

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 5:05 P.M. ON MONDAY, SEPTEMBER 19, 2022.

1. CALL TO ORDER

Mayor Hudson called the August 19, 2022, Regular Meeting of the City Commission to order at 5:05 P.M.

2. OPENING PRAYER - Chris Fogal, Treasure Coast Christian Alliance

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

Present: Commissioner Arnold Gaines; Commissioner Curtis Johnson, Jr.;
Commissioner Jeremiah Johnson; Commissioner Thomas Perona; Mayor
Linda Hudson

Staff Present: City Clerk Linda Cox
City Manager Nicholas Mimms
City Attorney Tanya Earley

5. APPROVAL OF MINUTES

- a. Approval of the Minutes from the September 06, 2022 Regular Meeting and the September 12, 2022 Special Meeting.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Arnold Gaines to approve the minutes of the September 06, 2022 Regular Meeting and the September 12, 2022 Special Meeting.

AYE: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr.,
Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Mayor
Linda Hudson

Passed

6. PROCLAMATIONS

- a. Treasure Coast Day of Prayer
- b. Constitution Week Proclamation

7. LETTERS TO COMMISSION

- a. Thank note to Sharon Engle, Sunrise Theatre Director for her hospitality and support of End It's recent performance of High School Musical at the Sunrise Theatre.
- b. Letter from Mark Music expressing his appreciation of Public Works Department's Kaitlyn Ballard, Engagement & Outreach Coordinator, and the entire Team for their contribution to the success of the Inlet Clean-up Dive.
- c. Email from Erick Gill thanking the Public Works Solid Waste Division Team for exceptional garbage, vegetation, and recycling pickup services.

- d. Jen Jerman, Production Administrator of Ryan Homes, sent an email commending the City Clerk for her assistance in facilitating the issuing of building permits.

8. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Arnold Gaines to approve the Agenda as set.

AYE: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr.,
Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Mayor
Linda Hudson

Passed

9. 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.

No public comments.

10. MISCELLANEOUS REPORTS

11. CONSENT AGENDA

- a. Approval of travel for Commissioner Arnold S. Gaines to attend the Institute for Elected Municipal Officials in St. Augustine, Florida January 19, 2022 to January 21, 2022 in the amount of \$951.07.
- b. Approval of PRP Construction Group, LLC Change Order No. 1, in the amount of \$219,129.93, providing compensation for FPUA utility work; total amount will be reimbursed to the City from FPUA.
- c. Approval of the Moore's Creek Boat Ramp Site Dedication to the public as a boating access facility for the use and benefit of the general public for a minimum period of twenty (20) years in accordance Florida Fish and Wildlife Conservation Commission (FWC) Florida Boating Improvement Program (FBIP) Grant Agreement No. 18069.
- d. Approval to piggyback Sourcewell Contract #010521-LTS to purchase playground equipment for the Coach Fenn Park Project, in an amount not to exceed \$174,469.79, from Miracle Recreation Equip Co., Monett, MO.
- e. Approve Change order for PO 221317 The Pete Store, Fort Pierce, FL in an amount not to exceed \$66,349.00.
- f. Approval of Blanket Purchase Orders for the Public Works Department for Fiscal Year 2022-2023 to ensure efficient maintenance, service and repair of all City owned facilities, amenities and equipment, in the total budgeted amount of \$3,658,139.42.

Commissioner Gaines pulled item 11d

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Curtis Johnson, Jr. to approve items 11a, 11b, 11c, 11e and 11f.

AYE: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr.,
Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Mayor
Linda Hudson

Passed

As to item 11d

Commissioner Gaines inquired if the requested equipment is for the water park.

City Manager Nick Mimms referred the question to Mike Reals, Public Works Director.

Mr. Reals explained that this approval is for playground amenities only.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Curtis Johnson, Jr. to approve item 11d, contract #010521-LTS to purchase playground equipment for the Coach Fenn Park Project.

AYE: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr.,
Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Mayor
Linda Hudson

Passed

12. PUBLIC HEARINGS

- a. Legislative Hearing - Ordinance 22-020 levying and collecting taxes for Fiscal Year beginning October 1, 2022 and ending September 30, 2023, adopting final millage rate. SECOND READING

City Clerk Linda Cox introduced the Ordinance, into the record.

ORDINANCE NO. 22-020

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, 2022 AND ENDING SEPTEMBER 30, 2023, 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 2022-23 FISCAL YEAR FINAL MILLAGE RATE; AND PROVIDING FOR AN EFFECTIVE DATE. SECOND READING.

Mayor Hudson opened the public hearing
Seeing no one, she closed the public hearing

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Curtis Johnson, Jr. to approve Ordinance No 22-020.

AYE: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr.,
Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Mayor
Linda Hudson

Passed

- b. Legislative Hearing - Ordinance 22-021 Adopting a Final Budget for Fiscal Year 2023, beginning October 1, 2022 and ending September 30, 2023. SECOND READING

City Clerk Linda Cox introduced the Ordinance, into the record.

ORDINANCE NO. 22-021

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, 2022, AND ENDING SEPTEMBER 30, 2023; AND PROVIDING FOR AN EFFECTIVE DATE. SECOND READING

Mayor Hudson opened the public hearing.
Seeing no one, she closed the public hearing.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Thomas Perona to approve Ordinance No 22-021.

AYE: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr.,
Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Mayor
Linda Hudson

Passed

- c. Legislative Hearing - Ordinance 22-019 amending Chapter 103, Article IX, Section 103-343 "Clean and Safe Community Initiative". SECOND READING

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

ORDINANCE NO. 22- 019

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CHAPTER 103, ARTICLE IX, SECTION 103-343 "CLEAN AND SAFE COMMUNITY INITIATIVE"; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE. SECOND READING

Mayor Hudson opened the public hearing.
Seeing no one, she closed the public hearing

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve Ordinance No 22-019.

AYE: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr.,
Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Mayor
Linda Hudson

Passed

- d. Legislative Hearing - Ordinance 22-022 - Review and approval of an application of a Future Land Use Map Amendment submitted by property owner Brent Moody of the Freedom Roads Property Company, LLC and applicant Alejandro Toro of the Engineering Design & Construction, Inc, to change the Future Land Use from General Commercial, GC to High Density Residential, RH at 2101 and 2151 S Jenkins Road Fort Pierce, fl 34947. Parcel IDs: [2313-800-0002-000-7](tel:2313-800-0002-000-7) and 2313-800-0004-000-1. SECOND READING

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

ORDINANCE NO. 22-022

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 OR NEAR 2101 AND 2151 S JENKINS RD, FROM GENERAL COMMERCIAL, GC, TO HIGH DENSITY RESIDENTIAL, RH; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF

ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. SECOND READING.

Mayor Hudson opened the public hearing.
Seeing no one, she closed the public hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Arnold Gaines to approve Ordinance No 22-022.

AYE: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr.,
Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Mayor
Linda Hudson

Passed

- e. Legislative Hearing - Ordinance 22-023 - Review and approval of an application of a Zoning Atlas Map Amendment submitted by property owner Brent Moody of the Freedom Roads Property Company, LLC and applicant Alejandro Toro of the Engineering Design & Construction, Inc, to change the Zoning from General Commercial, C-3, to High Density Residential, R-5, at 2101 and 2151 S Jenkins Road Fort Pierce, FL 34947. Parcel IDs: [2313-800-0002-000-7](#) and 2313-800-0004-000-1. SECOND READING

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

ORDINANCE NO. 22-023
AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REZONING THE PROPERTIES GENERALLY LOCATED AT OR NEAR 2101 AND 2151 S JENKINS RD, FROM GENERAL COMMERCIAL (C-3) TO HIGH-DENSITY RESIDENTIAL (R-5); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE. SECOND READING

Mayor Hudson opened the public hearing.
Seeing no one, she closed the public hearing.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Jeremiah Johnson to approve Ordinance No 22-023.

AYE: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr.,
Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Mayor
Linda Hudson

Passed

- f. Legislative Hearing - Ordinance 22-024 - Review and approval of a Future Land Use Map Amendment by the City of Fort Pierce to change the future land use from Residential Medium Density, RM, to General Commercial, GC, at 2900 S Jenkins Road Fort Pierce, FL 34981. Parcel ID: [2419-333-0001-000-2](#). FIRST READING

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

ORDINANCE NO. 22-024
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 OR NEAR 2900 S JENKINS RD, 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.

Ryan Altizer, Planner, presented the review and approval of a Future Land Use Map Amendment by the City of Fort Pierce to change the future land use from Residential Medium Density, RM, to General Commercial, GC, at 2900 S Jenkins Road Fort Pierce, FL 34981. Staff recommends approval of the proposed Future Land Use Map Amendment from Residential Medium Density (RM) to General Commercial (GC). Staff recommends approval.

Mayor Hudson opened the public hearing.
Seeing no one, she closed the public hearing.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Arnold Gaines to approve Ordinance No 22-024.

AYE: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr.,
Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Mayor
Linda Hudson

Passed

- g. Quasi-Judicial Hearing - Ordinance 22-025 - Review and approval of an application of a Zoning Atlas Map Amendment submitted by the City of Fort Pierce to change the zoning from Single Family Intermediate Density, R-2, to General Commercial, C-3, at 2900 S Jenkins Road Fort Pierce, FL 34981. Parcel ID: [2419-333-0001-000-2](#) FIRST READING

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

ORDINANCE NO. 22-025
AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REZONING THE PROPERTY GENERALLY LOCATED AT OR NEAR 2900 S JENKINS RD, FROM SINGLE FAMILY INTERMEDIATE DENSITY (R-2) TO GENERAL COMMERCIAL (C-3); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.
FIRST READING

Mayor Linda Hudson asked all present to listen carefully to what City Attorney Tanya Earley would read regarding Quasi-Judicial Hearings as they apply to subsequent Quasi-Judicial Hearings tonight. Tanya Earley, City Attorney, reviewed the quasi-judicial hearing rules and procedures.

Mayor Linda Hudson called the proceeding to order.

City Clerk Linda Cox confirmed the City complied with the advertisement and notice requirements.

Mayor Linda Hudson inquired with the Commission regarding ex-parte communications and asked City Clerk to call the roll:

Commissioner Arnold Gaines - No
Commissioner Curtis Johnson Jr.- No
Commissioner Jeremiah Johnson – No
Commissioner Thomas Perona- No
Mayor Hudson - No

City Clerk Linda Cox swore in those wanting to speak during this Quasi-Judicial hearing.

Staff Presentation:

Ryan Altizer, Planner, presented the review and approval of an application of a Zoning Atlas Map Amendment submitted by the City of Fort Pierce to change the zoning from Single Family Intermediate Density, R-2, to General Commercial, C-3, at 2900 S Jenkins Road Fort Pierce, FL 34981. Staff recommends approval

of the proposed zoning change from Single-Family Intermediate Density (R-2) to General Commercial Zone (C-3). Staff recommends approval.

Questions of Staff:
None

Mayor Hudson opened the public hearing.
Seeing no one, she closed the public hearing.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Arnold Gaines to approve Ordinance 22-025.

AYE: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr.,
Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Mayor
Linda Hudson

Passed

- h. Quasi-Judicial Hearing - Review and approval of an application for a Conditional Use submitted by Tillman Infrastructure, Inc and applicant Telsula Morgan to build a 160-foot monopole communication tower at 1601 N. 25TH Street Fort Pierce FL 34957. Parcel ID: 2404-608-0095-050-9

Mayor Linda Hudson called the proceeding to order.

City Clerk Linda Cox confirmed the City complied with the advertisement and notice requirements.

Mayor Linda Hudson inquired with the Commission regarding ex-parte communications and asked City Clerk to call the roll:

Commissioner Arnold Gaines - Yes
Commissioner Curtis Johnson Jr.- Yes
Commissioner Jeremiah Johnson - Yes
Commissioner Thomas Perona- No
Mayor Hudson - Yes

City Clerk Linda Cox swore in those wanting to speak during this Quasi-Judicial hearing.

Staff Presentation:

Ryan Altizer, Planner, presented the review and approval of an application for a Conditional Use submitted by Tillman Infrastructure, Inc and applicant Telsula Morgan to build a 160-foot monopole communication tower at 1601 N. 25TH Street Fort Pierce FL 34957. Staff recommends approval with the condition that the applicant find a way to use a design that camouflages the pole.

Questions of Staff:

Commissioner Jeremiah Johnson inquired if the applicant provided alternatives to the pole design. Mr. Altzier commented that no other design options were provided.

Commissioner Curtis Johnson inquired on landscaping options and if all twelve questions of the Planning Board were answered. Mr. Altzier explained that they have provided landscape options that will be presented in their presentation and all twelve questions were answered.

Applicant Questions of Staff:

Telsula Morgan, Tillman Infrastructure, Inc, had no questions of staff.

Applicant Presentation:

Telsula Morgan and Tara Dewey, Tillman Infrastructure Inc, made a presentation and explained their proposed project.

Commissioner Jeremiah Johnson inquired on the zone of influence, if other

locations were considered, how back up power will be provided, challenges with the location due to existing foliage, the tree mitigation plan, and what are the plans for storm water mitigation. Mrs. Morgan explained that a study of this area determined a gap in coverage, so the FCC is requiring T-Mobile to provide seamless coverage, other locations were considered and one could not be located to provide the requirements; back up powered would be provided by an onsite generator, the placement of the tower is based on the lease agreement; a justification statement was provided to the City stating the applicant would keep the trees not within the lease area; and Ms. Dewey explained that general environmental requirements must be met, and any conditions provided would be followed.

Commissioner Curtis Johnson inquired on the impact of changing the current 4G tower to 5G, inquired on the two existing towers, and does this flagpole have an FAA emitting frequency. Ms. Morgan explained that the existing tower is not owned by Tillman Infrastructure. Ms. Dewey explained that if that been a viable option, it would have been considered. Ms. Morgan confirmed that all requirement for the FAA have been met.

Commissioner Gaines inquired if privately owned land was considered for this project, were the residents considered, and if discussion happened for placement at a different part of the location. Ms. Morgan explained that private property owners were considered for this project, but they were unable to find another location. Ms. Dewey added that proper zoning also played a part in the location. No community outreach was planned with citizens and considerations were given for the tower locations that met the preferred site characteristics. Ms. Dewey explained that the site was posted and notified as required in addition to checking with staff. Ms. Morgan stated that the parcel was presented with specifications for the towers' placement.

Commissioner Perona inquired on the report that the tower would collapse on to itself, the wind rating, if the galvanized steel structure will be treated to appear that way, and if this is the only available technology. Ms. Morgan commented that the report states that the structure would collapse on to its self, Ms. Dewey commented that she believes the previous report stated category 4 level. Ms. Morgan explained that the galvanized steel structure appears muted, they are clear on the expectations of maintenance and that this is the only technology available.

Commissioner Curtis Johnson inquired if the picture reflects what the actual pole will resemble. Ms. Morgan stated that it would resemble the picture.

Commissioner Jeremiah Johnson inquired on maintenance of the antenna, the life of the structure, that he is not convinced on stormwater concerns, and requested information on how deep the foundation will be as the information provided 30 feet 6 inches and 6 feet deep. Ms. Morgan explained that one truck will visit the structure quarterly, the pole will stay until requested removal and the antenna life is based on T-Mobile. Ms. Dewey expressed that any concerns can be addressed by the addition of conditions and commented that she does not have that information on the foundation, but it was provided in the engineer's report in the applicant's packet and offered to bring the engineers to answer any questions left unanswered.

Mayor Hudson inquired based on previous applications, if conversations where had with neighbors. Ms. Dewey stated that they intended to do so and offered, but public comment was not received.

Mayor Hudson opened the public hearing.

Michael Latimer – Location concern

Gloria Johnson-Scott – Location concern

Donald Scott – Location concern

Michelle Danaluk – Location and notification concerns

Samuel Gaines – Nonsupport

Comments from the Applicant:

Tara Dewey, Tillman Infrastructure Inc, commented that the applicant would be

willing to continue the hearing and bring the RF Engineers to answer questions; the tower is designed to fall into itself; the tower could withstand sustained winds of 158 and RF exposure; and that Federal standards prevent regulation based on perceived health risk from being considered at this hearing.

Mayor Hudson inquired as to the statement that Federal standards prevent discussion at this meeting. Ms. Morgan clarified that Federal standards prevent a state or local government from regulating facilities on the basis of perceived health threats, that the concerns of the community are understood, and they are willing to continue the proceeding until those concerns can be addressed.

Mayor Hudson closed the public hearing.

Comments from Staff:

Kevin Freeman, Planning Director, provided four items that would assist in the Commission's decision-making: Tillman Infrastructure installation involvement, confirm that 5G antennas can not be shielded to heating and installation restraints; will the 4G tower become obsolete and removed; confirm if multiple carriers were used would installation at ground require additional ground base cabinets.

Mayor Hudson inquired if Mr. Freeman required the answers to his questions tonight. Mr. Freeman commented that he did not believe these questions could be answered tonight.

Comments from the Commission:

Commissioner Gaines commented that there are many questions left unanswered and believes a motion to continue would be beneficial.

City Attorney Earley commented that there are two levels of analysis that would apply. The first, any federal rules or regulations that require the Commission to decide within a specific time frame, the shot clock, and the applicant is requesting a continuance through counsel waiving the requirements of the quasi-judicial proceedings. A motion must be posed and voted on by the Commission to continue to a date certain.

Commissioner Curtis Johnson commented on the date certain specified by Mrs. Earley to ensure that proper timing is given to address the community, Commission concerns, and Commissioner Peronas' timeline. Mrs. Earley stated that it would be cleaner to continue to a date when Commissioner Perona will still hold office.

Commissioner Curtis Johnson impressed upon the community that the Commission does not take the decisions it makes lightly.

Commissioner Jeremiah Johnson commented that he appreciated staff for bringing questions to the attention of the Commission, and requested clarification on the shot clock. Mrs. Earley stated that she can not provide specifics on the shot clock timing because she is unaware when the application was submitted.

City Clerk Linda Cox recommended postponement to November 07, 2022, with the last potential date of November 21, 2022.

Commissioner Gaines commented that the applicants attorneys are present to agree to the date for continuance.

Ms. Dewey commented that November 7, 2022, would be an ideal date for the continuance and will provide an opportunity for community involvement.

Commissioner Jeremiah Johnson asked the applicant to reach out to the Commission through the City Clerk's office to have a conversation.

Mayor Hudson clarified that the Commission must decide based on evidence, and the applicant presentation should consider the neighborhood.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Curtis Johnson, Jr. to continue the proceeding to November 07, 2022.

AYE: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr.,
Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Mayor
Linda Hudson

Passed

- i. Quasi-Judicial Hearing - Review and approval of an application for a Site Plan (Development and Design Review) approval to construct a 324-unit multi-family development with eight (8) multi-family buildings, a clubhouse with a pool and associated site improvements to construct a 324-unit multi-family development with eight (8) multi-family buildings, a clubhouse with a pool and associated site improvements at or near the southeast corner of S Jenkins Road and Graham Road, more specifically located at Parcel Control Numbers: 2418-322-0002-0000-2, 2418-331-0001-000-3 and 2418-343-0001-000-0.

Mayor Linda Hudson called the proceeding to order.

City Clerk Linda Cox confirmed the City complied with the advertisement and notice requirements.

Mayor Linda Hudson inquired with the Commission regarding ex-parte communications and asked City Clerk to call the roll:

Commissioner Arnold Gaines - No
Commissioner Curtis Johnson Jr.- Yes
Commissioner Jeremiah Johnson - Yes
Commissioner Thomas Perona- Yes
Mayor Hudson - No

City Clerk Linda Cox swore in those wanting to speak during this Quasi-Judicial hearing.

Staff Presentation:

Questions of Staff:

Vennis Gilmore, Senior Planner, presented the review and approval of an application for a Site Plan (Development and Design Review) approval to construct a 324-unit multi-family development with eight (8) multi-family buildings, a clubhouse with a pool and associated site improvements to construct a 324-unit multi-family development with eight (8) multi-family buildings, a clubhouse with a pool and associated site improvements at or near the southeast corner of S Jenkins Road and Graham Road. Staff recommends approval of the requested applications with the following conditions:

1. A completion certification by a landscape architect, cost estimate and landscape bond pursuant to City Code 123-6 shall be required before the Final Certificate of Occupancy is approved for the site.
2. Prior to the issuance of any site clearing permits, the applicant shall provide a Tree Mitigation Survey and coordinate with the City of Ft. Pierce Arborist for the required mitigation of the City regulated trees proposed to be removed as a result of this site's development/construction activity.
3. A Unity of Title with the St. Lucie County Clerk of Courts and a Parcel Combination with the St. Lucie County Property Appraiser shall be conducted before the issuance of a Building Permit.
4. After completion of the Unity of Title and Lot Combination, please submit a General Address Request Form for the newly created Parcel ID and for each proposed building and residential unit.

Mayor Hudson opened the public hearing.

Applicant Questions of Staff:

Commissioner Jeremiah Johnson inquired if the roads presented are connected, if there are plans for that in the future, and has the proposed plan been approved by engineering and South Florida Water Management. Mr. Gilmore explained that one road is private access.

Commissioner Curtis Johnson inquired if the access point is to the left. Mr. Gilmore explained that it is near Samuel Gaines School.

Questions of Applicant:

Mark Landsman, and Brad Currie, Engineering Design & Construction had no questions of Staff and answered the questions presented by the Commission. Mr. Landsman explained that the access to Celebration Point is a turn around, they don't propose connection to it, and that they are in communication with the County to offer a cross access easement with contingency for Jenkins Road access.

Commissioner Curtis Johnson inquired if the SW corner is across from Gander. Mr. Landsman stated that it is.

Commissioner Jeremiah Johnson inquired on the benefit of a cross connection on the south, the involvement of South Florida Water Management and Engineering, and drainage and connectivity. Mr. Landsman stated that it will provide full access. Mr. Currie clarified that there are three options offered: emergency access on the property to Jenkins Rd; easement from the south to Jenkins; or limited Gander access. In addition, Mr. Landsman explained that an application has not yet been submitted to South Florida Water Management, outfall is directly to the south, they have reached out to St. Lucie County's Engineer, they have researched the history of drainage to Five-Mile Creek, school bus pickup would be provided at the proposed roundabout, and sidewalks on Jenkins Road.

Mayor Hudson inquired if the roundabout is at the main entrance. Mr. Landsman stated that it is.

Commissioner Curtis Johnson inquired what happens to the sidewalk as they do not own the parcel next to it, if this is a mixed rental community, has design been considered for doorways and landscaping. Mr. Landsman stated that the sidewalk would end, there is no age restriction, doorways face inward, and landscaping will be present on Jenkins Road.

Commissioner Jeremiah Johnson inquired if staff had been consulted or discussion regarding sidewalks from this property to the School District property. Mr. Landsman commented that the conversation had not been had. Mr. Currie commented that the problem is that the right-of-way must be given.

Mayor Hudson opened the public hearing.
Seeing no one, she closed the public hearing.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Curtis Johnson, Jr. to approve the Site Plan with four (4) staff conditions.

AYE: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr.,
Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Mayor
Linda Hudson

Passed

13. CITY COMMISSION

- a. Resolution No. 22-R20 Amending the Rules of Procedure for Special Magistrate

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

RESOLUTION NO. 22-R20

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; APPROVING AMENDMENTS TO THE RULES OF PROCEDURE FOR THE SPECIAL MAGISTRATE; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

Peggy Arraiz, Director of Community Response, presented the amending of the rules and procedures for the Special Magistrate.

Mayor Hudson commented that the changes were to clean up the procedures and meet state requirements and inquired if the Magistrates were aware of the changes.

Mrs. Arraiz stated that they are aware the changes are coming to comply with state statutes.

Commissioner Perona commented on the procedure to appeal decision to the City Commission as this happens infrequently. Mrs. Arraiz commented that part of that is due to the fast-track process and some are waiting on the changes to take place.

Mayor Hudson commented that many of the people who have gone through the special magistrate process appreciate it.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve Resolution 22-R20.

AYE: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr.,
Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Mayor
Linda Hudson

Passed

- b. Resolution No. 22-R34 Adopting revisions to the City Of Fort Pierce Personnel Rules and Regulations.

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

RESOLUTION NO. 22-R34

A RESOLUTION OF THE CITY OF FORT PIERCE, FLORIDA, ADOPTING REVISED CITY OF FORT PIERCE PERSONNEL RULES AND REGULATIONS; PROVIDING FOR AN EFFECTIVE DATE.

Kevin Browning, Human Resources Director, presented the revisions to the City of Fort Pierce Personnel Rules and Regulations.

Commissioner Curtis Johnson inquired if Section 26 gives the City Manager decision-making. Mr. Browning explained that the City Manager will determine when the policy begins and ends.

Mr. Mimms explained that it would be at his discretion to move forward with the emergency pay policy.

City Attorney Tanya Earley commented that the Mayor would determine the state of emergency and the City Manager would make the decision to enact the pay policy.

Mayor Hudson commented that this does not include all employees. Mr. Mimms clarified that this would pertain to essential employees.

Commissioner Jeremiah Johnson inquired if the policy was always six months for sick pay reimbursement, why was it changed from thirty to forty-five days, and

inquired on the days and hours verbiage. Mr. Browning explained that it has always been this way except for police officers who have one year for reimbursement, the change from thirty to forty-five days was in the collective bargaining agreement, and the verbiage is interchangeable from hours to days.

Mr. Mimms commented that he believes the verbiage should reflect hours because of the schedule variations.

Mayor Hudson requested that the verbiage be uniform and reflect hours rather than days.

Mayor Hudson inquired how smoking in the garage is affected by Section 19.09 pertaining to litter. Mr. Browning commented that distance to the building entrance was extended to account for those with health concerns, but they are limited to monitoring employees only, and cigarette disposal is available.

Mr. Mimms also clarified that cigarette disposal is available but based on the new ruling this will not fit requiring the disposals to be relocated.

Commissioner Curtis Johnson requested clarification on the one-hundred-foot placement of disposal as City property as this seems to eliminate the garage. Mr. Browning and Mr. Mimms explained the hundred feet must be from the entrances. Mr. Mimms explained that this does not eliminate the garage.

Commissioner Jeremiah Johnson commented that the parking garage is a City Building. Mr. Mimms commented that smoking in the parking garage can be eliminated.

Commissioner Curtis Johnson commented that from a legal standpoint smokers have rights as well, so clarification is required. Mr. Mimms commented that if the parking garage is considered a building, no smoking would be allowed there.

City Attorney Earley made two recommendations, leave policy as it is until designated areas can be identified, or work with the language to determine intent.

Commissioner Gaines commented that a designated area is best.

Commissioner Jeremiah Johnson commented that this is a challenge and inquired on State law and the change from fifty feet. Mr. Browning explained the change.

Mr. Mimms commented that anywhere on the campus would be affected by this change.

City Attorney Earley recommended not making any changes until there is a designated smoking location.

Mr. Mimms advised that this presentation be continued, and the decision be postponed.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Arnold Gaines to postpone Resolution 22-R34 to the October 03, 2022 Regular Meeting.

AYE: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr.,
Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Mayor
Linda Hudson

Passed

- c. Resolution No. 22-R35 appointing Edward Dillon to the Parking Committee as Commissioner J. Johnson's representative.

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

RESOLUTION NO. 22-R35

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT OF MEMBERS TO THE PARKING COMMITTEE; PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve Resolution 22-R35.

AYE: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr.,
Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Mayor
Linda Hudson

Passed

- d. Resolution No. 22-R36 appointing members to the Communitywide Council.

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

RESOLUTION NO. 22-R36

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT OF MEMBERS TO THE COMMUNITY WIDE COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Jeremiah Johnson notified the Commission of possible conflict as the appointee is his father-in-law.

City Attorney Earley advised that Chapter 112 gives the option to not vote due to conflict of interest.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Thomas Perona to approve Resolution 22-R36.

AYE: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr.,
Commissioner Thomas Perona, Mayor Linda Hudson

Other: Commissioner Jeremiah Johnson (ABSTAIN)

Passed

Commissioner Jeremiah Johnson filed for 8B as required.

- e. Submittal of applications to serve on the Civil Service Appeals Board as Commission Appointees.

This item will come back for a vote at the next 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.

Michelle Danaluk

15. COMMENTS FROM THE CITY MANAGER

September 22nd is the National Firefighter Competition, September 24th is the Community Clean Up, and September 25th is the National Day of Remembrance at Martin Luther King Dream Land Park near the memorial garden. Mr. Mimms also thanked the Commission for passing the budget.

City Clerk Linda Cox – No comments

City Attorney Tanya Earley – No comments

16. COMMENTS FROM THE COMMISSION

Commissioner Curtis Johnson has been meeting with the faith leaders for guidance concerning community resources, is appreciative of the direction of the FPUA but concerned with the number of applicants in the portal seeking assistance, wants the public to understand the governmental standpoint of the Commission, and attended the Florida League of Cities conference.

Commissioner Jeremiah Johnson is excited about the Firefighter Challenge.

Commissioner Gaines expressed concern with the continued need for FPUA assistance, asked for community support of the City youth groups, addressed the community concerns for the communication tower advising the community to show up and address concerns, requested a meeting with the City Attorney regarding short-term rentals for clarification, notified the Commission of the participation of the Northside Girls Softball Team participating in the Community Clean Up, and will also be at a retirement conference October 03, 2022 regular meeting.

Commissioner Perona commented that the City is three weeks out from the Jaycee Park build and needs volunteers and community support, and commended Home Depot and Kathy Gronkowski for their support.

Mayor Hudson inquired of the closing of the FPUA assistance and portal the procedure, FMPA is trying to mitigate price reliability, chaired her first Policy Committee, discussed several policy process topics, and Commissioner Jeremiah Johnson covered as Mayor Pro Tem for Coffee with the Mayor.

Mr. Mimms commented that the assistance portal may be reopened due to the need.

17. ADJOURNMENT

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

Mayor Linda Hudson adjourned the meeting at 8:30 P.M.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER