

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, MARCH 18, 2024.

1. CALL TO ORDER

Mayor Hudson called the March 18, 2024, Regular Meeting of the City Commission to order at 5:05 P.M.

2. OPENING PRAYER - Pastor Candace Star with C. Star Ministry

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 Sara Hedges

5. APPROVAL OF MINUTES

- a. Approval of the minutes from the March 4, 2024 regular meeting.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Curtis Johnson, Jr. to approve the minutes of the March 04, 2024 Regular Meeting.

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

Passed

6. PROCLAMATIONS

- a. Vietnam Veterans Day Proclamation

7. LETTERS TO COMMISSION

- a. Dawn Bresnak commended Anne Bowen, Marina Concierge, for her exceptional ability to handle multiple tasks simultaneously and ensure customer satisfaction.

8. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

City Attorney Sara Hedges presented the request for postponement of item 12h.

The Commission inquired on the right to postpone and commented on the critical nature of a quasi-judicial hearing.

Ms. Hedges commented on the right to postpone, the evidence presented to the City Clerk, explained the procedure for submittal, and added that if a motion is made the time for evidence submittal can be included.

City Clerk Linda Cox commented on the evidence received and explained the procedure for submittal to the City Clerk's office.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Curtis Johnson, Jr. to continue item 12h until the April 15, 2024 Regular Meeting with all evidence submitted to the City Clerk's office by 5 p.m. on April 1, 2024.

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

Passed

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

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

Passed

9. COMMENTS FROM THE PUBLIC ON AGENDA ITEMS NOT REQUIRING PUBLIC HEARINGS

Any person who wishes to comment on an agenda item which is not under Public Hearings on the Agenda may be heard at this time and must sign up to speak in advance. Please limit your comments to three (3) minutes or less, as directed by the Mayor, as this section of the Agenda is limited to thirty minutes. The City Commission will not be able to take any official actions under Comments from the Public. Speakers will address the Mayor, Commissioners, and the Public with respect. Inappropriate language will not be tolerated.

Michelle Danaluk
Kris Einstein

10. MISCELLANEOUS REPORTS

11. CONSENT AGENDA

- a. Approval of Engineering Design & Construction, Inc. (EDC) Specific Authorization No. 13 for permitting and engineering design of reconstruction of Citrus Avenue between U.S. Highway 1 and 7th Street in the amount of \$99,295.00.
- b. Approval of CDBG Grant Agreement with Main Street Fort Pierce, Inc. in the amount of \$50,000.00.
- c. Approval of CDBG Grant Agreement with Lincoln Park Mainstreet, Inc. in the amount of \$50,000.00.
- d. Approval of the union contract between the City of Fort Pierce and the Teamsters Local Union Number 769 regarding wages and D.R.O.P. adoption.
- e. Approval of Mutual Aid Agreement between the Fort Pierce Police Department, the Port St. Lucie Police Department, and any subsequently executing law enforcement agencies.
- f. ADDED ITEM: Approval of the Financial Assistance Agreement between the Florida Department of Law Enforcement and Fort Pierce Police Department / City of Fort Pierce for Fentanyl Eradication

Commissioner Jeremiah Johnson pulled item 11d
Commissioner Gaines pulled item 11 c

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Jeremiah Johnson to approve items 11a,11b,11e 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 11c
Commissioner Gaines requested clarification on the grant.

Johnna Morris, Finance Director, explained the grants purpose in the Lincoln Park area.

Commissioner Curtis Johnson commented that this process is overseen by the federal government.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Jeremiah Johnson to approve item 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 11d
Commissioner Jeremiah Johnson thanked Staff for expediting the process and inquired on Article 15 due to the legislative changes and the time it may take if the Commission requested removal, and the upcoming certification that may give the ability to make the change.

Ms. Hedges commented on the Article. This was acknowledged and requested it remain if the law changes.

Mr. Mimms commented that he believes it would take a minimum of thirty days and that the teamsters understand that this will no longer be deducted and have requested it be left in and noted the teamsters' bargaining unit employees are the lowest paid in the City. Negotiations will be reopened to address the Article and verbiage.

Mayor Hudson commented that moving forward the Commission could request it be removed.

Commissioner Gaines inquired how the Commission could approve the language in the contract if legislation has made a change.

Mr. Mimms commented on including "If applicable" in the contract.

Ms. Hedges commented that it is understood that if the law changes, dues would resume.

Commissioner Broderick inquired on the contract and commented on the language in the contract.

