

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, AUGUST 19, 2019.**

1. CALL TO ORDER

Mayor Hudson called the August 19, 2019 meeting to order at 6:30 pm.

2. OPENING PRAYER - Reverend Canon Christopher Brathwaite, St. Andrews Episcopal 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 minutes from the August 5, 2019 regular meeting.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve the minutes from the August 05, 2019 regular meeting.

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

Passed

6. PROCLAMATIONS

7. LETTERS TO COMMISSION

- a. Letter from Annie Huff-Hoskins and Gary Hoskins commending Detective Jesse Streeter for his compassion, empathy and extreme diligence while conducting the investigation of their granddaughter's injury.
- b. Letter from Dan Bradley commending Officer Brandon Adkins for going over and beyond the call of duty and for his patience, demeanor and care shown for the elderly neighbors while handling a situation.
- c. Letter from Rhea-Lyn Gerstenkorn, President, Florida Crime and Intelligence Analyst Association, Inc., in appreciation of Crime Analyst April Lee's hard work as a volunteer member of the Conference Committee.

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

Any person who wishes to comment on an agenda item which is not under Public Hearings on the Agenda may be heard at this time and must sign up to speak in advance. Please limit your comments to three (3) minutes or less, as directed by the Mayor, as this section of the Agenda is limited to thirty minutes. The City Commission will not be able to take any official actions under Comments from the Public. Speakers will address the Mayor, Commissioners, and the Public with respect. Inappropriate language will not be tolerated.

9. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Reginald Sessions to set the Agenda.

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

Passed

10. MISCELLANEOUS REPORTS

a. World Changers Presentation

Ms. Caleta Scott, Grants Administration Manager, provided an overview of World Changer's Week which was held June 24 – June 28, 2019. The City of Fort Pierce has had a 20-year partnership with the World Changers Organization. This program is made possible through the Community Development Block Grant for Neighborhood Stabilization. The grant provided for paint, paint supplies, repair materials, food and supplies for the World Changer's volunteers and lodging at the City of Fort Pierce Rec Center. The World Changer's organization provided high school and college students who have volunteered their time and efforts to paint, clean and repair nine homes in our community as well as delivering, stocking and sorting groceries for United Against Poverty. Each of these student volunteers connected with the homeowners and our community. Ms. Scott introduced Joel and Dawn Dramis who are the local World Changers Directors. Mr. Joel Dramis expressed his gratitude to the City of Fort Pierce and the Fort Pierce Community for its continued support of this wonderful organization. Mr. Dramis gave an overview of the program and its history with the City of Fort Pierce.

b. Third Quarter Financial Report

Johnna Morris, Director of Finance, provided an update on the General Fund third quarter.

11. CONSENT AGENDA

- a. Approval of Loan Agreement with the Fort Pierce Women's Club to house original A.E. Backus paintings in City Hall and at the Fort Pierce Police Department.
- b. Approve the award of Sunrise Theatre Catering Services RFP 2019-017 to Annie's Mobile Catering; contract is valid from October 1, 2019 to September 30, 2020, with two additional optional years.
- c. Approval of an Interlocal Agreement between the City of Fort Pierce and St. Lucie County for the installation of bus stop stations at various transit stops throughout the City of Fort Pierce.

Mayor Hudson pulled item 11b for discussion.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Reginald Sessions to approve items 11a and 11c.

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

Passed

Regarding item 11b., Mayor Hudson has received inquiries regarding the ranking system for the Sunrise Theatre Catering Services RFP 2019-017 award and would like clarification. Sharon Engle, Executive Director of the Sunrise Theatre, stated for each proposal, the committee assigned a point value for the specific evaluation criteria. Price was the primary factor as well as the caterer's time availability and being on-site. One submitter did not provide mandatory requirements for the RFP, the application was incomplete, and they were not considered.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve item 11b.

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

Passed

12. PUBLIC HEARINGS

- a. Public Hearing and Resolution 19-R39 - TEFRA Hearing for St. James Christian Academy request to issue tax exempt private activity bonds to be used to acquire the Virginia College Campus in Fort Pierce, FL as required under the Internal Revenue Code.

This Public Hearing is required for the issuance of bonds. City Clerk Linda Cox introduced the resolution, read by title only into the record

RESOLUTION NO. 19- R39

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; APPROVING THE ISSUANCE OF NOT EXCEEDING \$8,500,000 PUBLIC FINANCE AUTHORITY EDUCATIONAL FACILITIES REVENUE BONDS (ST. JAMES CHRISTIAN ACADEMY, INC. PROJECT) WITHIN THE MEANING OF SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, AND SECTION 66.0304(11)(a) OF THE WISCONSIN STATUTES; AND PROVIDING AN EFFECTIVE DATE.

Mr. Jason Mitner of St. James Christian Academy, Inc. discussed the plans and vision for St. James Christian Academy which is a fully accredited pre-school through 12th grade school with a current enrollment of 800 students. They offer a traditional education with modern techniques. Their mission is to raise up young people to become future leaders of our community, state and nation. St. James Academy offers classes designed to help children intellectually, socially and spiritually. Mr. Mitner gave a history of the Academy, explained the partnership with Indian River State College and Synergy. St. James Academy is requesting the City Commission's approval to issue tax exempt private activity bonds for use to acquire the Virginia College Campus in Fort Pierce. The bonds will be issued to pay for the purchase cost of the facility and are not a financial obligation of the City of Fort Pierce, St. Lucie County or the State of Florida. Repayment is based solely on the financial resources and pledge of payments by St. James Christian Academy.

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

City Attorney Peter Sweeney clarified that after reviewing this request with outside bond counsel, this request for a public hearing is requirement for St. James Academy's application for these bonds. The local municipality where the school is located is required to provide a public forum for discussion. There is no financial obligation on the part of the City of Fort Pierce.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve Resolution 19-R39.

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

Passed

- b. Legislative Hearing - Ordinance 19-033 - An Ordinance amending the City's Comprehensive Plan pursuant to the Evaluation and Appraisal Review based amendments. FIRST READING

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

ORDINANCE 19-033

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING THE CITY'S COMPREHENSIVE PLAN PURSUANT TO THE EVALUATION AND APPRAISAL REVIEW BASED AMENDMENTS; TO INCLUDE REVISIONS TO THE FUTURE LAND USE ELEMENT, TRANSPORTATION ELEMENT, INFRASTRUCTURE ELEMENT, CONSERVATION ELEMENT, COASTAL MANAGEMENT ELEMENT INCLUDING A COASTAL HIGH HAZARD AREA MAP, HOUSING ELEMENT, RECREATIONAL AND OPEN SPACE ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT, CAPITAL IMPROVEMENTS ELEMENT, PUBLIC FACILITIES MANAGEMENT ELEMENT, AND THE PUBLIC SCHOOLS FACILITIES ELEMENT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. FIRST READING

Mr. Chris Dougherty, AICP Planner/GIS Specialist of S&ME, Inc., provided an overview for the required transmittal hearing for the evaluation and appraisal review of the City of Fort Pierce's Comprehensive Plan. Mr. Dougherty discussed the purpose of the Comprehensive Plan and provided a matrix of the proposed changes. Mr. Dougherty went on to explain legislation and legislative changes. Mr. Dougherty highlighted some of the proposed changes which include general changes, the future land use, transportation infrastructure, conservation, and coastal management elements. Other areas discussed were the housing, recreation and open space elements, intergovernmental coordination, capital improvements, public facilities, and public school elements. Mr. Dougherty discussed coastal mapping, the updated CHHA, outlined existing land use within the coastal area, FEMA flood zones, surge zones and future land use within the coastal area. There is no proposal for land use changes or land use designation. They have made only the minimum statutory changes required to

the existing Comprehensive Plan for compliance.

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

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve Ordinance 19-033.

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

- c. Legislative Hearing - Ordinance 19-034 Text Amendment 22-22 - 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 limited vehicle repair and general vehicle repair uses to be allowed by right in lieu of requiring a conditional use approval; amending the use table by creating a new use category "marine-related repair" and providing for its allowance in certain zoning districts.

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

ORDINANCE NO. 19-034

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 LIMITED VEHICLE REPAIR AND GENERAL VEHICLE REPAIR USES TO BE ALLOWED BY RIGHT IN LIEU OF REQUIRING A CONDITIONAL USE APPROVAL; AMENDING THE USE TABLE BY CREATING A NEW USE CATEGORY "MARINE-RELATED REPAIR" AND PROVIDING FOR ITS ALLOWANCE IN CERTAIN ZONING DISTRICTS; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. FIRST READING

Mr. Vennis Gilmore, Planning Analyst, provided an overview for this text amendment. Staff recommends that the City Commission approve the proposed Amendment to Section 22-22, Allowed Uses.

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

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Reginald Sessions to approve Ordinance 19-034 text amendment as presented.

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

- d. Legislative Hearing - Ordinance 19-035 FLUMA - an application submitted by the property owner, Yo No Se LLC, and representative, Darren Guettler, P.E of Velcon Engineering & Surveying, LLC for a Future Land Use Map Amendment for one (1) parcel of land, 1.19 acres in total, to change the Future Land Use Designation, within the Comprehensive Plan, from RM, Medium Density Residential to GC, General Commercial. Said Parcel is generally located south of Ohio Avenue & 417 ft. west of South US Highway 1, Ft. Pierce, FL. 34950. FIRST READING

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

ORDINANCE NO. 19-035

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 PROPERTY GENERALLY LOCATED AT PARCEL ID: 2415-312-0001-010-8, FROM MEDIUM DENSITY RESIDENTIAL, RM, TO GENERAL COMMERCIAL, GC; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. FIRST READING

Mr. Vennis Gilmore, Planning Analyst, provided an overview of the proposed Ordinance 19-035 future land use amendment. Staff recommends approval of the land use change from RM, medium density residential to GC, general commercial. This proposed change is consistent with Section 22-131 of the City Code and the Comprehensive Plan. This proposed change does not adversely affect the public health, safety, convenience and

general welfare of the public.

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

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Reginald Sessions to approve Ordinance 19-035 text amendment as presented.

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

- e. Quasi-Judicial Hearing - Ordinance 19-036 Rezoning the property generally located at PARCEL ID: 2415-312-0001-010-8, from R-4, Medium Density Residential Zone, TO C-3, General Commercial Zone. FIRST READING

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

ORDINANCE NO. 19-036

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REZONING THE PROPERTY LOCATED AT PARCEL ID: 2415-312-0001-010-8, FROM R-4, MEDIUM DENSITY RESIDENTIAL ZONE, TO C-3, GENERAL COMMERCIAL ZONE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE. FIRST READING

Mayor Linda 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 City Commission that they serve as both a legislative and quasi-judicial role. When acting as a legislative body, the commission engages in law-making activity by passing laws and establishing policies. When acting as a quasi-judicial body, the commission applies those laws and policies, and is held to stricter procedural requirements. Quasi-judicial proceedings are less formal than proceedings before a circuit court but are more formal than the normal commission meeting. Quasi-judicial proceedings must follow basic standards of notice and due process, and decisions must be made based on competent substantial evidence. Therefore, commissioners have a duty to conduct the quasi-judicial proceedings more like judges than legislators. That is why the commission has established the uniform procedures for quasi-judicial hearings that will be followed this evening.

Mayor Linda 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 and asked City Clerk to call the roll:

Commissioner Alexander - none.

Commissioner Johnson - none.

Commissioner Perona - none.

Commissioner Sessions - none.

Mayor Linda Hudson opened the public hearing.

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.

Staff presentation: Mr. Vennis Gilmore, Planning Analyst, provided an overview of the proposed Ordinance 19-036 rezoning of the property from R-4 Medium Density Residential, to C-3 General Commercial. Mr. Gilmore provided a map of the subject location and surrounding parcels. Commercial developments are more suited for a commercial zoning district than a residential zoning district. The proposal is consistent with the City Code and Comprehensive Plan. This proposal does not adversely affect the public health, safety, convenience and general welfare of the public. Staff recommends approval of the request.

Commission questions for Staff: None

Applicant presentation: None

Public comment: None

Mayor Hudson closed the public hearing.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Jeremiah Johnson to approve Ordinance No. 19-036.

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

Passed

- f. Quasi-Judicial Hearing - Ordinance 19-037 - 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 convenience store with fuel sales on property generally located at 835 Seaway Drive; providing for a severability clause; repealing all Ordinances or parts thereof in conflict herewith; and providing for an effective date. FIRST READING

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

ORDINANCE NO. 19-037

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 CONVENIENCE STORE WITH FUEL SALES ON PROPERTY GENERALLY LOCATED AT 835 SEAWAY DRIVE; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE. FIRST READING.

Mayor Hudson asked City Attorney, Peter Sweeney, to read Quasi-Judicial Hearing procedures as they apply to this hearing tonight.

Before commencing this Quasi-Judicial Hearing, Peter Sweeney, City Attorney, reminded the Commission that the City Commission serves both a legislative and quasi-judicial role. When acting as a legislative body, the commission engages in law-making activity by passing laws and establishing policies. When acting as a quasi-judicial body, the commission applies those laws and policies, and is held to stricter procedural requirements. Quasi-judicial proceedings are less formal than proceedings before a circuit court but are more formal than the normal commission meeting. Quasi-judicial proceedings must follow basic standards of notice and due process, and decisions must be made based on competent substantial evidence. Therefore, commissioners have a duty to conduct the quasi-judicial proceedings more like judges than legislators. That is why the commission has established the uniform procedures for quasi-judicial hearings that will be followed this evening.

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 and asked City Clerk to call the roll.

Commissioner Alexander – Yes, with owner and representatives of adjacent residents.

Commissioner Johnson – Yes, with owner, applicant, developer and adjacent residents.

Commissioner Perona – Yes, with residents, past commissioners, as well as many others

Commissioner Sessions – Yes, with developer and residents, and has viewed property personally.

Mayor Hudson – Yes, met with and phone conversations with constituents, emails, watched planning board meeting.

Mayor Hudson opened the public hearing.

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.

Staff presentation: Mr. Brandon Creagan, Planner, provided an overview of Ordinance 19-037, modifying the Harbour Isle Planned Development to revise the previously approved Site Plan for a convenience store with fuel sales generally located at 835 Seaway Drive. Staff recommends approval of the major amendment to PD with design review approval to construct at 5,625 square foot fueling station and a major amendment to PD to add a fueling station as permitted use with four conditions for the following two reasons: The area where the fueling station will be located is designated as commercial space and the proposed development is a commercial use; and, the project is consistent with the City of Fort Pierce's Land Development Code and Comprehensive Plan.

Mr. Creagan presented the proposed site plan with a shared full access driveway to be shared between Cumberland Farms and Harbour Cay Shops that was recently approved. A four-fifths vote is required by the City Commission because more than 20% of property owners within 500 feet were in opposition. The Planning Board at their July meeting voted to recommend approval of this request.

Staff recommends that the City Commission approve the plan as presented with the four (4) conditions:

- 1) Before a Certificate of Occupancy is issued, a Landscape Bond shall be submitted for all proposed landscaping, pursuant to City Code 22-180;
- 2) A revised Landscape Plan shall be submitted which addresses all inconsistencies. Provide additional landscaping along the property line that is shared with the residential component of Harbour Isle to establish a 100% opaque screen;
- 3) A revised Photometric Survey shall be submitted which addresses the inconsistencies with the Calculation Summary table;
- 4) Prior to the issuance of a site work permit, the applicant shall provide the Engineering Department a recorded copy of the revised Access Easement Agreement authorizing parking within the limits of the existing 53.17 access easement.

Commissioners had questions for staff and requested clarification regarding square footage; landscape requirements on the frontage; storm water drainage system; motor vehicle turn access; and pedestrian access.

Applicant had no questions for staff.

Intervenor, Mr. Keith Madsen, sworn, asked staff about traffic analysis for weekend peak periods; and, in the event of an environmental incident would a claim be made against a foreign corporation and require international legal expertise.

No follow-up questions by Commissioners of Staff. Staff was excused.

Applicant Presentation: Applicant representative, Mr. Mel Scott, sworn, provided testimony on land use compatibility and code compliance/consistency. Applicant is seeking approval for a state-of-the-art convenience store with an additional 1,675 square feet and fueling island. Mr. Scott provide a brief history of Harbour Isle at Hutchinson Island. Mr. Scott provided testimony regarding the site design how underground storage tanks were shifted away from adjacent residential homes; deliveries will occur in front, never from the rear; increased landscaping along existing privacy wall to achieve the 100% opaque condition; color schemes and architecture to be consistent with Harbour Cay shops and Harbour Isle. Mr. Scott further stated that additional security cameras around the perimeter would be installed; three stormceptor devices to capture runoff particulates and advanced site lighting which achieves 0 foot-candles at property line.

Applicant representative, Mr. Shaun MacKenzie, sworn, provided testimony regarding detailed traffic flow in and out of the site; safety and FDOT compliance; Seaway Drive level of service (LOS) standards acceptability; and the traffic flow and design per FDOT standards.

Applicant representative, Robert Coluccio, sworn, provided testimony regarding "stormceptor" innovations as well as environmental protections meeting or exceeding State and Federal standards for underground petroleum storage; but specifically the storm water interceptors or "stormceptors" at each catch basin; and design of the underground storage tank system.

Applicant representative, Jeff Lucas, sworn, provided testimony regarding engineering and design of the stormceptors, site layout and location.

Commissioners had questions for the Applicants and requested clarification regarding the drainage, storm water system, stormceptors, routine maintenance of the storm water systems, locations chosen for the stormceptors, status of the current proposed location of stormceptors, traffic flow clarification, the traffic data and location, landscape buffer maintenance.

Staff had no questions for the Applicant.

Intervenor, Keith Madsen, sworn, asked the Applicant if they have been taken over by a company from Great Britain, Euro Garages Limited. Applicant, Rick Lauder, sworn, Cumberland Farms Regional Manager for the State of Florida responded that Cumberland Farms is currently a family owned business. Cumberland Farms has sought a majority owner and is entering into an agreement with a corporate parent but it has not been finalized. As of today, Cumberland Farms is still a family-owned business. Mr. Madsen also asked the Applicant if the traffic analysis was done during true peak times, weekends and seasonal for this site. Applicant, Mr. Shaun MacKenzie, sworn responded that they followed the City's code which requires analysis during peak hours during AM and PM but does not include the weekends. Mr. Madsen inquired as to why certain intersections were not included in the study. Mr. MacKenzie responded that the intersection of Seaway and the entrance to Harbour Isle is not considered a major intersection, that it is a driveway into a large development, nor is the intersection of Seaway with Binney Drive a major intersection, neither are signalized. The code only calls for analysis of major intersections. Mr. Madsen asked for clarification on the driveways and Mr. MacKenzie responded that there is one outbound-only driveway and one full access in/out driveway.

Commissioners had no questions for the Applicant and Applicant was excused.

Intervenor Presentation: Intervenor, Robert Malatesto, sworn, stated that the approval of the proposed Ordinance will be deemed a hazard by the Federal Government. According to the HUD handbook if the subject property line is located within 300 feet of a subsurface storage tank with a capacity of 1,000 gallons or more of flammable material, then the property is ineligible for FHA Insurance. Mr. Malatesto stated that no FHA mortgages or FHA insurance will be allowed and feels that property values will decline.

Intervenor, Keith Madsen, sworn, briefly provided his background. Mr. Madsen provided a comparison between the existing location and proposed new location regarding driveways, square footage and products to be sold. Mr. Madsen provided a comparison between the proposed new location and various current existing locations in Florida for ingress/egress driveway access.

Intervenor representative, Mr. Mohsen Salehi, sworn, briefly provided his background. Mr. Salehi discussed traffic implications for pedestrian, bicycle, auto and truck. Mr. Salehi provided some traffic statistics. He also discussed driveway conflicts for the proposed location as well as unapproved shortcuts by vehicles. Mr. Salehi offered statistics on traffic for a medical office location. Mr. Salehi feels there are inconsistencies with the Comprehensive Plan, Transportation and the Land Development Code that should be considered with this proposal against the traffic analysis.

Commissioners had no questions for the Interveners.

Staff had no questions for the Interveners.

Applicant asked the Intervenor if they were aware there is no proposal for a medical office; that the City nor County have not adapted the TPO methodology for traffic counts. The Applicant pointed out that the traffic count statistic was taken at the end of the South Bridge, prior to the park entrance and prior to where vehicles turn into the marina.

Commissioner had no questions for the Interveners. Interveners were excused.

Mayor Hudson opened the hearing for public comment.

Jules Steiner, sworn – opposed
Ann Marie Bode, sworn – opposed
Rob Robertson, sworn – opposed
Tracy Newman, sworn – opposed

Seeing no one else, Mayor Hudson closed the hearing for public comments.

Applicant Mel Scott, sworn, gave a closing statement. Mr. Scott thanked the City of Fort Pierce for its thoroughness and citizens of Fort Pierce for civility and sincerity of this process. Mr. Scott expressed that this commercial designated parcel development will bring goods and services not otherwise available within a reasonable distance. Mr. Scott reiterated that this proposal brings a brand new, state-of-the-art development with advanced safety features, enhanced environmental protections and replacing a 24-year-old aging establishment.

Intervenor, Keith Madsen, sworn, gave a closing statement. Mr. Madsen stated there is a single left westbound exit-only driveway. He is concerned with trucks, trailers, RV's, and

boats on trailers trapping westbound customers in the site. He is afraid the drivers will get frustrated and that will cause them to make bad driving decisions. Mr. Madsen said the FDOT rating for this road is F for failure. Mr. Madsen said the existing location is fine.

Staff, Rebeca Guerra, Interim Planning Director said staff recommends approval of the proposed PD Amendment subject to the four conditions of approval as outlined earlier.

Applicant Mel Scott, sworn, the vehicles described, the cars, the trucks, the trailers, boats on trailers are already in this community. They will be better served by a state-of-the-art facility.

Mayor Hudson announced that public participation is closed and now is the time for Commission deliberation.

Commissioner Alexander stated he was part of the process to approve the Harbour Isle Development despite the outpouring of objections by residents. Commissioner Alexander will not stand in the way of progress. Commissioner Alexander stated the round-about does have a speed issue. This proposed location has been vacant for too many years.

Mayor Hudson has concerns with the traffic configuration for the egress and the sharing of the driveway with the shops causing a traffic jam inside the parking lot. Other concerns have been answered well. Mayor Hudson feels the current location is more favorable and would have preferred the proposed site improvements been done to the current location.

Commissioner Perona said environmental issues were addressed appropriately. The site has a history of being commercial even before the Harbour Isle development. The site could have been a grocery store, bar or nightclub, etc., all having the same traffic and noise concerns. Cumberland Farms addressed all areas of concern well especially the safety and environmental issues. Commissioner Perona is also concerned with traffic flow and traffic with Harbour Cay shops. Commissioner Perona prefers a rear access be added into Harbour Isle as originally approved.

Commissioner Johnson said many environmental, flood, site and safety concerns have been addressed by the Applicant. Commissioner Johnson is also concerned with the traffic, and concerned with the increased square footage.

Commissioner Sessions remembers when Harbour Isle was approved. It was standing room only in opposition for the same reasons being stated tonight. Growth will dictate upgrading for growth and accommodating that growth. From a safety and environmental standpoint the new Cumberland Farms is superior to the existing location. Commissioner Sessions has concerns about the traffic flow, but he had the same concerns back when Harbour Isle was approved. Progress is growth and growth is progress. This proposal is an upgrade to what we currently have.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to approve Ordinance No. 19-037 with Staff recommendations.

AYE: Commissioner Rufus Alexander, Commissioner Reginald Sessions

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

Failed

Commissioner Sessions wanted to reiterate that the current location is ultra hazardous. The proposal puts the island in a much safer position. Commissioner Johnson said there are still what-if scenarios that are the unknown.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to approve Ordinance No. 19-037 with Staff recommendations, with the added condition of an ingress/egress to Harbour Isle Drive as it appeared on the original application.

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

NAY: Mayor Linda Hudson, Commissioner Jeremiah Johnson

Failed.

Motion was made by Commissioner Jeremiah Johnson, to disapprove the application as submitted. Being no Second, Mayor Linda Hudson passed the gavel to Commissioner Alexander and seconded the motion.

AYE: Mayor Linda Hudson, Commissioner Jeremiah Johnson

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

Failed

Commission resumed discussion regarding traffic flow and safety, as well as the master drainage issue.

Mayor Hudson re-opened the hearing for questions by the Commission.

Commissioner Johnson had questions regarding drainage elements and the site plan. Mr. Craig Mason, sworn, Developer for Harbour Cay and on behalf of the Applicant addressed the Commission. Mr. Mason supports the idea for a rear entrance and exit to Harbour Cay Drive. Mr. Mel Scott, sworn, stated that they are willing to continue to proceed and refine and improve advanced innovative storm water design. Mr. Scott also offered to remove outside seating from the plan or add more pervious material. Mr. Craig Mason also stated that the parcel designated for the medical office only has access to Harbour Isle Drive. There is no access to Seaway Drive. FDOT will not allow because it is too close to the rotary. Mr. Mason suggested tying the three parcels together via easements to allow the plan to work. Harbour Cay has already planned for an internal connection to the Cumberland Farms parcel.

Intervenor, Mr. Keith Madsen, sworn said all of the technology and advanced safety features have been available to Cumberland Farms to improve their existing site. Mr. Madsen does not understand the size of the canopy. Mr. Madsen also dislikes the idea of using pavers. Mr. Malatesta stated there are 912 units accessing Harbour Isle Drive every day and has concerns about left turning vehicles. Harbour Isle Drive was not designed for the kind of traffic this will generate.

Mr. Jack Andrews, City Engineer, addressed the question regarding onsite storage capacity for the drainage system.

Mayor Hudson closed the Public Hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Rufus Alexander to approve Ordinance 19-037 with the following four Staff Recommendations:

1. Before a Certificate of Occupancy is issued, a Landscape Bond shall be submitted for all proposed landscaping, pursuant to City Code 22-180;
2. A revised Landscape Plan shall be submitted which addresses all inconsistencies. Provide additional landscaping along the property line that is shared with the residential component of Harbour Isle to establish a 100% opaque screen;
3. A revised Photometric Survey shall be submitted which addresses the inconsistencies with the Calculation Summary table;
4. Prior to the issuance of a site work permit, the applicant shall provide the Engineering Department a recorded copy of the revised Access Easement Agreement authorizing parking within the limits of the existing 53.17 access easement.

Additionally, the City Commission requires the following conditions must be met:

1. Turning movements from Seaway Drive shall be right in and right out only;
2. To reinstate the rear driveway connection to Harbour Isle Drive incorporating a shared access agreement with all three parcel owners;
3. Increasing onsite storage to capacity to double the industry standard to 1" as approved by the City Engineer during the permit application;
4. The addition of pervious pavers on site utilized in the areas advantageous for storage but also by count, 13 parking spaces adjacent to Harbour Isle on the south, and the spaces adjacent to the store on the east;

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

NAY: Mayor Linda Hudson

Passed

13. CITY COMMISSION

- a. Resolution 19-R37 establishing the City of Fort Pierce Parks Advisory Committee.

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

RESOLUTION NO. 19-R37 A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, ESTABLISHING THE CITY OF FORT PIERCE PARKS ADVISORY COMMITTEE; RESPONSIBILITIES OF THE COMMITTEE, ELECTION OF PRESIDING OFFICER, MEETINGS, AND QUORUM; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve Resolution No. 19-R37.

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

Passed

- b. Resolution 19-R38 Appointing a member to the Planning Board following a vote.

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

RESOLUTION NO. 19-R38

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

City Clerk Linda Hudson distributed ballots to the Commissioners. Ballots were counted and the results of the vote are as follows:

Commissioner Alexander:	Marcia Baker
Commissioner Johnson:	Patricia Diaz
Commissioner Sessions:	Marcia Baker
Commissioner Perona:	Patricia Diaz
Mayor Hudson:	Patricia Diaz

Patricia Diaz will be the new appointee to the City Planning Board.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve Resolution 19-R38, appointing Patricia Diaz to the City Planning Board.

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

Passed

- c. Resolution 19-R40, a resolution of the City Commission of the City of Fort Pierce, Florida, extending the boundaries of the Peacock Arts District, providing for an effective date.

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

RESOLUTION NO. 19-R40

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, EXTENDING THE PEACOCK ARTS DISTRICT BOUNDARIES, PROVIDING FOR AN EFFECTIVE DATE.

Mr. Mimms gave an overview of the expansion of the Peacock Arts District. They are in the midst of doing several improvements, working with property owners as well as moving forward with the finalization of the lease for the former St. Anastasia building.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Jeremiah Johnson to approve Resolution No. 19-R40, extending the Peacock Arts District.

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

Passed

14. COMMENTS FROM THE PUBLIC

Any person who wishes to comment on any subject may be heard at this time. Please limit your comments to three (3) minutes or less, as directed by the Mayor, as this section of the Agenda is limited to thirty minutes. The City Commission will not be able to take any official actions under Comments from the Public. Speakers will address the Mayor, Commissioners, and the Public with respect. Inappropriate language will not be tolerated.

None.

15. COMMENTS FROM THE CITY MANAGER

Mr. Mimms, City Manager is proud to say that staff is continuing to engage in community improvement and engagement. On August 31, 2019 there will be an annual awards show called Impact at the Sunrise Theatre.

16. COMMENTS FROM THE COMMISSION

There were no comments.

17. ADJOURNMENT

Immediately following adjournment, please move toward the doors and exit the chambers. This allows for the safe and courteous exit of all persons, and those on the dais. Conversations after the meeting should be held outside of chambers, in the foyer or elsewhere, but not in the commission chambers where lights will be out as soon as the chambers are empty.

Mayor Linda Hudson adjourned the meeting at 11:54 PM.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER