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, **MAY 6, 2019**.

1. CALL TO ORDER

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

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 Clerk Linda Cox
City Manager Nicholas Mimms
City Attorney Peter Sweeney

5. APPROVAL OF MINUTES

a. Approval of the Meeting Minutes of the April 15, 2019 Regular Meeting.

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

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

Passed

6. **PROCLAMATIONS**

Mayor Hudson issued the Proclamations.

a. Building Safety Month Proclamation

b. Mental Health Awareness Month being received by New Horizons of the Treasure Coast and Suncoast Mental Health Center.

c. Municipal Clerks Week Proclamation

d. Police Week & Peace Officers Memorial Day Proclamation

7. **LETTERS TO COMMISSION**

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

a. Email from Bruce A. Murray in appreciation of the efforts of Audria Wells, Public Affairs Manager and the Police Department staff that assisted with the Volunteer Appreciation Luncheon.

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

Keith Hoylman spoke on item 11a.
Marshall Copley spoke on items 11 h and 11 i.

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

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Rufus Alexander 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

a. Second Quarter Financial Report

Johnna Morris, Finance Director, presented the City Commission a quarterly report on the financial status of City funds. The financial report for the period ending March 31, 2019, encompasses General, Marina, Solid Waste, Golf Course, Sunrise Theatre, Building & Code, and Urban Redevelopment Funds. All funds, with the exception of the Golf Course and Sunrise Theatre, have a positive net operating fund for this quarter. The Golf Course and Sunrise Theatre still have a balance that they are carrying forward from prior fiscal years. However, as of this year they are doing much better.

11. CONSENT AGENDA

a. Approval to Purchase 20 desktops ($932.00 per unit) and 62 laptops ($1,662.00 per unit) from Dell Marketing L.P. for a total cost not to exceed $121,684.00 through US Communities IT Products & Services Contract # WNG08AGW.

b. Approval of amendment to Letters of Credit No. BOK19SDP02579 and BOK19SDP02577 for Carriage Pointe Land Investors, LLC as a result of the acquisition of the original financial institution.

c. Approval of the construction of a fuel dock support building, relocation and replacement of fuel lines and construction of a new entrance plaza by Jacquin and Sons, Inc., in the total amount of $889,597.63.

d. Notification of a Minor Amendment to the Planned Development Site Plan for the Harbour Isle Shoppes owned by Harbour Isle Development Commercial, LLC located 825 Seaway Drive, Fort Pierce, FL.

e. Approval of the Collective Bargaining Agreement covering the period of October 1, 2016 through September 30, 2019 between the City of Fort Pierce and Coastal Florida Police Benevolent Association (PBA).

f. Approval of the Collective Bargaining Agreement between the City of Fort Pierce and the International Union of Police Associations (IUPA) for the period of October 1, 2016 through September 30, 2019.

g. Approval of Brothers' Construction Specific Authorization No. 1 (Ref. Bid No. 2018-014 Marine Contracting Services) in the amount of $1,086,000 for the design-build of a new seawall and sidewalk along a portion of Melody Lane.

h. Request to reduce code enforcement lien in the amount of $14,030.00 against 2206 Avenue N, Ft. Pierce, Florida 34950 - Parcel ID Number 2404-609-0134-000-3 owned by Alma and Alaric Anglin, 1910 Juanita Avenue, Ft. Pierce, FL 34946 to $750.00 payable in 12 months.

i. Request to reduce code enforcement lien in the amount of $17,000.00 against 2206 Avenue N, Ft. Pierce, Florida 34950 - Parcel ID Number 2404-609-0134-000-3 owned by Alma and Alaric Anglin, 1910 Juanita Avenue, Ft. Pierce, FL 34946 to $1,500.00 payable in 12 months.

j. Approval of Communitywide Council Recommendations for program year 2018-19 Public Service Grant Awards to 15 entites in the total amount of $50,000.

k. Approval of Loan Agreement to facilitate the Arts and Culture Advisory Board Art in Public Places recommendation of art to be placed at Melody Lane Fishing Pier roundabout.

Commissioner Alexander pulled item 11 h and 11 i for discussion.
Commissioner Perona pulled item 11 c for discussion.
Commissioner Johnson pulled item 11 a for discussion.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Thomas Perona to approve items 11 b, 11 d, 11 e, 11 f, 11 g, 11 j, and 11 k.

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

Passed

As to item 11 a, Commissioner Johnson indicated this was a state and federal contract with U.S. Communities and the procurement procedures are different. State and federal contracts and municipal and county contracts, have the ability to piggyback if that agency allows us to do so. Chief of Police, Diane Hobley-Burney, indicated that is what this contract allowed them to do for their specific needs, which included specific hardware and software. Johnna Morris, Finance Director, added this was a true piggyback off an existing purchasing contract, which should have the parameters in place. The Purchasing Manager was not present to verify; Ms. Morris indicated she would verify with her. This is a publicly bid contract, which means that everyone was able to compete on an equal basis.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Rufus Alexander to approve item 11 a.

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

Passed

As to item 11 c, Commissioner Perona wanted to know if there was a business plan in place as he feels this puts us in a completely different market, but it does have a large price tag. Dean Kubitschek, Marina Manager, indicated for years they've needed to replace fuel lines due to the type of material they were were made of and a known history in the industry of failure. A support building will allow staff and security to have a place to work from, restrooms will be close for customers to utilize and these are all things that would not be feasible to do after Crabby's Dockside Restaurant is built. Mr. Kubitschek feels this will allow the Marina to thrive long term and the timing is perfect because there would be no disruption of the upcoming restaurant. Also, it would minimize costs in the future.

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

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

Passed

As to item 11 h and 11 i, Commissioner Alexander wanted Peggy Arraiz, Code Enforcement Manager, to confirm these liens were reduced. Ms. Arraiz confirmed this was correct.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Jeremiah Johnson to approve items 11 h and 11 i.

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

Passed

12. PUBLIC HEARINGS

a. Resolution No. R19-18 and Quasi-Judicial Hearing – A hearing to allow the owners and/or parties of interest in the property identified as 2808 Avenue B 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.

A RESOLUTION DETERMINING THAT A CERTAIN BUILDING OR STRUCTURE LOCATED AT 2808 AVENUE B IN FORT PIERCE, FLORIDA 34947 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

Mayor Hudson asked all present to listen carefully to what City Attorney, Peter Sweeney, would read regarding Quasi-Judicial Hearings as they apply to all subsequent Quasi-Judicial Hearings tonight.

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 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; no one 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.

Peggy Arraiz, Code Enforcement Manager, provided a history of the non-historic structure saying it suffered a devastating fire in November 2018 causing extensive damage. To date, there has not been any contact with the owner and a permit application for demolition has not been submitted. Staff recommends the City Commission approve Resolution No. R19-18 declaring that the structure located at 2808 Avenue B be condemned and demolished in accordance with the Rules of Procedure for Condemnation and Demolition as adopted by the City Commission.

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

Caleta Scott, Grants Administrator, indicated there is a little funding through the SHIP program but most of the funding has been previously allocated for SHIP rehabilitations.

Motion was made by Commissioner Reginald Sessions, 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 new construction submitted by property owner, Michael Menard, to establish Patti's Hair Lounge at 808 Delaware Avenue, Fort Pierce, Florida. The property is zoned Offices-Professional & Business Services (C-1), Parcel ID: 2410-707-0008-000-1.

Mayor Hudson indicated the Quasi-Judicial proceedings were in order. No one requested they be read 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; no one 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.

Maria Lewica, Historic Officer, indicated this is an application for Conditional Use with No

New Construction. The building is located in Zoning District C-1: Office Commercial. The Future Land Use is OP: Offices Professional & Business Services. The Technical Review Committee reviewed the request. The Planning Board voted unanimously to recommend approval. The requested Conditional Use with No New Construction is consistent with the City Code and the Comprehensive Plan and does not adversely affect the public healthy, safety, convenience and general welfare, thus Staff recommends approval of the Conditional Use as proposed with no conditions.

Mayor Hudson opened the Public Hearing.

Mike Menard with Architectonic confirmed he was sworn in. He indicated, since the City's Use Table has been amended this would allow for a Conditional Use in Zoning District C-1. Rebeca Guerra, Interim Planning Director, indicated that was correct.

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

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Jeremiah Johnson to approve item 12 b.

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

Passed

c. Quasi-Judicial Hearing - Review and approval of an application for a Conditional Use with No New Construction submitted by property owner, David Malizia, to establish a Dwelling Rental, offering lodging for less than six (6) months; with a minimum of thirty-one (31) days at 1180 Carlton Court, Unit 204A (Apt. D), Fort Pierce, FL. The property is zoned Hutchinson Island Medium Density Residential Zone (R-4A), Parcel ID: 2401-620-0004-000-9.

Mayor Hudson indicated the Quasi-Judicial proceedings were in order. No one requested they be read 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; no one 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.

Vennis Gilmore, Planning Analyst, indicated this was a Conditional Use for a Short-Term Rental with a minimum of 31 days and up to six months. The proposed use presents the provision of limited transient lodging accommodations to the general public, representing a limited commercial use that is compatible with the surrounding neighborhood of this location, and is generally consistent with the City's Land Development Code and Comprehensive Plan with appropriate restriction. The Technical Review Committee, as well as the Planning Board both recommended approval. Staff recommends the City Commission approve the request with the following conditions:
1) The maximum occupancy ensures compliance with City Code Section 8.5-43. - Required space in dwelling units, based upon the size of each unit;
2) Registration of the property manager accessible at all times, to resolve complaints or violations of City Code;
3) Issuance of guide booklets (available from Code Enforcement) for renters regarding local rules and public service resources to minimize conflicts; and
4) The applicant files for and obtains St. Lucie County & City of Fort Pierce Business Tax Licenses within thirty (30) days of Conditional Use approval.
5) Limit no more than 2 vehicles.
6) Include the City of Fort Pierce Business Tax License number on all advertising.
7) Per City Code Section 22-62 Sidewalks. b) Applicability: In order to provide continual access for pedestrians, sidewalks and sidewalk linkages shall be required to be provided by the property owner or permit applicant when one of the following events occur: (4) Plans submitted for site plan, conditional use, PUD/PUR, and subdivision review. Please install a sidewalk along Alhambra Street connecting to the Carlton Court existing sidewalk.

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 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 - Application for Conditional Use with New Construction submitted by property owner, Crownman FL LLC to operate a Bed & Breakfast at 515 S. Indian River Drive. The property is zoned Office Commercial (C-1), Parcel ID: 2410-810-0001-000-9.

Mayor Hudson indicated the Quasi-Judicial proceedings were in order. No one requested they be read 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 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 applicant is requesting the review and approval of a Conditional Use with New Construction to allow for a Bed and Breakfast. The applicant is seeking to convert the main building to a Bed and Breakfast with six (6) bedroom suites (with bathrooms) and one common bathroom. There is a second building on that property which was originally built for storage and ancillary to the office that occupied the main building. The applicant has indicated that structure now contains a living room, dining room, kitchen, two bedrooms and one and a half bathrooms. That structure will be included with this approval for a managers quarters with the option of utilizing it as guest rooms for the Bed & Breakfast. The subject property is zoned Office Commercial Zone (C-1) with a future land use of Central Business District (CBD). The Crownman Bed & Breakfast previously was approved under the Conditional Use with No New Construction application by the City Commission on Monday, November 6, 2017. The resubmittal of this application is to change the project to a Conditional Use with New Construction for the expansion of the structure by 272 square feet. This small expansion is required to satisfy required Federal and State mandated ADA requirements for the bathrooms. All affected departments have reviewed the proposed Conditional Use with New Construction with regards to the requirements of the City Code. Findings from the review by corresponding departments and any associated responses by the applicant were provided for viewing by the Planning Board. The Planning Department voted unanimously to recommend approval. The requested Conditional Use with New Construction is consistent with 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 with the following conditions:
1) A Lighting Plan or Photometric survey that demonstrates compliance with City Code 22-60 (j)(1)(a) will be required at time of Building Permit
2) A Landscape Plan that demonstrates compliance with City Code 22-187, General Landscaping Requirements will be required at the time of Building Permit.
3) Registration of the property manager(s) accessible at all times that lives within St. Lucie County, to resolve complaints or violations of City Code;
4) Provide a guide booklet for renters regarding local rules and public service resources to minimize conflicts, these are available from the Code Enforcement Department of the City.
5) The applicant files for and obtains a City of Fort Pierce, County, and State Business Tax Licenses within thirty (30) days from the issuance of the license from the Florida Department of Business and Professional Regulation (DBPR).

Mayor Hudson opened the Public Hearing.

Frank Fee, the applicant's attorney, confirmed being sworn-in. Mr. Fee said this was a long time coming and he hopes they will get to where they need to be tonight.

David Cleveland, the applicant's representative, confirmed he was sworn-in. Mr. Cleveland indicated the new construction would be minor. He said while there is no in-house management, the person who would handle concerns lives within St. Lucie County.

Candace Brown was sworn-in. She wanted to know if the parking was on or off site.

Ronald Lyman confirmed he was sworn-in. He was in opposition.

Rick Reed confirmed he was sworn-in. He spoke in support.

David Cleveland returned and indicated the 10 parking spaces are on site.

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

The Commission spoke at length about their worry of not having an on-site manager to make sure there are no issues, especially issues that would affect neighbors.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to approve item 12 d with staff conditions with the exception of #3 requiring an on-site manager.

After discussion, Sessions modified his motion to approve the item with staff conditions as presented.

Commissioner Alexander withdrew his second.

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

AYE: Mayor Linda Hudson, Commissioner Jeremiah Johnson, Commissioner Thomas Perona

NAY: Commissioner Rufus Alexander, Commissioner Reginald Sessions

Passed

e. Quasi-Judicial Hearing - Review and approval of an application for a Waiver of Distance submitted by property owner, Alia Qasem and Applicant, Vincent Barnett, to obtain a 2COP alcohol license for on-premise consumption, located at 1721 Avenue D, Fort Pierce, FL. The property is zoned Neighborhood Commercial Zone (C-2), Parcel ID: 2409-601-0013-000-0.

Mayor Hudson indicated the Quasi-Judicial proceedings were in order. No one requested they be read 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 Sessions indicated he 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.

Vennis Gilmore, Planning Analyst, indicated the Truth Restaurant is seeking to sell beer and wine for consumption on-premises. The restaurant is located at the southeast corner of Avenue D and North 18th Street. The applicant is requesting the waiver based upon the presence of churches that are located within 1,600 feet of the proposed site. City Code Section 3-11 of the City Code specifies that a waiver of distance shall be granted only if it does not adversely affect community health, safety or general welfare. Staff indicated the requested Waiver of Distance is not consistent with the Comprehensive Plan, and does adversely affect the public health, safety, convenience and general welfare. The Technical Review Committee recommended denial. The Planning Board recommended approval. Staff is recommending that the City Commission deny the requested Waiver of Distance for a 2COP Alcoholic Beverage License for the proposed establishment.

Peggy Arraiz, Code Enforcement Manager, explained the City is not trying to shut down the

business, but due to the extensive history of complaints with this business, they are recommending denial of the alcohol license.

Officer Spotts was sworn-in. He spoke of all the incidents the Fort Pierce Police Department has encountered with this business and indicated they, like the Code Enforcement Department, are recommending denial.

Mayor Hudson opened the Public Hearing.

Vincent Barnett, the applicant, confirmed he was sworn in. Mr. Barnett said it was untrue what was said regarding his establishment.

Reverend John Quarterman confirmed he was sworn in. He was in opposition.

Rubin Mitchell confirmed he was sworn in. He was in opposition.

Betty Bradwell confirmed she was sworn in. She was in opposition.

Rick Reed confirmed he was sworn in. He spoke in support.

Leon Hall confirmed he was sworn in. He spoke in support.

Candace Brown confirmed she was sworn in. She was in support.

Vincent Barnett returned to state his case for the City Commission.

Officer Spotts returned to the podium at the request of Commissioner Sessions. The Commissioner asked about a particular incident that occurred on or around the premises of the business in question. Officer Spotts indicated he was not on that particular case and could not comment.

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

The City Commission spoke extensively about the issues that have happened around this business and what, if any, would be the repercussions if they were to approve a liquor license. They questioned whether the incidents were caused because of alcohol or because of a deeper issue.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to approve item 12 e with the condition of adding a six foot wooden fence separating the business from all living quarters surrounding the business.

AYE: Commissioner Rufus Alexander, Commissioner Thomas Perona, Commissioner Reginald Sessions

NAY: Mayor Linda Hudson, Commissioner Jeremiah Johnson

Passed

f. Legislative Hearing - Ordinance 19-014 amending Section 22-138 through Section 22-155 to allow provisions of Chapter 22 to be enforced as civil violations by the Code Enforcement Division. FIRST READING

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

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA TO REPEAL CHAPTER 22, ARTICLE X, SECTION 22-138 “ENFORCEMENT,” TO ADOPT A NEW CHAPTER 22, ARTICLE X, SECTION 22-138 “ENFORCEMENT,” ADMINISTERING PROVISIONS OF CHAPTER 22 BY THE CODE ENFORCEMENT DIVISION AS A CIVIL VIOLATION; TO REPEAL CHAPTER 22, ARTICLE X, SECTION 22-139 ELIMINATING PROCEDURES FOR CERTIFICATES OF ZONING COMPLIANCE; TO REPEAL CHAPTER 22, ARTICLE X, SECTION 140 “APPEALS FROM RULINGS OF ADMINISTRATIVE OFFICER,” SUBSECTION (A) “GENERAL,” AND TO RENUMBER SECTION 22-140 TO SECTION 22-139, AMENDING RENUMBERED SECTION 22-139 TO CLARIFY PROCEDURES FOR APPEALS OF DECISIONS BY THE PLANNING DIRECTOR AND ANY OTHER ADMINISTRATIVE OFFICER; TO REPEAL CHAPTER 22, ARTICLE X, SECTION 141 “SUPPLEMENTAL APPLICATION INFORMATION,” AND TO RENUMBER SECTION 22-141 TO SECTION 22-140 AND AMENDING RENUMBERED SECTION 22-140 TO ELIMINATE REQUIRED APPLICATION INFORMATION FOR CERTIFICATES OF ZONING COMPLIANCE; TO RENUMBER SECTION 22-142 THROUGH SECTION 22-148 - SECTION 22-155; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN

CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Rebeca Guerra, Interim Planning Director, and the Planning Department is proposing a Zoning Text Amendment to Article X - Administrative Provisions, Section 22-138 through Section 22-155, of the City of Fort Pierce Code of Ordinances to allow provisions of Chapter 22 to be enforced by the City as a civil violation pursuant to Chapter 2, Article XIII, or Chapter 2, Article XIII.5 (supplemental Municipal Code Enforcement Procedures). Currently, only the City's Building Inspector has the power and principal responsibility of enforcing provisions of this Chapter. Unfortunately, this stipulation is in direct conflict with Florida Building Code Section 102.1.1 and Florida Statute 553.80(7) which expressly prohibit the Building Department from enforcing planning and zoning requirements. The proposed Text Amendment would have the effect of shifting this responsibility to the Code Enforcement Division. In addition, the proposed Text Amendment also seeks to remove all references to "Certificates of Zoning Compliance" from the Article X as this procedure is no longer conducted by the City. These certificates were once required for "Occupational Licenses" which were retitled "Business Tax Receipts" several years ago. Lastly, this Text Amendment clarifies that appeals to the Board of Adjustment from rulings of an administrative officer be made by any person aggrieved by, or by any officer or bureau of the City affected by, any decision of the Planning Director or any other administrative officer of the City, instead of the Building Inspector, or any other administrative officer of the City. The Planning Board voted unanimously to recommend approval. Staff recommends approval.

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

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Reginald Sessions to approve item 12 f.

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

Passed

g. Legislative Hearing - Ordinance 19-016 amending Chapter 22 of the Code of Ordinances to establish minimum submittal requirements for Major or Minor Site Plan Applications and delineate the process through which these applications are reviewed and amending thresholds for administrative approvals. FIRST READING

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

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, Interim 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 and Staff recommend approval.

Mayor Hudson opened the Public Hearing.

Terissa Aronson, on behalf of the St. Lucie County Chamber of Commerce and as Chair of the Development Review Task Force, supports these recommendations.

Brad Currie with Engineering Design & Construction and Board Chairman of the St. Lucie County Chamber of Commerce, is also in support of these recommendations.

Michael McCleod is in favor of the plan in which the citizens are still involved in the process of developing the city.

Seeing no one, the Mayor closed the Public Hearing.

Commissioner Johnson and Mayor Hudson stated that, while they're yet not ready to increase these thresholds, they wanted to acknowledge and express their appreciation for all the hard work that went into this. This will allow them, as a Commission, to review this again in the future.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve the Zoning Text Amendment to Article IV – Supplementary Regulations, Section 22-58 Major & Minor Site Plan Applications, and keeping thresholds as they are.

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

Passed

13. CITY COMMISSION

a. Resolution 19-R19 approving contract agreement between Florida Department of Transportation and the City of Fort Pierce for the construction of a concrete trail, as a segment of the Florida SUN Trail, through the Indian Hills Recreation Area.

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, STATING THE CITY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) ARE DESIROUS OF ENTERING INTO A FLORIDA SHARED-USE NONMOTORIZED TRAIL GRANT AGREEMENT TO PROVIDE FOR THE DEPARTMENT'S PARTICIPATION IN THE RETROFIT OF THE SHELL ROCK TRAIL AT INDIAN HILLS RECREATION AREA, TO CONCRETE AND AUTHORIZING THE MAYOR, CITY CLERK, AND CITY ATTORNEY TO EXECUTE SAID AGREEMENT ON THE PART OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE.

Jack Andrews, City Engineer, indicated this would allow the city to accept funds from FDOT for the construction of the path at Indian Hills. The City would be administering the contract, but this will be funded by FDOT.

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 for consideration for appointment or reappointment to the Sunrise Theatre Advisory Board

Linda Cox, City Clerk, indicated this would come back to the City Commission at the next meeting. The level of interest in this board has increased and we are getting more and more applications coming in to serve.

14. COMMENTS FROM THE PUBLIC

Hazel Hoylman
Pinkie Hendley
Diana Voss

15. COMMENTS FROM THE CITY MANAGER

a. City Manager's Report and Purchase Order Report

Nicholas Mimms, City Manager, will be following up with the Engineering and Public Works Department to make sure that Moore's Creek is cleaned up. The City had the Lincoln Park Pop-Up Community Meeting on April 30th where there was a lot of support from staff and our community. During the Conference Agenda on Monday, May 13th they will be discussing several things, including but not limited to, police strategies and funding. On May 23rd, Mr. Mimms, along with Sharon Engle, the Interim Sunrise Theatre Director and a representative from Professional Facilities Management (PFM), will meet with each member of the City Commission to present PFM's assessment regarding the Sunrise Theatre. The City Manager's report had nothing but good news.

16. COMMENTS FROM THE COMMISSION

Commissioner Perona has had several inquiries about the tethered animal found dead in our community. Peggy Arraiz, Code Enforcement Manager, gave a brief overview of how the case was investigated.

Commissioner Sessions indicated in West Palm Beach they had Amnesty Day in preparation of Hurricane Season. He believes the City of Fort Pierce should do something similar. He shares Diana Voss' vision of people canoeing down Moore's Creek.

Commissioner Alexander attended the Lincoln Park Class Reunion and he requested a proclamation for the oldest Lincoln Park Graduate.

Commissioner Johnson requested a report from staff regarding a possible permit for the silk fence at the right-of-way of Indian River Drive.

Mayor Hudson indicated the Legislature adjourned. She would like to extend the courtesy for State Representative Hogan-Johnson to provide an update to the City Commission about the legislative session.

17. ADJOURNMENT

The meeting adjourned at 10:34 p.m.

ATTEST:

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CITY CLERK MAYOR COMMISSIONER