

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, **APRIL 1, 2019.**

1. CALL TO ORDER

The meeting was called to order at 6:30 p.m.

2. OPENING PRAYER - Pastor Walter Barron, Neighborhood Bibleway Revival Center

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

Present: Mayor Pro Tem Rufus Alexander; Commissioner Jeremiah Johnson; Commissioner Thomas Perona; Commissioner Reginald Sessions

Absent: Mayor Linda Hudson

Staff Present: City Clerk Linda Cox
City Manager Nicholas Mimms
City Attorney Peter Sweeney

City Clerk, Linda Cox, indicated Mayor Linda Hudson had a family situation that prevented her from being present.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to excuse Mayor Linda Hudson.

AYE: Mayor Pro Tem Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

5. APPROVAL OF THE MINUTES

- a. Approval of the Meeting Minutes of the March 18, 2019 Regular Meeting.

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

AYE: Mayor Pro Tem Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

6. PROCLAMATIONS

Mayor Pro Tem Alexander issued the Proclamations.

- a. Proclamation recognizing Fair Housing Month
b. Proclamation recognizing Sexual Assault Awareness Month
c. Proclamation recognizing National Crime Victims' Rights Week

7. LETTERS TO COMMISSION

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

- a. Letter from Dr. Pinkie W. Hendley, Pastor of New Life Christian Fellowship Church, thanking Chief Hobley-Burney for the opportunity to participate in the Citizen Police Academy and for meeting the fine employees of the Fort Pierce Police Department.
b. Letter from Christine Kesl thanking Chad Dawson, Code Enforcement Officer, for his assistance related to the trash cans on 2nd Street behind her property.

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

The applicant of item 12 b requested it be pulled.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to approve item 12 b being pulled and the agenda as amended.

AYE: Mayor Pro Tem Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions
Passed

10. MISCELLANEOUS REPORTS

- a. Fort Pierce Lions Club check presentation to Commission

Crystal Samuel with the Fort Pierce Lion's Club presented the City of Fort Pierce for a check in the amount of \$2,929.75 to provide a beach access mat at South Causeway Park for the handicap pavillion. It will also help the blind and vision imparied have a safer walk to the water because of the contrast between the blue mat, the sand and the level surface.

11. CONSENT AGENDA

- a. Approval of RFP No. 2018-004 Change Order No.2 to Gator Dredging, LLC in the amount of \$1,627.60.
- b. Approval of Specific Authorization No.3 to RFQ 2016-014 for Tetra Tech Inc. in the amount of \$64,869.00 pending approval by City Attorney as to form and correctness.
- c. Approve request to reduce Building Department lien in the amount of \$59870.00, against 2801 Oleander Avenue, Ft. Pierce, FL 34982 - Parcel ID Number - 2421-506-0079-000/6, owned by Lemaire and Rosemarie Charlestin, of the same address, to \$750.00 payable in 1 year.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve items 11 a through 11 c.

AYE: Mayor Pro Tem Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions
Passed

12. PUBLIC HEARINGS

- a. Quasi-Judicial Hearing on Resolution No. 19-R12 - A hearing to allow the owners and/or parties of interest in the property identified as 1710 Seaway Drive to show cause why the structure located on the premises should not be condemned and demolished.

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

RESOLUTION 19-R12 - A RESOLUTION DETERMINING THAT A CERTAIN BUILDING OR STRUCTURE LOCATED AT 1710 SEAWAY DR IN FORT PIERCE, FLORIDA 34949 IS UNSAFE AND A NUISANCE THAT CONSTITUTES A MENACE TO THE BUSINESS, HEALTH AND SAFETY OF THE COMMUNITY; AND THAT SAID BUILDING OR STRUCTURE SHALL BE CONDEMNED AND DEMOLISHED; DECLARING THE PARTIES OF INTEREST WERE PROVIDED THE OPPORTUNITY TO BE HEARD AND ARE RESPONSIBLE FOR THE REMOVAL OF THE BUILDING OR STRUCTURE; AND ORDERING THE CITY OF FORT PIERCE TO PROCEED WITH SUCH REMOVAL AND PLACE A LIEN UPON THE PROPERTY IDENTIFIED IF COMPLETED BY THE CITY OF FORT PIERCE; PROVIDING FOR APPEAL; PROVIDING FOR NOTICE TO ALL PARTIES; AND PROVIDING FOR AN EFFECTIVE DATE

Before commencing this Quasi-Judicial Hearing, Peter 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. 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 Pro Tem Alexander called the proceeding to order.

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

Mayor Pro Tem Alexander inquired with the City Commission about ex-parte communications. Both Commissioner Jeremiah and Commissioner Sessions engaged in ex-parte communications.

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.

Peggy Arraiz, Code Enforcement Manager, indicated this is a hearing to allow the owners and/or parties of interest in the property identified as 1710 Seaway Drive to show cause why the structure located on the premises should not be condemned and demolished. The structure caught fire in August 2017. Ms. Arraiz showed a few photos of the damage incurred. At that time the building was determined to be damaged in excess of 50%, which would require the building to be rehabilitated to the current code or be demolished. The tenant Mr. Zachary Williams indicated that he would obtain an engineer's opinion that the structure was not damaged at 50%. No report was forwarded to the Building Department. After allowing sufficient time for either the owner, tenant or both to take action and no action being taken, an Affidavit of Unsafe Building was issued in July 2018 to initiate the condemnation with demolition process. Mr. Zachary Williams contacted the City once more and indicated that he would provide an engineer's opinion that the structure was not damaged at 50%, triggering the updated code requirements. Due to continued no action by the owner or previous tenant, staff has brought this matter to the City Commission for resolution. Staff recommends the City Commission approve this resolution declaring this structure be condemned and demolished in accordance with the Rules of Procedure for Condemnation and Demolition as adopted by the City Commission.

Shaun Coss, Building Department Coordinator, confirmed he was sworn in. As an ICC Certified Housing Inspector, Mr. Coss does believe this structure can be rehabilitated. This would require signed and sealed engineering drawings, as well as an engineer's evaluation. It is not standard practice for the Building Department to pull a Certificate of Occupancy when a structure is condemned. Once a building is condemned it is prohibited to be occupied.

Ms. Arraiz went on to say if the Commission thought it best to not demolish at this time, that it was recommended the City Commission set a specific time period to make sure there had been action taken to provide what was necessary to rehabilitate the property.

Mayor Pro Tem Alexander opened the Public Hearing.

Zachary Williams, resident care-taker and owner-representative of the property stepped forward. He would like to get a fair evaluation of the home within 90 days to show good faith effort. He submitted a copy of the repair estimates to the Clerk as evidence.

Marcia Baker confirmed being sworn in. She was in opposition of the demolition.

Blades Robinson confirmed he was sworn in. He was in opposition of the demolition.

Krista Stone confirmed she was sworn in. She was in opposition of the demolition.

Michael Eisenberg confirmed he was sworn in. He was in opposition of the demolition.

Christina Fortunado confirmed she was sworn in. She was in opposition of the demolition.

Seeing no one else, Mayor Pro Tem Alexander closed the Public Hearing.

Commissioner Perona was of the opinion that staff should work to assist Mr. Williams to achieve a positive outcome in 90 days.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Thomas Perona to revisit this item in 90 days due to staff failing to provide sufficient evidence.

AYE: Mayor Pro Tem Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

- b. Quasi Judicial Hearing - Review and approval of an application for Subdivision (Minor Replat), submitted by property owner, Harbour Isle Development Commercial, LLC & applicant Mason Development & Construction, to replat 3.1 acres of land (2 Parcels) at or near 825 Seaway Drive in front of the Harbour Isle Development in Fort Pierce, FL. The property is zoned Planned Development (PD). Parcel ID: 2402-501-0001-000-5 & 2402-501-0001-010-8.

This item was pulled from the agenda at the request of the applicant.

- c. Quasi-Judicial Hearing - Review and approval of an application for Subdivision (Final Plat), submitted by property owner, Structured Rea Ft Pierce, LLC & applicant Engineering Design & Construction, to subdivide 44.97 acres of land (5 Parcels) into 3 parcels at or near 2121 & 2123 S. Jenkins Road in Fort Pierce, FL. The property is zoned General Commercial (C-3). Parcel ID: 2313-431-0000-000-1, 2313-441-0000-000-2, 2313-434-0001-000-7, 2313-443-0000-000-8, & 2313-443-0000-000-8.

Mayor Pro Tem Alexander indicated City Attorney, Peter Sweeney, had already read the rules of the Quasi-Judicial Proceeding and called the proceeding to order.

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

Mayor Pro Tem Alexander inquired with the City Commission about ex-parte communications. Commissioner Perona and Commissioner Johnson indicated they'd spoken to the applicant a long time ago.

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, Planner, indicated the applicant is requesting a Final Plat for 44.97 acres of land for the Camping World & Gander Outdoors Development. This Final Plat will allow the developers to commence vertical construction on the project. Two of the parcels will be designated for future commercial developments and a fourth parcel will be dedicated to the County for Right-Of-Way. There will also be a road tract that leads into the development and a water management tract. All affected departments have reviewed the proposed Final Plat, and have provided conditional approval based upon requirements of the City Code, and other applicable regulations. The applicant has worked with the City of Fort Pierce Engineering Department and Northstar Geomatics to ensure that the plat conforms with the rules and regulations regarding the platting of land in the State of Florida. The Final Plat meets the above standards of the City's land development code and Comprehensive Plan; therefore, staff recommends the City Commission approve the request with the following condition:

1. The applicant will supply two (2) Mylar's before the City Commission meeting for appropriate signatures and then the plat is recorded with St. Lucie County Clerk of Courts in accordance with Florida State Statute 177.111.

Mayor Pro Tem Alexander opened the Public Hearing.

Brad Currie, the applicant's representative, confirmed he was sworn in and was available to answer questions.

Seeing no one else, Mayor Pro Tem Alexander closed the Public Hearing.

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

AYE: Mayor Pro Tem Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

- d. Legislative Hearing - Ordinance 19-013 amending Chapter 22 of the Code of Ordinances amending the Use Table for certain commercial and industrial uses. FIRST READING

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

ORDINANCE NO. 19-013 - AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA CHAPTER 22, ARTICLE III, SECTION 22-22, AMENDING THE USE TABLE TO ALLOW CERTAIN COMMERCIAL AND INDUSTRIAL USES TO BE ALLOWED BY RIGHT IN LIEU OF REQUIRING A CONDITIONAL USE APPROVAL; AMENDING THE USE TABLE TO ALLOW CERTAIN COMMERCIAL AND INDUSTRIAL USES TO BE ALLOWED WITH A CONDITIONAL USE APPROVAL IN LIEU OF BEING PROHIBITED OUTRIGHT; AMENDING THE USE TABLE BY CREATING A NEW USE CATEGORY "SERVICE OF HEAVY EQUIPMENT" AND PROVIDING FOR ITS ALLOWANCE IN CERTAIN ZONING DISTRICTS; ESTABLISHING HOW PERMITTED AND CONDITIONAL USES ARE DETERMINED FOR PROPERTIES IN THE EDGARTOWN SETTLEMENT ZONING DISTRICT, THE PLANNED DEVELOPMENT ZONE, AND THE PLANNED UNIT REDEVELOPMENT ZONE; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Rebeca Guerra, Assistant Planning Director, indicated the Planning Department is proposing a Zoning Text Amendment to Article III – Basic Zoning Districts, Section 22-22, Allowed Uses, of the City of Fort Pierce Code of Ordinances to allow some uses identified in the Use Table to be allowed by right, in lieu of needing a Conditional Use approval from City Commission. The Text Amendment would also allow some uses to be allowed with Conditional Use approval instead of being prohibited outright in certain zoning districts. The purpose of the Text Amendment is to streamline the development process by providing for a broader range of uses to be allowed outright in certain zoning districts where the use itself is appropriate given the characteristics of each district and its location in the City. In particular, commercial and industrial uses have been expanded in such a manner so as to allow for a more streamlined review and development approval process. To this end, there are 44 instances where uses, which are now only allowed with a Conditional Use, or were prohibited outright, are now being proposed to be deemed permitted by right. In addition, there are 14 instances where uses which are now prohibited outright are now being proposed to be allowed with Conditional Use approval. In addition to the above changes, the Text Amendment also serves to clarify how permitted and conditional uses are determined for properties in the Edgartown Settlement (ES) Zoning District, the Planned Development Zone (PD), and the Planned Unit Redevelopment Zone (PUR). These proposed changes have been recommended by the Development Review Task Force, as well as the Saint Lucie County Chamber of Commerce. The Planning Board recommended approval of the proposed Text Amendment. Staff recommends that the City Commission approve the proposed Text Amendment to Section 22-22, Allowed Uses.

Commissioner Perona inquired about the accuracy of the graphs, with the exception of the amendments, so as to avoid repeating past mistakes and assuring they reflect what the city's rules and regulations are. Ms. Guerra explained the commercial and industrial uses were looked at in a very limited sphere on the use table. Things like Residential Uses were not looked at this time around. This is being done in a phased format. The broader range of uses makes it easier for the public to get through their applications, as well as streamlines the process. Going forward, however, they would still need to go before the City Commission to determine their appropriateness and scale.

Mayor Pro Tem Alexander opened the Public Hearing.

Frank Fee, the applicant's representative, proposed that the process for bed and breakfasts stay as it currently is, that is requesting a Conditional Use be approved by the City Commission in the C1 zoning district.

Seeing no one else, Mayor Pro Tem Alexander closed the Public Hearing.

Commissioner Perona indicated he'd like to have a workshop indicating the differences between a bed and breakfast versus short-term rentals. Ms. Guerra indicated, indeed, they may seem very similar but they are very different in functions. Approving this tonight does not mean it's set in stone. City Attorney, Peter Sweeney, explained legal implications.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve item 12 as submitted while removing the bed and breakfast proposed change.

AYE: Mayor Pro Tem Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

- e. Legislative Hearing - Ordinance 19-015 amending Section 22-143(c) creating size, placement, responsibilities, and procedures for required signage for public hearings. FIRST READING

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

ORDINANCE NO. 19-015 - AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA, TO REPEAL CHAPTER 22, ARTICLE X, SECTION 22-143(C) "NOTICE BY SIGNS," TO ADOPT A NEW CHAPTER 22, ARTICLE X, SECTION 22-143(C) "NOTICE BY SIGNS," CREATING SIZE, PLACEMENT, RESPONSIBILITIES, AND PROCEDURES FOR POSTING OF REQUIRED SIGNAGE FOR PUBLIC HEARINGS; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Rebeca Guerra, Assistant Planning Director, indicated the proposed Text Amendment seeks to modify Section 22-143 regarding the posting of signage on any property seeking an amendment of the Zoning Atlas or an application for Conditional Use. Specifically, it is proposing to simplify the information listed on the sign itself so as to provide the basic information necessary to the public in order to give notice of a pending application. Additionally, the Text Amendment looks to shift the responsibility of posting the required signage from City Staff to the applicant. The timing requirements for notice by signage set forth in Section 22-143 of City Code are not being changed as part of this amendment. The signs themselves have been modified as well, changing from metal signs to corrugated plastic signage similarly used by the Code Enforcement Department. This will enable the applicant to post a sign easily by a variety of means so that it may be readily seen by the public from the right-of-way. The goal of the change is to streamline the sign installation process. The Planning Board recommended approval of the proposed Text Amendment. Staff recommends that the City Commission approve the proposed Text Amendment to Section 22-143, Public Hearings.

Commissioner Johnson indicated he'd like for a fluorescent color to be considered in order to bring attention to the sign rather than have it blend in with other signs in the vicinity. Commissioner Sessions felt somewhere on the sign the words Public Hearing should be added. Ms. Guerra took these things into consideration and said she'd provide revised versions for the City Commission to see during the Second Reading.

Mayor Pro Tem Alexander opened the Public Hearing.

Lisa Potter indicated she thought it would be appropriate to add some form of identification to the sign so as to identify it when the public calls for information since it's a vacant piece of property with no address.

Seeing no one else, Mayor Pro Tem Alexander closed the Public Hearing.

In answer to Ms. Potter's suggestion, Ms. Guerra indicated given the number of applications they have monthly it's very easy to identify which property the caller is referencing just by letting them know the street they're on.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to approve item 12 e.

AYE: Mayor Pro Tem Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

- f. Legislative Hearing - Ordinance 19-016 amending Chapter 22 of the Code of Ordinances for site plan reviews. FIRST READING

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

ORDINANCE NO. 19-016 - AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA TO REPEAL CHAPTER 22, ARTICLE IV, SECTION 22-58 "SITE PLAN REVIEW;" TO ADOPT A NEW CHAPTER 22, ARTICLE IV, SECTION 22-58 "MAJOR AND MINOR SITE PLAN APPLICATION," ESTABLISHING NEW THRESHOLDS FOR SITE PLAN REVIEWS, CREATING MAJOR AND MINOR SITE PLAN REVIEW CLASSIFICATIONS, ESTABLISHING APPLICATION SUBMITTAL

REQUIREMENTS FOR MAJOR SITE PLANS, CLARIFYING REVIEW PROCESSES BY THE TECHNICAL REVIEW COMMITTEE, PLANNING, BOARD AND CITY COMMISSION FOR MAJOR SITE PLANS, AND CREATING A NEW MINOR SITE PLAN REVIEW PROCESS AND ASSOCIATED APPLICATION REQUIREMENTS; TO AMEND THE FOLLOWING SUBSECTIONS OF CHAPTER 22, ARTICLE III, FOR CONSISTENCY WITH NEW THRESHOLDS OF SITE PLAN REVIEWS: SUBSECTION 22-27(C)(1) "MEDIUM DENSITY RESIDENTIAL ZONE (R-4)," SUBSECTION 22-27.1(C)(1) "HUTCHINSON ISLAND MEDIUM DENSITY RESIDENTIAL ZONE (R-4A)," SUBSECTION 22-28(C)(1) "HIGH DENSITY RESIDENTIAL ZONE (R-5)," SUBSECTION 22-29(C)(1) "OFFICE COMMERCIAL ZONE (C-1)," SUBSECTION 22-30(C)(1) "NEIGHBORHOOD COMMERCIAL ZONE (C-2)," SUBSECTION 22-31(C)(1) "GENERAL COMMERCIAL ZONE (C-3)," SUBSECTION 22-32(C)(2) "CENTRAL COMMERCIAL ZONE (C-4)," SUBSECTION 22-33(C)(1) "TOURIST COMMERCIAL ZONE (C-5)," SUBSECTION 22-33.1(C)(1) "MARINE COMMERCIAL ZONE (C-6)," SUBSECTION 22-34(C)(1) "LIGHT INDUSTRIAL ZONE (I-1)," SUBSECTION 22-34.1(C)(1) "HEAVY INDUSTRIAL ZONE (I-3)," SUBSECTION 22-35(D)(1) "MARINE INDUSTRIAL ZONE (I-2)," SUBSECTION 22-35.1(E)(1) "COMMERCIAL PARKWAY ZONE (CP-1)," SUBSECTION 22-36(C)(1) "GENERAL AND RECREATIONAL OPEN SPACE ZONE (OS-1);" PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Rebeca Guerra, Assistant Planning Director, indicated this is a Zoning Text Amendment to Article IV – Supplementary Regulations, Section 22-58 Major & Minor Site Plan Applications, of the City of Fort Pierce Code of Ordinances to increase the square foot thresholds for administrative review and approval of commercial and industrial site plans from 4,000 square feet to 50,000 square feet. The Text Amendment would also increase the administrative review threshold for multi-family residential projects from 20 to 50 units, as well as establishing the same minimum thresholds for other residential projects. Public or private institutional developments which do not exceed one acre in land are also proposed to be eligible for administrative review. To this end, site plan reviews will be subject to approval from either a Major or Minor Site Plan Application. The proposed Text Amendment also seeks to clarify the minimum submittal requirements for Major or Minor Site Plan Applications and delineate the process through which these applications are reviewed by the Technical Review Committee, Planning Board, and City Commission. In brief, all Site Plan applications will be reviewed by the Technical Review Committee. The distinction between both types of applications, however, is that Major Site Plans will require Planning Board review and City Commission approval, while Minor Site Plans may be ultimately approved by the Planning Director after it has been determined that the application is in compliance with City Code and no outstanding documents, actions, or information are needed. These new thresholds were proposed by the Development Review Task Force in June of 2018 as part of an evaluation of the City's regulatory/permitting process. Their recommendations have been discussed with the City Commission and this Text Amendment now seeks to formally adopt the previous consensus.

The Planning Board recommended denial of the proposed Text Amendment, 5-1. Staff recommends that the City Commission approve a Text Amendment to Section 22- 58, Major & Minor Site Plan Applications.

Commissioner Johnson asked how concerns regarding traffic lights, traffic, etc. are addressed with concerned citizens. Brandon Creagan, Planning Analyst, indicated they took the time to go over the City Code with the concerned citizens and then broached those concerns with the applicant because, at the end of the day, they ultimately want to come to an agreement with both parties and/or at least a happy medium. Commissioner Johnson also inquired if the public would know about an application because of the signs that were approved. Ms. Guerra indicated those were only for Conditional Uses and Rezoning. These properties are not posted for site plans.

Commissioner Perona wanted to know how much time an applicant would save for anything under 50,000 square feet. Ms. Guerra explained it was difficult to gauge since each project is unique and it would be dependent on what they need specifically. If you have a perfect project not requiring any plotting, variances, and is just good to go then they'd save approximately 90 days, but it is unusual for any given project to not require any one thing at least.

Mayor Pro Tem Alexander opened the Public Hearing.

Brad Currie explained the majority of applicants did not want to spend that money until they know they have the approval they need. He asks the applicants he represents to have their applications thoroughly and correctly filled out so as to not miss the Planning Board deadlines. The Task Force modeled this proposal after the county. The threshold could be anything, right now it's 4,000 and he believes anything more than 4,000 would be better.

Tod Mowery indicated many applicants, including WaWa, who has a current application in with the City, are concerned with the thresholds. National tenants are downsizing in order to come in under our thresholds. He said the only thing holding the city back is their thresholds.

Bruce Murray was in opposition.

Rick Ross was unsure.

Seeing no one else, Mayor Pro Tem Alexander closed the Public Hearing.

Commissioner Perona indicated he didn't feel he'd seen anything tonight indicating that they should change things.

Commissioner Sessions felt that a step in this direction would take away from the quaint town we have and moving toward a city like Miami. While he's always been an advocate for growth he questions at what rate he's willing to do this. Fifty thousand is a bit too much for him but he is unsure if he'd like to go as low as 5,000.

The City Commission discussed in length their concerns, the potential challenges they'd encounter, what options they could consider, etc.

The City Manager, Nicholas Mimms, said an option to consider is sending this item back the Planning Board to review and look at it with specificity and come up with a recommendation that would work for the City Commission as well as the community.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to send item 12 f to the Planning Board for reconsideration and recommendations.

AYE: Mayor Pro Tem Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

13. CITY COMMISSION

a. Consideration of FPUA's FY 2018 Final Budget Amendment

John Tompeck, FPUA Director of Utilities and Nina Penick, FPUA Director of Financial Services presented the City Commission with the 2018 Fiscal Year Final Budget Amendment and the Comprehensive Annual Financial Report (CAFR). As required by the charter, FPUA needs City Commission approval of the audit of the CAFR, which triggers payment of the distribution to the City within 60 days. The final budget amendment is essentially a true up of the July 2018 Amended Budget and reflects actual values that are contained in the CAFR. The Final Budget Amendment was adopted by resolution 2019-01 by the FPUA Board. Ms. Penick indicated the decrease in the Operating Income to \$1,746,000 is because of lower water and electric unit sales and lower wastewater units billed. There was an increase of \$434,000 in Investment and Other Income due to recoveries in excess of cost of St. Croix mutual aid assistance and higher interest rates. Additionally, there was also an increase in Capital Contributions due to improvement in the local real estate market. Since there were no storms in 2018, storm expenses were down \$278,000. While the Net Position decreased, it was still \$2.7 million. Ms. Penick proceeded to show a 10-year history of FPUA's various expenses ranging from Electric, Wastewater, Natural Gas, Operations and Maintenance, and Operating Income and Debt Service. FPUA is requesting approval of the Fiscal Year 2018 Final Budget Amendment. If the City Commission chooses to accept the audit, FPUA would transfer \$6,125,454 to the City of Fort Pierce.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve the Fiscal Year 2018 Final Budget Amendment.

AYE: Mayor Pro Tem Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

b. Consider acceptance of the FPUA Comprehensive Annual Financial Report (CAFR) for FY 2018.

John Tompeck, FPUA Director and Nina Penick, FPUA Director of Financial Services indicated FPUA is requesting that the City Commission approve the audit as being the unqualified opinion of the auditors that FPUA's financial statements for the fiscal year ending September 30, 2018 were fairly presented in accordance with accounting principles generally accepted in the United States of America, and thereby, accept the filing of such audit with the City of Fort Pierce. It will be kept together with the FPUA CAFR, on file with the City Clerk's office pursuant to the City Charter.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Reginald Sessions to approve item 13 b.

AYE: Mayor Pro Tem Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions
Passed

- c. Presentation and acceptance of City Audit on all funds for fiscal year ended September 30, 2018, as prepared by DiBartolomeo,McBee, Hartley & Barnes, P.A.

Mark Barnes with DiBartolomeo,McBee, Hartley & Barnes, P.A. presented the City Commission with the City's CAFR. The audit went smoothly and it did not report any significant findings. Mr. Barnes indicated cash and investments are up by \$3.7 million. The City has been able to pay down its long-term liabilities to \$2.5 million. There was a \$3.2 million dollar increase in the city's Net Position. Taxes are up \$1.5 million. There was also an increase in intergovernmental revenues and governmental expenditures were kept under control. Mr. Barnes went through all the city funds one by one. The Golf Course improved by decreasing their loss by \$268,588. The Sunrise Theatre's Net Cash Flows from operations was down to \$871,376.

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

AYE: Mayor Pro Tem Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions
Passed

- d. Resolution No. 19-R13 determining that the structure located at 2808 Avenue B is unsafe and should be condemned and demolished. A hearing to determine this matter is scheduled before the City Commission on May 6, 2019.

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

RESOLUTION NO. 19-R13 - RESOLUTION NO. 19-R14 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, IN SUPPORT OF HOUSE BILL 219 AND SENATE BILL 370, AMENDING FLORIDA STATUTE, SECTION 796.07 REQUIRING A MANDATORY MINIMUM TERM OF INCARCERATION FOR PROSTITUTION OFFENCES INVOLVING VICTIMS OF "HUMAN TRAFFICKING"; PROVIDING AN EFFECTIVE DATE.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve item 13 d.

AYE: Mayor Pro Tem Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions
Passed

- h. Resolution 19-R14 Supporting House Bill 219 and Senate Bill 370, requiring mandatory minimum incarceration for prostitution offences involving victims of human trafficking.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve item 13 h.

AYE: Mayor Pro Tem Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions
Passed

- i. Submittal of Applications for consideration to serve on the Fort Pierce Infrastructure Surtax Citizen Oversight Committee.

City Clerk, Linda Cox, indicated there had been some applications that have come in. If the City Commission has anyone in particular they want to appoint Ms. Cox will need those applications so that she may add them to the next agenda for their vote.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve item 13 i.

AYE: Mayor Pro Tem Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

14. COMMENTS FROM THE PUBLIC

Lisa Potter
Ron Hoben
Phil Schiebler

15. COMMENTS FROM THE CITY MANAGER

a. City Manager's Report and Purchase Order Report

Nicholas Mimms, City Manager, indicated the Transportation Planning Organization will be hosting a Public Input meeting in City Hall on April 4, 2019 discussing the reconfiguration of the South Bridge. Among various items, the City Commission will have an opportunity to discuss the Building Department's employee recruiting and retention, there will be a Quarterly Capital Improvement Projects Report and a report from Public Works as it relates to Old City Hall at the April 8th Conference Agenda. He thanked Deputy Chief Norris for stepping up as the basketball coach at the Recreation Program Expansion. Mr. Mimms met with the Sunrise Theatre consultant on March 29, 2019. He will send an assessment of the Sunrise Theatre to the city on April 15, 2019. Mr. Mimms met with Rebeca Guerra, Assistant Planning Director, in relations to annexations and have identified at least 20 commercial and industrially zoned parcels.

16. COMMENTS FROM THE COMMISSION

Commissioner Johnson spoke about the jet skis, boats and other competing uses at Jaycee Park, as well as challenges and what could potentially be done. He also spoke about annexations, which are 90% residential. They are also looking at commercially zoned properties and continuity. Mr. Mimms indicated they are going to have to work closely with FPUA to make sure that they have all the necessary annexation agreements to ensure we are not skipping and creating enclaves. Commissioner Johnson also spoke about the sales tax prioritization and would like a list put together and distributed to the City Commission so that they are aware for which projects the City of Fort Pierce is using the funds. To this end, Jack Andrews, City Engineer, is preparing a presentation for the City Commission for Monday, April 8th's Conference Agenda.

Commissioner Sessions was concerned about 17th Street and finding the necessary funds to address the issues. As to the Sunrise Theatre, he would like for the managing company coming in to have access to the public meeting we had with the public. He wanted to see how the City Commission could come up with a solution for Jaycee Park to be utilized to its fullest potential without jeopardizing anyone's safety.

Mayor Pro Tem Alexander was concerned about our Fort Pierce Police Department resources and felt they needed new vehicles, as well as raises. He was under the impression that staff had requested \$300,000 from FPUA and they'd refused. Mr. Mimms clarified staff had not asked for anything, however, FPUA Director came up with an idea which he pitched to the FPUA Board and they were trying to identify methods and means to transfer funds with the understanding that it would be used for certain purposes. As to the Sunrise Theatre, Mayor Pro Tem Alexander felt we spend almost \$1million every year and he was offended that he was being questioned about overspending money from the City Commission budget when he pays a lot more money out of pocket.

17. ADJOURNMENT

The meeting adjourned at 11:07 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER