

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, MAY 15, 2023.

1. CALL TO ORDER

Mayor Hudson called the May 15, 2023, Regular Meeting of the City Commission to order at 5:05 P.M.

2. OPENING PRAYER - Commissioner Jeremiah Johnson

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 May 01, 2023 Regular Meeting.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Jeremiah Johnson to approve the minutes from the May 01, 2023 Regular Meeting.

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

Passed

6. PROCLAMATIONS

- a. Haitian American Heritage Month
- b. National Public Works Week
- c. The American Legion Poppy Proclamation

7. LETTERS TO COMMISSION

- a. Email from Margo and Steve Kelley praising Danny Visconti for his excellent work as the director of the Indian Hills Golf Course and noting that they are always greeted warmly by Danny and the staff there, who make them feel like family.
- b. Email from Arndrea Dampier thanking Fort Pierce Police Officers Damian Spotts and Jose Maldonado for the training they conducted at Pastor Dampier's Church and for being professional but compassionate and knowledgeable but understanding.

- c. Letter of appreciation from the Fort Pierce Police Department Centennial Committee thanking City of Fort Pierce, Public Works, Fort Pierce Utilities Authority and Causeway Cove Marina for all of the help they gave the committee for the "Back the Blue" celebration.

8. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

Item 11c, grant to Hudson Home only, was pulled.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Jeremiah Johnson to approve the agenda with the removal of the grant for Hudson Home only.

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 comments

10. MISCELLANEOUS REPORTS

11. CONSENT AGENDA

- a. Approval of Contract with Journey C&D Group, Inc. to provide contractor services for the Florida Highwaymen Museum & African-American Culture Project.
- b. Approval to pay AT&T for invoices submitted to the City for the cost to design and install their utilities within the Right-of-Way of Avenue B from 13th Street to 8th Street in the the total amount of \$77,137.48
- c. Approval of Grants Division recommendation to award two (2), \$5,000.00 PY22-23 Small Business Grants for a total amount of \$10,000.00.

NOTE: GRANT TO HUDSON HOME WAS PULLED.

- d. Approval of Recreational Trails Program (RTP) grant application and the grantee match in the amount of \$18,043.00 for construction of the Moore's Creek Fit Park.
- e. Acceptance of the resignation of Tanya Earley, City Attorney in accordance with the attached letter dated April 20, 2023.
- f. Approval of Professional Services Agreement with Slavin Management Consultants to conduct a search for the Fort Pierce City Attorney in an amount not to exceed \$9,000.00.

Commissioner Curtis Johnson pulled items 11b, d, and e.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Jeremiah Johnson to approve items 11a and 11c 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 11 b

Commissioner Curtis Johnson expressed concern with supporting private business and industry with taxpayer funds and requested clarification from City Attorney Tanya Earley.

City Attorney Earley referenced Florida Statute 337.403.

The Commission discussed their concerns with the project and inquired if City road construction standards are being met.

Mr. Mimms explained that this method will allow timely construction completion.

John Andrews, City Engineer, explained that not funding the invoices will cause delays with the sidewalk installation and progress being made.

The Commission requested clarification on the cost and the design factor.

Mr. Mimms explained the need to prevent delaying the project.

Mr. Andrews explained the Cities responsibility and cost.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Jeremiah Johnson to approve item 11b.

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

Passed

As to item 11d

Commissioner Curtis Johnson expressed his excitement with the project and the significance of it to the community. In addition, he thanked staff for their work in obtaining the grant.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Arnold Gaines to approve item 11d.

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

Passed

As to item 11 e

Commissioner Curtis Johnson expressed that it has been a pleasure to work with City Attorney Tanya Earley.

Commissioner Gaines reiterated the sentiments of Commissioner Curtis Johnson, and that City Attorney Earley will be missed.

Commissioner Jeremiah Johnson expressed his sentiments on City Attorney Earley's departure.

Commissioner Broderick expressed his sentiments on City Attorney Earley and wished her the best.

Mayor Hudson expressed her appreciation for City Attorney Earley's honesty and integrity.

City Attorney Earley thanked the Commission, Mr. Mimms, Mrs. Cox and her staff for their well-wishes.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Jeremiah Johnson to approve item 11e with an effective date of July 19, 2023.

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 23-030 An application annexing a parcel of land approximately 6.79 acres, located west of US Highway 1 on the South side of Weatherbee Road. Parcel ID: 3403-502-0015-000-5. SECOND READING

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

ORDINANCE NO. 23-030

AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE ONE (1) PARCEL AT OR NEAR WEST OF US HIGHWAY ONE THE SOUTH SIDE OF WEATHERBEE ROAD, PARCEL ID: 3403-502-0015-000-5, 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 Jeremiah Johnson, seconded by Commissioner Arnold Gaines to approve Ordinance No. 23-030.

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

Passed

- b. Quasi-Judicial Hearing - Review and approval of an application for a Site Plan (Development and Design Review) by applicant Brad Currie of EDC, Inc., to construct a 5,000 square foot restaurant/retail facility located immediately west of Walgreens at 25th Street and Virginia Avenue, more specifically at parcel ID: 2420-111-0001-010-1.

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-None

Commissioner Arnold Gaines – None

Commissioner Curtis Johnson Jr.- None

Commissioner Jeremiah Johnson - None

Mayor Hudson - None

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) by applicant Brad Currie of EDC, Inc., to construct a 5,000 square foot restaurant/retail facility located immediately west of Walgreens at 25th Street and Virginia Avenue.

RECOMMENDATION:

Staff's recommendation is for the City Commission to vote approval on the proposed Site Plan (Development and Design Review) with one condition.

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.

Questions of Staff:

Commissioner Broderick inquired if there is a shared curb cut with Walgreens. Mr. Altizer confirmed that it is.

Applicant Questions of Staff:

Brad Currie, EDC, had no questions of staff.

Commission Questions of the Applicant:

None

Mayor Hudson opened the public hearing.

Seeing no one, she closed the public hearing.

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Curtis Johnson, Jr. to approve the application for Site Plan with one (1) condition.

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

Passed

- c. Quasi-Judicial Hearing - Review and approval of an application for a Site Plan (Development and Design Review) by applicant Brad Currie with EDC, Inc., to construct four office/flex space buildings totaling 40,500 square feet located at the east side of S. 7th Street, north of Farmers Market Road, more specifically at parcel ID: 2427-601-0031-000-8.

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-None

Commissioner Arnold Gaines – None

Commissioner Curtis Johnson Jr.- None

Commissioner Jeremiah Johnson – St. Lucie County

Mayor Hudson – None

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) by applicant Brad Currie with EDC, Inc., to construct four office/flex space buildings totaling 40,500 square feet located at the east side of S. 7th Street, north of Farmers Market Road.

RECOMMENDATION:

Staff's recommendation is for the City Commission to vote approval on the proposed Site Plan with two (2) 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. Coordinate with FWC to relocate gopher tortoise(s) that have been observed on the property.

Questions of Staff:

Commissioner Gaines inquired if the flex space was offices or additional storage. Mr. Altizer explained that it is not storage, but its use is offices and light industrial activity.

Commissioner Broderick inquired on the dumpster locations. Mr. Altizer explained that they are between the buildings.

Applicant Questions of Staff:

Brad Currie, EDC, had no questions of Staff.

Commission Questions of the Applicant:

Commissioner Jeremiah Johnson inquired on the trip calculations and a description of 7th Street overall. Mr. Currie stated that he did not have the exact number and explained the issues with County and described 7th Street including its challenges.

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 the application for Site Plan with two (2) conditions.

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

Passed

- d. Quasi-Judicial Hearing - Review and approval of an application for a Conditional Use by applicant Nikki Kelly to operate a 2,126 square-foot adult daycare facility at 1331 N. Lawnwood Circle, more specifically at Parcel ID: 2416-604-0010-000-0.

Mayor Linda Hudson called the proceeding to order.

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

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

Commissioner Michael Broderick-None

Commissioner Arnold Gaines – None

Commissioner Curtis Johnson Jr.- None

Commissioner Jeremiah Johnson - None

Mayor Hudson - None

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 Conditional Use by applicant Nikki Kelly to operate a 2,126 square-foot adult daycare facility at 1331 N. Lawnwood Circle.

RECOMMENDATION:

Staff's recommendation is for the City Commission to vote approval of the proposed Conditional Use with one (1) condition.

1. Hours of operation may be from 8 a.m. to 5 p.m.

Questions of Staff:

Commissioner Broderick inquired on the Planning Boards decision to extend the hours of operation and what triggers the Conditional Use. Mr. Altizer explained that the extended hours are for the purpose of additional use if needed specifically for Conditional Use, and that adult daycare facilities require this use based on zones.

Applicant Questions of Staff:

Tod Mowery, Redtail DG, representing the applicant, had no questions for staff, and explained the need for this type of facility. In addition, requested an adjustment of the hours to 8 a.m. to 5 p.m.

Commission Questions of the Applicant:

None

Mayor Hudson opened the public hearing.

Seeing no one, she closed the public hearing.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Michael Broderick to approve the application for Conditional Use with one (1) condition that hours of operation may be from 8 a.m. to 5 p.m.

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

Passed

13. CITY COMMISSION

- a. Resolution No. 23-R35 Authorizing the release of mineral rights on property located on Boston Avenue which was previously sold pursuant to Resolution 22-R26.

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

RESOLUTION NO. 23-R35

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED RELEASING MINERAL RIGHTS TO PAUL A. HEMINGWAY AND LAUREL HEMINGWAY (“HEMINGWAYS”); AND PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Arnold Gaines to approve Resolution No. 23-R35.

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

Passed

- b. Resolution 23-R36 reappointing Claudette Pelletier as Special Magistrate

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

RESOLUTION NO. 23-R36

A RESOLUTION REAPPOINTING CLAUDETTE PELLETIER, ESQ. AS SPECIAL MAGISTRATE TO PRESIDE OVER CERTAIN CODE ENFORCEMENT PROCEEDINGS; MAKING SUCH APPOINTMENT SUBJECT TO APPLICABLE ORDINANCES AND STATUTES; AND PROVIDING FOR EFFECTIVE DATES.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Curtis Johnson, Jr. to approve Resolution No. 23-R36.

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

Passed

- c. Resolution 23-R37 removing the Sunrise Theatre Executive Director as an ex-officio member of the Sunrise Theatre Advisory Board.

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

RESOLUTION NO. 23-R37

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, MODIFYING THE COMPOSITION OF THE SUNRISE THEATRE ADVISORY BOARD, AND PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Curtis Johnson, Jr. to approve Resolution No. 23-R37.

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.

No comments

15. COMMENTS FROM THE CITY MANAGER

a. Reports

City Manager Nick Mimms provided the monthly purchase order report and 2022 Annual Year End Review report which highlights the growth and development of the City.

City Clerk Linda Cox - No comments

City Attorney Tanya Earley - No comments

16. COMMENTS FROM THE COMMISSION

Commissioner Curtis Johnson thanked the Commission for a great meeting.

Commissioner Broderick commented on Public Works Week and the dedication of the department.

Commissioner Gaines commented on the proclamations.

Commissioner Jeremiah Johnson commented on Brightline.

Mr. Mimms commented on two items on the next Consent Agenda, a design proposal and interlocal agreement with the TPO to assist in funding a design for the possibility of a Brightline station.

Mayor Hudson announced that Sunday, May 22nd, St. Paul A.M.E. is celebrating law enforcement and that service will be held Monday, May 29th at Veterans Memorial Park at 11 a.m.

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 6:29 P.M.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER