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CITY OF FORT PIERCE PLANNING BOARD

Planning Board Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON TUESDAY, **MAY 9, 2017**, IN FORT PIERCE CITY HALL, COMMISSION CHAMBERS, 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

Present: **Al Bernetti; Frank Creyaufmiller; Brian Paul; Robert Poitier; Marcia Baker; Tim O'Connell; John George; Mike Dahan; Eloise Cumings; Steve Weaver; Bob Burdge, Chairman**

Absent: **Charles Hayek**

Staff Present: **Jim Messer, City Attorney
Rebecca Grohall, Planning Director
Kori Benton, Senior Planner
Vennis Gilmore, Planning Analyst
Brandon Creagan, Planner
Alicia Rosenthal, Executive Assistant**

4. **CONSIDERATION OF ABSENCES**

Mr. Hayek was excused.

5. **CERTIFICATION OF ALTERNATE MEMBER VOTING STATUS**

Mr. Bernetti was made a voting member.

Chairman Burdge discussed the recent change by the City Commission to eliminate alternate members from speaking during the Planning Board meeting, unless they are seated in the audience as the general public. The Board decided, if all regular members stated they would be in attendance, each alternate member can decide if they want to attend the meeting.

Chairman Burdge explained a change to the Florida State Statues is that a member of the Board

cannot represent an item on the Planning Board agenda unless a waiver is obtained from the City Commission.

6. APPROVAL OF MINUTES

- a. Minutes from the April 11, 2017 meeting

Motion was made by Robert Poitier, and seconded by John George to approve the minutes from the April 11, 2017 meeting.

AYE: Brian Paul, Robert Poitier, Marcia Baker, Tim O'Connell, John George, Mike Dahan, Eloise Cumings, Al Bernetti, Frank Creyaufmiller, Chairman Bob Burdge

Passed

7. NEW BUSINESS

- a. **Annexation - A1A, Parcel ID: 2412-802-0007-000-2, South Hutchinson Island**

Mr. Cregan gave an overview of the annexation. Raphael Betit, MBV Engineering Representative, stated a determination has not been received from the Environmental Protection Agency regarding the property, but it will be mitigated through the FDEP.

Motion was made by Marcia Baker, and seconded by John George to forward a recommendation of approval to the City Commission.

AYE: Frank Creyaufmiller, Brian Paul, Robert Poitier, Marcia Baker, Tim O'Connell, John George, Mike Dahan, Eloise Cumings, Al Bernetti, Chairman Bob Burdge

Passed

- b. **Conditional Use with New Construction - ASTA Commercial Parking Lot - 111 S. Ocean Drive**

Mr. Paul ask to be recused due to his business location in relation to the parking lot location. Mr. Messer agreed with Chairman Burdge that there is no need to recuse himself.

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

Ms. Baker inquired about the sub-soil on the property since a gas station was located there several years ago. Mr. Benton stated he would ask the engineering department to take a closer look at that component, as the application or potential development advances.

Motion was made by Robert Poitier, and seconded by Frank Creyaufmiller to forward a recommendation of approval to the City Commission with the following conditions:

- 1. The operator restricts use, and overnight parking, by any campers, Recreational Vehicles (RVs), or similar transit vans; and**
- 2. Two (2) trash receptacles, and process for collection, are integrated into the development plan.**

AYE: Marcia Baker, Tim O'Connell, John George, Mike Dahan, Eloise Cumings, Al Bernetti, Frank Creyaufmiller, Brian Paul, Robert Poitier, Chairman Bob Burdge

Passed

c. **Conditional Use with New Construction - Pandya Residence - 1717 Bayshore Drive**

Mr. Gilmore gave an overview of the application. Board discussion ensued.

Terry Brisson, Applicant, stated the owner wants to make the entire structure solid concrete: walls, ceilings and roofs, in the attempt to make the house stronger than what exists now.

Motion was made by Al Bernetti, and seconded by Marcia Baker to forward a recommendation of approval to the City Commission with a height of up to 34 feet.

AYE: Tim O'Connell, John George, Mike Dahan, Eloise Cumings, Al Bernetti, Frank Creyaufmiller, Brian Paul, Robert Poitier, Marcia Baker, Chairman Bob Burdge

Passed

8. BOARD COMMENTS

Chairman Burdge asked Mr. Benton if a short term rental workshop is being planned and if the Planning Board members can attend. Mr. Benton stated that a workshop on dwelling rentals has not been scheduled with the City Commission. Ms. Baker recommended against any appointed board member participating in a vacation rental workshop and she strongly urged that nothing is codified at the meeting, because the city could be in jeopardy of losing its 2011 grand fathering. Chairman Burdge decided not to pursue the workshop or meeting regarding short term rentals.

Mr. Messer addressed Ms. Bakers liability concerns of being on the Board. He stated he is not aware of any disclaimer to put on meeting announcements that will keep someone from being sued. Mr. Messer went on to say that the city has an insurance policy that covers advisory board members so if a Board member was sued, they would not pay a penny out of their pocket.

Mr. Messer explained the Board does not act in a a quasi-judicial capacity, rather in an advisory capacity, so the Board cannot be held responsible for the decision made.

Mr. Messer explained the City Commission wanted an examination of how the boards and committees function, specifically looking at liability, efficiency and economy. Mr. Messer stated one of the options the city commission is considering is quasi-judicial hearings, due to a change in law on how final decisions in a city are to be made and how they are supposed to bind the city. Mr. Messer said the pace of the lawsuits regarding the quasi-judicial decisions are increasing and eliminating alternates is a way to make sure the city functions as a body and stays within the parameters of the Florida Supreme Court.

9. ADJOURNMENT