

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, OCTOBER 21, 2019.**

1. CALL TO ORDER

Mayor Hudson called the meeting to order at 6:30 PM.

2. OPENING PRAYER

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 October 7, 2019 Regular Meeting.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve the minutes from the October 07, 2019 Regular Meeting.

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

Passed

6. PROCLAMATIONS

- a. Treasure Coast Scenic Highway Mobility Week proclamation being received by Pete Buchwald of the St. Lucie Transportation Planning Organization.

7. LETTERS TO COMMISSION

- a. Email from Glynda Cavalcanti thanking Paul Thomas, Building Official and Ed Roseberry, Deputy Building Official, for coordinating an excellent presentation and being extremely helpful.
- b. Building Department Customer Service Feedback Surveys commending Kim West, Permit Specialist for consistent outstanding service.

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 Thomas Perona, seconded by Commissioner Rufus Alexander to approve and set the agenda.

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

Passed

10. MISCELLANEOUS REPORTS

11. CONSENT AGENDA

- a. Approval of Interlocal Agreement between St. Lucie County and the City of Fort Pierce for the Tourism Webcam Program.
- b. Approval of travel expenses in the amount of \$1,013.30 for Commissioner Alexander to attend the 59th Annual Florida League of Cities Legislative Conference from November 12-15, 2019.
- c. Approval of travel expenses in the amount of \$650.67 for Mayor Hudson to attend the 59th Annual Florida League of Cities Legislative Conference from November 13-14, 2019.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to approve items 11a, 11b, and 11c.

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

12. PUBLIC HEARINGS

- a. Quasi-Judicial Hearing - Review and approval of an application for Subdivision (Final Plat), submitted by property owner, Premier Hospitality, Inc. and the applicant/representative Richard Laventure of Laventure & Associates, Inc. to subdivide 5.79 acres of land into three parcels at or near 6505 Metal Drive in Fort Pierce, FL. The property is zoned General Commercial (C-3). Parcel ID: 2324-341-0002-000-3.

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 in 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 Hudson – 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 are 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.

Rebecca Guerra, Assistant Director of Planning provided an overview of the proposed application for Subdivision (Final Plat) as submitted by property owner, Premier Hospitality, Inc, to subdivide 5.79 acres of land at or near 6505 Metal Drive, Fort Pierce. Ms. Guerra provided location maps as well as a zoning map which indicates the subject property is zoned

C-3, general commercial. The final plat meets the criteria as specified in Chapter 18 of the Code of Ordinances. It is consistent with the Land Development Code and Comprehensive Plan. Staff recommends approval with two (2) conditions:

1. The applicant will supply two (2) mylars before the City Commission meeting for appropriate signatures and then the plat is recorded with the St. Lucie County Clerk of Court in accordance with Florida State Statute 177.111;
2. Prior to the City Commission meeting, provide a copy of the bonding mechanism. This surety shall cover the cost associated with the construction of the required sidewalk.

Commission questions for Staff: None.

Applicant questions for Staff: None.

Applicant Representative Richard Laventure of Laventure & Associates did not have a presentation and was present to answer any questions. Mr. Laventure stated that they have already complied the two conditions of approval as presented by staff.

Public comment: None

Staff had no questions for the Applicant Representative.

Seeing no one, Mayor Hudson closed the public hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Rufus Alexander to approve item 12a with two (2) conditions:

1. The applicant will supply two (2) mylars before the City Commission meeting for appropriate signatures and then the plat is recorded with the St. Lucie County Clerk of Court in accordance with Florida State Statute 177.111;
2. Prior to the City Commission meeting, provide a copy of the bonding mechanism. This surety shall cover the cost associated with the construction of the required sidewalk.

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

Passed

- b. Quasi-Judicial Hearing - Application for Site Plan and Design Review submitted by property owner, Premier Hospitality, Inc, and the applicant/representative, Richard Laventure, of Laventure & Associates, Inc to construct a 58,083 square foot, four-story, 95 room Hotel at 6505 Metal Drive, Fort Pierce, FL. The property is zoned General Commercial (C-3). Parcel ID: 2402-501-0001-010-8.

Mayor Hudson opened the public hearing and reminded the Commission and Public that this proceeding is a Quasi-Judicial Hearing and that City Attorney Peter Sweeney has read the legal requirements into the record.

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 Hudson – none.

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: Brandon Creagan, Planner, provided an overview of the application for Site Plan and Design Review to construct a 58,083 square foot, four-story, 95 room Hilton Hotel at 6505 Metal Drive, Fort Pierce, FL. Mr. Creagan stated the property is zoned C-3 commercial with a future land use of general commercial. This project is consistent with the City's Land Development Code and Comprehensive Plan. Mr. Creagan provided a proposed site plan and design review which complies with City Code chapter 22.