Motion was made by Commissioner Jeremiah Johnson, 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

12. PUBLIC HEARINGS

Quasi-Judicial Hearings follow a strict set of rules and procedures which can be found on the City's website using this link: <https://www.cityoffortpierce.com/DocumentCenter/View/6740/Quasi-Judicial-Procedures>. All Quasi-Judicial decisions by the City Commission must be based on competency substantial evidence. Competent substantial evidence is evidence which will establish a substantial basis from which the fact at issue can reasonably be inferred. It includes fact or opinion evidence offered by an expert on a matter that requires specialized knowledge and that is relevant to the issues to be decided. It is evidence a reasonable mind could accept as having probative weight and adequate to support a legal conclusion. Hypothetical, speculative, fear or emotion based generalized statements that do not address the relevant issues and that cannot be reasonably said to support the action advocated, are not competent substantial evidence.

a. Presentation and Public Hearing on the 2022-23 Consolidated Annual Performance and Evaluation Report (CAPER)

Johnna Morris, Finance Director, and Donella Clark, Grants Manager, presented the 2022-23 Consolidated Annual Performance and Evaluation Report (CAPER) at a Public Hearing as HUD requires. The presentation included the priority needs to be served and CARES funding.

The Commission inquired how the unused funds can be allocated to citizens in need, reallocation, weatherization, and if assistance has been offered by Congressman Mast's office to obtain grants.

Ms. Morris explained that most funds are allocated to housing due to specifics in criteria required for other needs. Programs may not be available or meet the criteria required to receive the funds, explained the current housing programs, needs and the mandate from HUD on awards and how often they can be serviced, and provided an update on the weatherization program.

Mr. Mimms commented that the City is continuing its efforts with Congressman Mast.

Mayor Hudson commented on the effects the most recent political event has had on the police department.

Mayor Hudson opened the public hearing.

Kris Einstein commented on the need for business funding.

Michelle Danaluk commented on the need for local business support.

Becky Demanuel commented on the number of businesses that have closed.

Mike Carey commented on the need for business grant opportunities.

Shimp International commented on his constitutional rights.

Debra Brown commented on the need for funding.

Mayor Hudson closed the public hearing.

The Commission commented on the need for information regarding grants, program evaluation, and focus.

Ms. Morris commented on the grant process and HUD involvement in the funding of grants.

Mr. Mimms commented on the availability of CRA grants but CDBG has a process.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Jeremiah Johnson to accept the CAPER Report with the correction striking the weatherization program.

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

Passed

- b. Legislative Hearing - Ordinance 24-001, Amending Chapter 103, Division I, Section 103-24, Subsection (a), providing Local Administrative Amendments to the 8th Ed. Florida Building Code with regard to Scope and Administration. FIRST READING

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

ORDINANCE NO. 24-001

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CHAPTER 103, DIVISION I, SECTION 103-24, SUBSECTION (a) TO PROVIDE FOR LOCAL ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE (FBC), 8TH EDITION (2023) IN THE CODE OF ORDINANCES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE. FIRST READING

Paul Thomas, Building Director, explained the amendment.

Mayor Hudson opened the public hearing.

Michelle Danaluk commended the building department.

Mayor Hudson closed the public hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Arnold Gaines to approve Ordinance No. 24-001.

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

Passed

- c. Legislative Hearing - Ordinance 24-005: Review and approval of a voluntary annexation by Owner, Harry Blue, to extend the territorial limits of the City of Fort Pierce, Florida, to include four (4) parcels at or near the southwest intersection of South 7th Street and Kanner Drive on Duban Terrace. The proposed Future Land Use for the proposed properties is RH, High Density Residential, with a proposed zoning of R-4, Medium Density Residential. Parcel IDs: 2427-603-0135-000-3, 2427-603-0136-000-0, 2427-603-0104-000-7 and 2427-603-0134-000-6. FIRST READING

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

ORDINANCE NO. 24-005

AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE FOUR (4) PARCELS AT OR NEAR SOUTHWEST OF THE INTERSECTION OF S. 7TH STREET AND KANNER DRIVE ON DUBAN TERRACE, PARCEL IDS: 2427-603-0135-000-3, 2427-603-0136-000-0, 2427-603-0104-000-7 and 2427-603-0134-000-6, 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.

Staff Presentation:

Ryan Altizer, Senior Planner, presented the review and approval of a voluntary annexation at South 7th Street and Kanner Drive on Duban Terrace.

RECOMMENDATION:

Staff recommendation is for the City Commission to vote for approval of the proposed annexation.

Mayor Hudson opened the public hearing.

Questions of Staff:

The Commission inquired if this had gone through TRC, if TRC made comments, if the right-of-ways are City or County, if utilities and sewer exist and if they are City or County, and commented that the property is surrounded by County property and how infrastructure will be maintained.

Mr. Altizer answered the questions posed by the Commission.

Michelle Danaluk commented on the annexation.

Mayor Hudson closed the public hearing.

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Curtis Johnson, Jr. to approve Ordinance No. 24-005.

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

Passed

- d. Quasi-Judicial Hearing - Ordinance 24-004 providing for a Zoning Atlas Map Amendment by owner Ubilla-Duque Holdings, LLC., of one (1) parcel of land to change "Area 1" zoning classification from Commercial, General CG, to General Commercial, C-3, and "Area 2" zoning classification from Residential Multi-Familu (RM-11), to Residential High (R-5) generally located at 3307 S US Hwy 1 Fort Pierce, FL 34982. Parcel IDs: 2427-601-0050-000-7. FIRST READING

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

ORDINANCE NO. 24-004

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, REZONING A TOTAL OF +/- 3.72 ACRES OF PROPERTY GENERALLY LOCATED AT OR NEAR 3307 S US HWY 1 IN ORDER TO REZONE +/-2.66 ACRES ("AREA 1") OF THE PROPERTY FROM COUNTY ZONING OF COMMERCIAL, GENERAL (CG) TO CITY ZONING OF GENERAL COMMERCIAL (C-3) AND TO REZONE +/- 1.05 ACRES ("AREA 2") OF THE PROPERTY FROM COUNTY ZONING OF RESIDENTIAL MULTI-FAMILY (RM-11) TO RESIDENTIAL HIGH (R-5); PROVIDING FOR A SEVERABILTY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Linda Hudson asked all present to listen carefully to what City Attorney Sara Hedges would read regarding Quasi-Judicial Hearings. 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 – 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:

Kerry Driver, Planner, presented the Zoning Atlas Map Amendment for 3307 S US Hwy 1.

RECOMMENDATION:

Staff recommends APPROVAL of the proposed "Area 1" rezoning from COM, Commercial, to C-3, General Commercial, and "Area 2" rezoning from RM-11, Residential Multi-Family to R-5, Residential High.

Questions of Staff:

None

Mayor Hudson opened the public hearing.

Applicant Questions of Staff:

Alejandro Toro had no questions of staff.

Questions of the Applicant:

None

Mayor Hudson closed the public hearing.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Jeremiah Johnson to approve Ordinance No. 24-004.

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

Passed

- e. Quasi-Judicial Hearing - Review and approval of an application for a Site Plan (Development and Design Review), submitted by applicant Francarlos Rivera with TEG Developers, to construct a two-hundred and six (206) unit rental community with an amenity center, a proposed 10.7 acre conservation easement and associated development improvements at 5315 Edwards Road and 5496 Altman Road, more specifically at Parcel IDs: [2430-231-0001-000-4](#) and 2430-234-0001-000-3.

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 (Residents)
Commissioner Arnold Gaines – No
Commissioner Curtis Johnson Jr.- No
Commissioner Jeremiah Johnson – Yes (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 application for Site Plan at 5315 Edwards Road and 5694 Altman Rd.

RECOMMENDATION:

Staff's recommendation is for the City Commission to vote APPROVAL of the proposed Site Plan (Development and Design Reviews), with five 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. A gopher tortoise survey will be required per State Statute before construction can begin.
3. Addresses will need to be submitted to the Planning Department for all units prior to building permit applications.
4. Prior to the issuance of any Site Clearing Permits, the applicant shall provide a Tree Mitigation Survey and coordinate with the City of Fort 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.
5. Payment-in-lieu to St. Lucie County in respect of the portion of sidewalk that would be required between the two developments and that portion would be related to the cost of the sidewalk itself, not to any stormwater or infrastructure improvements that would be required

Questions of Staff:

The Commission inquired about sidewalk connectivity, amenities, the development entrance for signalization, and school transportation.

Mr. Freeman commented on the sidewalk improvement expected by the County.

Mr. Altizer clarified that amenities exist at both locations; entrance signalization, school pickup, and a proposed shelter.

Applicant Questions of Staff:

Carlos Rivera, TEG Developers, had no questions of staff.

Questions of the Applicant:

The Commission inquired on the distance from the intersection of Jenkins and Edwards to the proposed property line, sidewalk and infrastructure, common area facilities and connectivity, heavy traffic, property setbacks, and landscaping.

Mr. Freeman commented on the availability of right-of-way.

Mr. Rivera answered the questions posed by the Commission.

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

Commission Discussion:

The Commission inquired on the TRC, number of units, TPO involvement in connectivity, expressed concern with school transportation, commented on the need for County communication, deficiency in connectivity, and traffic studies.

Mr. Mimms commented that improvements to Jenkins Rd may not take place for between eight and twelve years and does not see a safe mechanism between the communities.

Mayor Hudson reopened the public hearing.

Mr. Freeman inquired on the traffic study and impact, and why connectivity is not provided between both developments.

Mr. Rivera answered the questions posed by Mr. Freeman, explained the payment in lieu for site improvements, and explained additional connectivity plans involving St. Lucie County.

The Commission discussed the addition of a condition for signalization or signage.

Mr. Mimms commented that St. Lucie County must agree to changes and that this may need to come back before the Commission.

A continuance was suggested of no less than thirty days to address several issues posed by the Commission.

Mayor Hudson closed the public hearing.

City Attorney Hedges explained the procedures for continuance.

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Curtis Johnson, Jr. for continuance to the May 6, 2024, Regular Meeting to provide additional information regarding sidewalk connections between Viva East and West, signalized crosswalks, and intersection management via stop signs with St. Lucie County.

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

Passed

- f. Quasi-Judicial Hearing - Review and approval of an application for a Site Plan (Development and Design Review) by property owner, BGDN LLC, and representative, Leslie Olson, Principal of District Planning Group, to construct a 312-unit multi-family luxury apartments development with a Clubhouse, Barbeque and Pool area, Indoor Gym, Tot Lot, and associated site improvements at or near the SE Corner of Graham Road and S. Jenkins Road and approximately 669 feet south of Graham Road in Fort Pierce, Florida, more specifically located at Parcel Control Number(s): 2418-333-0004-000-0, 2418-333-0003-000-3, 2418-333-0002-000-6, 2418-333-0001-000-9.

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.- Yes (Developer)
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:

Vennis Gilmore, Assistant Planning Director, presented an application for a Site Plan near the SE Corner of Graham Road and S. Jenkins Road.

RECOMMENDATION:

Planning Staff is recommending APPROVAL of the proposed 312-unit multi-family development with the following 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. 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.
4. A Unity of Title with the St. Lucie County Clerk of Courts and a Parcel Combination with the St. Lucie County Property Appraiser shall be completed prior to the issuance of any Building Permit.
5. After completion of the Unity of Title and Lot Combination, a General Address Request Form for the newly created Parcel ID and for each proposed building and residential unit shall be submitted to the Planning Department.
6. All required Right-of-Way Permits must be approved and installation of the proposed southern sidewalk extension to Okeechobee Road must be completed prior to Final Certificate of Occupancy is approved for the site.
7. Preparation for a school bus stop/shelter within the multi-family development be discussed with the St. Lucie County School Board.
8. Electric Vehicle infrastructure be installed as part of the proposed parking.

Questions of Staff:

The Commission inquired on what is front facing Jenkins, the multimodal bus stop, landscaping, and charging station.

Mr. Gilmore answered the questions posed by the Commission regarding the bus stop, its proximity to Camping World, the widening of the road and turnabout, and the ten-foot landscape buffering.

Mayor Hudson opened the public hearing.

Applicant Questions of Staff:

Leslie Olson, District Planning Group, provided information on the proposed project, buffering, the use of shutters on the area front-facing Jenkins, and bioswales.

Questions of the Applicant:

The Commission inquired on the transit stop, right of way, is the school bus stop covered, the location of the mail center.

Ms. Olson clarified that the proposed is a placeholder until placement is determined, the ultimate right of way requested by St. Lucie County, the applicant is open to covering the school bus stop with the addition of a condition.

Blane Berkstresser, KMA Engineering, explained the dedicated right of way that meets St. Lucie County requirements.

Mayor Hudson closed the public hearing.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Jeremiah Johnson to approve the application with the eight (8) conditions and the addition of a condition that the school bus shelter be covered.

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 a conditional use with no new construction application submitted by One Eleven Orange, LLC, in respect of a proposed 'Family Amusement Center' to be located within the full main level in the Second Generation Space at 111 Orange Ave. Parcel ID: 2410-509-0002-000-1.

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

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

Staff Presentation

Kevin Freeman, Planning Director, presented the approval of a conditional use with no new construction application submitted by One Eleven Orange, LLC, in respect of a proposed 'Family Amusement Center' to be located within the full main level in the Second Generation Space at 111 Orange Ave.

RECOMMENDATION

Staff recommend approval of the conditional use and that the following conditions be applied to the approval of this use:

Skill-based amusement games or machines are permitted as otherwise restricted by Florida State Statute 546.10 and shall not include;

1. Any game or machine that uses mechanical slot reels, video depictions of slot machine reels or symbols, or video simulations or video representations of any other casino game, including, but not limited to, any banked or banking card game, poker, bingo, pull-tab, lotto, roulette, or craps.
2. A game in which the player does not control the outcome of the game through skill or a game where the outcome is determined by factors not visible, known, or predictable to the player.
3. A video poker game or any other game or machine that may be construed as a gambling device under the laws of this state.
4. Any game or device defined as a gambling device in 15 U.S.C. s. 1171, unless excluded under 15 U.S.C. s. 1178.

Window tinting, mirrored windows, or other obscuring elements are prohibited on the front elevation of the premises.

Questions of Staff:

The Commission inquired if the City is covered as an amusement center, is the authorization with less substantial interior renovation is consistent with other conditional uses, will this property remain in this use for one year if not occupied, and hours of operations.

Mr. Freeman commented that the conditions provided ensure that it is not an "arcade" which goes against Florida statute, more than fifty percent of the work is

what is meant by substantial, explained the terms of the conditional use, the hours would be consistent with any other business downtown.

Mayor Hudson opened the public hearing.

Maureen Coyle posed concerns with hours, defining family, and whether security would be provided.

Anthony Talalay inquired if the company is experienced with arcades.

Mayor Hudson closed the public hearing.

Mr. Freeman commented that they are not yet aware of the operator or additional locations.

Commission Discussion:

The Commission commented on their level of comfort in making this decision without hearing from the owner/operator.

The recommendation was made to continue until April 15, 2024 so that the operator can attend.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Arnold Gaines to continue item 12g until the April 15, 2024 Regular Meeting.

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

Passed

- h. *POSTPONED TO APRIL 15, 2024* Quasi-Judicial Hearing - Review and approval of an application for a Major Site Plan Amendment (Development Review) by property owner, Ocean Village POA, and representative, Leslie Olson, Principal of District Planning Group, to construct a 5-court Pickleball Amenity for the Ocean Village Residential Development and associated site improvements at or near 2400 South Ocean Drive in Fort Pierce, Florida, more specifically located at Parcel Control Number: [2507-321-0001-000-5](#).

13. CITY COMMISSION

- a. Submittal of applications to serve on the Keep Fort Pierce Beautiful Board to fill an at-large vacancy.

This item will come back before the Commission to vote on at the April 1, 2024 Regular Meeting.

- b. Resolution 24-R10 appointing Dr. Patrece Frisbee to the Historic Preservation Board as Commissioner Broderick's appointee.

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

RESOLUTION NO. 24-R10

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT OF MEMBERS TO THE HISTORIC PRESERVATION BOARD, PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Arnold Gaines to approve Resolution No. 24-R10.

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

Passed

- c. Resolution 24-R16 appointing Gloria Baxevanis to the Planning Board as
Commissioner J. Johnson's appointee.

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

RESOLUTION NO. 24-R16

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 Jeremiah Johnson, seconded by Commissioner
Curtis Johnson, Jr. to approve Resolution No. 24-R16.

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.

Michelle Danaluk
Kris Einstein
Michael Carey

15. COMMENTS FROM THE CITY MANAGER

City Manager Nick Mimms – No comments

City Clerk Linda Cox- No comments

City Attorney Sara Hedges- No comments

16. COMMENTS FROM THE COMMISSION

Commissioner Curtis Johnson inquired about the downtown detail for the dates of
the car show due to ADA accessibility and asked that this issue be resolved.

Commissioner Jeremiah Johnson commented on ADA accessibility and that it is
being addressed and staff directed for compliance.

Mr. Mimms explained the duties of the downtown detail including during special
events, ADA compliance concerns, and that staff was directed for compliance
during events.

Commissioner Broderick commented on input from the downtown business owner regarding the car show.

Commissioner Jeremiah Johnson commented on measuring the effects of special events downtown.

Commissioner Gaines commented on ADA compliance.

Mayor Hudson commented on receiving car show complaints from downtown businesses.

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 9:49 P.M.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER