

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, AUGUST 21, 2023.

1. CALL TO ORDER

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

2. OPENING PRAYER - Pastor Robert Barrett with Word of Faith Christian Academy

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
Interim City Attorney Sara Hedges

5. APPROVAL OF MINUTES

- a. Approval of Minutes from the August 07, 2023 Regular Meeting

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Michael Broderick to approve the Minutes of the August 7, 2023 Regular Meeting.

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

Passed

6. PROCLAMATIONS

7. LETTERS TO COMMISSION

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.

No public comments

10. MISCELLANEOUS REPORTS

11. CONSENT AGENDA

- a. Approve a Site Plan extension to September 21, 2024 for a Site Plan and Conditional Use with New Construction, together with three conditions, submitted by Property Owner Representative, Engineering, Design, & Construction Inc, to construct and operate a development that will contain office/flex space and RV storage at 2564 S. Kings Highway in Fort Pierce, FL, Parcel ID: 2324-233-0000-000-7.
- b. Approval of Fourth Amendment to Agreement for Purchase and Development of Fisherman's Wharf to extend and toll time periods in the Agreement for 12 months.
- c. Approval of a Partial Release of Unity of Title for 4145 S US Highway 1 (formerly 504 Tumblin Kling Rd B)

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Michael Broderick 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. Quasi-Judicial Hearing deferred from April 17, 2023 and postponed from June 20, 2023 - 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 asked all present to listen carefully to what Interim City Attorney Sara Hedges would read regarding Quasi-Judicial Hearings as they apply to subsequent Quasi-Judicial Hearings tonight. Sara Hedges, Interim 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 – Yes (Site visit, developer, representative, and emails.)

Commissioner Arnold Gaines - Yes (Development team, site visit, residents, and emails.)

Commissioner Curtis Johnson Jr.- Yes (Site visit, development team, and residents.)

Commissioner Jeremiah Johnson – Yes (Residents, development team, and emails.)

Mayor Hudson – Yes (Letters, phone calls, and emails against the project)

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

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:

The Commission inquired as to improvements including sidewalks, driveways, zoning designation, conditional use, buffering, regulatory agency involvement, and properties adjacent to the site, Mr. Altizer explained the improvements, access to the parcel, and regulatory agency involvement.

Applicant Questions of Staff:

None

Question of the Applicant:

Deborah Martohue, Martohue Land Use Law, introduced staff and George Davis, Vice President, Telecomm, and provided an update to the community meeting and presentation.

The Commission inquired as to the issues presented at the community meeting, impacts to the airport, the current 4G and 5G technologies present, range, community meeting advertisement the use of the tower. Mr. Davis explained the concerns posed at the meeting, practices in place for the airport, better explained 5G, advertisement for the community meeting, and that the tower will be used by multiple providers.

Ms. Martohue commented on the location of current towers, health concerns, and service for all sociodemographic, studies on towers, and conditional use standards.

Commissioner Jeremiah Johnson inquired as to the generator fuel source, containment, fencing, and improvements. Mr. Davis stated that it is propane and battery backup, the site is contained, and the equipment is fenced.

Ms. Martohue explained that because the site is unmanned the standards are different, buffering is addressed and if any additional elements are needed they will commit to them. In addition, explained emission concerns and that the property owner may make improvements as development continues.

Mr. Davis explained that they are willing to make improvements, even if they are temporary as the property owner plans for new development.

Mayor Hudson opened the public hearing.

Ionis Jefferson - No information was provided to the Housing Authority as she is confirmed as a board member.

Mario Wilcox - Against

Doretha Hair-Truesdell – Against and received no notification of the community meeting held.

Pearl Liverpool – Against due to proximity.

Harry Shaw - Against due to proximity.

Rosalyn Laney- Against due to proximity.

Marjorie Harrell - Against does not believe it is wanted by the community.

Tangela Palmer – Did not receive notice and is against due to proximity.

Katora Chino - Against due to proximity.

Applicant Response:

Ms.Martohue responded to the publics comments and concerns.

Staff Comments:

None

Mayor Hudson closed the public hearing.

The Commission discussed community involvement in the decision, thanked the community for coming out tonight, zoning classification, and commented on the requirement for competent substantial evidence.

Motion was made by Commissioner Broderick to approve the Site Plan with three conditions.

Motion failed due to lack of second.

Mayor Hudson inquired of Interim City Attorney Sara Hedges the process required for a denial.

Ms. Hedges clarified the requirements.

Commissioner Jeremiah commented on the denial requirements and requested a discussion of the denial.

Commissioner Gaines requested clarification on the voting requirements.

The Commission discussed competent substantial evidence, code requirements, and laws that must be followed.

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Jeremiah Johnson to approve the application for Site Plan and Conditional Use.

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

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

Passed

- b. Quasi-Judicial Hearing - Review and approval of an application for a Site Plan (Development and Design Review) by applicant Ravi Alur with Aspire Engineering to construct a 4,930 square-foot automated carwash with self-service vacuums at 5340 S. US Highway 1, more specifically at Parcel Control Number: 3403-433-0008-000-2.

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 - 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:

Ryan Altizer, Senior Planner, presented the review and approval of an application for a Site Plan.

RECOMMENDATION:

Staff recommends APPROVAL with one (1) condition:

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.

Questions of Staff:

Commissioner Jeremiah Johnson inquired as to the location on US 1.

Applicant questions of Staff:

Patricia Ortiz, on behalf of the applicant, Ravi Alur with Aspire Engineering, had no questions of staff.

Question of the Applicant:

Commissioner Curtis Johnson requested clarification on access to the facility.

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 Site Plan with (1) one condition.

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

Passed

- c. Legislative Hearing - Ordinance 23-012 review and adoption of a Future Land Use Map Amendment of five (5) parcels of land to change the future land use designations from St. Lucie County designations of Residential Urban (RU) and Commercial (COM) to City designations of High Density Residential (RH) (+/- 80.3 Acres) and General Commercial (CG) (+/- 4.5 Acres).- West Orange located at Orange Avenue and N. Jenkins Road (5 parcels.) Parcel ID's: 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. 23-012

AN ORDINANCE OF THE CITY OF FORT PIERCE AMENDING THE FUTURE LAND USE MAP DESIGNATIONS OF THE CITY'S COMPREHENSIVE PLAN IN RESPECT OF PROPERTY GENERALLY LOCATED AT OR NEAR THE SOUTHEAST CORNER OF N JENKINS ROAD AND FLOYD JOHNSON ROAD IN FORT PIERCE FLORIDA BEING APPROXIMATELY MORE OR LESS 84.8 ACRES; THEREBY AMENDING THE FUTURE LAND USE DESIGNATIONS OF APPROXIMATELY 80.3 acres OF THE SUBJECT PROPERTY FROM ST. LUCIE DESIGNATIONS OF RESIDENTIAL URBAN AND COMMERCIAL TO CITY OF FORT PIERCE DESIGNATION OF HIGH DENSITY RESIDENTIAL, AND AMENDING THE FUTURE LAND USE DESIGNATIONS OF APPROXIMATELY 4.5 ACRES OF THE SUBJECT PROPERTY FROM ST.

LUCIE COUNTY DESIGNATION OF COMMERCIAL TO CITY OF FORT PIERCE DESIGNATION OF GENERAL COMMERCIAL, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTIONS; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND FOR OTHER PURPOSES. SECOND READING

Mayor Hudson opened the public hearing.

Brenda Campbell - concerned with traffic.

Joe Campbell – concerned with drainage leading to pest issues.

Mayor Hudson closed the public hearing.

The Commission inquired on the next steps in the process, and how to aid the residents.

Kevin Freeman, Planning Director, explained the process of zoning, annexation, property development, and county traffic planning.

Mr. Mimms commented that he received the complaint and will be communicating with the City and or County for maintenance of the property.

Mayor Hudson closed the public hearing.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Jeremiah Johnson to approve Ordinance No. 23-012, to adopt the proposed FLUMA, and authorize the Planning Director to notify the Department of Commerce of the action.

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

Passed

- d. Legislative Hearing - Ordinance 23-048 amending the Mayor and Commission annual salaries. FIRST READING

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

ORDINANCE NO. 23-048

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING CHAPTER 2, ARTICLE II., DIVISION 1, SEC. 2-19 COMPENSATION OF THE CODE OF ORDINANCES; ESTABLISHING THE COMPENSATION DUE TO MAYOR AND COMMISSIONERS; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. FIRST 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. 23-048.

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

Passed

13. CITY COMMISSION

- a. ITEM FOR INFORMATION/DISCUSSION ONLY - Staff Notification of an affordable housing project 'Sound Meadows' submitted under the provisions of the 'Live Local Act'.

Kevin Freeman, Planning Director, presented the notification of an affordable housing project 'Sound Meadows' submitted under the provisions of the 'Live Local Act'.

- b. Resolution 23-R44 appointing an at-large member to the Keep Fort Pierce Beautiful Committee.

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

RESOLUTION NO. 23-R44
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT OR REAPPOINTMENT OF MEMBERS TO THE KEEP FORT PIERCE BEAUTIFUL ADVISORY BOARD; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Gaines - Sarah Oliveros

Commissioner Jeremiah Johnson -Michael Sickenius

Commissioner Broderick - Gus Gutierrez

Commissioner Curtis Johnson - Gus Gutierrez

Mayor Hudson -Sarah Oliveros

Tie-breaking vote:
Commissioner Jeremiah Johnson-Gus Gutierrez

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Michael Broderick to approve Resolution No. 23-R44 reappointing Gus Gutierrez to the Keep Fort Pierce Beautiful Advisory Board.

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

Passed

- c. Resolution 23-R45 appointing two members to fill at-large seats on the Infrastructure Surtax Advisory Committee.

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

RESOLUTION NO. 23-R45
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT OF MEMBERS TO THE INFRASTRUCTURE SURTAX CITIZEN OVERSIGHT COMMITTEE; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Gaines-Anthony Westbury and Steven Haines

Commissioner Jeremiah Jonson-Steven Haines and Anthony Westbury

Commissioner Broderick-Bradford Wheler and Anthony Westbury

Commissioner Curtis Johnson-Anthony Westbury and Timothy Gardenhire

Mayor Hudson-Anthony Westbury and Steven Haines

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Arnold Gaines to approve Resolution No. 23-R45 reappointing Anthony Westbury and appointing Steven Haines to the Infrastructure Surtax Citizen Oversight Committee.

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

Passed

- d. Resolution 23-R46 appointing an at-large member to serve on the Fort Pierce Planning Board.

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

RESOLUTION NO. 23-R4

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT OF A MEMBER TO THE CITY PLANNING BOARD; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Gaines- Nichelle Clemons

Commissioner Jeremiah Johnson-Justine Carter

Commissioner Broderick- Nichelle Clemons

Commissioner Curtis Johnson- Nichelle Clemons

Mayor Hudson- Nichelle Clemons

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Jeremiah Johnson to approve Resolution No. 23-R46 reappointing Nichelle Clemmons to the City Planning Board.

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.

Stephanie Eubanks

15. COMMENTS FROM THE CITY MANAGER

Mr. Mimms – No comments

City Clerk Linda Cox – No comments

Interim City Attorney Sara Hedges – No comments

16. COMMENTS FROM THE COMMISSION

Commissioner Gaines commented on quasi-judicial hearings and the approachability of the Commission.

Ms. Hedges commented that Staff is working on providing training for the Commission and City Boards on quasi-judicial hearings. This training will also be open to the public.

City Clerk Linda Cox will make quasi-judicial information available to the public during the required advertisement.

Commissioner Curtis Johnson commented on quasi-judicial hearings and the perception of what evidence is to the public, enhanced marketing efforts online, engaging with the Youth Council for their assistance with technology,

Mr. Mimms commented that from a practical standpoint, a video may assist in explaining quasi-judicial hearings.

Commissioner Broderick commented on separating factual information from an emotional response in meetings.

Commissioner Jeremiah Johnson commented on the public notification process and suggested the agenda be posted weeks in advance.

Mayor Hudson commented on the idea of changing the date the agenda is published.

Ms. Cox commented that early agenda publication could add thirty days to the development application process.

Commissioner Broderick commented on the Planning Board agenda publication process.

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 8:57 P.M.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER