

DRAFT



CITY OF FORT PIERCE
BOARD OF ADJUSTMENT

Board of Adjustment Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY BOARD OF ADJUSTMENT HELD ON THURSDAY, **JULY 27, 2017, IN FORT PIERCE CITY HALL, COMMISSION CHAMBERS, 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.**

1. CALL TO ORDER

2. PRAYER and PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present: **James Crist; Bennie Clark; Ryan Collins; Joyce Calvert; Rebecca Isaac; Bret McCain, Chairman**

Absent: **William Nunn**

Staff Present: **Iola Mosley, Senior Assistant City Attorney
Rebecca Grohall, Planning Director
Brandon Creagan, Planner
Alicia Rosenthal, Executive Assistant**

4. CONSIDERATION OF ABSENCES

Motion was made by James Crist, and seconded by Bennie Clark to approve the absence of Mr. Nunn.

**AYE: Bennie Clark, Ryan Collins, Joyce Calvert, James Crist, Chairman Bret McCain
Passed**

5. CERTIFICATION OF ALTERNATE MEMBER(S)

Mr. Collins was made a regular voting member for the meeting.

6. APPROVAL OF MINUTES

- a. Minutes from the April 27, 2017 meeting

Motion was made by Bennie Clark, and seconded by Ryan Collins to approve the minutes from the April 27, 2017 meeting.

AYE: **Joyce Calvert, James Crist, Bennie Clark, Ryan Collins, Chairman Bret McCain**
Passed

7. NEW BUSINESS

a. Special Exception - Eaton Residence - 1611 Binney Drive

Mr. Creagan gave an overview of the application and answered questions from the Board. No one spoke for or against the application.

Motion was made by James Crist, and seconded by Ryan Collins to approve the request as is.

AYE: **Ryan Collins, Joyce Calvert, James Crist, Bennie Clark, Chairman Bret McCain**
Passed

8. ELECTION OF CHAIR AND VICE-CHAIR

Ms. Calvert nominated Mr. McCain for Chair. Mr. McCain nominated Mr. Crist for Chair. Mr. Crist declined the nomination. Mr. Clark recommended to keep the Chair and Vice-Chair the same.

Motion was made by Bennie Clark, and seconded by James Crist to keep the Chair as Mr. McCain and Vice-Chair as Ms. Calvert.

AYE: **James Crist, Bennie Clark, Ryan Collins, Joyce Calvert**
NAY: **Chairman Bret McCain**
Passed

9. DISCUSSION / OTHER BUSINESS

Ms. Rosenthal stated the August 24, 2017 Board of Adjustment meeting is being moved to August 31, 2017.

Chairman McCain explained the Commission was considering abolishing the Board of Adjustment but they elected to keep the Board. Mr. Crist asked the reason why the Board was going to be eliminated.

Ms. Grohall explained the current city attorney was looking at an alignment of the boards and their duties and all of the boards that serve in a quasi-judicial capacity were looking at being shifted to a Special Magistrate for the hearings. Ms. Grohall went on to say that the city has been challenged in the past on some of their decisions that boards have made, so to try to make certain that the boards are having the best possible decisions, the Commission was looking at unitizing a magistrate. Since the Commission voted to keep the Board of Adjustment in tact, next month there will be training on Quasi-Judicial procedures and how to hold a technically sound public hearing.

Mr. McCain stated he was not pleased with the manner in which the consideration of the Board elimination was conducted and it seemed like it was a decision that was made in haste. Chairman McCain said he does not feel an attorney is most qualified, from their legal

training, for the types of cases the Board heres. Chairman McCain stated he received a document, after the hearing, about the abolishment and consolidation of the Boards that was considered at one point.

Ms. Grohall stated the consideration of the Board elimination did go to a Conference Agenda and the letters went out to the Board two weeks prior to the public hearing date.

Chairman McCain stated the letter was dated Wednesday, postmarked Thursday and he received the letter on the Friday before the meeting on Monday. Chairman McCain said the information was known well in advance and the Board was blindsided. Chairman McCain also mentioned that it is a good experience for alternates, especially new alternates, to participate in the discussions and not be removed from the dias.

Ms. Mosley said the city ordinance that is currently in effect, Section 2.2-201, says the individuals that are designated as alternate members shall neither discuss, deliberate or vote on a matter unless they are certified as a replacement.

Chairman McCain asked what the Commission's intent was on alternate members are not able to discuss applications.

Ms. Grohall said she does not think it is a recent addition to the code and she thinks it goes back to the Attorney General's office. There guidance is that alternates who are not sworn in to be voting alternates, should not be participating in the discussion, in the event they sway another member because ultimately they are not voting. Ms. Grohall stated the alternates are welcome to sit in the audience and participate under public comments but they are not to participate from the dias because it could effect the outcome of the vote.

Ms. Grohall stated alternates need to attend the meeting because it is never known what can happen with the regular members. The regular members may indicate they are going to be in attendance at the meeting and as things arise they may not be able to attend, in which case the alternate needs be present for attendance and at that time it will be known if the alternates are needed and after that the non-voting alternate(s) will be excused.

10. ADJOURNMENT