

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 TUESDAY, FEBRUARY 21, 2023.

1. CALL TO ORDER

Mayor Hudson called the February 21, 2023, Regular Meeting of the City Commission to order at 5:05 P.M.

2. OPENING PRAYER - Pastor Walter Patton with Flood Church

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

Present: Commissioner Michael Broderick; Commissioner Arnold Gaines; Commissioner Curtis Johnson, Jr.; Commissioner Jeremiah Johnson; 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 February 06, 2023 Regular Meeting

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Curtis Johnson, Jr. to approve the Minutes from the February 06, 2023 Regular Meeting.

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

Passed

6. PROCLAMATIONS

- a. Arbor Day Proclamation

7. LETTERS TO COMMISSION

8. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

Item 12a was pulled at the request of staff as the incorrect ad was run.

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

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson, 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**

- a. Presentation of Sunrise Center 4th floor lease update by Colliers International

Ken Krasnow, Colliers International, presented an update of the Sunrise Center 4th floor lease.

City Commission consensus was to move forward with the lease agreement with additional clarification on the requirements.

11. **CONSENT AGENDA**

- a. Approval and acceptance of the 2022 BJA FY 22 Edward Byrne Memorial Justice Assistance Grant Program in the amount of \$22,111.00 and authorization to execute the Certification and Assurances by the Chief Executive of the Applicant Government. The Chief Executive is defined by the Bureau of Justice Administration as the City Mayor.
- b. Approval of Letter of Support to St. Lucie County Commissioners regarding 10% match funding for the St. Lucie Council on Aging as discussed at the February 6, 2023 City Commission meeting.
- c. Approval of the nomination of Linda Hudson to be reappointed to the Florida Municipal Insurance Trust Board of Trustees.

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

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

Passed

12. **PUBLIC HEARINGS**

- a. **PULLED AT STAFF'S REQUEST** - Quasi-Judicial Hearing - Review and Approval of an application for a Site Plan (Development and Design Review) by property owner, William Wallace Enterprises, LLC, and applicant, Lee Smith, President of Wallace Auto Group to construct an approximately 25,740 square foot Automobile Sales and Service Facility with associated site improvements at or near 5553 South US Highway 1 in Fort Pierce, Florida, more specifically located at Parcel Control Number: 3410-211-0003-000-7.

- b. Legislative Hearing - Ordinance 23-011 Review and approval of an application for a Zoning Atlas Map Amendment of four (4) parcels of land to change the zoning classification from St. Lucie County PUD and Commercial General to City classification of Planned Development, generally located north of Orange Avenue and west of N 41st Street . Parcel ID's 2407-124-0001-000-3, 2407-134-0001-000-4, 2407-144-0001-000-5, & 2408-233-0001-000-1. SECOND READING

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

ORDINANCE NO. 23-011

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE AMENDING THE CITY'S ZONING ATLAS AND ESTABLISHING A ZONING DESIGNATION OF PLANNED DEVELOPMENT FOR FOUR (4) PARCELS CONTAINING APPROXIMATELY 80.7 ACRES AND BEING GENERALLY LOCATED AT OR NEAR APPROXIMATELY 2250 FEET WEST OF THE NORTHWEST CORNER OF ORANGE AVENUE AND N 39TH STREET IN FORT PIERCE, FLORIDA IDENTIFIED ON EXHIBIT A; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE. SECOND READING

Mayor Hudson opened the public hearing.
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 23-011.

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

Passed

- c. Legislative Hearing - Ordinance 23-013 Review and approval of an application for a Zoning Atlas Map Amendment of five (5) parcels of land to change the zoning classification from St. Lucie County RS-2 and Commercial General to City classification of Planned Development, generally located north of Orange Avenue and east of N Jenkins Road. Parcel IDs: 2407-241-0001-000-3, 2407-231-0000-000-5, 2407-212-0001-000-3, 2407-221-0001-000-1 and 2407-211-0001-000-0. SECOND READING

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

ORDINANCE NO. 23-013

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE AMENDING THE CITY'S ZONING ATLAS AND ESTABLISHING A ZONING DESIGNATION OF PLANNED DEVELOPMENT FOR FIVE (5) PARCELS CONTAINING APPROXIMATELY 84.8 ACRES AND BEING GENERALLY LOCATED AT OR NEAR THE SOUTHEAST CORNER OF N JENKINS ROAD AND FLOYD JOHNSON ROAD IN FORT PIERCE, FLORIDA; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE. SECOND READING.

Mayor Hudson opened the public hearing.
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 23-013.

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

Passed

- d. Legislative Hearing - Ordinance 23-014 Amending Chapter 36 - Utilities, Article VIII imposing year-round Irrigation Conservation Measures. SECOND READING

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

ORDINANCE NO. 23-014

AN ORDINANCE OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; CREATING CHAPTER 36 - UTILITIES, ARTICLE VIII – IRRIGATION CONSERVATION MEASURES, PROVIDING FOR LOCAL IMPLEMENTATION OF THE MANDATORY YEAR-ROUND LANDSCAPE IRRIGATION CONSERVATION MEASURES RULE OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT (40E-24, F.A.C.); PROVIDING DEFINITIONS; PROVIDING FOR THE APPLICABILITY OF THE ORDINANCE; PROVIDING THE LANDSCAPE IRRIGATION SCHEDULE; PROVIDING EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULE; PROVIDING FOR A REQUIREMENT TO OPERATE TECHNOLOGY THAT INHIBITS OR INTERRUPTS AN IRRIGATION SYSTEM DURING PERIODS OF SUFFICIENT MOISTURE; PROVIDING FOR VARIANCES FROM THE SPECIFIC DAY OF THE WEEK LIMITATIONS; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE; PROVIDING FOR PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING FOR CODIFICATION OF THE ORDINANCE; PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING 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 Curtis Johnson, Jr. to approve Ordinance No. 23-014.

AYE: Commissioner Michael Broderick, Commissioner Curtis Johnson, Jr.,
Commissioner Jeremiah Johnson, Mayor Linda Hudson

NAY: Commissioner Arnold Gaines

Passed

- e. Legislative Hearing - Ordinance 23-015 - Review and approval of a Zoning Map Amendment by owners 805 Office Plaza, LLC and applicant Bradley Currie of EDC, Inc to change the zoning from High Density Residential, R-5, to Office Commercial, C-1, at approximately 805 Virginia Avenue Fort Pierce, FL 34982. Parcel ID: 2422-602-0001-000-7. SECOND READING

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

ORDINANCE NO. 23-015

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REZONING THE PROPERTY GENERALLY LOCATED AT OR NEAR 805 VIRGINIA AVE, FROM HIGH DENSITY RESIDENTIAL (R-5) TO OFFICE COMMERCIAL (C-1); 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 Curtis Johnson, Jr., seconded by Commissioner Arnold Gaines to approve Ordinance No. 23-015.

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

Passed

- f. Legislative Hearing - Ordinance 23-016 - Rezoning two (2) parcels containing approximately 6.88 acres generally located at or near 901-1001 South Ocean Drive, from Hutchinson Island Medium Density Residential Zone (R-4A) to Planned Development (PD). Parcel IDs: 2401-412-0004-000-0 & 2401-412-0005-000-7. SECOND READING

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

ORDINANCE NO. 23-016
AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT
PIERCE, FLORIDA; REZONING TWO (2) PARCELS CONTAINING
APPROXIMATELY 6.88 ACRES GENERALLY LOCATED AT OR NEAR
901-1001 SOUTH OCEAN DRIVE, FROM HUTCHINSON ISLAND MEDIUM
DENSITY RESIDENTIAL ZONE (R-4A) TO PLANNED DEVELOPMENT (PD);
PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF
ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND
PROVIDING FOR AN EFFECTIVE DATE. SECOND READING

Staff Presentation:

Kevin Freeman, Planning Director, provided the updated conditions to the Ordinance.

Commissioner Broderick inquired on the emergency vehicle exit and the site plan exhibit.

City Attorney Tanya Earley clarified the purpose of the site plan exhibit.

Mayor Hudson opened the public hearing.

Pete Sweeney, Block & Scarpa, explained the use of the universal knox box for exit only emergency personnel use.

George Mueller expressed his concerns with access to his property and ingress and egress, and traffic flow. Mr. Sweeney addressed the concerns posed by Mr. Mueller.

Mayor Hudson inquired if there is a barrier present. Mr. Sweeney explained that the property is currently undeveloped and that there is access available via Crestview.

Commissioner Jeremiah Johnson inquired on the canal. Mr. Sweeney commented that the waters may be owned by the state.
Mayor Hudson closed the public hearing.

Commission Discussion:

The Commission discussed the owner of the waterway and the proposed use of the canal. Mr. Freeman explained that the owner is currently unknown.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Michael Broderick to approve Ordinance No. 23-016.

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

Passed

- g. Legislative Hearing - Ordinance 23-017 - Review and approval of an Abandonment of Right-of-way, by applicant, Collins Brown Barket, to abandon right-of-way near the southeast corner of Seaway Drive and Carlton Court; abutting the parcel located at 1100 Colonnades Drive to the south. SECOND READING

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

ORDINANCE NO. 23-017

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; ABANDONING A PORTION OF CARLTON COURT RIGHT-OF-WAY, COMMENCING AT THE SOUTHWEST CORNER OF BLOCK 22, REVISED MAP OF FORT PIERCE BEACH SUBDIVISION AS RECORDED IN PLAT BOOK 8, PAGE 29, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, THENCE SOUTH 17°09' EAST ALONG THE SOUTHWARD EXTENSION OF THE WEST LINE OF BLOCK 22, A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF CARLTON COURT, THENCE ALONG SAID RIGHT OF WAY LINE SOUTH 72°51'00" WEST A DISTANCE OF 981.91 FEET TO THE POINT OF BEGINNING, THENCE FROM SAID POINT OF BEGINNING CONTINUE ALONG SAID RIGHT OF WAY LINE SOUTH 72°51'00" WEST A DISTANCE OF 27.68 FEET, THENCE NORTH 49°13'00" WEST A DISTANCE OF 27.68 FEET TO A POINT OF CUSP ALSO BEING A POINT OF CURVATURE, THENCE ALONG THE ARC OF SAID CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 57°56'00", AN ARC LENGTH OF 50.57 FEET. A DELTA OF 57°56'00", A CHORD BEARING OF SOUTH 78°11'00" EAST AND A CHORD DISTANCE OF 48.43 FEET TO THE POINT AND PLACE OF BEGINNING. BEING A PART OF CARLTON COURT, REVISED MAP OF FORT PIERCE BEACH SUBDIVISION WITHIN THE CITY OF FORT PIERCE, FLORIDA, AS RECORDED IN PLAT BOOK 8, PAGE 29, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF 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 Jeremiah Johnson, seconded by Commissioner Arnold Gaines to approve Ordinance No. 23-017.

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

Passed

- h. Legislative Hearing - Ordinance 23-018: Review and approval of an ordinance of the City of Fort Pierce, Florida; amending Ordinance No. 22-046 in order to correct a scrivener's error of parcel identification within the adopted ordinance; extending the territorial limits of the City of Fort Pierce, Florida, to include one (1) parcel at or near 2605 Kerr Street in Fort Pierce, Florida. SECOND READING

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

ORDINANCE NO. 23-018

AN ORDINANCE OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING ORDINANCE NO. 22-046 IN ORDER TO CORRECT A SCRIVENERS ERROR OF PARCEL IDENTIFICATION WITHIN THE ADOPTED ORDINANCE; EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE ONE (1) PARCEL AT OR NEAR 2605 KERR STREET IN FORT PIERCE, FLORIDA AND SHOWN ON EXHIBIT A; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2024; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; ESTABLISHING THE ZONING DESIGNATION; ESTABLISHING THE LAND USE DESIGNATION; DIRECTING FILING OF THE ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT AND CHIEF ADMINISTRATIVE OFFICER OF ST. LUCIE COUNTY; DIRECTING REVISION OF THE CHARTER BOUNDARY ARTICLE TO BE FILED WITH THE DEPARTMENT OF STATE AND SUBMITTED TO THE OFFICE OF ECONOMIC AND DEMOGRAPHIC RESEARCH; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE. SECOND READING

Mayor Hudson opened the public hearing.
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 23-018.

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

Passed

- i. Legislative Hearing - Ordinance 23-019 - Amending the Code of Ordinances of the City at Chapter 125 Zoning, Basic Zoning Districts, Section 125-197, Edgartown Settlement (ES) Zoning District. FIRST READING

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

ORDINANCE NO. 23-019

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA, CHAPTER 125 – ZONING, ARTICLE IV, BASIC ZONING DISTRICTS, SECTION 125-197, EDGARTOWN SETTLEMENT (ES) ZONING DISTRICT; AMENDING SAID SECTION TO CLARIFY PURPOSE FOR THE ORDINANCE; AMENDING THE INTENSITY AND DIMENSIONAL STANDARDS; AMENDING AND REORGANIZING CHART 1-1, USES ALLOWED; AMENDING CHART 1-1 TO REQUIRE CONDITIONAL USE APPROVAL FOR EATING AND DRINKING ESTABLISHMENTS; PROVIDING FOR PROSPECTIVE APPLICATION OF NEW CONDITIONAL USE REQUIREMENTS; AMENDING USE DEFINITIONS, CLASSIFICATIONS, AND STANDARDS AS TO RESIDENTIAL USES, CHILDCARE, COMMERCIAL USES, ENTERTAINMENT, AND OVERNIGHT ACCOMODATIONS; AMENDING REGULATIONS REGARDING PERMISSABLE NOISE AND HOURS OF INDOOR AND OUTDOOR ENTERTAINMENT AT EATING AND DRINKING ESTABLISHMENTS WITHIN THE DISTRICT; REORGANIZING EXISTING SUBSECTIONS AND CREATING SUBSECTIONS (g) THROUGH (o); PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Kevin Freeman, Planning Director, presented the amendment of the Code of Ordinances of the City at Chapter 125 Zoning, Basic Zoning Districts, Section 125-197, Edgartown Settlement (ES) Zoning District.

RECOMMENDATION:

Staff Recommend APPROVAL of the proposed text amendment.

Questions of Staff:

The Commission inquired on short term rental language, conditional use pertaining to site plan review, requested clarification on the decibel volume in commercial versus residential, development standards, and parking. Mr. Freeman explained that Conditional use variables would be demonstrated for security in what will be approved with areas of concern encompassed, and that there are codes specific to Edgartown because of the mixed use.

Mayor Hudson opened the public hearing.

Mike O'Conner- Inquired on the specifications of his current property.

Holly Theuns- Thanked staff for their work and commented on the hardship of the noise of the neighbor.

Christian Anderson – Commented on the lack of parking.

Tim O'Connell - Would like the decibel level to be decreased to 55.

Cindy O'Connell – Feels they are not protected, have requested several conditions and would like the decibel level decreased to 50.

Laney Francisco - Has concerns that specific conditions have not been addressed and would like the decibel level to be decreased.

Jon Nolli- Thanked staff and commented on the need for an agreed decibel level.

Mayor Hudson closed the public hearing.

Mr. Freeman noted that Mr. O'Conner is not in Edgartown and would meet with him regarding his property.

The Commission discussed the requested decibel or dbc (bass) level, enforcement, the historical districts' involvement in the conditional use process, parking, language, will the difference in decibel level as a special district withstand challenge.

Mr. Freeman and Ms. Earley addressed the questions and concerns posed by the Commission including specific drafting issues, dbc versus dba levels and enforcement capabilities.

Mr. Mimms commented that it appeared the Commission would like a more restrictive noise level be incorporated and recommends this be revisited at another time.

Ms. Earley explained the requirements if changes are made tonight.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Jeremiah Johnson to approve Ordinance 23-019 with the change of dbc level to 55 and a recommendation for dba level.

Mr. Mimms explained that the changes will not occur in time for the next meeting. Mr. Freeman confirmed that 30 days are needed.

Ms. Earley made recommendations as to the future of Ordinance 23-019.

Motion Withdrawn

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Curtis Johnson, Jr. to deny approval of Ordinance 23-019 with further analysis of dbc and dba specific to Edgartown triggering a new first reading.

Motion Withdrawn

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Arnold Gaines to approve Ordinance 23-019 with further analysis of the lower dbc to be heard at the second Regular Commission meeting in April 2023.

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

Passed

- j. Legislative Hearing - Ordinance 23-020 - Review and approval of a Future Land Use Map Amendment by owner J T J Enterprises Inc., to change the future land use from Neighborhood Commercial, NC, to General Commercial, GC, at approximately 1503 S. 33rd Street Fort Pierce, FL 34947. Parcel IDs: 2417-601-0008-000-7 & 2417-601-0009-000-4. FIRST READING.

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

ORDINANCE NO. 23-020
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 PROPERTIES GENERALLY LOCATED AT OR NEAR 1503 S. 33RD STREET, FROM NEIGHBORHOOD COMMERCIAL, NC, 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, Senior Planner, presented the review and approval of a Future Land Use Map Amendment to change the land use from Neighborhood Commercial, NC to General Commercial, GC at approximately 1503 S 33rd Street.

RECOMMENDATION:

The requested application for a Future Land Use Map Amendment meets the criteria specified in Section 125-136 of the City Code, the Comprehensive Plan and does not adversely affect the public health, safety, convenience, and general welfare. Therefore, Staff recommends APPROVAL of the proposed FLUMA from NC, Neighborhood Commercial, to GC, General Commercial.

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

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Curtis Johnson, Jr. to approve Ordinance No. 23-020.

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

Passed

- k. Quasi-Judicial Hearing - Ordinance 23-021 - Review and approval for a Zoning Atlas Map Amendment by owners J T J Enterprises Inc., of two (2) parcels of land to change the zoning classification from Neighborhood Commercial, C-2, to General Commercial, C-3, generally located at 1503 S. 33rd Street Fort Pierce, FL 34947. Parcel IDs: 2417-601-0008-000-7 & 2417-601-0009-000-4. FIRST READING

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

ORDINANCE NO. 23-021

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REZONING THE PROPERTIES GENERALLY LOCATED AT OR NEAR 1503 S. 33RD STREET, FROM NEIGHBORHOOD COMMERCIAL (C-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.

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 Michael Broderick - No

Commissioner Arnold Gaines – Yes (Emails from the applicant)

Commissioner Curtis Johnson Jr.- No

Commissioner Jeremiah Johnson – No

Mayor Hudson - No

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

Staff Presentation:

Review and approval for a Zoning Atlas Map Amendment by owners J T J Enterprises Inc., of two (2) parcels of land to change the zoning classification from Neighborhood Commercial, C-2, to General Commercial, C-3, generally located at 1503 S. 33rd Street.

RECOMMENDATION:

The requested application for a Zoning Atlas Map Amendment meets the criteria specified in Section 125-136 of the City Code, the Comprehensive Plan and does not adversely affect the public health, safety, convenience and general welfare. Therefore, Staff recommends APPROVAL of the proposed rezoning from C-2, Neighborhood Commercial, to C-3, General Commercial.

Questions of Staff:

None

Applicant Questions of Staff:

None

Tod Mowery, Redtail, was available for questions.

Commission Questions of the Applicant:

Commissioner Jeremiah Johnson inquired on the future use. Mr. Mowery explained that there is no intended use currently.

Mayor Hudson opened the public hearing.

Mayor Hudson closed the public hearing.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Curtis Johnson, Jr. to approve Ordinance No 23-021.
Commissioner Broderick was not present for the vote.

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

13. CITY COMMISSION

- a. Resolution 23-R17 extending the Peacock Arts District boundaries and providing for an effective date.

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

RESOLUTION NO. 23-R17
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT
PIERCE, FLORIDA, EXTENDING THE PEACOCK ARTS DISTRICT
BOUNDARIES; PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Commissioner Jeremiah Johnson, seconded by
Commissioner Arnold Gaines to approve Resolution No. 23-R17.

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

- b. Resolution 23-R19 appointing and reappointing members to the Board of Examiners of Contractors.

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

RESOLUTION NO. 23-R19
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT
PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT OF MEMBERS TO THE
BOARD OF EXAMINERS OF CONTRACTORS; PROVIDING FOR AN
EFFECTIVE DATE.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Jeremiah Johnson to approve Resolution No. 23-R19.

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

- c. Resolution 23-R20 appointing members to the Parks Advisory Committee.

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

RESOLUTION NO. 23-R20

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

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

RESOLUTION NO. 23-R20

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

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Arnold Gaines to approve Resolution No. 23-R20.

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

Passed

- d. Resolution 23-R21 established fees for Parking as approved via Ordinance 22-036.

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

RESOLUTION NO. 23-R21

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; ESTABLISHING BY RESOLUTION THE PARKING FEES; AND PROVIDING FOR AN EFFECTIVE DATE.

The Commission had a brief discussion on the terms and use of the parking permits, inquired on the steps to acquire the permits, the location of parking, the loading zone use, dumpster fee and parking spots.

Peggy Arraiz, Director of Community Response, referenced the presentation in response to the question posed by the Commission.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Arnold Gaines to approve Resolution No. 23-R21.

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

Passed

- e. Resolution 23-R22 authorizing staff to apply for and accept a grant of up to \$450,000 for Nebraska Avenue Sidewalk Transportation Alternatives Set-Aside Program (TA).

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

RESOLUTION NO. 23-R22

A RESOLUTION AUTHORIZING THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA TO APPLY FOR AND ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR A TRANSPORTATION ALTERNATIVES SET-ASIDE PROGRAM GRANT FOR NEBRASKA AVENUE SIDEWALK PROJECT AND AUTHORIZING THE MAYOR, CITY CLERK, AND CITY ATTORNEY TO

EXECUTE SAID AGREEMENTS ON THE PART OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Selena Griffett, Project Engineer, was available for questions.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Arnold Gaines to approve Resolution No. 23-R22.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson, 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.

Jon Nolli

Laney Francisco

Frederick Reeves

15. COMMENTS FROM THE CITY MANAGER

City Manager Nick Mimms- No comments

City Clerk Linda Cox - No comments

City Attorney Tanya Earley- No comments

16. COMMENTS FROM THE COMMISSION

Commissioner Broderick commented on the Edgartown ordinance.

Commissioner Gaines commented on the Brightline train stop in Orlando Airport.

Commissioner Jeremiah Johnson commented on his ride with the new ride-share provider Freebie and Tavares seaplane base.

Commissioner Curtis Johnson responded to complaints and concerns and the ability to self-report.

Mayor Hudson directed a complaint of potholes on Indian River to City Manager Mimms. He commented that it is a county road and will report during the meeting tomorrow.

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 8:28 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER