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CITY OF FORT PIERCE PLANNING BOARD

Planning Board Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON MONDAY, **MAY 13, 2024**, IN FORT PIERCE CITY HALL, COMMISSION CHAMBERS, 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

Ms. Danilel entered the meeting at 2:04 PM.

Present: Alexander Edwards; Justine Carter; Uline Daniel; Nichelle Clemons; Gloria Baxevanis; Anton Kreisl, Chairman

Absent: John Heaning

Staff Present: Kev Freeman, Planning Director
Sara Hedges, City Attorney
Kerry Driver, Planner
Alicia Rosenthal, Planning and Development Organizer

4. **CONSIDERATION OF ABSENCES**

Mr. Heaning was excused.

5. **APPROVAL OF MINUTES**

- a. Minutes from the April 8, 2024, meeting

Motion was made by Nichelle Clemons, and seconded by Alexander Edwards to approve the minutes from the April 8, 2024 meeting.

AYE: Nichelle Clemons, Gloria Baxevanis, Alexander Edwards, Justine Carter, Chairman
Anton Kreisl

Passed

6. NEW BUSINESS

a. City Initiated Annexation - Eleven (11) Parcels

Mr. Freeman stated that eleven (11) properties are subject to existing utility agreements with the City of Fort Pierce, and Fort Pierce Utility Authority. He said the agreement was signed by the landowner at the time of utility connection and the agreement provides for the annexation of the subject property at the time that the subject property becomes contiguous with the City limits. The annexation agreements bind subsequent heirs, successors, or assigns to annex voluntarily into the city limits once the condition to annex has been met. That condition has recently been met for the lots or will subsequently be met because of the proposed sequence of processing of the annexations. Mr. Freeman said the current zoning and Future Land Use of the properties will not be amended at this time and will remain as designated/categorized by St. Lucie County. The annexations will be processed through eleven (11) ordinances being dealt with in a sequence to meet with the State Statute requirement for contiguity.

Mr. Freeman stated some of the parcels are located in an enclave, where the parcel is completely surrounded by municipal limits. He noted enclaves are supported by the state and help to fill holes in the city by rounding off the city limits, which allows for better city services.

Mr. Freeman noted a wider discussion on the city's annexation strategy, as a whole, will be in the near future.

Chairman Kreisl said the current state of the property should be included when considering future annexations. He suggested the city initiate a mandatory on-site inspection by Code Enforcement when annexations are moving forward.

Mr. Freeman said he has encountered property owners that were not aware of the binding agreement with the city and FPUA. He stated the Future Land Use and zoning will not change unless the property owner wants to make a separate application. Mr. Freeman said he wants to inform property owners with a more detailed analysis of the differentials in the city taxes and the removal of surcharges.

Mr. Freeman answered questions from the Board on property owners being notified of the annexation, how long the FPUA agreements have been in place, active date to annex other properties, and if properties are being actively pursued by the city.

Mr. Freeman explained an annexation strategy needs to be set by the City Commission which entails whether properties are annexed by an agreement with the county, or a referendum and/or through state policy to remove enclaves.

Motion was made by Nichelle Clemons, and seconded by Gloria Baxevanis to forward a recommendation of approval for the annexation of 4105 Mariah Circle.

AYE: Nichelle Clemons, Gloria Baxevanis, Alexander Edwards, Justine Carter, Uline
Daniel, Chairman Anton Kreisl

Passed

Motion was made by Uline Daniel, and seconded by Nichelle Clemons to forward a recommendation of approval for the annexation of 4106 Mariah Circle.

AYE: Gloria Baxevanis, Alexander Edwards, Justine Carter, Uline Daniel, Nichelle Clemons, Chairman Anton Kreisl

Passed

Motion was made by Nichelle Clemons, and seconded by Alexander Edwards to forward a recommendation of approval for the annexation of 4075 Virginia Avenue.

AYE: Alexander Edwards, Justine Carter, Uline Daniel, Nichelle Clemons, Gloria Baxevanis, Chairman Anton Kreisl

Passed

Motion was made by Nichelle Clemons, and seconded by Uline Daniel to forward a recommendation of approval for the annexation of 2304 S. 41st Street.

AYE: Justine Carter, Uline Daniel, Nichelle Clemons, Gloria Baxevanis, Alexander Edwards, Chairman Anton Kreisl

Passed

Motion was made by Uline Daniel, and seconded by Nichelle Clemons to forward a recommendation of approval for the annexation of 4001 Virginia Avenue.

AYE: Uline Daniel, Nichelle Clemons, Gloria Baxevanis, Alexander Edwards, Justine Carter, Chairman Anton Kreisl

Passed

Motion was made by Justine Carter, and seconded by Gloria Baxevanis to forward a recommendation of approval for the annexation of 4351 S. 25th Street.

AYE: Nichelle Clemons, Gloria Baxevanis, Alexander Edwards, Justine Carter, Uline Daniel, Chairman Anton Kreisl

Passed

Motion was made by Gloria Baxevanis, and seconded by Uline Daniel to forward a recommendation of approval for the annexation of 4479 S. 25th Street.

AYE: Gloria Baxevanis, Alexander Edwards, Justine Carter, Uline Daniel, Nichelle Clemons, Chairman Anton Kreisl

Passed

Motion was made by Nichelle Clemons, and seconded by Alexander Edwards to forward a recommendation of approval for the annexation of 4560 S. 25th Street.

AYE: Alexander Edwards, Justine Carter, Uline Daniel, Nichelle Clemons, Gloria Baxevanis, Chairman Anton Kreisl

Passed

Motion was made by Justine Carter, and seconded by Gloria Baxevanis to forward a recommendation of approval for the annexation of 4120 Selvitz Road.

AYE: Justine Carter, Uline Daniel, Nichelle Clemons, Gloria Baxevanis, Alexander Edwards, Chairman Anton Kreisl

Passed

Motion was made by Gloria Baxevanis, and seconded by Nichelle Clemons to forward a recommendation of approval for the annexation of 4190 Selvitz Road.

AYE: Uline Daniel, Nichelle Clemons, Gloria Baxevanis, Alexander Edwards, Justine Carter, Chairman Anton Kreisl

Passed

Motion was made by Nichelle Clemons, and seconded by Alexander Edwards to forward a recommendation of approval for the annexation of parcel ID - 2431-323-0001-000-9, located southwest of 5300 Glades Cut Off Road.

AYE: Nichelle Clemons, Gloria Baxevanis, Alexander Edwards, Justine Carter, Uline Daniel, Chairman Anton Kreisl

Passed

b. **Conditional Use with New Construction - City of Fort Pierce Gateway Monument Sign - 2423-234-0001-000-1**

Ms. Driver gave an overview of the application. She stated a conditional use application has been submitted on behalf of the City of Fort Pierce to install an illuminated gateway monument sign along S. Indian River Drive on the west-end of the vacant lot. Ms. Driver said the site area is approximately 1.28 acres and the zoning is E-1, Single Family Estate Density and the Future Lane Use is RL, Low Density Residential.

Chairman Kreisl asked why the smaller parcel to the north, that is also owned by the city, was not chosen for the gateway sign. He said a residence could be built on the parcel chosen for the sign. Chairman Kreisl suggested the "Welcome to Fort Pierce" sign be placed on the east side of Indian River Drive, so it does not impede the drivers' view.

Ms. Carter asked why the location in general was picked and how close the sign was to the city border. Ms. Carter suggested not putting the sign on the east side of the river because it could impede other immediate property owner's view of the river. She said the sign should be at the border of the city limits.

Mr. Freeman stated he would pass the comments on to the applicant, and he said the smaller lot makes more sense, as the city could take advantage of the larger lot in the future.

Ms. Clemons asked where the other seven (7) gateway signs would be placed. She stated that Indian River Drive does not get driven that much.

Ms. Baxevanis asked if the city could do a study to find out which roads have the highest traffic.

Chairman Kreisl said the sign can go on the right-of-way and the city does not have to own

the property. He asked for the benefit of putting the sign on an amazing residential property, when the property to the north is useless for any other purpose. Chairman Kreisl stated he wants more explanation of why the site was chosen.

Mr. Freeman summarized the additional information the Board is requesting from the applicant. He stated the Board wants a better explanation of the whole concept of the location of the gateway signs in the city and if other locations to the south were considered. Mr. Freeman said the Board wants to know if the sign could be moved to the narrower parcel, if the sign is going to stay in that location, and they want the applicant to look at the east/west location of the signs for better viewing.

Ms. Driver said the setback was revised to address the police department's Technical Review Committee comment to not impede the vision of the drivers.

Motion was made by Nichelle Clemons, and seconded by Gloria Baxevanis to table the Conditional Use until further information is received from the applicant.

AYE: Gloria Baxevanis, Alexander Edwards, Justine Carter, Uline Daniel, Nichelle Clemons, Chairman Anton Kreisl

Passed

c. **Annual Open Government Training**

Ms. Hedges gave a presentation on Sunshine Law, Public Records and Voting Conflicts of Interest.

She discussed the three basic requirements for a meeting, and she noted Board members do not want to have shade meetings because of accidental conversations. Ms. Hedges stated Sunshine Law is solely directed to Board members that are on the same Board. Ms. Hedges said ex-officio members are subject to Sunshine Law even if they don't vote and Sunshine Law does not apply to discussions with staff members as long as another Board member is not present. She explained that a Board member cannot use others as a liaison to have communication with other members of the Board. Ms. Hedges explained the types of communication constituting a meeting, which are telephone conversations, text conversations, e-mails, public social media posts, and private social media communication. Ms. Hedges said, technically, a Board member can have one way of communication, but once there is a response from the group or one individual, a meeting is triggered and Sunshine Law applies. Ms. Hedges explained there are rules in place for meetings and the public has to have reasonable opportunities for public comment. Ms. Hedges discussed the prohibited restrictions on meetings. She said the Board cannot ask someone to voluntarily leave a meeting, they cannot ban videotaping and recording, they cannot require an identification card for attending a meeting and they cannot have a secret ballot. Ms. Hedges explained the consequences of violating the Sunshine Law and the penalties.

Ms. Hedges reviewed the Florida Public Records Act. She said a public record must be disclosed unless there is a statutory exemption or confidentiality reason. Ms. Hedges provided the definition of public records, and she explained that personal notes that perpetuate knowledge of some types are considered a public record. Ms. Hedges said Board members need to keep all e-mails relating to Board matters. She suggested that Board members keep a separate e-mail address or create a board folder in their personal email account. Ms. Hedges explained that all public records have a specific retention schedule. She said the best practice is to keep anything related to the board and not to alter it. Ms. Hedges said there is a cost associated with public requests and the city can not ask who or why they are making the request. She said the request can be verbal and the

production of the request cannot be delayed except for the reasonable time it takes to retrieve and redact the records. Ms. Hedges said there are penalties for not complying with the public records laws.

Ms. Hedges explained the Voting Conflicts of Interest, and she said a board member cannot abstain from voting unless there is a conflict of interest. She said if a Board member has an issue with an agenda item, they should call the city attorney's office as soon as possible to decide if there is a conflict of interest. Ms. Hedges said a voting conflict of interest exists when voting on any matter that would lead to the special private gain or loss of the person voting, their relative, their business associate, or a principal by whom they are retained. Ms. Hedges said if a Board member has a conflict, the Board member needs to announce it to the board, abstain from voting and fill out the Memorandum of Voting Conflict form 8b. She said a Board member can participate even if they have a conflict, but she recommends the Board member remove themselves from the dais for a fair proceeding. Ms. Hedges concluded by staying 1,000 feet away from the line with voting conflicts of interest and, if something seems inappropriate, to call the City Attorney's office to see if it is a true conflict of interest.

7. COMMENTS FROM THE PUBLIC

There were no comments from the public.

8. DIRECTOR'S REPORT

Mr. Freeman explained that various pieces of the code are being updated, including the sign code, architectural regulations and innovative residential development. He stated the architectural regulations address guidelines. He said currently the city has very little authority for building design. The guidelines will enable the city to define particular styles and components of style while maintaining flexibility and allowing for innovative options in design and increasing the design standard. Mr. Freeman highlighted that the architectural standards will also apply to single family homes and duplexes, and allow buildings and accessory buildings on smaller lots, which will expand the use of the lot and enhance the housing supply.

Mr. Freeman said the Planning department lost Ryan Altizer, and he took a position in Kissimmee.

9. BOARD COMMENTS

Chairman Kreisl wished Ryan Altizer luck in his new venture and said he would be greatly missed.

10. ADJOURNMENT