Staff recommends approval with the following five (5) conditions:

1. Before a Certificate of Occupancy is issued, provide a landscape bond for all proposed landscaping pursuant to City Code 22-180;
2. The Final Plat shall be approved by the City Commission prior to review & approval by the City Commission;
3. Provide a copy of the South Florida Water Management District permit modification to the City of Fort Pierce Engineering Department at the time of Building Permit;
4. If alcohol will be sold on site, an Alcohol License will need to be obtained and reviewed by the Planning Department; and
5. All comments from the St. Lucie County Fire District shall be satisfactorily addressed at the time of Building Permit submittal.

Commission Questions for Staff: The Commission inquired about sidewalks. Mr. Creagan stated that sidewalks are a condition of the Final Plat which was approved.

Applicant Questions for Staff: None.

Applicant's Presentation. Mr. Eric Anderson with Anderson Architecture, sworn, was present to answer any questions on behalf of the Applicant.

There were no questions for the Applicant.

Public comment: None

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

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Reginald Sessions to approve the Application for Site Plan and Design Review as submitted subject to the following five (5) Staff conditions:

1. Before a Certificate of Occupancy is issued, provide a landscape bond for all proposed landscaping pursuant to City Code 22-180;
2. The Final Plat shall be approved by the City Commission prior to review & approval by the City Commission;
3. Provide a copy of the South Florida Water Management District permit modification to the City of Fort Pierce Engineering Department at the time of Building Permit;
4. If alcohol will be sold on site, an Alcohol License will need to be obtained and reviewed by the Planning Department; and
5. All comments from the St. Lucie County Fire District shall be satisfactorily addressed at the time of Building Permit submittal.

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 Conditional Use with New Construction and Design Review submitted by the Property Owner, Surfside Equities, LLC, & Representative, Braden & Braden, to construct a single-family home seaward (east) of the Coastal Construction Control Line (CCCL), located at 1814 Surfside Drive in Fort Pierce, FL. The property is zoned Single-Family Low Density (R-1) Parcel ID: 2412-501-0124-000-4.

Mayor Hudson opened the public hearing and reminded the Commission and Public that this proceeding is a Quasi-Judicial Hearing and that City Attorney Peter Sweeney has read the legal requirements into the record.

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 – no communication but did visit the site.

Commissioner Sessions - none.

Mayor Hudson – none.

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 the application for Conditional Use with New Construction and Design Review as submitted by the Property Owner, Surfside Equities, LLC to construct a single-family home at 1814 Surfside Drive, Fort Pierce, FL. Mr. Creagan stated this project requires a Conditional Use because it falls

seaward (east) of the Coastal Construction Control Line. Mr. Creagan provided a site map showing the location of the proposed project as well as a zoning map which indicates the property is zoned as a R-1 single-family, low density residential. The proposal is consistent with the City Code and the Comprehensive Plan; does not adversely affect the public health safety, convenience and general welfare of the public; and will not cause an adverse effect to the dune system. 36 notifications were sent to property owners within 500 feet.

Staff recommends approval with one (1) condition:

1. that prior to construction activities, the applicant shall obtain approval from the FDEP for construction activities seaward of the Coastal Construction Control Line.

Commission questions for Staff: None.

Applicant questions for Staff: None.

Applicant-Representative's Presentation: Mr. Chris Braden with Braden & Braden Architects, sworn was present and available to answer any questions.

There were no questions for the Applicant.

Public comment: None.

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

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve the application for Conditional Use with New Construction and Design Review as submitted for 1814 Surfside Drive, Fort Pierce, FL, subject to the following one (1) Staff condition:

1. That prior to construction activities, the applicant shall obtain approval from the FDEP for construction activities seaward of the Coastal Construction Control Line.

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

Passed

- d. Quasi Judicial Hearing - Review and approval of an application for Conditional Use with New Construction and Design Review submitted by the Property Owners, Anne Supina & Sandra Twoey, & Representative, Architectonic Inc, to construct a single family home seaward (east) of the Coastal Construction Control Line (CCCL), located at 1912 Surfside Drive in Fort Pierce, FL. There is also a request to allow for a height increase to 34 feet from FEMA Based Flood Elevation. The property is zoned Single Family Low Density (R-1) Parcel ID: 2412-501-0121-000-3.

Mayor Hudson opened the public hearing and reminded the Commission and Public that this proceeding is a Quasi-Judicial Hearing and that City Attorney Peter Sweeney has read the legal requirements into the record.

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 – no communication but did visit the site.

Commissioner Sessions - none.

Mayor Hudson – none.

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: Brandon Creagan, Planner, provided an overview of the application for Conditional Use with New Construction, Design Review and request for a height increase to 34 feet from FEMA Based Flood Elevation for the construction of a single family home at 1912 Surfside Drive, Fort Pierce FL. Mr. Creagan stated this project requires a Conditional Use because it falls seaward (east) of the Coastal Construction Control Line. Mr. Creagan provided a site map showing the location of the proposed project as well as a zoning map which indicates the property is zoned as a R-1 single-family, low density residential. The proposal is consistent with the City Code and the Comprehensive Plan; does not adversely affect the public health safety, convenience and general welfare of the public; and will not cause an adverse effect to the dune system. This project is consistent with the City Code

and the Comprehensive Plan, does not adversely affect the public health, safety, convenience or general welfare of the public; and, will not cause an adverse effect to the dune system.

Staff recommends approval with the following conditions:

1. A landscape plan that demonstrates compliance with City Code 22-186 shall be submitted with the building permit.
2. A lighting plan or photometric survey that demonstrates compliance with City Code 5-375 shall be submitted with the building permit.
3. Prior to construction activities the applicant shall obtain approval from the FDEP for construction activities seaward of the Coastal Construction Control Line.

Commission questions for Staff: None.

Applicant questions for Staff: None.

Applicant Representative Presentation: Mr. Mike Menard with Architectonic Inc. was present and available for questions. Mr. Menard said the applicant has no issues with the Staff conditions. The additional Conditional Use was requested to allow for a garage with elevated ceiling height to accommodate a motor home.

There were no questions for the Applicant.

Public comment: None

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

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Thomas Perona to approve the application for Conditional Use with New Construction and Design Review as presented along with the height increase to 34 feet with the following three (3) Staff conditions:

1. A landscape plan that demonstrates compliance with City Code 22-186 shall be submitted with the building permit;
2. A lighting plan or photometric survey that demonstrates compliance with City Code 5-375 shall be submitted with the building permit; and
3. Prior to construction activities the applicant shall obtain approval from the FDEP for construction activities seaward of the Coastal Construction Control Line.

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

Passed

- e. Quasi-Judicial Hearing - Review and approval of an application for Conditional Use with No New Construction submitted by property owner, Nicholas Danaluk Jr. and applicant, Michelle Longarzo to establish a Vacation Rental, offering lodging for less than six (6) months; with a minimum of two (2) days at 715 S. Ocean Drive, Unit D, Fort Pierce, FL. The property is zoned Hutchinson Island Medium Density Residential Zone (R-4A), Parcel ID: 2401-504-0004-000-2.

Mayor Hudson opened the public hearing and reminded the Commission and Public that this proceeding is a Quasi-Judicial Hearing and that City Attorney Peter Sweeney has read the legal requirements into the record.

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.

Commissioner Johnson - yes.

Commissioner Perona – yes.

Commissioner Sessions - yes.

Mayor Hudson – yes.

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 application for Conditional Use with No New Construction submitted by the property owner for 715 South Ocean Drive, Unit D, Fort Pierce, FL to establish a vacation rental offering

lodging for less than six (6) months; with a minimum two (2) day rental. Mr. Gilmore provided a location map and zoning map. Planning Board recommended disapproval; however, Staff recommends approval with eight (8) conditions:

1. The property manager for the vacation rental shall be available at all times to resolve complaints or violations of city code. Said manager shall reside in St. Lucie County and shall be registered with the City of Fort Pierce.
2. Guide booklets (available from Code Enforcement) shall be provided to renters regarding local rules and public service resources, to minimize conflicts.
3. The applicant shall file for and obtain St. Lucie County and City of Fort Pierce Business Tax Licenses within thirty (30) days of approval.
4. There shall be a limitation of no more than no two vehicles at the site.
5. The City of Fort Pierce Business Tax License number shall be included on all advertising.
6. The maximum occupancy of the home shall ensure compliance with City Code Section 8.5-43. - Required space in dwelling units, based upon the size of each unit.
7. Installation of one handicap space per City Code Section 22-60 Off-street Parking and Loading (if not already present).
8. Per City Code Section 22-62 Sidewalks. Applicability: In order to provide continual access for pedestrians, sidewalks and sidewalk linkages the property owner or permit applicant shall provide within thirty-one (31) days of Conditional Use approval a permit for the installation of a sidewalk along their property line that abuts Hernando Street.

Commission questions for Staff: Staff clarified that the Planning Board does use competent substantial evidence to support a decision in the same way the City Commission does.

City Clerk Linda Cox would like to clarify the terms of the third condition. The Business Tax Receipt would be required within thirty (30) days of receiving the State of Florida, Department of Business and Professional Regulation (DBPR) License and should read: *"The applicant shall file for and obtain St. Lucie County and City of Fort Pierce Business Tax Licenses within thirty (30) days of receiving state DBPR license"*. Mr. Gilmore concurred.

Applicant-Representative had no questions for Staff.

Applicant's presentation: Mr. Kelley Armitage with the law firm Rooney & Rooney, Applicant-Representative, sworn was present. The Applicant-Representative stated that the Applicant is seeking approval of the Conditional Use with the eight (8) conditions as presented.

Commission Questions: None

Staff Questions - None.

Public Comment:

Chris Ehrhart, sworn – opposed to Application.

Applicant's Comments: Applicant Representative, Attorney Armitage stated that the Applicant, Michelle Longarzo is available to answer any questions the Commission may have.

Commission Questions: The Commission inquired as to the requirements for the Homeowner's Association (HOA) regarding use of this unit. Attorney Armitage respectfully responded that the HOA and it's requirements are outside the purview of the Conditional Use Application and will be addressed at the proper time. Mr. Gilmore explained that because of the change in use pursuant to this Conditional Use application for transient use, there will now be the requirement for a handicapped parking space. Michelle Longarzo, Applicant, sworn indicated that there is one space of appropriate size for a handicapped parking space. At her cost, Ms. Longarzo will have the space painted blue and erect signage.

Staff had no questions for the Applicant or Applicant-Representative.

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

The Commission requested that City Attorney reiterate the regulation on Conditional Use for short-term rental properties. City Attorney Peter Sweeney stated each application is unique and judged on its own merit. There is no issue being raised with non-compliance with State law regarding duration or location. Although there are ancillary issues, they are outside the scope of what the Commission will decide upon. A Conditional Use does not last forever if the applicant does not abide by the terms and conditions. Discussion continued regarding conditions required for a Conditional Use for short term rentals as well as Conditional Uses in general. City Attorney Sweeney said there are several outside organizations or regulatory agencies that may or may not have their own conditions regarding a specific use which would also have to be met. Attorney Sweeney reminded the Commission that this is not the final step, but perhaps the first step in getting a final approval for an applicant. The request for a minimum of a two-day stay, or anything less than thirty (30) days makes this application fall under the hotel-motel regulations which is a State of Florida mandate, not the City of Fort

Pierce. Planning Director Jennifer Hofmeister stated that the Coastal Construction Control Line is a regulatory function based upon new construction and not for a change of use with no new construction; therefore, the Coastal Construction Control Line would not impact this application.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve Item 12e, Application for Conditional Use with eight (8) conditions as modified:

1. The property manager for the vacation rental shall be available at all times to resolve complaints or violations of city code. Said manager shall reside in St. Lucie County and shall be registered with the City of Fort Pierce.
2. Guide booklets (available from Code Enforcement) shall be provided to renters regarding local rules and public service resources, to minimize conflicts.
3. The applicant shall file for and obtain St. Lucie County and City of Fort Pierce Business Tax Licenses within thirty (30) days of receiving state DBPR License.
4. There shall be a limitation of no more than no two vehicles at the site.
5. The City of Fort Pierce Business Tax License number shall be included on all advertising.
6. The maximum occupancy of the home shall ensure compliance with City Code Section 8.5-43. - Required space in dwelling units, based upon the size of each unit.
7. Installation of one handicap space per City Code Section 22-60 Off-street Parking and Loading (if not already present).
8. Per City Code Section 22-62 Sidewalks. Applicability: In order to provide continual access for pedestrians, sidewalks and sidewalk linkages the property owner or permit applicant shall provide within thirty-one (31) days of Conditional Use approval a permit for the installation of a sidewalk along their property line that abuts Hernando Street.

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

NAY: Commissioner Jeremiah Johnson

Passed

- f. POSTPONED FROM OCTOBER 7, 2019. Legislative Hearing - Ordinance 19-041 - An Ordinance by the City Commission of the City Of Fort Pierce, Florida; Rezoning property generally located between Glades Cut Off Road & Bandy Boulevard approximately 1,100 feet east of Selvitz Road from St. Lucie County Industrial Heavy (IH) to City of Fort Pierce Planned Development (PD); further approving a Development Plan pursuant to Section 22-40, providing for a severability clause; providing for repeal of 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. 19-041

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REZONING PROPERTY GENERALLY LOCATED BETWEEN GLADES CUT OFF ROAD & BANDY BOULEVARD APPROXIMATELY 1,100 FEET EAST OF SELVITZ ROAD FROM ST. LUCIE COUNTY IH, INDUSTRIAL HEAVY, TO CITY OF FORT PIERCE PD, PLANNED DEVELOPMENT; FURTHER APPROVING A DEVELOPMENT PLAN PURSUANT TO SECTION 22-40, PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE. SECOND READING

Mr. Brandon Creagan, Planner, was present and available for questions.

Mayor Hudson opened the Public Hearing.

Public Comment:

Dennis Corrick, Applicant, requested the Commission reconsider the restriction on business hours of operations for Saturdays. Saturdays were proposed to allow homeowners the ability to bring their aggregate to dispose of for free. While there would be no crushing operation going on, they would still like to be able to provide this service to the community at no cost. Alternatives to the back-up alarm on the machines will be discussed by another member of the Applicant's party.

Jonathan Ricketts, Applicant-Representative, Engineer was present. Mr. Ricketts stated all areas of the site will be constructed in full compliance with all city, state and federal requirements and will be monitored by his firm. Upon completion of construction, Mr. Ricketts' firm will certify to the City of Fort Pierce and other authorities with jurisdiction that work has been completed to the required specification. The berms will be constructed in one-foot increments, compacted and tested to FDOT standards. A geo-technical engineer

will be onsite while the berms are built to ensure they are being constructed in accordance with the specification; and, to ensure that each completed segment has been compacted to the minimum requirements necessary for critical earthwork embankments. The runoff from the storm water will be captured and then pass through two areas for treatment prior to leaving the site. The first area will be dry swails along the edge of the processing area and the second area will be in the stormwater lake. The owner has a maintenance plan for the swails.

Ms. Emily O'Mahoney, Applicant-Representative, was present. The landscape buffer exceeds the minimum requirements as set forth by Staff. Ms. O'Mahoney also expressed the desire to modify condition #11 to reflect "operations" be defined as the hours for running the crushing machine.

Mr. Douglas Eakins, Applicant was present. Mr. Eakins gave a brief history of his corporation. Mr. Eakins expressed that if approved, this site when completed will be something everyone will be proud of, including the Staff who helped them get there. Regarding the fence surrounding the property, when a hurricane is predicted, all screening will be lowered. They will be investing a lot including financially into this property and it will be protected and maintained properly. Mr. Eakins is available for any questions.

Mr. Steven Eakins, Applicant was present. Mr Eakins stated that after the previous meeting, a representative from CEMEX provided him with a new back-up alarm for trucks and machines which they have decided to implement at this location. This is a low-frequency smart alarm which makes white noise. This is a less intrusive alarm than traditional back-up alarms. The goal of our company is not to meet, but to exceed requirements and expectations.

Ms. Sharon Merchant, Applicant-Representative was present. Ms. Merchant's role with this application was maintaining public involvement by holding a workshop for neighbors, providing information via door-hangers as well as creating a project website. They had many views on the website, but no email correspondence. Also, no phone calls were received. The Eakins family is excited about the location they have chosen here in Fort Pierce. It is their intention to hire locally and to hire second-chance employees. Having known the Eakins family personally for decades, Ms. Merchant wants the Commission to know they are honorable.

Mr. Tony Sabatino, of Burkhardt Construction, stated that DS Eakins is a good business for the Fort Pierce community. They are honest and have integrity. The product they produce is environmentally positive. It will bring more business into the city.

Seeing no one else, Mayor Hudson closed the Public Hearing

City Commission discussion – The Commission discussed the issue of Saturday hours; and, by having business hours on Saturday's albeit restricted, benefits the working members of the community giving them a chance to deliver their concrete aggregate for recycling without taking time off from work. With the modifications to the back-up alarms, the noise issue will be reduced. The Commission acknowledged the time and commitment Mr. Eakins has made to work with the City and Staff to present this application and appreciates greatly the opportunity to give second-chance employment to residents of our community. Regarding the operating hours, the crusher was the main issue along with the back-up alarms. With the OSHA approved modification to the back-up alarms, this will lessen the impact of noise to the neighboring residents.

City Attorney Peter Sweeney discussed the options, impact and timing regarding modifying what was originally presented and approved at the first reading of this ordinance.

The Commission suggested moving forward with the terms as outlined in the first reading and at a later time, after the new back-up alarms have been implemented and tested, have the Applicant come back to the Commission with an Amendment to the Ordinance or modification of conditional use to allow Saturday operations.

The outreach to the community and continued effort to accommodate and exceed conditions and requirements has been remarkable.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve Ordinance 19-041 with the following conditions.

- 1) The height of staked materials shall not exceed 25 feet;
- 2) At time of Building Permit submittal, a copy of the FDEP Air General Permit shall be forwarded to the City's Engineering Department;
- 3) Phase 2 parking lot shall include appropriate curbing and landscaped islands as per the requirements listed in Section 22-187(12)(d);
- 4) Before a Certificate of Occupancy is issued, a landscape bond shall be submitted for all proposed landscaping pursuant to City Code 22-180, except for such bond being for a period of 60 months;
- 5) No melting or burning of any materials shall take place on site;
- 6) Operations shall adhere to the submitted and approved truck route to and from the site. Any deviation from this approved truck route shall be subject to review and approval by the Planning Department;
- 7) The operation shall adhere to the noise ordinance as outlined in Sections 11-52 through 11-52.22;
- 8) The eastern limit of the aggregate recycling facility shall now become the quarter section line;
- 9) The operator shall adhere to the D. S. Eakins Construction Corporation Dust Mitigation Plan for the Fort Pierce Industrial Aggregate Recycling Facility, provided with the application submittal May 31, 2019. The operator shall maintain records of the actions taken to control dust in the plan. The records shall be available to the City of Fort Pierce and the School Board of St. Lucie County;
- 10) Landscape on the East/Northeast buffers shall be properly maintained. Any dead or nonproductive plant material shall be replaced. It shall be provided with a permanent irrigation system. The landscaping shall be comprised of a berm of at least 15 feet in height with opaque fencing that shall be at minimum, eight feet in height erected on top of the berm.
- 11) The work hours shall be 7:30 am until 5:30 pm, Monday through Friday.

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

- g. Legislative Hearing - Ordinance 19-042 amending Chapter 9, the Vendor Ordinance, to remove the distance restrictions for mobile vendors in proximity to similar type of business. SECOND READING

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

ORDINANCE NO. 19-042

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING CHAPTER 9, ARTICLE IV VENDORS, SOLICITORS AND CANVASSERS, DIVISION 3 – MOBILE VENDING OF THE CODE OF ORDINANCES; AMENDING SECTION 9-111 – GENERAL REGULATIONS; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. SECOND READING

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 Thomas Perona to approve Ordinance 19-042.

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

- h. Legislative Hearing - Ordinance 19-043 - Text Amendments to Chapter 5 and Chapter 22, Clarifying Planning Department and Planning Director Titles. FIRST READING

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

ORDINANCE NO. 19-043

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA CHAPTER 5, ARTICLE IX, SECTION 5-303, CLARIFYING THAT THE PLANNING DIRECTOR MAY GRANT A SETBACK VARIANCE FOR THE CONSTRUCTION OF A FALLOUT SHELTER; CHAPTER 22, ARTICLE IV, SECTION 22-59, CHAPTER 22, ARTICLE VIII, SECTION 22-109, SECTION 22-111, SECTION 22-112, & SECTION 22-117, AND ARTICLE XIV, SECTION 22-118, AMENDING THE TITLE OF THE PLANNING DIRECTOR AND NAME OF THE PLANNING DEPARTMENT; PROVIDING FOR A

SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. FIRST READING

Ms. Rebecca Guerra, Assistant Planning Director provided an overview of Ordinance 19-043. This is a text amendment correct to the name of the Planning Department and the Title of the Planning Director.

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 the Ordinance 19-043 with Staff recommendations.

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

Passed

- i. Legislative Hearing - Ordinance 19-044 Amending Chapters 5, 11.5 and 22 specific to modifying the Board of Adjustment. FIRST READING

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

ORDINANCE NO. 19-044

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA CHAPTER 5, ARTICLE IX, SECTION 5-303, TO CORRECT THE NAME OF THE BOARD OF ADJUSTMENT IN REFERENCE TO SETBACK VARIANCES FOR THE CONSTRUCTION OF FALLOUT SHELTERS; CHAPTER 11.5, ARTICLE I, SECTION 11.5-33, ADDING THE CITY COMMISSION AS AN ENTITY WHICH MAY NOT VARY DISTANCE RESTRICTIONS FOR ADULT ENTERTAINMENT USES; CHAPTER 22, ARTICLE IV, SECTION 22-59(D)(2)(IV), REMOVING A SUPERFLUOUS REFERENCE TO THE BOARD OF ADJUSTMENT; CHAPTER 22, ARTICLE VII, SECTION 22-102.1, PERMITTING CITY COMMISSION THE ABILITY TO GRANT SEPECIAL EXCEPTIONS FOR NONCONFORMING STRUCTURES AND ALOWING FOR A MAJORITY VOTE OF EITHER THE BOARD OF ADJUSTENT OR CITY COMMISSION TO APPROVE OR DISAPPROVE AN ENLARGEMENT OR ALTERATION OF A NONCONFORMING STRUCTURE AS A SPECIAL EXCEPTION; CHAPTER 22, ARTICLE VII, SECTION 22-105.1, PERMITTING CITY COMMISSION THE ABILITY TO ALLOW FOR THE USE OF A LOT FOR A DUPLEX AS A SPECIAL EXCEPTION; CHAPTER 22, ARTICLE VIII, SECTION 22-107, AUTHORIZING CITY COMMISSION TO GRANT OR DISAPPROVE VARIANCES, DELINEATING WHAT ACTIONS MAY BE TAKEN BY THE BOARD OF ADJUSTMENT AND CITY COMMISSION IN RELATION TO VARIANCES, NONCONFORMITIES OF USES AND/OR STRUCTURES, AND REVERSING DECISIONS OF THE PLANNING DIRECTOR, AND ALLOWING FOR A MAJORITY VOTE OF THE BOARD OF ADJUSTMENT OR CITY COMMISSION IN THEIR DECISIONS; CHAPTER 22, ARTICLE VIII, SECTION 109, SECTION 22-109(2), & SECTION 22-109(3), PERMITTING CITY COMMISSION TO GRANT VARIANCES FOR FLOOD HAZARD ZONE PROVISIONS, IDENTIFYING CONSIDERATIONS THE COMMISSION MAY UNDERTAKE IN SUCH DECISIONS, AND ALLOWING THE COMMISSION TO ATTACH CONDITIONS AS NECESSARY; CHAPTER 22, ARTICLE VIII, SECTION 22-110, PERMITTING CITY COMMISSION TO REQUEST ADDITIONAL INFORMATION OR PLANS WHEN DELIBERATING A VARIANCE REQUEST; CHAPTER 22, ARTICLE VIII, SECTION 22-111, REMOVING A REFERENCE TO A COURT OF RECORD ON APPLICATION FOR A STAY OF PROCEEDINGS ONCE A VARIANCE IS SOUGHT; CHAPTER 22, ARTICLE VIII, SECTION 22-112(C), CLARIFYING WHAT ACTIONS ON AN APPLICATION MAY BE TAKEN BY THE BOARD OF ADJUSTMENT; CHAPTER 22, ARTICLE VIII, SECTION 22-115, USING THE VERBIAGE OF "DISAPPROVED" VS. "DENIED" AND "FINAL" VS. "EARLIER" IN REFERENCE TO THE LIMITATIONS OF REFILEING AN APPLICATION; CHAPTER 22, ARTICLE VIII, SECTION 22-118, ADDING A NEW SECTION WHICH WOULD ALLOW FOR DECISIONS OF THE BOARD OF ADJUSTMENT TO BE APPEALED TO THE CITY COMMISSION AND DELINEATING THE PROCEDURES, DEADLINES, DATES, AND COSTS ASSOCIATED WITH SUCH APPEALS; CHAPTER 22, ARTICLE VIII, RENUMBERING RESERVED SECTIONS 22-118 THOROUGH SECTION 22-124 TO SECTION 22-119 THROUGH SECTION 22-124; CHAPTER 22, ARTICLE X, SECTION 22-140, ALLOWING FOR APPEALS FROM RULINGS OF ONLY THE PLANNING DIRECTOR RATHER THAN FROM ADMINISTRATIVE OFFICERS, USING THE VERBIAGE OF "DISAPPROVE" VS. "DENY," AND ALLOWING FOR A MAJORITY VOTE OF THE BOARD OF ADJUSTMENT TO DECIDE SUCH APPEALS; CHAPTER 22, ARTICLE X, SECTION 22-147, RESTRUCTURING THE BOARD OF ADJUSTMENT TO ALLOW FOR FIVE MEMBERS TO BE APPOINTED SINGULARLY BY EACH OF THE CITY

COMMISSIONS AND THE MAYOR, ELIMINATING THE TWO ALTERNATE POSITIONS ON THE BOARD, COORDINATING THE TERMS OF THE BOARD MEMBERS WITH THE TERMS OF THEIR RESPECTIVE APPOINTEES, AND ALLOWING FOR THE EXCUSING OF THREE CONSECUTIVE ABSENCES FROM REGULAR BOARD MEETINGS TO BE MADE WITHOUT A RESOLUTION; CHAPTER 22, ARTICLE XII, SECTION 22-182, REMOVING A SUPERFLUOUS REFERENCE TO THE BOARD OF ADJUSTMENT AND CLARIFYING THAT APPEALS OF DETERMINATIONS MADE BY THE PLANNING DIRECTOR SHALL BE SUBMITTED TO THE PLANNING DEPARTMENT; CHAPTER 22, ARTICLE XIV, SECTION 22-218, USING THE VERBIAGE OF "DISAPPROVE" VS. "DENY," REMOVING A REFERENCE TO CITY COMMISSION ESTABLISHING A FEE FOR APPEALS RELATING TO CONCURENCY ASSESSMENTS, AND CLARIFYING THE ROLE OF THE CITY, BOARD OF ADJUSTMENT, AND CITY COMMISSION PERTAINING TO APPEALS OF CONCURENCY ASSESSMENTS; CHAPTER 22, ARTICLE XV, SECTION 22-310, USING THE VERBIAGE OF "DISAPPROVE" VS. "DENY," CORRECTING THE NAME OF THE BOARD OF ADJUSTMENT, AND ALLOWING CITY COMMISSION TO DECIDE UPON VARIANCES RELATING TO SIDEWALK CAFES AND OTHER SUPPLEMENTARY SIDEWALK REGULATIONS; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. FIRST READING

Ms. Rebecca Guerra, Assistant Planning Director provided an overview of the text amendment changes proposed. The Board of Adjustment will remain a Quasi-Judicial Board; the board will be comprised of five (5) members rather than seven (7); members will be appointed by the Mayor and each City Commissioner; no alternate members; terms will be directly tied to the appointing Mayor or Commissioner; and, appeals of the board decisions may be brought before the City Commission rather than directly to Court. This process will mirror the Historic Preservation Board. Staff recommends approval of the proposed Text Amendment to modify Chapters 5 and 22 for changes to the Planning Department Director titles; and Staff recommends approval of the proposed Text Amendments to modify Chapters 5, 11.5 and 22 for changes to the role, function, make-up and responsibilities of the Board of Adjustment.

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 Rufus Alexander to approve Ordinance 19-044.

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

13. CITY COMMISSION

- a. Applications submitted for appointment as Commission Alternates to the Civil Service Appeals Board.

Applications submitted for appointment as Commission Alternates to the Civil Service Appeals Board have been received. This item will come back to the City Commission for a vote at the next Regular Meeting.

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.

Mike Antillies
Rodney Delphin

15. COMMENTS FROM THE CITY MANAGER

Mr. Nick Mimms, City Manager said in celebration and acknowledgement of Florida City-County Government Week, we will have another award-winning Scavenger Hunt in downtown Fort Pierce on October 22, 2019. On Friday, October 25, 2019 there will be a Liberian Delegation coming from Africa to the beautiful City of Fort Pierce. We are coordinating with the Tourism Development Committee and Director of Tourism for St. Lucie County to provide a tour by trolley. On October 31, 2019, the City of Fort Pierce is partnering with the Downtown Business Alliance to provide Trick or Treat on Second Street or Downtown. Streets will be closed off and City Police Officers will have trunk-treats for the children. In addition, City Staff is putting together a Halloween Movie Night downtown on the lawn. A special meeting will be held on November 12, 2019 at 2:00 pm. City Attorney Peter Sweeney will have a final document that the consultant will review in detail regarding our eighty-five to ninety million dollar investment in the center of our community with our prospective partner, Audubon Development for the King Plant site which will now be called Kings Landing.

16. COMMENTS FROM THE COMMISSION

Commissioner Perona saw signs posted near Causeway Park regarding the sale of property owned by the County. Commissioner Perona requested finding out more information regarding these signs. Mr. Mimms did reach out to the County Administrator and was informed that no decisions have been made regarding the sale of the property. The County Administrator will obtain feedback from a consultant that the FPUA and the County Commission have already commissioned to determine the usefulness and relocation of the wastewater treatment plant. The City does have an interlocal agreement with the County for recreational services. Several parks will be sequentially turned over to the City of Fort Pierce. We recently received Dreamland Park. We currently maintain some beach parks that are owned by the County; and, Mr. Mimms believes two more parks will be coming to the City soon.

Commissioner Sessions would like to know who will receive the tax credits and make the determination on how the money will be spent. It is his hope that deprived areas of our community will receive desperately needed funding. Commissioner Sessions would like to acknowledge Allegany Ministries for their enhancement to the City of Fort Pierce. Commissioner Sessions would like to show them appreciation perhaps by proclamation.

Commissioner Johnson would like to recognize Jim Oppenborn from St. Lucie County who takes care of our waterways and specifically Moore's Creek. They are doing extensive work clearing vegetation and general cleaning of our waterways. Regarding the tax credits, hopefully they should be used to enhance and enrich the community in the here and now. There are a lot of good things happening in Fort Pierce.

Mayor Hudson stressed that the money being spent is the taxpayers money or the rate payers money. We are not in the business of Real Estate and are paying a debt service for the decisions made in the past. We must work together with FPUA for the good of all residents in our community. This week, the City will be holding the Ghost Walks which is a great event and very educational.

17. ADJOURNMENT

Mayor Linda Hudson adjourned the meeting at 8:56 pm.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER