

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 MONDAY, **November 6, 2017**

1. CALL TO ORDER

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

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

Present: Mayor Linda Hudson; Commissioner Rufus Alexander; Commissioner Jeremiah Johnson; Commissioner Thomas Perona; Commissioner Reginald Sessions

Staff Present: City Attorney James Messer
City Clerk Linda Cox
City Manager Nicholas Mimms

5. APPROVAL OF MINUTES

- a. Approval of Regular Meeting minutes of Monday, October 16, 2017.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve item 5 a.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions
Passed

6. PROCLAMATIONS - No proclamations were issued.

7. LETTERS TO COMMISSION

The following letters will be kept on file in the City Clerk's Office.

- a. Email from Wyatt and Dana Edgell thanking Lt. Bender and Officer Spotts for their help and attention to the traffic issues on South 29th Street.
- b. Email received from Bruce Murray, South Hutchinson, commending the efforts of the Fort Pierce Police Department following Hurricane Irma, including bridge access and the visible presence of officers following the opening of access to the general public when power to the island remained out.

8. COMMENTS FROM THE PUBLIC ON AGENDA ITEMS NOT REQUIRING PUBLIC HEARINGS

The following individuals spoke on item 13 b:
Caleta Scott; Walter Barron; Joyce Jackson; Dorothy Clemons; Lois Gordy; Samuel S. Gaines; Michael Simos; Greg Barrick; Earl Gardner; Charlie Frank Matthews; Roger Couture; Richard C. Silvestri; Estelle Dunn; Kenneth Mills, Sr.; Ted Rice; Christopher Fogal; David Thompson; Jerome Ryant

Dodi Spence spoke on item 11 e.
Robert Hall spoke on item 11 d.

9. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Rufus Alexander to proceed without any additions or deletions to the agenda.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions
Passed

10. MISCELLANEOUS REPORTS - There were no miscellaneous reports.

11. CONSENT AGENDA

- a. Approve purchase of Comcate Animal Control Software in the amount of \$12,750.00 with an annual subscription fee of \$7,500.00
- b. Approval of request from Lincoln Park Main Street for a cash advance in the amount of \$12,500 from funds budgeted for FY 2018.
- c. Approve award of RFP No. 2017-031 for Project Delivery Services for SHIP Housing Rehabilitation Program to Government Services Group, Inc., Tallahassee, FL, in the amount not to exceed \$63,000.
- d. Approve purchase from Comcast Spotlight for TV commercials to air 3,173 times between November 20, 2017 and May 20, 2018 in an amount not to exceed \$14,000.
- e. Approve payment of United States District Court Southern District of Florida Final Judgment to Kristen Anderson in the amount of \$283,500 plus interest.
- f. Approve request of AmeriGas Propane to install a 120 gallon above ground L.P. tank at 221 Fernandina St.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve items 11 a - f.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions
Passed

12. PUBLIC HEARINGS

- a. Approve a request for waiver of distance from Sec. 9-111(b)(1) submitted by Roman Cardenas to operate a food truck ("Taqueria Tierra Caliente") at 1710 Okeechobee Road, Fort Pierce.

Miriam Garcia, Deputy City Clerk, presented the request of Taquería Tierra Caliente mobile food truck and spoke about the restaurants and other food trucks in the area, the distance between this food truck to the other established businesses, brick and mortar and otherwise, the lack of a negative response from the property and business owners when presented with the possibility of a new food truck offering tacos and other Mexican gastronomical delicacies.

Mayor Hudson opened the Public Hearing.

Robert Hall spoke about his concerns with the trash in the area after customers walked away with food and Ms. Garcia assured the Commission the vendor applicant is aware of the trash pick-up rules and if they do not abide by these rules, Code Enforcement would intervene.

Seeing no one else, the Mayor closed the Public Hearing.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Thomas Perona to approve item 12 a.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions
Passed

- b. Quasi-Judicial Hearing (Waived) - Application for Site Plan and Design Review, submitted by Property Owner, Smigiel Partners XIX Ltd, and Representative, Jason M. Gunther, P.E. of Thomas Engineering Group, to construct a 9,977 sq. ft. discount retail store, at 4008 Okeechobee Road, Fort Pierce, FL. The properties are zoned General Commercial (C-3) (Parcel IDs 2417-332-0009-000-9 & 2417-333-0001-000-6).

Kori Benton, Senior Planner, presented Dollar Tree's retail store proposal to be located at the Northeast corner of Okeechobee Road and Hartman Road giving the Commission a view of what the front, rear, left and right elevations would look like. Staff is presenting the application with a recommendation of approval with the following three conditions:

- (1) The Trees proposed within the eastern landscape buffer are installed within twelve months of a Certificate of Occupancy (CO) issued for Dollar Tree or a final plat subdividing the property eliminating the tree equipment.
- (2) The final ground sign design complies with City Code Section 22-59(g) signs.

(3) Future Development of the eastern parcel accommodates cross access to 3900 Okeechobee Road (Moonswiners BBQ).

Mayor Hudson opened the Public Hearing.

Michael Jacquin, representing Moonswiners, was concerned with the twelve-month landscaping timeline and the utility connection to the north property line. Jason Gunther, the applicant, replied to the concerns about the aforementioned twelve-month timeline, as well as, Commissioner Johnson's concerns regarding the retention pond.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Reginald Sessions to deny item 12 b. Discussion followed regarding Commissioner Johnson's concerns with the location of the stormwater management area.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Thomas Perona to call the question.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions
Passed

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Reginald Sessions to deny item 12 b.

AYE: Commissioner Jeremiah Johnson
NAY: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Thomas Perona, Commissioner Reginald Sessions
Failed

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve item 12b.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Thomas Perona, Commissioner Reginald Sessions
NAY: Commissioner Jeremiah Johnson
Passed

- c. Quasi-Judicial Hearing (Waived) - Review and approval of an application for a Conditional Use with No New Construction, submitted by Property Owner and Applicant, Crownman FL LLC to add the use of Bed and Breakfast to the existing primary structure, at 515 S. Indian River Drive, Fort Pierce, FL. The property is zoned C-1, Office Commercial Zone (Parcel ID 2401-810-0001-000-9).

Brandon Creagan, Planning Analyst, presented the proposed floor plan of building #1 and parking requirements. The Planning Board voted unanimously in favor of this proposal with the following conditions:

- (1) Comply with city code Section 22-60, off-street parking and loading, design standards, commercial uses, and lighting. A lighting plan and parking plan would need to be submitted with the building permit.
- (2) Demonstrate compliance with Florida regulations for Bed & Breakfasts. Identify the meal services being provided and hours of operation.
- (3) The applicant identifies the maximum occupancy of the building insuring compliance with City Code Section 8.5-43-Required space in dwelling units.
- (4) Registration of the property manager(s) accessible at all times, to resolve complaints and violations of City Code.
- (5) Provide a guide booklet for renters regarding local rules and public service resources to minimize conflict; these are available in the Code Enforcement Department.
- (6) The applicant files for and applies for City of Fort Pierce, County and State Business Tax Licenses within fourteen (14) days of Conditional Use approval.

Mayor Hudson opened the Public Hearing.

Ray Stillwell, the property owner of 519 S. 2nd Street, while for this project, had questions regarding the four bedrooms and one bathroom situation, as well as, lighting and no new construction information. Kristen Einstein, the applicant, answered questions of staff.

Seeing no one else, the Mayor closed the Public Hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Reginald Sessions to approve item 12 c with staff conditions.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

- d. Quasi-Judicial Hearing (Waived) - Ordinance No. 17-033 - An ordinance rezoning property located at 4600 Selvitz Road, Dogs and Cats Forever. FIRST READING

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

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REZONING PROPERTY GENERALLY LOCATED AT 4600 SELVITZ ROAD FROM COUNTY AR-1, AGRICULTURAL RESIDENTIAL, ZONING CLASSIFICATION AND CITY RL, LOW DENSITY RESIDENTIAL, FUTURE LAND-USE CLASSIFICATION, TO CITY PD, PLANNED DEVELOPMENT, ZONING CLASSIFICATION AND CITY INST, INSTITUTIONAL, FUTURE LAND-USE CLASSIFICATION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Kori Benton, Senior Planner, explained the subject request was filed by the property owners, Dogs & Cats Forever. The business has existed since 2010. The subject site is 8.48 acres, annexed in 2013 to the City of Fort Pierce; its current zoning is designated under the AR-1 Agricultural Residential. The proposal is to transition into the plan development, as well as, institutional designation for future proposals of development and growth allowing for expansions from time to time, being reviewed by the Commission for final approval. Meeting the criteria specified in Section 22-131 of the City Code and promoting public health, safety and general welfare, the proposed amendment was unanimously voted in favor of by the Planning Board recommending approval by the City Commission to the amendment via Ordinance 17-033.

Mayor Hudson opened the Public Hearing.

Richard Laventure, engineer and applicant representative, presented himself to answer any questions. No questions were asked from staff or the public.

Seeing no one else, the Mayor closed the Public Hearing.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Reginald Sessions to approve item 12 d.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

- e. Quasi-Judicial Hearing (Waived) - Ordinance 17-034 Amending the Zoning Atlas of the City of Fort Pierce to rezone property located at 3530 S. US Hwy 1 from Planned Development (PD) to General Commercial Zone (C-3) FIRST READING

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

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REZONING PROPERTY LOCATED AT 3530 S. US HWY 1 FROM PD, PLANNED DEVELOPMENT, TO C-3, GENERAL COMMERCIAL; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

Brandon Creagan, Planning Analyst, presented this location as a vacant lot, where owners would like to have it rezoned to General Commercial (GC) to allow for marketability to potential buyers and make it compatible with future land use as GC and compatible with other surrounding properties. Currently it is zoned as a Planned Development (PD), however, nothing was ever developed in this location as anticipated, hence the rezoning request. The requested Application for Zoning Atlas Amendment meets the criteria specified in Section 22-131 of the City Code, the Comprehensive Plan, and does not adversely affect the public health, safety, convenience and general welfare; Staff recommends that the City Commission approve this requested rezoning.

Mayor Hudson opened the Public Hearing.

Richard Neill, the owner's counsel, explained the owner is currently a retired circuit judge

wanting to market the property, hopefully, to someone who will be able to develop it and put in use. No questions were asked of staff or the public.

Seeing no one else, the Mayor closed the Public Hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve item 12 e.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions
Passed

- f. Quasi-Judicial Hearing (waived) - Application for a Conditional Use with No New Construction, submitted by Property Owner, Hamid Slimane, and Representative, Michael Seal of Architectonic Inc., to establish a thirty-three (33) bed Adult Congregate Living Facility (ACLF) for non-transient elderly care at 614 N 7th Street, Fort Pierce, FL. The property is zoned General Commercial (C-3). (Parcel ID 2403-712-0005-000-4).

Kori Benton, Senior Planner, explained the owner of this structure is pursuing conditional use to acquire development permits to renovate the interior and overhaul the complex to provide adult living facility allowing for the care of 33 individuals with 17 bedrooms, full service kitchen, living/dining/activities area, nurses' station and laundry facilities, retention of the beauty shop on 6th street and a potential manager's quarters for security and oversight of the establishment. Floor plans were presented; a site improvement plan seeking to restore the landscape buffers, primarily along 6th Street; the parking area would be altered to accommodate a loading zone and relocation of dumpster, as well as, a provide a dumpster enclosure on the property. The Planning Board voted to recommend approval with the following conditions:

- (1) The floor plan is adjusted or the two (2) eastern most bedrooms are eliminated to ensure the ACLF use does not occupy a portion of the building located within twenty (20) feet of the right-of-way as restricted by City Code Section 22-87;
- (2) The site improvements include a safe and efficient sidewalk linkage shall be provided between building entrances and parking areas, and adjacent portions of the development, and adjacent right-of-way, pursuant to City Code Section 22-60 (b) & (d)(2). This shall include at least one accessible route in accordance with the Florida Accessibility Code shall connect buildings to parking areas and adjacent right-of-ways;
- (3) The applicant integrates safe designated outdoor space for patients on-site;
- (4) The applicant permits and completes a crosswalk at the 6th Street side of the establishment to provide safe pedestrian connectivity from the site to the adjacent uses to the east.
- (5) A signed and sealed survey is provided with any site work permits to complete the improvements proposed, and
- (6) The applicant establishes emergency management plan, consistent with Agency for Health Care Administration (AHCA) and Florida Department of Elder Affairs Rule 59AER17-1.

Mayor Hudson opened the Public Hearing.

Mike Menard of Architectonic Inc., the applicant's representative, confirmed they had no issues with the conditions and answered staff questions. There were no questions from the public.

Seeing no one else, the Mayor closed the Public Hearing.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve item 12 f with staff conditions.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions
Passed

- g. Quasi-Judicial Hearing - Application for a Conditional Use with New Construction, submitted by Property Owner(s) Dockside View LLC, and Representative, Robert V. Schwerer, Esq., to complete a fifty-eight (58) slip marina at an existing hotel and restaurant facility located at 1136-1172 Seaway Drive, Fort Pierce, FL. The properties, and abutting aquatic area are zoned Tourist Commercial (C-5) & Aquatic Development Zone (A-2) respectively. (Parcel IDs 2401-501-0307-000-7, 2401-501-0306-000-0, 2401-501-0304-000-6, 2401-501-0303-000-9, 2401-501-0302-000-2, 2401-501-0286-000-3).

Before commencing this Quasi-Judicial Hearing, James Messer, City Attorney, reminded the Commission when acting as a Quasi-Judicial Body they apply the laws and policies

established and are held to stricter procedural requirements, following basic standards of notice and due process based on substantial evidence. As such, they conduct these proceedings as judges instead of legislators.

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

Mayor Linda Hudson inquired the Commission regarding ex-parte communications; Commissioner Perona said he'd met with representative and counsel, Robert Schwerer. No other members of the Commission had ex-parte communications.

City Clerk, Linda Cox, asked to swear in those wanting to speak during this Quasi-Judicial hearing. There was no one to swear in.

Kori Benton, Senior Planner, presented the Conditional Use Plan, mentioning the applicant is proposing a 6-foot boardwalk extending a significant portion of the Uplands Campus east and west. Dock A would provide capacity of 19 slips, Dock B capacity for 21 slips and Dock C capacity for 18 slips. These would be used as an accessory to the hotel and restaurant. Staff voted unanimously for approval by the Commission with the following conditions to be completed prior to occupancy of the new dock facilities:

- (1) Sidewalk connections are completed pursuant to City Code Section 22-62, (b) & (d) (2);
- (2) Parking lot lighting is provided consistent with City Code Sections 22-59 and 22-60 (j);
- (3) The Conditional Use plan incorporates landscaping improvements to center parking lot consistent with City Code Sections 22-187 (4), (6), & (7);
- (4) The applicant complete a parcel combination or provide documentation securing provisions for shared parking, access, etc. for parcels 2401-501-0304-000-6, 2401-501-0303-000-9, containing the temporary support parking area central to the campus;
- (5) The development incorporates short-term bicycle parking consistent with City Code Section 22-60 (1), or accommodation of seven (7) bicycles or more; and
- (6) The conditional use plan integrates a refuse collection area and appropriate screening, to be approved by the Solid Waste Division.

Mayor Hudson opened the Public Hearing.

Robert Schwerer spoke on behalf of the applicant, giving details of the project and answering questions from Staff. There were no questions from the public.

Seeing no one else, the Mayor closed the Public Hearing.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve item 12 g with staff conditions.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions
Passed

13. CITY COMMISSION

- a. Resolution 17-R35 appointing Gloria Johnson-Scott to the Planning Board as Commissioner Alexander's designee.

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT OF GLORIA M. JOHNSON SCOTT TO THE CITY PLANNING BOARD; PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Jeremiah Johnson to approve item 13 a.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions
Passed

- b. Resolution 17-R36 Renaming 13th Street to Church Street or providing for a Dual Designation of 13th Street to also be known as Church Street.

The Commission deliberated on whether they would rename 13th Street to Church Street or if they would use a dual designation, what the pros and cons were about making a complete name change and who would be impacted, mostly those currently residing on or conducting business on 13th Street (i.e. GPS validating the new name, address changes with the post office, etc.)

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, PROVIDING A DUAL DESIGNATION OF 13TH STREET TO BE ALSO KNOWN AS CHURCH STREET; PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Reginald Sessions to approve item 13b as a dual designation for 13th Street.

This motion was later rescinded by Commissioner Alexander and Commissioner Sessions after more discussion on what the repercussions would be on renaming, versus allowing for a dual designation, of 13th Street. The Commission referred to Staff to acquire more information on various items (i.e. possible address change, financial impacts, and timeframe of implementation).

- c. Review applications for consideration of appointment on the Sunrise Theatre Advisory Board.

City Clerk, Linda Cox, advised the Commission they would be presented with these applications at the next meeting for their selection.

14. COMMENTS FROM THE PUBLIC

Sean Reif; Loshonda Henderson; Claude Facie; Betty Bradwell; Robert Hall; Keith Holmes

15. COMMENTS FROM THE CITY MANAGER

- a. City Manager's Report

City Manager, Nicholas Mimms, spoke of the transformation the Indian Hills Golf Course is undergoing and introduced Danny Visconti, the new Golf Course Manager, a Fort Pierce resident. Mr. Mimms deferred to Derrick Johnson, Deputy Director of Public Works and also a Fort Pierce resident to speak about debris removal. Mr. Johnson anticipates the final sweep of hurricane debris to be completed by the Thanksgiving Holiday. Mr. Mimms mentioned the Conference Agenda Meeting scheduled for Monday, November 13, 2017; some topics that will be discussed include condemnation procedures, the right turn lane onto Virginia Avenue from US 1. At the request of Commissioner Perona, the Public Works Department regarding the frequency of solid waste collection. Also to be discussed is the Little Jim's Bait & Tackle lease.

City Attorney, James Messer, gave an update of the Charter Review Commission.

16. COMMENTS FROM THE COMMISSION

Commissioner Rufus Alexander expressed his appreciation for the public input received during this meeting. He encouraged the public to come to speak to the Commission regarding other topics in the future as well.

Commissioner Thomas Perona applauded Commissioner Johnson's commitment to future design issues for the City of Fort Pierce. He also encouraged the conversation about the plastic bags. He provided the City Clerk with the Major Vero Beach Timeline Milestones to distribute to the rest of the Commission. He commended Chief Burney-Hobley for the Trunk & Treat event.

Commissioner Sessions requested an update from the City Manager regarding the County's purchase of the terminal and where they were with obtaining funding to be a participant. Mr. Mimms mentioned the County was still in their due diligence period but there is an prospective closing date of mid-December. Commissioner Sessions also encouraged the public to continue to provide the Commission with their input.

Commissioner Jeremiah Johnson also spoke about the terminal purchase and how it would impact Fort Pierce. He believes it will be a partnership opportunity for the City. He requested Mr. Mimms reach out to the St. Lucie County School Board for an update on their location. Mayor Linda Hudson advised City Hall will be closed on Friday, November 10, 2017 in observance of the Veteran's Day Holiday; on Saturday, November 11, 2017, a Veteran's Day Ceremony will be held at the River Walk Center commencing at 11 a.m. She requested the

Planning Board look into the costs of notices to property and business owners earlier than currently sent. She thanked all who attended the Investiture of Shaniek Maynard. The Mayor asked that the PAD artists' names be displayed in the PAD district. The Scavenger Hunt was a success. The Jessica Clinton Heart Screening helped approximately 400 Fort Pierce children.

17. ADJOURNMENT

ATTEST:

CITY CLERK

MAYOR COMMISSIONER