

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, NOVEMBER 7, 2022.

1. CALL TO ORDER

Mayor Hudson called the November 7, 2022, Regular Meeting of the City Commission to order at 5:05 P.M.

2. OPENING PRAYER - Pastor Quarterman - Victory and Praise Worship Center

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 Minutes from October 17, 2022 Regular Meeting

Motion was made by Commissioner Jeremiah Johnson, seconded by
Commissioner Arnold Gaines to approve the minutes of the October 17, 2022
Regular Meeting.

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

Passed

6. PROCLAMATIONS

- a. Small Business Saturday Proclamation

7. LETTERS TO COMMISSION

- a. Email from Jon Brady, News Director, CBS 12 expressing appreciation for the service, assistance, and professionalism of the Fort Pierce Police Officers that were dedicated to ensuring the safety and security of the Gubernatorial Debate, and to Acting Lieutenant David Cuti, the primary point person on site, for his diligence and patience.
- b. Kia and Luca sent an email thanking Public Works Director Mike Reals and Engagement and Outreach Coordinator Kaitlyn Ballard for attending their Neighborhood meeting and assisting them.

8. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

City Manager Nick Mimms requested the postponement of item 12f, Ordinance 22-036 amending Chapter 34 - Article I and Chapter 34 - Article II establishing Parking Regulations to the December 5, 2022 Regular Meeting.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Arnold Gaines to set the agenda with the postponement of item 12f to the December 05, 2022 Regular Meeting.

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. Approve funding in the amount of \$100,000.00 for Building Department Contracted Professional Plan Review Services with CAP Government, Inc. for Fiscal Year 2023 pursuant to RFP No. 2019-012.
- b. Approve funding in the amount of \$200,000.00 for Building Department Contracted Professional Inspection Services provided by CAP Government, Inc. for Fiscal Year 2023 pursuant to RFP No. 2019-11.
- c. Approve Change Order to Replenish Purchase Order 220510 CAP Government - Professional Inspection Services in the amount of \$64,804.00 to satisfy remaining invoices for the 2022 fiscal year.
- d. Authorize the Mayor to certify the Community Development Block Grant 2023 Annual Action Plan that was submitted to HUD on August 15, 2022.
- e. Approval of the agreement between the City of Fort Pierce and St. Lucie County to Exchange Rights of Way.
- f. Approve Johnson Controls to provide for Fire Alarm & Voice Panel Replacements to the Sunrise Theatre as a single source in the total amount of \$67,159.00.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Arnold Gaines to approve the Consent Agenda.

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

Passed

12. PUBLIC HEARINGS

- a. Public Hearing and presentation on the Amended Citizen Participation Plan.

Brittany Marinello, Grants Division Manager, provided a presentation on the Amended Citizen Participation Plan.

Commissioner Gaines inquired on the requirements of the amendment, to which Ms. Marinello responded that the amendment is a statutory requirement.

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

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Jeremiah Johnson to approve the Amended Citizen Participation Plan.

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

Passed

- b. Quasi-Judicial Hearing continued from September 19, 2022 - 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 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, reminded everyone that this is a continuation of the September 19, 2022 hearing and 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 - Yes
Commissioner Curtis Johnson Jr.- Yes
Commissioner Jeremiah Johnson - Yes
Commissioner Thomas Perona- Yes
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 about the condition proposed and the zoning designation of the current towers, to which Mr. Altizer responded that only the landscaping and fencing had been addressed and that he cannot speak to the

zoning designation of the other locations.

Mayor Hudson inquired about the medium residential zoning designation that surrounds to the west of the proposed location, to which Mr. Altizer responded that there is residential zoning to the north, west and south of the proposed location.

Applicant Questions of Staff:
None

Applicant Presentation:
Telsula Morgan and Tara Dewey, Tillman Infrastructure Inc, provided a presentation and answered questions on the proposed project at 1601 N 25th street.

Questions of the Applicant:
Commissioner Curtis Johnson inquired on the proposed drainage plan. Robert Rennebaum, Simmons & White Inc, discussed the site plan.

Commissioner Gaines inquired about the method used to notify the community of the October 18th community meeting, if the Lincoln Park Center staff were notified of the meetings topic and was the Lincoln Park staff solicited in the advertisement for the meeting. Ms. Morgan responded that a sign was placed on the proposed site, Lincoln Park Center staff was unaware of the meeting topic and not solicited to advertise it.

Commissioner Jeremiah Johnson inquired about the options available to make the proposed tower esthetically appealing, pole options, the future technology accommodations, similar infrastructure to the proposed project, the type of generator that will be used and regulation by the DEP. Ms. Dewey commented that the applicant is willing to paint the pole. Danielle Petti, Tillman Infrastructure responded that the galvanized structure is not the only option but recommends it due to its longevity, explained the type of pole may be considered due to the location and height, and that the generators are filed with the DEP. Patrick Keen, Radio Frequency Engineer, T-Mobile explained that the newest 5g equipment does not fit inside the enclosure, generates greater heat, and will not support the height or depth seen in the flagpole design. Mr. Keen elaborated that the most efficient model is the mono pole presented.

Commissioner Gaines inquired if the generator produces noise. Ms. Petti explained that the diesel generator runs briefly during a power outage and monthly testing.

Commissioner Jeremiah Johnson inquired about the impact to the existing landscaping and how that impact will be mitigated. Ms. Dewey entered into the record an updated landscaping plan with additional shade trees and will work with the owner of the adjacent land to add additional trees if requested.

Mayor Hudson opened the public hearing.

Public Comments:
Maxy Ellis - opposed
Lashawn Bell – opposed
Michael Latimer– opposed
Reginald Sessions – opposed
Samuel Gaines – opposed
Shando Bethel – opposed
Ionis Jefferson – opposed
Gloria Johnson-Scott – opposed
Andrea Dampier – opposed
Donald Scott – opposed
Pearl Davis – opposed

Applicant Closing Statement:
Ms. Morgan and Ms. Dewey addressed the statements made by the public and answered questions posed by the Commission.

Mayor Hudson closed the public hearing.

Comments from the Commission:

Commissioner Curtis Johnson expressed his concerns with community engagement and posed a question to City Attorney Tanya Earley regarding the Federal Communications Commission. Mrs. Earley explained the FCC requirements.

Commissioner Gaines expressed his concerns with community engagement.

Mayor Hudson expressed her concerns with the proposed project.

Commissioner Perona expressed the need for competent substantial evidence.

Commissioner Jeremiah expressed the challenges with the proposed project.

City Attorney Tanya Earley reiterated that the City's code contains standards of review.

There was deliberation regarding code standards of review.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Curtis Johnson, Jr. to deny the Conditional Use for the following reasons,

1. The height of the proposed tower and antenna cannot be obscured to comply with staff's recommendation.
2. The proximity of the antenna support structure in relation to surrounding residential structures and residential district boundaries is immediate, and therefore in conflict with the allowed uses of the surrounding zoning districts.
3. In light of the surrounding topography and the existing roadway connections, placing the tower at the proposed location could lead to drainage issues.
4. The proposed tower location is on the portion of the parcel that is most densely covered with vegetation; placing the tower at that location would require the removal of the vegetation and have a negative visual effect on surrounding properties.

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

NAY: Commissioner Thomas Perona

Passed

- c. Legislative Hearing - Ordinance No. 22-033 changing Short Term and Vacation Rental renewal dates from September 30 to anniversary billing. SECOND READING

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

ORDINANCE NO. 22-033

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; CHAPTER 22, ARTICLE X, SHORT TERM AND VACATION RENTAL REGULATIONS, REMOVING SECTION 22-507- EXISTING LEGAL NONCONFORMITIES; AMENDING SECTION 22-516- DURATION OF RENTAL UNIT REGISTRATION; 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 Curtis Johnson, Jr. to approve Ordinance No. 22-033

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

NAY: Commissioner Arnold Gaines

Passed

- d. Legislative Hearing - Ordinance No. 22-034 creating an Affordable Housing Advisory Committee due to the larger allocation for the S.H.I.P. programs.
SECOND READING

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

ORDINANCE NO. 22-034

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CHAPTER 103, ARTICLE X, CREATING SECTION 103-373 TO ESTABLISH THE AFFORDABLE HOUSING ADVISORY COMMITTEE; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL PORTIONS OF ORDINANCES 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 Arnold Gaines, seconded by Commissioner Curtis Johnson, Jr. to approve Ordinance No. 22-034

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

Passed

- e. Legislative Hearing - Ordinance 22-035 - Impact Fee Moratorium within Urban Infill and Redevelopment Area. SECOND READING.

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

ORDINANCE NO. 22-035

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; PROVIDING FOR A MORATORIUM ON THE IMPOSITION AND COLLECTION OF CITY IMPACT FEES FOR A PERIOD OF ONE (1) YEAR WITHIN THE BOUNDARIES OF THE CITY'S DESIGNATED URBAN INFILL AND REDEVELOPMENT AREA REQUIRED BY SECTIONS 113-8, 113-15 THROUGH AND INCLUDING 113-19 OF THE CITY CODE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; 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 Jeremiah Johnson, seconded by Commissioner Arnold Gaines to approve Ordinance No. 22-035.

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

Passed

- f. POSTPONED TO DEC. 5, 2022 Legislative Hearing - Ordinance 22-036 amending Chapter 34 - Article I and Chapter 34 - Article II establishing Parking Regulations.
FIRST READING

13. CITY COMMISSION

- a. Resolution No. 22-R42 appointing Victoria Bush to the Sunrise Theatre Advisory Board and Mayor Hudson's representative.

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

RESOLUTION NO. 22-R24

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT OF MEMBERS TO THE SUNRISE THEATRE ADVISORY BOARD; PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Curtis Johnson, Jr. to approve Resolution No. 22-R42 appointing Victoria Bush to the Sunrise Theatre Advisory Board.

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

Passed

14. COMMENTS FROM THE PUBLIC

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

Alex Shlenski

15. COMMENTS FROM THE CITY MANAGER

- a. Reports

City Manager Mimms responded to the comments made by Mr. Shlenski and will have staff investigate the matter, highlighted the FPRA board meeting, and the City plans for Hurricane Nicole. Commissioner Gaines and Commissioner Jeremiah Johnson responded to Mr. Shlenski comments; consensus was to research and potentially correct the ordinance which prohibits the fencing of vacant properties.

Commissioner Gaines thanked the City Manager and encouraged the public to take the upcoming storm seriously.

Commissioner Curtis Johnson requested that the City reduce and maintain debris due to the upcoming storm.

City Clerk Linda Cox – Is pleased with conversation on property fencing.

City Attorney Tanya Earley – No comments

16. COMMENTS FROM THE COMMISSION

Commissioner Perona commented on the Jaycee Park community build and encouraged the community to vote.

Commissioner Curtis Johnson commented on the upcoming storm.

Commissioner Gaines commented on the level of respect displayed by the Commission and the upcoming elections.

Commissioner Jeremiah Johnson commented on the upcoming elections and acknowledged Commissioner Perona for his service.

Mayor Hudson requested the Commission consider renaming Jaycee Park and called for nominations.

Consensus was to move forward with the call for nominations in accordance with our procedure.

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 8:09 P.M

ATTEST:

CITY CLERK

MAYOR COMMISSIONER