

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, **SEPTEMBER 23, 2019.**

**1. CALL TO ORDER**

Mayor Hudson called the meeting to order at 5:05 p.m.

**2. OPENING PRAYER - Pastor Charles Hendley, Greater Mt. Pleasant Primitive Baptist 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**

**6. PROCLAMATIONS**

**7. LETTERS TO COMMISSION**

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

- a. Letter from Judith Cruz, President/CEO, Treasure Coast Food Bank thanking the City of Fort Pierce for a Public Service Grant Award in the amount of \$5,000 to the food bank.
- b. Email from Jim Bede in recognition of Anne Bowen, Marina Concierge, who is an asset to the City of Fort Pierce.

**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.

Mike Perri, item 13a.

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

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

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

**10. MISCELLANEOUS REPORTS**

- a. Presentation of City of Fort Pierce 2020 Legislative Program by Nicole L. Fogarty, Legislative Affairs Director, St. Lucie County.

Nicole Fogarty, Legislative Affairs Director, St. Lucie County, provided a brief overview of the 2020 Legislative Priorities for the City of Fort Pierce. Areas included economic development, budget and taxation, general administration, environmental and natural resources, transportation and infrastructure, health and human services and education. Many of the priorities are the same as in past years with minor updates. Included in the priorities are two funding requests for a Resources in Community Hope (RICH) House and a Fort Pierce Public Safety and Emergency Operations Center.

## 11. CONSENT AGENDA

- a. Approval of travel for Commissioner Perona to attend the FPPTA Trustee School on October 06, 2019 - October 09, 2019 for the Fort Pierce Retirement Board in the total amount of \$1,543.88
- b. Approval of an Interlocal Agreement with St. Lucie County and Port St. Lucie for the operation of a temporary animal shelter effective October 1, 2019.
- c. Approval of Blanket Purchase Orders for the Public Works Department for Fiscal Year 2019-2020 to ensure efficient maintenance, service and repair of all City owned facilities, amenities and equipment, in the total budgeted amount of \$1,099,000.00.

Commissioner Perona pulled item 11a. Mayor Hudson pulled item 11b.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Reginald Sessions to approve item 11c of the consent agenda.

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

Passed

As to item 11 b, Commissioner Perona clarified that the travel request is for his attendance at the FPPTA Trustee School which is required to maintain his certification as a member of the Fort Pierce Retirement Board. This travel is paid for by the Retirement Board and will not come from the City Commission's travel budget.

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

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

Passed

As to item 11 c, Mayor Hudson sought confirmation that the animal shelter described in the Memorandum of Understanding and discussed in a newspaper article is not an open shelter, but rather for jurisdictions only since it is temporary. Mr. Sweeney confirmed that this is strictly a temporary shelter.

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

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

Passed

## 12. PUBLIC HEARINGS

- a. Ordinance 19-038 Levying and collecting taxes for Fiscal Year beginning October 1, 2019 and Ending September 30, 2020, adopting Final Millage Rate. SECOND READING

City Clerk Linda Cox introduced the ordinance, read in its entirety, into the record.

**ORDINANCE NO. 19-038 - AN ORDINANCE OF THE CITY OF FORT PIERCE, FLORIDA; PROVIDING FOR THE LEVYING AND COLLECTING OF TAXES FOR THE CITY OF FORT PIERCE, FLORIDA, FOR FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020, FOR THE PURPOSE OF RAISING SUCH AMOUNT AS MAY BE NECESSARY TO CARRY ON THE GOVERNMENT OF SAID CITY DURING SAID FISCAL YEAR AND TO PAY FUNDS SO COLLECTED INTO THE ACCOUNTS PROVIDED THEREFOR; ADOPTING THE CITY OF FORT PIERCE 2019-20 FISCAL YEAR FINAL MILLAGE RATE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA:**

**SECTION 1.** The final millage rate of the City of Fort Pierce, Florida, for the Fiscal Year 2019-20 is hereby levied at the rate of 6.9000 per thousand dollar valuation for general

City purposes; said rate being in excess of the roll-back rate by 7.21%.

**SECTION 2.** The City Commission of the City of Fort Pierce, Florida hereby levies a tax of 6.9000 per thousand dollar valuation on all real and personal property within the corporate limits of said City, subject to tax on the first day of January 2019, provided however that such 6.9000 shall not be levied upon property in the City of Fort Pierce exempt under state statute or federal constitution.

**SECTION 3.** That the City Manager is hereby instructed and directed to certify to the St. Lucie County Property Appraiser the above and forgoing enumerated Millage to be levied for all purposes, for the 2019-20 fiscal year in the said City of Fort Pierce, Florida, pursuant to the provision of the laws of the State of Florida and the Charter of the City of Fort Pierce.

**SECTION 4.** This ordinance shall be and become effective October 1, 2019.

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

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve Ordinance 19-038.

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

Passed

- b. Ordinance 19-039 Adopting a Final Budget for Fiscal Year 2020, beginning October 1, 2019 and ending September 30, 2020. SECOND READING

City Clerk Linda Cox introduced the ordinance, read in its entirety, into the record.

**ORDINANCE NO. 19-039 - AN ORDINANCE OF THE CITY OF FORT PIERCE, FLORIDA; ADOPTING A FINAL BUDGET FOR THE CITY OF FORT PIERCE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020; AND PROVIDING FOR AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA:**

**SECTION 1.** The City Commission of Fort Pierce, Florida after having held a public hearing, hereby adopts as its final budget for the operation of the government of said City for the fiscal year beginning October 1, 2019 and ending September 30, 2020, the estimates made by the City Manager of said City presented to the City Commission on September 9, 2019, which detailed amended estimates are now on file with the City Clerk and the Director of Finance.

**SECTION 2.** That it shall be the duty of the City Manager to set up the aforesaid appropriation of revenues and expenses on the account records of said City, to keep such accounts thereof, as required by the Charter of said City, as may be directed from time to time by the City Commission.

**SECTION 3.** This ordinance shall be and become effective October 1, 2019.

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

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Reginald Sessions to approve Ordinance 19-039. Commissioner Johnson confirmed that he would not support this ordinance for reasons previously stated.

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

NAY: Commissioner Jeremiah Johnson

Passed

- c. Legislative Hearing - Ordinance 19-031 - an application submitted by the property owner, St. Lucie County, applicant Blue Sky Communities, and representative Dennis Murphy of Culpepper & Terpening, for a Future Land Use Map Amendment for a parcel of land, 9.186 acres in total, to change the Future Land Use designation for parcel ID 2419-211-0004-000-8, from GC, General Commercial, to RH, High Density Residential. SECOND READING

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

ORDINANCE NO. 19-031 - 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 ONE (1) PARCEL GENERALLY LOCATED AT OR NEAR THE WEST SIDE OF MCNEIL ROAD, APPROXIMATELY 1,000 FEET NORTHWEST OF STATE ROAD 70 FROM CITY OF FORT PIERCE GC, GENERAL COMMERCIAL TO CITY OF FORT PIERCE RH, HIGH DENSITY RESIDENTIAL; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Hudson opened the Public Hearing.

Dennis Murphy, applicant representative, was available for questions.

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

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve Ordinance 19-031.

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

Passed

- d. Legislative Hearing - Ordinance 19-032 Review and approval of an application for Zoning Atlas Map Amendment to rezone property from C-3, General Commercial to R-5, High Density Residential on Parcel ID 2419-211-0004-000-8 in Fort Pierce, Florida. SECOND READING

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

ORDINANCE NO. 19-032 - AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REZONING ONE (1) PARCEL GENERALLY LOCATED AT OR NEAR THE WEST SIDE OF MCNEIL ROAD, APPROXIMATELY 1,000 FEET NORTHWEST OF STATE ROAD 70 FROM CITY OF FORT PIERCE C-3, GENERAL COMMERCIAL TO CITY OF FORT PIERCE R-5, HIGH DENSITY RESIDENTIAL; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Hudson opened the Public Hearing.

Dennis Murphy, applicant representative, was available for questions.

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

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve Ordinance 19-032.

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

Passed

- e. 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. SECOND READING

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

ORDINANCE NO. 19-032 - AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REZONING ONE (1) PARCEL GENERALLY LOCATED AT OR NEAR THE WEST SIDE OF MCNEIL ROAD, APPROXIMATELY 1,000 FEET NORTHWEST OF STATE ROAD 70 FROM CITY OF FORT PIERCE C-3, GENERAL COMMERCIAL TO CITY OF FORT PIERCE R-5, HIGH DENSITY RESIDENTIAL; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF

ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Rufus Alexander to approve Ordinance 19-034.

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

Passed

- f. 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. SECOND 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.

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

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Jeremiah Johnson to approve Ordinance 19-035.

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

Passed

- g. Legislative 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. SECOND 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.

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

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Thomas Perona to approve Ordinance 19-036.

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

Passed

- h. Legislative 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. SECOND 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. SECOND READING

Mayor Hudson opened the public hearing.

On behalf of the Applicant, outside legal counsel, Scott Glass, Attorney at Law with Shutts & Bowen LLP, respectfully requests that the Commission remove the two conditions which were added to the proposed ordinance on August 19, 2019. Attorney Glass stated that the two conditions are problematic. The first condition regarding the full-access driveway violates the legislative mandate set forth in Florida Statutes Section 335-184. The second condition regarding the rear access because it violates the trust of the residents, the Applicant, and Cumberland Farms who were directed to get together and come up with a site plan solution which would be agreeable to the majority of the residents.

Regarding the first condition referenced, Florida Statutes Section 335-184(3) which states: "*A property owner shall be granted a permit for an access connection to the abutting state highway, unless the permitting of such access connection would jeopardize the safety of the public or have a negative impact upon the operational characteristics of the highway. Such access connection and permitted turning movements shall be based upon standards and criteria adopted, by rule, by the department {FDOT}, thus, if the FDOT finds a proposed access that meets it's safety and operational requirements, it must issue the driveway permit.*" If a driveway is approved, it cannot be then denied on the basis of someone else's opinion of safety and operational issues. It's on the FDOT's criteria.

On behalf of the Applicant, Mr. Paul Hanna, property owner who has an interest in the Harbour Cay Shoppes stated that Harbour Cay Shoppes had approval through Ordinance 19-003 for full turning access to Seaway Drive. The change in approved driveway access in association with the Cumberland Farms approval will have an impact on their rights by taking away our already approved left turning access. We have moved forward with permitting including FDOT based upon the existing approval. The access is critical to our development. We support approval of the Cumberland Farms application; however, we object to their condition affecting our access rights. We appreciate the support of the neighbors as proposed originally. We continue to support the Cumberland Farms access as long as it does not affect our full access driveway.

On behalf of the Applicant, Mr. Craig Mason, part owner and developer of the Harbour Cay retail center. After many discussions and vetting of the situation, he feels they have come up with a possible solution. Harbour Cay retail development would be willing to grant a cross-access easement to the property on the west, which currently has a site plan approval with a rear connection. This keeps options open for a future connection and allows the developers to keep their agreement with the residents to not have an entrance at the rear of their property. If the requirement for a rear access remains, then there will be two ingress/egress points next to each other which could have a far worse outcome than what has been proposed. They would like to grant the cross-access easement which also keeps open the option for a future connection. This will allow them to honor their agreement with the residents.

On behalf of the Applicant, Mr. Shaun MacKenzie, Engineer with MacKenzie Engineering & Planning. With regard to the safety, health and welfare issues, they currently have a permit issued by the FDOT for the three access points which would attach to Seaway Drive.

Keith Madsen, Intervenor, submitted additional documentation and indicated the FDOT approvals referenced were only pre-approvals. He supports the added conditions from the last meeting if approved, but remains opposed to the project.

Tracy Newman presented information for a neighbor, Rodney Roberts regarding typical traffic patterns specific which included left hand turns. She is opposed to the project.

Ann Marie Bodie has attended all of the hearings. She indicated that Florida law requires specially trained individuals with fuel sales; she reported that the cashier at Cumberland Farms could not identify that individual when asked. She is opposed to the project for safety concerns.

Annette Rudd lives within 300 feet of the proposed project. She indicated that she does not believe this project conforms to the City's comprehensive plan specific to public safety concerns and also believes property values will decrease. She is opposed to the project.

Ralf Brookes, representing the Intervenors, indicated the City can regulate turning movements within a project. They support the two additional conditions. If the conditions are not included, they oppose the project approval.

Martha Estenon opposes public traffic on private property.

Jeff Conner opposes the additional conditions because they jeopardize safety, specifically the rear access point.

Deborah Ross, attorney for Harbour Isle Condominium Associations East and West, supports the full access as approved in 19-003. Believing the same conditions would carry to 19-037, the Condo Association did not intervene. They continue to oppose the added condition requiring access to Harbour Isle Drive.

Jacob Ensor, law partner with Ms. Ross attorney for Harbour Isle Condominium Associations East and West. The associations object to the use of Harbour Isle Drive for ingress and egress. Because the proposed conditions are a substantial change to the original ordinance, they believe they have been deprived of due process to intervene. They object to the added condition requiring access to Harbour Isle Drive.

Scott Glass, attorney for the applicant, believes that no competent substantial evidence has been submitted contradicting the access approvals by the FDOT. He is requesting that the two conditions be removed and the Ordinance as originally presented and recommended by staff be approved.

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

Commission Discussion: Commissioner Johnson requested clarification on the property boundary line. Mr. Brandon Creagan stated that the shared access line goes down the middle of both properties. The Commission deliberated over the issues of the right-in, right-out only as well as the rear access point and the safety of the public. Commissioner Perona pointed out that the traffic study that was cited during the quasi-judicial hearing was based upon plans that included the rear access. The rear access was removed after the study and before the approval. Mayor Hudson reminded the Commission that this is not just about the residents of Harbour Isle, but about overall safety for everyone. Commissioner Alexander is concerned that we are changing the terms of an already passed Ordinance. City Attorney Peter Sweeney clarified that we are not changing the previously passed Ordinance. It appears that two Ordinances are in conflict with each other and it does occasionally happen. According to the Ordinance and the Site Plan, Harbour Cay Shoppes does not own the property where the left-out is located the site plan. The Commission continued to deliberate and discuss the issues at hand.

**Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Reginald Sessions to approve Ordinance 19-037 eliminating conditions #1 (turning movements) and #2 (rear driveway access) that were added at the last meeting.**

**AYE: Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Reginald Sessions**

**NAY: Commissioner Thomas Perona, Mayor Linda Hudson**

**Failed**

**Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve Ordinance 19-037 eliminating conditions #1 (turning movements) that was added at the last meeting.**

**AYE: Commissioner Rufus Alexander, Commissioner Thomas Perona**

**NAY: Commissioner Jeremiah Johnson, Commissioner Reginald Sessions, Mayor Linda Hudson**

**Failed**

At the request of the Commission, Mayor Hudson re-opened the Public Hearing with limitations.

On behalf of the Applicant, Mr. Craig Mason appreciates the removal of additional condition 1. Mr. Mason proposes condition 2 be modified to be a unilateral cross-access easement from the retail parcel to the property line of the parcel 3 (the western most parcel) allowing for a connection at a later date.

On behalf of the Applicant, Mr. Scott Glass stated that Cumberland Farms support Mr. Mason's proposal of a unilateral cross-access easement.

Mr. Ralf Brooks, Attorney for the Intervenors, would like condition 1 regarding right-in and right-out only be reinstated. He feels by elimination of this condition, the traffic back up due to one vehicle waiting in queue to turn into the subject property would be significant. Mr. Brooks requests reinstatement of condition 1.

Jay Sizemore, Harbour Isles East HOA President stated that all sides came together to negotiate an agreement satisfactory to all parties. The Planning Board made a recommendation based upon that agreement that was incorporated and approved within Ordinance 19-003.

Keith Madsen disagrees with the plans and statements made by the HOA on behalf of residents.

Mary Martin, resident of Harbor Isles is concerned with traffic, safety and riff-raff.

Annette Rudd is opposed to the project

Steve Jaroski, Harbour Isles West HOA President stated that there are important attributes to this project. Residents have concerns about the traffic, but having access to assets after a storm would be a great benefit to the residents on the island. Mr. Jaroski also favors this project for including the removal of the old tanks at the current location. Mr. Jaroski supports the cross-access agreement that was proposed by Mr. Mason.

Linda Crea, resident of Harbor Isles spoke about the physical and emotional aspect to residents who ride bicycles, walk or use scooters. She is opposed to project.

Clare Seyer, resident suggested keeping a right-in, right-out and adding another round-about.

Paul Schall, resident, believes that people can wait in traffic and supports the project.

Jeff Conner, resident, the proposed plan actually offers clearer visibility for a left-turn in from Seaway. The current location is more difficult being on a curve in the road. The new location is safer for crossing traffic.

Akhtar Quraishi is opposed to the project.

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

Commission deliberations continued regarding ingress and egress to the property, the left turn into the property from Seaway Drive and the challenges of the rear access from the commercial parcels. City Manager, Mr. Mimms, suggested retaining an independent traffic engineer at a cost to the City of Fort Pierce to assess the entire development area and provide a comprehensive report including Harbour Isles, Harbour Cay, Cumberland Farms, near-by buildings, restaurants, etc., with a recommendation for what is best regarding traffic flow, turning movements, and access points. A cost estimate was not available.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to table Ordinance 19-037 until December 02, 2019.

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

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to allow staff to seek an independent traffic engineer to review and provide a comprehensive report for the area.

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

NAY: Commissioner Jeremiah Johnson

Passed

### **13. CITY COMMISSION**

- a. Resolution 19-R41 appointing a member to serve on the Fort Pierce Utilities Authority.

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

RESOLUTION NO. 19-R41 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT OF A MEMBER OF THE FORT PIERCE UTILITIES AUTHORITY BOARD; PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to appoint Frank Fee to the FPUA Board.

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

Passed

- b. Resolution 19-R42 appointing members to serve on the Parks Advisory Committee.

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

RESOLUTION NO. 19-R42 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT OF MEMBERS TO THE PARKS ADVISORY COMMITTEE; PROVIDING FOR AN EFFECTIVE DATE.

Ms. Cox distributed a list of names that submitted applications.

Commissioner Johnson nominated Martha Wright.

Mayor Hudson nominated Charlene Adair.

Commissioner Perona nominated John Smith.

Commissioner Sessions nominated Ionis Jefferson-Knowles.

Commissioner Alexander nominated Patty Reconco.

Commissioner Johnson suggested that the last two be named as the at-large members, Bob Burdge and Susan Hamburger.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Thomas Perona to approve the nominations.

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.

There were no comments from the public.

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

Mr. Mimms indicated that on September 30, there will be a community garden fall kick off party at the city's garden at 9th Street and Moore's Creek. There will be the National Firefighter Combat Challenge in downtown on October 4, 5, 6. Mr. Mimms is working on a report regarding Precast Specialties and will be meeting with operations manager and developer along with the Planning Director. At the next meeting, the RFP for the Animal Shelter Operation will be on the agenda. Mr. Mimms reported that the scooter craze has seen 5,000 rentals averaging 36 minutes per rental. Zagster has been very responsive to the complaints that we have received, including the age of riders, speeds downtown and establishing no ride zones in special event venues. Mayor Hudson indicated that riders were going all of the way to the end of the jetty. Commissioner Alexander inquired as to the number of complaints, particularly with the age of riders. He stressed the need to make sure no one is hurt and not riding in inappropriate areas. It was made clear that the city is not financially benefiting from the scooters. Mr. Mimms indicated that the scooters definitely seem to be a draw for downtown and it's nice to see young people enjoying themselves. Commissioner Alexander inquired as to why scooters were banned in downtown Orlando.

Mr. Sweeney had no report.

**15. COMMENTS FROM THE COMMISSION**

Commissioner Perona inquired as to staff negotiations with Kings Landing; Mr. Mimms confirmed they were continuing.

Commissioner Sessions indicated the scooters seem to be very positive for our young people as another source of recreation with the risk being taken by others. He reported that the Job Fair and Business Expo were very good; approximately 500 young people came out to seek jobs.

Commissioner Alexander expressed his deep appreciation to Onyx Magazine for honoring him at a wonderful event.

Commissioner Johnson highlighted the Fish on the Fence event which was hosted by Main Street with the assistance of many community partners.

Mayor Hudson indicated that the Fish on the Fence was a wonderful way to spruce up that area and bridge the gap between downtown and Edgartown.

**16. 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 Hudson adjourned the meeting at 9:00 p.m.

ATTEST:

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CITY CLERK

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MAYOR COMMISSIONER