

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, APRIL 17, 2023.

**1. CALL TO ORDER**

Mayor Hudson called the April 17, 2023, Regular Meeting of the City Commission to order at 5:05 P.M.

**2. OPENING PRAYER - Pastor Nicholas Khoury with Pure 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 the minutes from the April 3, 2023 regular meeting.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Curtis Johnson, Jr. to approve the Minutes from the April 03, 2023 Regular Meeting.

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

Passed

**6. PROCLAMATIONS**

- a. Child Abuse Prevention Month - Helping People Succeed
- b. Crime Victims' Rights Week

**7. LETTERS TO COMMISSION**

- a. Email from Dan Cushman commending Mike Reals, Public Works Director, and Jacolby Washington, Solid Waste Division Manager for the excellent customer service that he received from the Public Works Department.
- b. Letter from Miguel and Patricia Vargas expressing their appreciation of Building Permit Specialist Susan Keller's assistance with their Compliance Review and Building Permit.
- c. Matthew Altenhoff's Facebook post in recognition of Solid Waste Division Driver Jeffery Pederson's exceptional customer service

**8. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA**

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

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.

Melanie Trewyn, Item 6b

**10. MISCELLANEOUS REPORTS**

**11. CONSENT AGENDA**

- a. Approval of the PBA Sergeants' and Lieutenants' contract for the period of October 1, 2021 through September 30, 2024.
- b. Approval of the PBA Contract for the Officers that has been ratified for the period of October 1, 2021 through September 30, 2024.
- c. Approval of the FY 2022 Final Budget Amendment for Grant Funds.
- d. Approval of Interlocal Agreement with St. Lucie County for the Development of the Avenue D Model Block
- e. Approval of request by Peter Sweeney, Esq. for a waiver of potential conflict of interest.
- f. Approval of an Event Agreement between the City of Fort Pierce and Causeway Cove Marina, LLC for the "Back the Blue 100- Year Anniversary Celebration" event being hosted by the St. Lucie County Historical Society and being held on April 22, 2023.

Commissioner Gaines pulled item 11e.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Jeremiah Johnson to approve 11a-11d and 11f of the consent agenda.

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

Passed

As to item 11e

Commissioner Gaines inquired and briefly discussed the waiver of conflict request.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Jeremiah Johnson to approve item 11e.

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

Passed

## 12. PUBLIC HEARINGS

- a. Legislative Hearing - Ordinance 23-025 - Final Budget Amendment of the General Fund 2021-22 Budget. SECOND READING

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

ORDINANCE NO. 23-025

AN ORDINANCE AMENDING THE 2021-22 BUDGET OF THE CITY OF FORT PIERCE, FLORIDA BY INSERTING THEREIN A SCHEDULE ATTACHED HERETO AND DESIGNED AS THE 2021-22 FINAL BUDGET AMENDMENT; THE SAID SCHEDULE PROVIDES FOR THE INCREASES AND/OR DECREASES IN REVENUES AND APPROPRIATIONS IN THE GENERAL FUND; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL 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. 23-025.

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

Passed

- b. Legislative Hearing - Ordinance 23-023 amending Chapter 117 of the Code of Ordinances entitled "Signs." SECOND READING

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

ORDINANCE NO. 23-023

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING CHAPTER 117, OF THE CODE OF ORDINANCES ENTITLED "SIGNS", SECTION 117-8 BY REPEALING PROVISIONS IN CONFLICT WITH § 553.792(2)(A), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; 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 Curtis Johnson, Jr. to approve Ordinance No. 23-023.

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

Passed

- c. Legislative Hearing - Ordinance 23-024 Amending Chapter 103, Article II "Building Code," Division 2 of the Code of Ordinances Entitled "Building Fees." SECOND READING

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

ORDINANCE NO. 23-024

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING CHAPTER 103, ARTICLE II "BUILDING CODE", DIVISION 2 OF THE CODE OF ORDINANCES ENTITLED "PERMIT FEES", SECTION 103-52 PROVIDING WHEN PERMIT FEES ARE DUE, PROVIDING FOR THE DETERMINATION OF VALUATIONS, ESTABLISHING THE ARCHITECTURAL PRE-REVIEW INCENTIVE AND PROVIDING FOR REFUND APPLICABILITY; AMENDING SECTION 103-53 PROVIDING PERMIT FEES AND PLAN REVIEW FEES; AMENDING SECTION 103-54, TO CORRECT CODIFICATION ERRORS; AMENDING SECTION 103-55 TO PROVIDE AN ADDITIONAL INCENTIVE FEE; AMENDING SECTION 103-56 TO PROVIDE AN ADDITIONAL PENALTY FEE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; 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. 23-024.

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

Passed

- d. Legislative Hearing - Ordinance 23-029 Amending Chapter 103, Article V, Amending Section 103-203 Regulation of Stormwater Run-off. FIRST READING

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

ORDINANCE NO. 23-029

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA AMENDING CHAPTER 103, ARTICLE V, AMENDING SECTION 103-203 – REGULATION OF STORMWATER RUN-OFF; REQUIRED SLOPE TO PROVIDE FOR ENGINEERED DRAINAGE PLAN REQUIREMENTS; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (FIRST READING)

Paul Thomas, Director of Building explained that this ordinance allows for refinement and clarification of specific perimeters.

The Commission requested additional information on the change of verbiage, certification requirements, the challenges with the proposed changes, additional information on percentage of area and number of applicable permits processed over the last two years. Mr. Thomas explained that this is the second year of the

changes, the purpose is for refinement and that research will be completed on the percentage of area and the number processed over the last two years.

Mayor Hudson opened the public hearing.

Aaron Fried – Expressed concern.  
Eloise Hazelwood- Offered suggestions.

Mayor Hudson closed the public hearing.

Mr. Thomas addressed concerns posed by the public.

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Curtis Johnson, Jr.

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

NAY: Commissioner Arnold Gaines, Commissioner Jeremiah Johnson

Passed

- e. Legislative Hearing - Ordinance 23-028: Review and approval of an ordinance extending the territorial limits of the City of Fort Pierce, Florida, to include one (1) parcel at or near approximately 750 feet east of the Southeast Corner of South US Highway 1 and Dixieland Drive in Fort Pierce, Florida. The parcel ID is 2427-801-0085-000-5. FIRST READING

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

**ORDINANCE NO. 23-028**

AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE ONE (1) PARCEL AT OR NEAR APPROXIMATELY 750 FEET EAST OF THE SOUTHEAST CORNER OF SOUTH US HIGHWAY 1 AND DIXIELAND DRIVE 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. (FIRST READING)

Vennis Gilmore, Assistant Planning Director, presented the review and approval of an ordinance extending the territorial limits of the City of Fort Pierce, Florida, to include one (1) parcel at or near approximately 750 feet east of the Southeast Corner of South US Highway 1 and Dixieland Drive.

**RECOMMENDATION:**

As proposed, the annexation meets the standards of the City's Comprehensive Plan, specifically Policy Section 1.11 regarding annexations.

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

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Jeremiah Johnson to approve Ordinance No. 23-028.

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

Passed

- f. Quasi-Judicial Hearing - Ordinance 23-027 - Review and approval of an ordinance by the City Commission of the City of Fort Pierce, Florida; Rezoning the property generally located at or near 4483 south 25th street, from PD, Planned Development Zone to R-1, Single-Family Low Density Zone; Subject Property: Parcel ID: 2325-111-0001-000-2. FIRST READING

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

ORDINANCE NO. 23-027

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REZONING THE PROPERTY GENERALLY LOCATED AT OR NEAR 4483 SOUTH 25th STREET, FROM PD, PLANNED DEVELOPMENT ZONE TO R-1, SINGLE-FAMILY LOW-DENSITY ZONE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND 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 Michael Broderick-No  
Commissioner Arnold Gaines - No  
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:

Vennis Gilmore, Assistant Planning Director presented the rezoning of the property generally located at or near 4483 south 25th street, from PD, Planned Development Zone to R-1, Single-Family Low-Density Zone.

RECOMMENDATION:

Approval of the proposed Ordinance rezoning the property generally located at or near 4483 south 25th street, from PD, Planned Development Zone to R-1, Single-Family Low-Density Zone;

Questions of Staff:

Commissioner Jeremiah Johnson inquired on the parcels adjacent and north, future land use, and if this was included in the original Oak Alley planned development. Mr. Gilmore commented that the parcels adjacent are County with consistent land use, and this parcel was included in the original planned development of Oak Alley by mistake..

Commissioner Broderick inquired if this is merely the lowering of density. Mr. Gilmore confirmed that it is.

Mayor Hudson opened the public hearing.

Debbie Fontaine, property owner, commented on her desire to have the land use reverted to the original use.

Mayor Hudson closed the public hearing.

Commissioner Johnson inquired if the land use will be corrected to single family. Mr. Gilmore explained that the property had been annexed as PD but will be reverted to single family land use.

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Jeremiah Johnson to approve Ordinance No. 23-027.

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

Passed

- g. Quasi-Judicial Hearing - Review and approval of an application for a Preliminary Plat Review submitted by applicant Todd Howder of MBV Engineering to subdivide 3 parcels into 5 platted lots at 5553, 5555 and 5575 Okeechobee Road, more specifically located at parcel IDs: 2419-321-0001-000-5, 2419-322-0003-000-2 and 2419-322-0002-000-5.

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-Yes (Applicant)  
Commissioner Arnold Gaines - No  
Commissioner Curtis Johnson Jr.- Yes (Applicant)  
Commissioner Jeremiah Johnson – Yes (Applicant)  
Mayor Hudson - No

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

Staff Presentation:

Ryan Altizer, Senior Planner presented the review and approval of an application for a Preliminary Plat Review submitted by applicant Todd Howder of MBV Engineering to subdivide 3 parcels into 5 platted lots at 5553, 5555 and 5575 Okeechobee Road.

RECOMMENDATION:

Staff recommends that the City Commission vote APPROVAL of the Preliminary Plat.

Questions of Staff:

None

Questions of the Applicant:

Aaron Stanton, MBV, was available for questions.

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 the application for the preliminary plat.

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

Passed

- h. Quasi-Judicial Hearing - Review and approval of an application for a Preliminary Plat Review submitted by applicant Peter Sweeney of Block and Scarpa to subdivide 1 parcel into 3 platted lots at 2671 S. Jenkins Road, more specifically located at parcel ID: 2324-411-0000-000-3.

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 (Applicant)

Commissioner Curtis Johnson Jr.- No

Commissioner Jeremiah Johnson – Yes (Applicant)

Mayor Hudson - No

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

Staff Presentation:

Ryan Altizer, Senior Planner, presented the review and approval of an application for a Preliminary Plat Review submitted by applicant Peter Sweeney of Block and Scarpa to subdivide 1 parcel into 3 platted lots at 2671 S. Jenkins Road.

RECOMMENDATION:

Staff recommends that the City Commission vote APPROVAL of the Preliminary Plat.

Questions of Staff:

None

Questions of the Applicant:

Peter Sweeney, Block and Scarpa, was available for questions.

Mayor Hudson opened the public hearing.

Seeing no one, she closed the public hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Michael Broderick to approve the application for the preliminary plat.

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

Passed

- i. Quasi-Judicial Hearing - Review and Approval of an application for Final Plat, submitted by Property Owner(s) Oleander Oaks Development LLC and Applicant, Pedro Quijada, to subdivide approximately 12.919 acres of land (more or less) into 50 platted single-family lots and 2 common-area tracts for The Oleander Oaks Subdivision located at or near 4003 Oleander Avenue in Fort Pierce, FL. The property is currently zoned Medium Density Residential (R-4). Parcel Control Number: 2433-144-0002-000-3.

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-Yes (Developer, Planning Board)

Commissioner Arnold Gaines – Yes (Developer)

Commissioner Curtis Johnson Jr.- Yes (Developer)

Commissioner Jeremiah Johnson – Yes (Applicant, Residents)

Mayor Hudson - No

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

Staff Presentation:

Vennis Gilmore, Assistant Planning Director presented the review and approval of an application for Final Plat, submitted by Property Owner(s) Oleander Oaks Development LLC and Applicant, Pedro Quijada, to subdivide approximately 12.919 acres of land (more or less) into 50 platted single-family lots and 2 common-area tracts for The Oleander Oaks Subdivision located at or near 4003 Oleander Avenue.

RECOMMENDATION:

Staff recommends Approval of the request with one (1) condition:

1. The applicant will supply two (2) Mylars for appropriate signatures and then the plat is recorded with St. Lucie County Clerk of Court in accordance with Florida State Statute 177.111.

Questions of Staff:

Commissioner Broderick inquired when it came before the Planning Board. Mr. Gilmore explained that this application was started prior to the new process and was voted on during preliminary plat.

Questions of Applicant:

Blaine Bergstresser, P.E., KMA Engineering & Surveying was available for questions.

Commissioner Broderick inquired if the lot is currently being cleared. Mr. Bergstresser explained that it is currently being cleared for construction.

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 the application for the final plat with (1) condition.

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

Passed

- j. Quasi-Judicial Hearing - Review and approval of an application for a Conditional Use by applicant Dawn Hauptner, CEO of iSTEAM, Inc., to operate a charter Elementary School located at 2817 Peters Road, more specifically at Parcel ID: 2324-311-0005-000-1.

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-Yes (Developer)  
Commissioner Arnold Gaines -Yes (Applicant)  
Commissioner Curtis Johnson Jr.- No  
Commissioner Jeremiah Johnson – Yes (School, Residents)  
Mayor Hudson - No

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

Staff Presentation:

Ryan Altizer, Senior Planner presented the review and approval of an application for a Conditional Use by applicant Dawn Hauptner, CEO of iSTEAM, Inc., to operate a charter elementary school located at 2817 Peters Road.

RECOMMENDATION:

Staff recommendation is for the City Commission to vote APPROVAL of the proposed Conditional Use.

Questions of Staff:

Commissioner Jeremiah Johnson inquired on the vehicular traffic movement. Mr. Altizer confirmed the traffic movement.

Commissioner Broderick inquired on the requirement for conditional use and applauded use. Mr. Altizer explained that schools require conditional use.

Questions of the Applicant:

Dawn Hauptner, Chief Executive Officer, TechnoArts Academy, provided a presentation on the academy and its exclusive programs for literacy and English proficiency.

Commissioner Jeremiah Johnson inquired on the implementation of the school zone, if the school would be responsible for it, and stacking of cars. Ms. Hauptner explained that they would be working with the District on the implementation of the school zone, and the designated plan keeps traffic away from the shopping center.

Commissioner Curtis Johnson inquired on the reconfiguration of the existing structure and the playground/recreation area. Ms. Hauptner confirmed the reconfiguration and referenced the detailed construction of the playground.

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 the application for conditional use.

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

Passed

- k. Quasi-Judicial Hearing - Review and Approval of an application for a Site Plan (Development and Design Review) by property owner Visconti Holdings LLC, to construct an additional 23,456 square foot expansion together with a 4,389 square foot covered awning at the existing Twin Vee boat manufacturing building. Parcel ID: 2427-601-0069-000-3

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 - No

Commissioner Curtis Johnson Jr.- No

Commissioner Jeremiah Johnson – indicated he must recuse himself and left the dias.

Mayor Hudson - No

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

Staff Presentation:

Kev Freeman, Planning Director presented review and approval of an application for a Site Plan (Development and Design Review) by property owner Visconti Holdings LLC, to construct an additional 23,456 square foot expansion together with a 4,389 square foot covered awning at the existing Twin Vee boat manufacturing building.

RECOMMENDATION:

Staff recommendation is for the City Commission to APPROVE the Site Plan.

Questions of Staff:

None

Questions of the Applicant:

Brad Curries, EDC, was available for questions.

Mayor Hudson opened the public hearing.

Seeing no one, she closed the public hearing.

City Attorney Tanya Early noted Commissioner Jeremiah Johnson's submission of form 8b due to conflict.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Michael Broderick to approve the application for the site plan.

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

Other: Commissioner Jeremiah Johnson (ABSTAIN)

Passed

- l. Quasi-Judicial Hearing - Review and approval of an application for a Site Plan (Development and Design Review) with a Conditional Use by property owner OkeeJen, LLC, and representative, Dynamic Engineering Consultants, PC, to construct an approximately 103,022 square foot, Two-Story, Self-Storage and Vehicle Storage Facility with associated site improvements at or near 5553 Okeechobee Road in Fort Pierce, Florida, more specifically located at Parcel Control Number: 2419-321-0001-000-5.

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-Yes (Developer)

Commissioner Arnold Gaines - Yes (Developer)

Commissioner Curtis Johnson Jr.- Yes (Developer)

Commissioner Jeremiah Johnson - Yes (Developer)

Mayor Hudson - No

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

Staff Presentation:

Vennis Gilmore, Assistant Planning Director presented the review and approval of an application for a Site Plan (Development and Design Review) with a Conditional Use by property owner OkeeJen, LLC, and representative, Dynamic Engineering Consultants, PC, to construct an approximately 103,022 square foot, Two-Story, Self-Storage and Vehicle Storage Facility with associated site improvements at or near 5553 Okeechobee Road.

RECOMMENDATION:

Staff recommendation is for the City Commission to APPROVE the proposed Site Plan (Development Review, Design Review, and Conditional Use), noting the six (6) recommended 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. Per City Code Chapter 121 Subdivisions, a Final Plat is required.
4. After completion of the Final Plat, please submit a General Address Request Form for the newly created Parcel ID and for each proposed building.
5. If a monument sign is proposed, please consider installing a landscaped area around the proposed monument sign base which extends a minimum distance of three (3) feet in all directions. Such landscaped area shall be completely covered by ground cover and shrubs, hedges, or similar vegetative materials.
6. Install an opaque fence for the outside storage area.

Questions of Staff:

Commissioner Jeremiah Johnson inquired on the fence condition, lighting, and elevation details. Mr. Gilmore commented that directions will be provided for fence and lighting and addressed elevation questions.

Commissioner Broderick inquired on the zoning process and commented on the increase in storage facilities within the City. Mr. Gilmore explained the process and confirmed zoning.

Commissioner Curtis Johnson commented on the increase in residents and the need for storage.

Mayor Hudson inquired on the vehicle storage and if security is provided. Mr. Gilmore explained that it is vehicle parking and referred additional questions to

the applicant.

Questions of the Applicant:

Mike Miles, Dynamic Engineering, was available questions and provided a presentation on the proposed facility.

Commissioner Jeremiah Johnson commented on the enhanced elevation and retention to the wet pond.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Curtis Johnson, Jr. to approve the site plan with (6) conditions.

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

Passed

- m. Quasi-Judicial Hearing - Review and approval of an application for a Site Plan (Development and Design Review) and Conditional Use by property owner Love Center Regeneration Ministries and applicant Deborah L. Martohue, Esq. AICP, to construct a 199-foot monopole telecommunication tower located at 3111 Avenue D, more specifically located at Parcel ID: 2408-123-0008-000-2.

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-Yes (Applicant)  
Commissioner Arnold Gaines - Yes (Developer, Residents)  
Commissioner Curtis Johnson Jr.- Yes (Developer, Residents)  
Commissioner Jeremiah Johnson - Yes (Residents)  
Mayor Hudson - Yes (Residents)

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

Staff Presentation:

Ryan Altizer, Senior Planner presented the review and approval of an application for a Site Plan (Development and Design Review) and Conditional Use by property owner Love Center Regeneration Ministries and applicant Deborah L. Martohue, Esq. AICP, to construct a 199-foot monopole telecommunication tower located at 3111 Avenue D.

RECOMMENDATION:

Staff recommendation is for the City Commission to vote APPROVAL of the proposed Site Plan and Conditional Use with three (3) conditions by staff and the Planning Board.

1. Prior to the issuance of a Building Permit approval, a gopher tortoise survey needs to be conducted.
2. A completion certification by a landscape architect, cost estimate, and landscape bond pursuant to City Code 123-6 shall be required before the Final Certification of Occupancy is approved for the site.
3. The applicant can waive the 5-foot sidewalk connection.

Questions of Staff:

Commissioner Broderick inquired that the proposal is only for the tower. Mr. Freeman confirmed the details of this proposal.

Commissioner Jeremiah Johnson inquired on the placement of the canal.

Applicant Questions of Staff:

None

Applicant Presentation:

Deborah Martohue provided a presentation on the proposed telecommunication tower.

Commissioner Jeremiah Johnson inquired on beautification of the base of the tower, backup power, and emergency networking. Ms. Martohue explained the plan for buffering the location and the towers' generator. Robin Clement, TowerCom, explained the fuel will either be propane or natural gas. Ms. Martohue explained emergency networking.

Commissioner Curtis Johnson inquired on the contents of the canister and its design. Ms. Martohue explained the monopole design and fall zone.

Mayor Hudson opened the public hearing.

Jessie Walker-Against  
Pearl Liverpool-Against  
Mario Wilcox - Against  
Doretha Hair-Truesdell - Against  
Rosalyn Laney- Against  
Christa Stone-Against  
Marjorie Harrell-Against

Ms. Martohue provided the municipal boundaries, the location of current broadcast and communication towers, addressed the concerns posed by the residents, and the efforts made for community outreach.

Commissioner Curtis Johnson inquired on the current tower location. Howard Allen, Verizon Wireless Engineer, explained 4G and 5G in current towers.

Commissioner Gaines inquired on the 4G and 5G multi-use towers comments. Mr. Allen confirmed multi-use towers and explained the need for additional capacity for the service area.

Comments from the Commission:

The Commission discussed the proposed use, site plan, possible development, resident notification, and consistency across the board.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Michael Broderick to deny the application based on proximity.

City Attorney Tanya Earley clarified the details and factors of a previously proposed telecommunication tower and that the court system does not consider proximity solely as a factor for denial.

Commissioner Gaines withdrew the motion.

Mayor Hudson commented that the federal government wants to serve underserved areas with telecommunication and proximity should not be the sole factor.

The Commission discussed at length and reviewed code and expressed concerns with the application.

Ms. Earley clarified that the decision made by the Commission must be supported and encouraged specifics in the motion.

Ms. Martohue requested a deferral to provided additional information.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Curtis Johnson, Jr. to postpone the quasi-judicial hearing to June 20, 2023.

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

Passed

- n. Legislative Hearing - Ordinance 23-026, Amending Chapter 26, Article II, Noise, Section 26-40 Sound Level Limitations, to restrict noise volume citywide.  
SECOND READING

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

ORDINANCE NO. 23-026

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 26, ARTICLE II, NOISE; AMENDING AND CLARIFYING SECTION 26-38, SUBSECTION (c) – MAXIMUM PERMISSIBLE SOUND LEVELS BY USE OCCUPANCY; AMENDING AND CLARIFYING SECTION 26-40 – SOUND LEVEL LIMITATIONS, TABLE 1; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. (SECOND READING)

The Commission briefly discussed the proposed change.

Mayor Hudson opened the public hearing.

Georgia Angelos- Against  
Will Goulet- Against  
Beryl Muise - Against  
Christa Stone-Against  
Rick Gadsby- Against  
Dirk Eykelhoff- Against  
Jon Nolli- Against  
Gregory Welling-Against  
Jaden Wyle- Against  
Lydia Wyle- Against  
Eloise Hazelwood-Against  
Holly Gilbert-Against  
Jim Krolski- Against Kowalski  
Carol Smatanka- Against  
Cecelia Dutcher- Against  
Greg Smatanka- Against  
Trudi Shifter-Against  
Michael Faurot, Jr. - Against  
Blades Robinson-Against  
Kai Fontaine-Against  
Bob Lynch-Against  
Diane Bernangan- Against  
Aaron Fried-Against  
Rick Fiddler-Against  
Amy Quote-Against  
Pinkie Hendley- Against  
Sequita Knight-Against  
James Clasby- Against  
Marilyn Clement-Against  
Douglas Granfield- Against  
David Bailin- Against  
Maryann Sirois -Against  
Cindi O'Connell- Against  
Laney Francisco-Against

Mayor Hudson closed the public hearing.

The Commission discussed the proposed Ordinance and the challenges associated with it.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Michael Broderick to deny Ordinance No. 23-026.

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

Passed

- o. 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. SECOND 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 ACCOMMODATIONS; 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 (p); PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.(SECOND READING)

Kev Freeman, Planning Director, presented the amending 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.

City Attorney Tanya Earley clarified the verbiage from the first reading as found in the updated ordinance attached to the agenda lowering the decibels to 55 across the board in Edgartown.

Commissioner Broderick commented on the Ordinance and his support of it.

Commissioner Jeremiah Johnson inquired on the specification on days and times.

Ms. Earley commented on the specifications, including Sunday and the proposed language.

Mayor Hudson opened the public hearing.

Jon Nelli- Against  
Douglas Granfield- Against  
Holly Theuns-For  
Lydia Wyle- Against  
Jaden Wyle-Against

Jennifer Ragland-Against  
Cindi O'Connell-For  
Kai Fontaine-Against  
James Clasby-Against  
Will Goulet-Against  
Linda Granfield-Against  
Gregory Welling-Against  
Blades Robinson-Against  
Christian Anderson-For  
Tim O'Connell- For  
Laney Francisco-Against

Mayor Hudson closed the public hearing.

Commissioner Curtis Johnson requested clarification on the 9 p.m. requirement.

Ms. Earley clarified the verbiage.

Commissioner Gaines inquired on the change from dBC level of 55 to the overall change to 55.

Ms. Earley clarified dBA versus dBC as presented in the hearing on January 9, 2023.

Commissioner Jeremiah Johnson commented on the dBC as it is the most restrictive compared to dBA.

Mayor Hudson offered several options and made a plea that the neighborhood not be divided by this issue.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Michael Broderick to approve Ordinance No. 23-019.

AYE: Commissioner Michael Broderick, Commissioner Jeremiah Johnson,  
Mayor Linda Hudson

NAY: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr.

Passed

### **13. CITY COMMISSION**

- a. Presentation and acceptance of City Audit on all funds for fiscal year ended September 30, 2022, as prepared by DiBartolomeo, McBee, Hartley & Barnes, P.A

Mark Barnes, DiBartolomeo, McBee, Hartley & Barnes, P.A presented the audit report which includes the financial statements for all Governmental, Proprietary and Fiduciary Funds for the period ending September 30, 2022. Also included are Notes to the Financials and the Auditor's Reports on the statements.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Arnold Gaines to accept the audit as presented.

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

Passed

- b. Resolution 23-R29, amending the Building Department fee schedule.

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

RESOLUTION NO. 23-R29

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING PERMIT AND PLAN REVIEW FEES, INCENTIVE AND OPTIONAL SERVICE FEES/REDUCTIONS, PENALTY FEES, CONTRACTOR LICENSING FEES AND MISCELLANEOUS SERVICE FEES; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Michael Broderick to approve Resolution No. 23-R29.

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

Passed

- c. Resolution 23-R33 Establishing the NW Pioneer Park Honored Pioneer Plaques Program

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

RESOLUTION NO. 23-R33

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; ESTABLISHING THE NW PIONEER PARK HONORED PIONEER PLAQUES PROGRAM; ADOPTING GUIDELINES FOR SELECTING NW PIONEER PARK HONORED PIONEER PLAQUE HONOREES; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Hudson commented on the need to add language that someone will not be considered as an honoree if they are already named in the City.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Jeremiah Johnson to approve Resolution No. 23-R33 with the correction.

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

Passed

- d. Resolution 23-R34 appointing Renee Morgan as the Arts & Culture Advisory Board appointee.

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

RESOLUTION NO. 23-R34

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

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Curtis Johnson, Jr. to approve Resolution No. 23-R34.

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.

None

**15. COMMENTS FROM THE CITY MANAGER**

Acting City Manager Devoshay Johnson – No comments

City Clerk Linda Cox - No comments

City Attorney Tanya Earley – No comments

**16. COMMENTS FROM THE COMMISSION**

No comments

**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 11: 13 P.M.

ATTEST:

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CITY CLERK

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MAYOR COMMISSIONER