

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, OCTOBER 02, 2023.

1. CALL TO ORDER

Mayor Hudson called the October 2, 2023, Regular Meeting of the City Commission to order at 5:05 P.M

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Jeremiah Johnson to excuse Commissioner Gaines from the meeting.

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

Passed

2. OPENING PRAYER

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

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

Absent: Commissioner Arnold Gaines

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 September 18, 2023 Regular Meeting.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Michael Broderick to approve the minutes of the September 18, 2023 Regular Meeting

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

Passed

6. PROCLAMATIONS

- a. Red Ribbon Week
- b. Careers in Construction

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.

Ann Simett – Item 13c

Dale S Van Der Lugt – Item 13c

10. MISCELLANEOUS REPORTS

- a. Boys & Girls Clubs of St. Lucie County Activities Update by Will Armstead, Chief Executive Officer

Will Armstead, Chief Executive Officer, Boys and Girls Club of St. Lucie County, presented spotlights on the Boys and Girls Club including The Youth of the Year.

11. CONSENT AGENDA

- a. Approval of the Police Department's annual purchase orders over \$10,000 for FY2023-2024 for a total of \$689,727.
- b. Approval to execute the contract with Accurate Power and Technology in response to Bid Proposal 2023-034 - Electrical Services for the installation of the Building Department generator in the amount of \$59,382.54.
- d. Approval of travel for Commissioner Arnold Gaines to attend the Institute for Elected Officials in Daytona Beach Florida from October 26, 2023 to October 28, 2023 in the amount of \$587.40.
- e. Approval of travel for Commissioner Michael Broderick to attend the Institute for Elected Officials in Daytona Beach Florida from October 26, 2023 to October 28, 2023 in the amount of \$587.40.
- f. Approval of Letter of engagement with GrayRobinson, P.A. for Governmental Consulting Services in the amount of \$54,000.
- g. Approval of Assignment of Agreement from Cardno Inc to Stantec Consulting Services Inc.
- h. Approval of Unit Price Contract for Bid No. 2023-009, Canal Right of Way Mowing & Debris Removal Services, to Heath Beimly, LLC of West Plm Beach FL, in the amount of \$251,500.00.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Curtis Johnson, Jr. 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 - Review and approval of an application for a Conditional Use with New Construction (Development and Design Review) submitted by applicant Mike Seal, to construct a single-family residence with a height of 35-feet tall on Surfside Drive, more specifically located at Parcel IDs: 2507-234-0002-000-5 and 2507-234-0003-000-2.

Mayor Linda Hudson asked all present to listen carefully to what City Attorney Sara Hedges would read regarding Quasi-Judicial Hearings as they apply to subsequent Quasi-Judicial Hearings tonight. Sara Hedges, 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 (Attended the Planning Board meeting, email and calls)

Commissioner Curtis Johnson Jr.- Yes (Emails)

Commissioner Jeremiah Johnson – Yes (Correspondence and conversation with residents)

Mayor Hudson – Yes (Emails, text, viewed the Planning Board meeting)

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 with New Construction on Surfside Drive.

RECOMMENDATION:

Staff's recommendation is for the City Commission to vote APPROVAL of the proposed Conditional Use to a height of 35 feet.

Questions of Staff:

The Commission inquired on the zoning classification, FEMA flood height requirements, landscape plans, stormwater plans, parking, setbacks, and impervious paving.

Ryan Altizer and Kevin Freeman, Planning Director, addressed the questions posed by the Commission.

Applicant Questions of Staff:

Mike Seal, the applicant, had no questions for staff.

Question of the Applicant:

Mike Seal presented the proposed project on Surfside Dr. and addressed Commission questions.

The Commission inquired on pervious vs impervious pavers, stormwater management, DEP permit, finished grade height of the first floor, and the finished ceiling height.

Eric Olson, the property owner, provided his background and answered questions posed by the Commission.

Mayor Hudson opened the public hearing.

Comments from the public:

Michael Jacquin – commented on his building process and the proposed location.

Joshua Voss – Posed concern with conditional use.

Stan Stankowski – Posed concern with use as anything other than a private residence.

Chuck Selig – Posed concern with the conditional use.

Denise Jenkins – Posed concern with conditional use and any use outside of a private residence.

Mike Menard – Offered clarification as a design professional.

Margorie Harrell – In support of the proposed property.

Mike Seal responded to comments including what can be viewed from the beach, ensuites, and clarified the location.

Mayor Hudson closed the public hearing.

Commission Discussion:

The Commission discussed short-term rentals and conditional use consideration, the bases of conditional uses, competent substantial evidence, concerns with relation to the neighborhood, and inquired of City Attorney Hedges if the conditions could be modified.

Attorney Hedges clarified the conditional use guidelines and directed the Commission to consider the reasons for denial.

Motion was made by Commissioner Broderick to deny the application on the basis of size, scope, massing, and height.

There was no second.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Jeremiah Johnson to approve the Conditional Use.

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

Passed

13. CITY COMMISSION

- a. Resolution 23-R49 appointing Justine W. Carter to the Planning Board as Commissioner Curtis Johnson Jr.'s appointee.

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

RESOLUTION NO. 23-R49
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.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Jeremiah Johnson to approve Resolution No.23-R49.

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

Passed

b. Resolution 23-R52 Fort Pierce Resorts, LLC. Property Lease

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

RESOLUTION NO. 23-R52

A RESOLUTION OF THE CITY OF FORT PIERCE, FLORIDA AUTHORIZING THE LEASE OF SIX (6) PARCELS OF LAND LOCATED ALONG INDIAN RIVER DRIVE FROM FORT PIERCE RESORTS, LLC.; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Mimms commented that the resolution is for continued use for parking including boat trailer parking.

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Curtis Johnson, Jr. approve Resolution No.23-R52.

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

Passed

c. Resolution 23-R53 supporting the naming of the new A1A Bridge in recognition of the E.C. Summerlin Family.

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

RESOLUTION NO. 23-R53

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, TO SUPPORT NAMING THE NEW SR A1A NORTH CAUSEWAY BRIDGE OVER THE INTERCOASTAL WATERWAY IN ST. LUCIE COUNTY, THE E.C. SUMMERLIN FAMILY BRIDGE.; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Michael Broderick to approve Resolution No.23-R53.

AYE: Commissioner Michael Broderick, 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 commented on the reconstruction of Jaycee Park boat ramps, paving of Avenue D, Means Court roadway access, and Ohio Ave.

City Clerk Linda Cox - No comments

City Attorney Sara Hedges announced the Quasi-Judicial training on October 24th at 10 a.m. and 1: 30 p.m., presented by Randy Mora.

16. COMMENTS FROM THE COMMISSION

Commissioner Curtis Johnson asked for the Commission's support for possibly renaming a street for Lillian P. Owens 100th Birthday, commented on the unfortunate issues on 29th street, explored street-scaping, and mentioned the FLC Policy Meeting.

A consensus was made to move forward with the process of street renaming and call for nominations.

Commissioner Jeremiah Johnson commented on street-scaping, the town hall meeting, and thanked Westside Church for the use of their facility.

Commissioner Broderick complemented Commissioner Jeremiah Johnson on the town hall meeting.

Mayor Hudson commented on the changes in Fort Pierce.

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 7:59 P.M.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER