

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, **JANUARY 22, 2019.**

**1. CALL TO ORDER AT 6:30 P.M.**

**2. OPENING PRAYER** - Apostle Trevor Banks, Resurrection Life Family Worship Center

**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 Pete Sweeney  
City Clerk Linda Cox  
City Manager Nicholas Mimms

**5. APPROVAL OF MINUTES**

- a. Approval of the Minutes for the January 7, 2019 Regular Meeting.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve item 5a.

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

**6. PROCLAMATIONS**

Mayor Hudson issued the Proclamation.

- a. Proclamation recognizing Deputy Chief Frank Amandro's retirement

**7. LETTERS TO COMMISSION**

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

- a. Email from Deb Lennie thanking Shyanne Helms, Communications + Economic Development Manager for a fun, festive and enjoyable City of Lights Trolley Tour.

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

There were no comments from the public.

**9. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA**

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve the agenda as presented.

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**

There was no Consent Agenda.

**12. PUBLIC HEARINGS**

- a. Legislative Hearing - Ordinance 19-002 Amending the Future Land Use Map of the Comprehensive Plan to change the designation of property generally located at 1237 Grose Road from St. Lucie County IND, Industrial to City of Fort Pierce I, Industrial and to change the designation of property generally located at 3340 Enterprise Road from INST, Institutional to I, Industrial. 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; AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE THE DESIGNATION OF TWO (2) PARCELS GENERALLY LOCATED AT OR NEAR 1237 GROSE ROAD & 3340 ENTERPRISE ROAD FROM ST. LUCIE COUNTY IND, INDUSTRIAL TO CITY OF FORT PIERCE I, INDUSTRIAL AND FROM FORT PIERCE INST, INSTITUTIONAL TO FORT PIERCE I, INDUSTRIAL; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Brandon Creagan, Planning Analyst, indicated the two properties are located side by side. The applicant would like for both to be zoned FLU: I, Industrial. The Industrial designation is intended for parcels suitable for industrial development and to promote the City's position as a major employment center. The uses allowed under this designation include light manufacturing and processing facilities; storage and distribution facilities; warehousing; general and intensive commercial uses; research corporate parks, large business parks and mixed use office parks; office, retail, and service uses that provide support to employees; and compatible public, quasi-public, and special uses. This land use designation allows a maximum FAR of 1.5.

The Planning Board acting as the Local Planning Agency voted unanimously to recommend approval of the request as presented. The requested Application for Future Land Use Map 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 the project as presented along with Ordinance 19-002.

Mayor Hudson opened the Public Hearing.  
Seeing no one, the Mayor closed the Public Hearing.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson 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 - Review and approval of an application for Conditional Use with No Construction submitted by Property Owners, John & Sandra Wilson, & Representative, Greg Boggs, to operate a vehicle storage lot, located at the corner of Indian Hills Drive & South 3rd Street in Fort Pierce, FL. The property is zoned General Commercial (C-3) Parcel ID: 2422-601-0001-000-4

Mayor Hudson asked all present to listen carefully to what City Attorney, Pete Sweeney would read regarding Quasi-Judicial Hearings so that he did not have to re-read it for subsequent Quasi-Judicial Hearing procedures tonight.

Before commencing this Quasi-Judicial Hearing, Pete Sweeney, 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 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.

Mr. Sweeney additionally confirmed that there are no party interveners in this matter. That means that the only other individuals that may be heard are people who might have relevant information and their comments are limited to three (3) minutes each. Members of the public may be permitted to present their non-expert opinions, but the Commission must know that public sentiment is not relevant to the decision which must be based on competent, substantial evidence.

Mayor Hudson called the proceeding to order.

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

requirements.

Mayor Linda Hudson inquired with the Commission regarding ex-parte communications; none had.

City Clerk, Linda Cox, was asked to swear in those wanting to speak during this Quasi-Judicial hearing. Individuals in the audience intending to speak on this item were asked to stand, raise their right hand, and administered an oath to tell the truth, the whole truth and nothing but the truth. Those that were sworn in were asked to clearly state their name for the record and confirm they were sworn in at such time as they were asked to come forward to testify.

Brandon Creagan, Planning Analyst, indicated the Future Land Use is C3-Commercial. The applicant is requesting this in order to secure their inventory for their business. The applicant will provide landscape in the form of nine trees and 221 red tip cocoplum and a six foot vinyl coated chain link fence around the site. The lighting for the site will be coordinated with FPUA. The Planning Board voted 5-0 to recommend approval of the request as presented. The proposed Conditional Use with no new construction meets the requirements of the City Code, and is in compliance with the City's Comprehensive plan. Staff recommends that the City Commission approve the request with the following conditions:

1. A lighting plan or photometric survey that demonstrates compliance with City Code 22-60 (j)(1)(a) must be submitted with the building permit.
2. Provide a 5 foot wide concrete sidewalk along South 3rd Street. This sidewalk shall extend to the limits of the property.
3. At time of Building Permit submittal, the applicant shall provide detailed drawings complete with sidewalk and driveway construction information.
4. Ensure that all outstanding Code or Building Department violations are resolved prior to the submittal of the building permit for site improvements.
5. The Cocoplum hedge extend around the total perimeter of the property.

The City Commission asked questions regarding the one letter sent back in opposition, the concerns expressed, and aesthetics with being so close to US Highway 1.

Mayor Hudson opened the Public Hearing.

Greg Boggs, the applicant's representative, addressed the Commissions' concerns regarding landscaping.

James Osterson confirmed being sworn in and was confused by the letter he received but then went to speak with the owners, John and Sandy. He said if it will turn out as nicely as it is looking at the moment, he will be very happy.

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 b with staff conditions.

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

- c. Quasi-Judicial Hearing - Ordinance 19-001 seeking a major amendment to Oak Alley Planned Development to revise the previously-approved site plan for a new building layout and add religious institution as an approved use for Discovery Church at 4403 South 25th Street.  
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; MODIFYING THE OAK ALLEY PLANNED DEVELOPMENT TO REVISE THE PREVIOUSLY-APPROVED SITE PLAN FOR A NEW BUILDING LAYOUT AND ADD RELIGIOUS INSTITUTION AS AN APPROVED USE ON PROPERTY GENERALLY LOCATED AT 4403 SOUTH 25TH STREET; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Hudson indicated since City Attorney, Pete Sweeney, already read the Quasi-Judicial Hearing information, there was no need to do so again.

Mayor Hudson called the proceeding to order.

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

Mayor Linda Hudson inquired with the Commission regarding ex-parte communications; Commissioner Johnson had.

City Clerk, Linda Cox, was asked to swear in those wanting to speak during this Quasi-Judicial Hearing. Individuals in the audience intending to speak on this item were asked to stand, raise their right hand, and administered an oath to tell the truth, the whole truth and nothing but the truth. Those that were sworn in were asked to clearly state their name for the record and confirm they were sworn in at such time as they were asked to come forward to testify.

Rebeca Guerra, Assistant Planning Director, presented the application for the Oak Alley PD located on N. 25th Street and Midway Road. This property was previously annexed to the City of Fort Pierce and the proposed amendment to the PD asks for the following:

1. Revise the previously-approved Site Plan for a new building layout utilizing the site's existing driveway and parking.
1. Add "religious institution" to the list of approved uses.

Planning Board voted unanimously in favor to recommend approval. Staff also recommends approval of the request, as presented, subject to two (2) Conditions of Approval:

1. Provide a lighting plan or photometric survey that complies with City Code 22-60(j)(1)(b).
2. Provide bicycle parking at a rate of 1 bicycle space per 10 motor vehicle spaces pursuant to City Code 22-60(f)(1)(a). Please follow the design, location, and size requirements of City Codes 22-60(f)(1)(b)- (d). The required number of bicycle spaces would be 11 according to the parking spaces provided on the Site Plan.

Mayor Hudson opened the Public Hearing.

Tod Mowery, applicant representative, confirmed he was sworn-in. He offered an additional presentation to the City Commission showing the location and other churches within close proximity to this location. They are pending approval to begin working on the project. Seeing no one else, the Mayor closed the Public Hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Rufus Alexander 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 - Ordinance 19-003 - Review and approval of an application for Major Amendment to the Harbour Isle Planned Development to allow for the construction of an 11,050 sqft retail building with associated improvements for a parcel in Harbour Isle located at 825 Seaway Drive, Fort Pierce, FL. The property is currently zoned PD, Planned Development.  
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; MODIFYING THE HARBOUR ISLE PLANNED DEVELOPMENT TO REVISE THE PREVIOUSLY-APPROVED SITE PLAN FOR A RETAIL BUILDING ON PROPERTY GENERALLY LOCATED AT 825 SEAWAY DRIVE; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Hudson indicated since City Attorney, Pete Sweeney, already read the Quasi-Judicial Hearing information, there was no need to do so again.

Mayor Hudson called the proceeding to order.

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

Mayor Linda Hudson inquired with the Commission regarding ex-parte communications; all but the mayor had ex-parte communication.

City Clerk, Linda Cox, was asked to swear in those wanting to speak during this Quasi-Judicial hearing. Individuals in the audience intending to speak on this item were

asked to stand, raise their right hand, and administered an oath to tell the truth, the whole truth and nothing but the truth. Those that were sworn-in were asked to clearly state their name for the record and confirm they were sworn-in at such time as they were asked to come forward to testify.

Brandon Creagan, Planning Analyst, indicated the location is approximately 1.58 acres in size and applicants are proposing a building that will be 11,050 sq. feet. Ten bicycle stalls will be provided on site. He presented slides showing the proposed shoppes, landscape, project comparison and design review to the City Commission. The Planning Board voted unanimously to recommend approval of the request as presented, despite 21 letters being received in opposition. The requested Application for Development Review (Major Amendment) meets the requirements of the City Code specifically section 22-40, Planned Development; therefore, staff recommends that the City Commission approve the request with one condition along with Ordinance 19-003.

1. A six (6) foot wall or opaque fence is constructed on the property line that borders the residential component of Harbour Isle. The landscaping that is currently on this property line must also stay in place.

Commissioner Johnson inquired about the existing wall. Mr. Creagan indicated they needed to extend the wall to a second parcel (not being discussed tonight).

Since the egress is currently right-turn only, Commissioner Perona inquired about someone potentially wanting to go to the west. Mr. Creagan indicated FDOT denied being able to make a left turn so they'd have to go all the way down to Seaway Drive to the roundabout and come back or go into another driveway and turn around that way. Tracy Telle, Assistant City Engineer, was sworn-in. Ms. Telle corrected that the proposed eastern driveway is a left turn/right turn out.

Mayor Hudson opened the Public Hearing.

David Baggett with EDC, the applicant's representative, confirmed he was sworn-in. He provided clarification on the egress of the property to FDOT's standards. Mr. Baggett expressed there has been a lot of coordination on this project and they're willing to comply with the conditions by staff, as well as other government agencies' conditions. He spoke to site lighting conditions and they are doing things to code.

Craig Mason, partner on the project, confirmed he was sworn-in. He also spoke about access to the property and expressed speaking to FDOT and proposing three entrances that meet FDOT standards. The architecture has been modified to be consistent with Harbour Isle residents' requests. The lighting would be consistent with the photometric plan. The traffic study was conducted about three to six months ago. The traffic study takes into account the average of the entire year so as to take into consideration peak months and influx of additional people. This study was shared with city staff, as well as residents.

Paul Hanna, partner on the project, confirmed being sworn-in. He addressed the concerns with the wall. They've agreed after several meetings with Mr. Sizemore and other residents that they prefer it go to the end of the property line and they are in agreement with that.

James Sizemore, resident and President of the HOA at Harbour Isle, confirmed he was sworn-in and he was glad to have a lot of his concerns addressed by Mr. Mason and Mr. Hanna.

Jule Stiener, resident of Harbour Isle, confirmed he was sworn-in. He was just worried about the elevations presented, but mostly worried about future developments, but had no objection otherwise.

Keith Mansion, resident of Harbour Isle, confirmed he was sworn-in. He was mostly worried about future developments, but had no objection otherwise.

Anne Marie Bodie, resident, was sworn-in. She had concerns about traffic and pedestrians. Diane Barbeck, resident, confirmed she was sworn-in. She was concerned about this being an amendment to the current ordinance and wanted to know if this would be the be-all for all amendments or if someone else could come in and ask for it to be changed again. She was opposed.

Brandon Creagan, addressed some concerns by Commissioner Sessions.

Paul Hanna came back to the podium to address the traffic and pedestrian concerns.

David Baggett came back to the podium to address elevation and drainage concerns.

Craig Mason returned to the podium to address shared-parking concerns. He indicated the unbuilt shoppes are already leased at about 40%.

David Baggett returned to the podium again to further address the drainage concerns and said there is an exfiltration trench below ground that would be utilized for this.

Arthur Ferari, resident of Harbour Isles, was sworn-in and thought the traffic report was a fraud.

Rodney Robertson, resident of Harbour Isles, was sworn-in. He asked for clarification on the parking situation.

Cheryl Crowe, resident of Harbour Isles, was sworn-in. She had concerns about the ingress and egress of the property.

Carole Noble, resident of Harbour Isles, was sworn-in. She was in favor, but concerned about the traffic in the roundabout and thought something should be done to be able to slow it down.

Jay Sizemore returned to the podium, expressed a lack of information is detrimental to the shoppes being built and he would like to have more time to be able to review the details.

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

The City Commission recalled this location was originally planned to be a Publix Supermarket and there would have been an influx of traffic regardless. They also looked at the pros and cons of not bringing in new business to Fort Pierce, as well as trying to remedy influx of traffic. Mr. Mimms clarified that FDOT are the ones that govern that state road and we do not have jurisdiction in modifying their requirements. They brainstormed about the possibility of producing an agreement with the FDOT in order to see what could be done. Commissioner Perona failed to see past the public safety issue and said he would not support the motion.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Rufus Alexander to approve with staff conditions, and an additional condition that the six foot wall extend to the end of the property line.

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

NAY: Commissioner Thomas Perona

Passed

### 13. CITY COMMISSION

- a. Resolution 19-R03 authorizing the execution of FDOT's JPA Amendment No. 2 which provides additional project funding in the amount of \$100,000.

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, AUTHORIZING THE EXECUTION OF THE JOINT PARTICIPATION AGREEMENT (JPA) AMENDMENT NUMBER TWO BETWEEN THE CITY OF FORT PIERCE AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR THE INTERSECTION IMPROVEMENTS OF OHIO AVENUE AND U.S. HIGHWAY ONE (SR 5) AND AUTHORIZING THE MAYOR, CITY CLERK, AND CITY ATTORNEY TO EXECUTE SAID AGREEMENT ON THE PART OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE.

Tracy Telle, Assistant City Engineer, indicated this resolution would provide additional project funding in the amount of \$100,000 for intersection improvements to Ohio Avenue and US Highway 1.

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

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

Passed

- b. Applications seeking appointment the Keep Fort Pierce Beautiful Advisory Board

City Clerk, Linda Cox, indicated she will pass a ballot with a list of individuals seeking to be a part of this board for the City Commissions' review and vote at the next Regular Meeting.

- c. Discussion regarding the annual Review of Board and Committee Assignments for Mayor and Commissioners which occurred on December 10, 2018 at the request of Commissioner Sessions.

Commissioner Sessions addressed his concerns regarding being removed from the Retirement Board. He expressed his desire to be a part of the St. Lucie County Fire District Board. As a result, Commissioner Alexander relinquished his seat on the board to Commissioner Sessions. The City Commission came to a consensus to accept this change.

#### **14. COMMENTS FROM THE PUBLIC**

There were no comments from the public.

#### **15. COMMENTS FROM THE CITY MANAGER**

Nicholas Mimms, City Manager, invited Devoshay Johnson, Information Technology Manager, to give the City Commission an update about the infrastructure issues we have been experiencing. Mr. Johnson indicated the system is at the point where it needs to be replaced since it is ten years old and well beyond repair, constituting it an emergency which has affected productivity amongst staff. The total cost for this is \$246,538.29. If all goes well, it will be up and running within 2-3 weeks.

City Attorney, Pete Sweney, requested an Attorney-Client session pursuant to Chapter 286.011-Public meetings and records; public inspection; criminal and civil penalties. This meeting will be scheduled with the City Clerk for a time in which all members of the City Commission are available for Case #56-2016-CA-000537, Hollander vs. City of Fort Pierce, in progress since 2016. Aside from the City Commission members, the City Manager, City Attorney and a court reporter will be present when this meeting is scheduled.

#### **16. COMMENTS FROM THE COMMISSION**

Commissioner Perona, had a good time at the Martin Luther King, Jr. Parade on Monday. He congratulated the Lions Club for their 5K and Half Marathon this past weekend and despite the rain, he said it was well-attended. He was very appreciative of all their efforts to support the city. The Run for the Coach 5K event, a celebration of teachers, coaches and the community, was also held over the weekend and was successful.

Commissioner Sessions requested an update on Brightline. Mr. Mimms indicated the Request of Qualifications advertised to the general public closes on Wednesday, January 23, 2019 and the representatives of Brightline will have a Statement of Qualifications to go along with the conceptual proposal submitted by the City of Fort Pierce and the Fort Pierce Redevelopment Agency for that purpose. From several of his discussions with Brightline representatives, he feels they still have a strong interest in the City of Fort Pierce, as do other developers. Commissioner Sessions would like City Engineer, Jack Andrews, to look into Avenue M since he believes it's in complete disrepair. He indicated the Martin Luther King, Jr. Parade was a proud moment for him to see the community come together. Commissioner Sessions mentioned the Lincoln Theatre restoration and Mr. Mimms said, with the approved resolution by the City Commission to partner with the owners of the Lincoln Theatre, he wants to try accessing funds from the Tourism Tax Fund recently discussed at the Board of County Commissioners' meeting. Mr. Mimms believes the Lincoln Theatre would be a top candidate and he intends to reach out to the Martin Luther King Jr. Commemorative Committee.

Commissioner Johnson asked if we had a plan in place as to when the new trams or trolleys would be running. Mike Reals, Public Works Director, indicated the tram will take over the Saturday morning route the trolley has been currently running. They are open to suggestions as to what ways to implement the new system in our community. The electric tram has room for 15 people. They are looking to use the advertisement space to promote city events. Commissioner Johnson asked what is to be done with the proposals for the FPRA since they didn't have a meeting tonight. Mr. Mimms and City Clerk, Linda Cox, indicated they are looking to hold this meeting on February 11th, in addition to Conference Agenda and the Shade Meeting.

Commissioner Alexander said the parade brought a lot of people together and it was heartwarming to see the kids there. He still has concerns about Avenue M. Mr. Mimms said he'd have Public Works and the City Engineering Departments coordinate right away.

Mayor Hudson said there is some real need to emphasize safety in the roundabout at Harbour Isle. She would like for that to be evaluated because it is a very busy corner. The Backus Gallery has the exhibit Artists of Color-A Place, Race and Vision of the Highwaymen running from January 11 through March 2, 2019. February 12, 2019 is the State of The City Address at 6 p.m. at the Sunrise Theatre. The meeting will be broadcast live on Facebook.

**17. ADJOURNMENT**

The meeting adjourned at 9:47 p.m.

ATTEST:

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CITY CLERK

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MAYOR COMMISSIONER