restoring the Village.

7. **LETTERS TO COMMISSION** - The following letters will be kept on file at the City Clerk's office.

- a. Email from Mary Alice Bennett extending Representative Lee's sincere gratitude to Chief Hobleby-Burney, Deputy Chief Amandro and Grants Coordinator Anthony Maynard for their contribution to the completion of the Restoring the Common Good Budget Request.

8. **COMMENTS FROM THE PUBLIC ON AGENDA ITEMS NOT REQUIRING PUBLIC HEARINGS** - There were no comments from the public.

9. CONSENT AGENDA

- a. Approve the award of RFP 2016-012 for Realtor Services to the highest ranked proposer, Coldwell Banker Paradise.
- b. Approval of an Interlocal Agreement between the St. Lucie County School Board and the City of Fort Pierce for operation and improvements for the Dan McCarty Middle School Track.

Commissioner Sessions pulled item **9a**.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Edward Becht to approve item **9b**.

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

Passed

As to item **9a**, Commissioner Sessions abstained due to potential conflict of interest with Coldwell Banker Paradise.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to approve item **9a**.

AYE: Commissioner Rufus Alexander, Commissioner Edward Becht, Commissioner Thomas Perona, Mayor Linda Hudson

Other: Commissioner Reginald Sessions (ABSTAIN)

Passed

Commissioner Sessions filed form 8B as required.

10. PUBLIC HEARINGS

- a. Ordinance 16-001 - Modifying Article II, Section 2-29 to include a new item in the order of business for additions, deletions and approval of the agenda. **SECOND READING**

Linda Cox, City Clerk, introduced the Ordinance on second reading, by title only, into the record.

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 Thomas Perona to approve item **10a**.

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

Passed

- b. Ordinance No. 16-003 pertaining to an application submitted by the property owners, Equity Trust Company, Mohammad Hajjar IRA, and Sassan LLC for Future Land Use Map for six (6) parcels of land, totaling +/- 36.93 acres, to change the future land use designation from RM, Medium Density Residential to NC, Neighborhood Commercial. Said parcels are generally located at the southwest corner of Hartman Road and Whiteway Dairy Road, or approximately 1803 Hartman Road. FIRST READING

Linda Cox, City Clerk, introduced the Ordinance on first reading, by title only, into the record.

Kori Benton, Senior Planner, gave a brief presentation and was available for questions.

Mayor Hudson opened the public hearing.

Dennis Murphy, applicant representative, stated that they concur with recommendations and will appear again within the next few months for final adoption consideration.

Karen Gelety, resident, spoke in support but expressed concern with road conditions of Hartman Road.

Kori Benton added that tonight's requests are for land use and zoning. Should the applicant take the next steps, Staff will work closely with the other agencies and make sure to review all components of submitted site plans.

Seeing no one else, Mayor Hudson closed the public hearing.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Rufus Alexander to approve item **10b**.

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

Passed

- c. Ordinance No. 16-004 pertinent to an application submitted by the property owners, Equity Trust Company, Mohammad Hajjar IRA, and Sassan LLC for a Zoning Atlas Amendment for six (6) parcels of land, totaling +/- 36.93 acres, to change the zoning designation from R-4, Medium Density Residential to NC, Neighborhood Commercial. Said parcels are generally located at the southwest corner of Hartman Road and Whiteway Dairy Road, or approximately 1803 Hartman Road. FIRST READING

Linda Cox, City Clerk, introduced the Ordinance on first reading, by title only, into the record.

Kori Benton, Senior Planner, gave a brief presentation and was available for questions.

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 Edward Becht to approve item **10c**.

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

Passed

- d. Ordinance 16-005 Amending Section 12-103 extending the prohibition of fishing along Melody Lane. FIRST READING

Linda Cox, City Clerk, introduced the Ordinance on first reading, by title only, into the record.

Nicholas Mimms, City Manager, gave a brief background and was available for questions.

Commission discussion included staff considerations, complaints from businesses and homeowners, as well as enforcement. Commissioner Sessions stated that he feels an extension is a little excessive. The fishing pier has been full of fisherman and it's another beautiful attraction for the waterfront. The Commission should provide input and direction in order to work towards a positive solution.

Mayor Hudson opened the public hearing.

Frank Fee III spoke in favor of extension.

Donna Friedman spoke in favor of extension.

Devoshay Johnson spoke in opposition of extension.

Further comment from the Commission included access to our waterways being a part of Fort Pierce's charm and being mindful of the development that has happened in the downtown area which offers necessity for some change. The need to look at the potential disadvantages, purpose of investment in construction of the pier, as well as adding a clear demarcation as a compromise, were also discussed. Robert Schwerer, City Attorney, stated that should the Commission decide to change the text of the Ordinance that would reduce the length of the prohibition, it can be done orally at this meeting.

Seeing no one else, Mayor Hudson closed the public hearing.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to approve item **10d** with an exception of the southern 300 feet.

AYE: Commissioner Rufus Alexander, Commissioner Edward Becht, Commissioner Thomas Perona, Mayor Linda Hudson

NAY: Commissioner Reginald Sessions

Passed

- e. Review and approval of an application for a Conditional Use, submitted by property owners: PC Hotel/Kevin Gallagher, and applicant: Water's Edge Recovery to allow the use of a detoxification facility (hospital) at 912 Avenue I. Property is zoned R4, Medium Density Residential (Parcel ID 2403-707-0009-000-6).

Rebecca Grohall, Planning Manager, advised the Commission that a super-majority vote would be required for the item to pass and that the item may be postponed. Robert Gorman, client representative, requested to proceed when asked for his preference.

Clarissa Davis, Planner, gave a brief presentation and was available for questions.

Commission discussion included parking concerns, conditions of surrounding parcels, and the need for a facility like this one in the area.

Mayor Hudson opened the public hearing.

Robert Gorman, applicant representative, gave a brief presentation and was available for

questions.

Tyler Gorman, owner, spoke in favor highlighting that the facility will be utilized for the initial, temporary stabilization period in the detoxification process.

Anthony Chambers spoke in favor.

Seeing no one else, Mayor Hudson closed the public hearing.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to approve item **10e** with the following staff conditions, to include constructing a fence:

1. Provide required parking to the site or pursue payment in lieu of program.
2. Re-stripe existing parking stalls.
3. Install landscaping such as trees and shrubs as required per the code.
4. Comply with all violations reviewed by the Special Magistrate.
5. Construct a fence on the property.

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

Passed

- f. Review and approval of an application for a Conditional Use, submitted by property owners: KMG Holdings, LLC, and applicant: The Haven Detox to allow the use of a detoxification facility (hospital) at 4707 Oleander Avenue, Fort Pierce, FL. The property is zoned R2, Intermediate Density Residential (Parcel ID 3404-501-0506-000-4)

Clarissa Davis, Planner, gave a brief presentation and was available for questions.

Mayor Hudson opened the public hearing.

Anderson Triggs, owner, gave a brief presentation and was available for questions.

Paul Dwyer spoke in opposition.

Jacqueline Lizella spoke in opposition.

James Hill spoke in opposition.

Fred LaSala spoke in opposition.

John Jacobs spoke in opposition.

Robert Gorman, applicant representative, responded providing the difference between detoxification and treatment facilities.

Bonnie LaSala spoke in opposition.

Anderson Triggs and Kirill Vesselov, owners, provided responses to members of the audience in opposition.

Seeing no one else, Mayor Hudson closed the public hearing.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to deny item **10f** with concern for public health, safety and welfare.

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

Passed

- g. Review and approval of an application for Site Plan and Conditional Use, submitted by Property Owner, G. Flash G.P., Inc. c/o Ashton de Peyster, Applicant Harold H. Smyth, and representatives, William P. Stoddard, Ph. D., P.E., and Leo Giangrande, PE to complete the phased construction of a 198 Slip Marina, Boat Ramp, Dock Master's Quarters, Ship Store, and 10 RV Spaces at 601 Seaway Drive, Fort Pierce, FL. The property is zoned Tourist Commercial (C-5). (Parcel IDs 2402-312-0001-000-5 & 2402-331-0002-000-1).

Kori Benton, Senior Planner, gave a brief presentation and was available for questions.

Mayor Hudson opened the public hearing.

William Stoddard, client representative, gave a background on the site and the steps taken to make this project happen. He addressed the main concerns from Harbor Isle West residents.

Commission discussion included dinghy docks and buffers between Harbor Isle West and the proposed development.

Harold Smyth, discussed the dinghy dock option stating that no slips have been designated.

Ken Barclay provided community concerns, does not oppose development and would like to postpone for 30 days.

Steven Heller spoke in opposition of the RV pads.

Joan Sinnar provided concerns and would like to postpone for 30 days.

John Coseo spoke in opposition.

Carol Mushier supports conditions, provided concerns and would like to postpone.

Freid Barachovic spoke in support of development.

Don Voss spoke in support of development.

Richard Foster spoke in support of Phase I development.

James Maxwell spoke in support of development.

Upon a show of hands, there was a fairly equal show of opposition and support.

Ralph Boyd spoke in support of development.

Bruce Raheb spoke in support of development.

Harold Smyth responded stating that he would work with residents, the need for RV sites, addressed lighting, public access and security concerns.

Seeing no one else, Mayor Hudson closed the public hearing.

Commission discussion include addressing curfew, lighting clarification, RV placement and restrictions, traffic patterns, comparison of conditions on Sandhill Shores, gate connections and the need to provide a local contact phone for problems.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Thomas Perona to approve item **10g** with the following staff conditions:

1. The applicant provides complete infrastructure and operational plans for the proposed RV spaces consistent with City Code Sections. 22-86. (5) & (6) and 22-85 (6), prior to building permit issuance for construction of this component.
2. The presented access and traffic flow plan for both vehicular and pedestrian traffic presented in the Site Plan are approved by the City of Fort Pierce Engineering Department and FDOT, and implemented, prior to issuance of Certificate of Occupancy.

3. Sidewalks are integrated within, and adjacent to, the development pursuant to City Code Section 22-62.(b)(4) & (d) prior to issuance of a Certificate of Occupancy.
4. The applicant provides updated traffic, parking, and drainage plans associated with Phase II of the development prior to issuance of building permits for said phase of construction.
5. The applicant presents the proposed light fixtures to ensure compliance with the City's design review guidelines, prior to building permit issuance.
6. The applicant receives approval by the City Engineer for the proposed pervious parking spaces pursuant to City Code Section 22-60 (c) a.& b. prior to building permit issuance.
7. A 24-hour telephone number for a company representative is to be provided to the police department for use when there is a complaint or problem.
8. Minimum restrictions required of Sandhill Shores RV Park and TC Motor Coach Park.

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

Passed

- h. Review and approval of an application for a Conditional Use, submitted by property owners; the St. Lucie County Fire District, and applicant; M&R Global LLC to operate an Adult Day Care Facility located at 2400 Rhode Island Avenue, Fort Pierce, FL. The property is zoned C-1, Office Commercial (Parcel ID 2416-504-0754-010-3).

Vennis Gilmore, Planning Analyst, gave a brief presentation and was available for questions.

Mayor Hudson opened the public hearing.

Seeing no one, Mayor Hudson closed the public hearing.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Rufus Alexander to approve item **10h**.

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

Passed

11. MISCELLANEOUS REPORTS & REQUESTS

- a. Update on City Marina Operations - This item was postponed to a future meeting.

12. CITY COMMISSION

- a. Resolution 16-R04 Accepting the proposal of Capital One Public Funding, LLC to purchase the City's \$13,745,000 Stormwater Revenue Refunding Note and authorizing the execution and delivery of a Loan Agreement.

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

Robert Schwerer, City Attorney, stated that taking advantage would save approximately \$100,000 per year in debt service.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to approve item **12a**.

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

Passed

- b. Submittal of applications for City Planning Board. - This item will come back in the form of a Resolution.

13. COMMENTS FROM THE PUBLIC -

Don Voss

14. COMMENTS FROM THE CITY MANAGER

- a. City Manager's Departmental Activity Report

Nicholas Mimms, City Manager, announced the Highwaymen Heritage Trail Ribbon Cutting, Station 15 Rededication on February 26, 2016, parking improvement assessments, FEC clean up and recent successful SCORE workshop.

15. COMMENTS FROM THE COMMISSION

Commissioner Alexander had no comments.

Commissioner Perona stated that growing pains require balancing between builder proposals and homeowners' concerns. There is a lot of investment with time and effort in making Fort Pierce the right place. He is proud of the process.

Commissioner Sessions stated that he is concerned about police officers applying in for jobs outside of Fort Pierce and would like for it to be addressed.

Commissioner Becht stated that tonight was a good night and there are good things happening in Fort Pierce.

Mayor Hudson stated she'd like to send a letter in reference to beach re-nourishment on behalf of the Commission. The Highwaymen Festival is on February 20, 2016 and the Cracker Trail parade is on February 27, 2016.

- 16. ADJOURNMENT** - There being no further business, Mayor Hudson declared the meeting adjourned at 10:57 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER