

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 06, 2024.

1. CALL TO ORDER

Mayor Hudson called the May 06, 2024, Regular Meeting of the City Commission to order at 5:05 P.M.

2. OPENING PRAYER - Pastor Robert Rember with White City United Methodist 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 Sara Hedges

5. APPROVAL OF MINUTES

- a. Approval of Minutes from April 15, 2024 Regular Meeting

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Arnold Gaines to approve the minutes of the April 15, 2024 Regular Meeting.

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

Passed

- b. Approval of Minutes from April 19, 2024 Special Meeting.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Arnold Gaines to approve the minutes of the April 19, 2024 Special Meeting.

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

Passed

6. PROCLAMATIONS

- a. Letter Carriers' Food Drive Day
- b. Lupus Awareness Month
- c. Haitian Heritage Month

7. LETTERS TO COMMISSION

- a. Progression Properties LLC and Andros Construction commend Miriam Garcia, Redevelopment Specialist, and Building Department staff, Sue Keller, Frank Rhemling, and Anthony Jetmore for their help in obtaining construction permits for two projects.
- b. Email from Elizabeth Osborne thanking Code Enforcement Officer Heather Debevec for her support and praising her for her hard work and assistance with a magistrate's hearing.
- c. Thank you letter from Bill and Karen Hager to Cecelia Bacener Permit Specialist in appreciation of her assistance with the permit and inspection and her indispensable role in the timely completion.
- d. Thank you note from Carol A. Costas thanking Planning Department staff Alicia Rosenthal and Vennis Gilmore for providing information about city development and expressing her gratitude for their efforts in maintaining a safe environment for residents and workers.

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.

Susan Parry

10. MISCELLANEOUS REPORTS

- a. Legislative Update by Representative Trabulsy

Legislative update provided by Representative Dana Trabulsy, highlighting the accomplishments for the community during the legislative session.

11. CONSENT AGENDA

- a. Approval of Interlocal Funding Agreement with St. Lucie County for Homeless Services in the amount of \$125,000.

- b. Approval of award of Bid No. 2024-017 for the purchase of a modular building to provide a veterinary clinic at the Fort Pierce Animal Adoption Center to the lowest bidder, East Coast Modular Building, LLC in an amount not to exceed \$260,000.00.
- c. Approval to award Bid No. 2024-004, General Contractor Services - Floodproofing a Non-residential Structure, to Remnant Construction, LLC., Fort Pierce, FL, in the amount of \$266,048.00.
- d. Authorize staff to enter into negotiations for Parking Management Services RFP 2023-057 to provide a full service pay to park pilot program for three locations on South Beach with the highest responsive bidder, PCI Municipal Services, LLC.
- e. Approval of a Management Control Agreement which outlines the Criminal Justice Information Systems (CJIS) oversight by the Saint Lucie County Sheriff's Office for the Saint Lucie County's Emergency Operation Center, shared Computer Aided Dispatch, Records Management System, Mobile Computer Terminal/Mobile Field Reporting System and associated shared network.
- f. Approval of first amendment with Marlin Engineering as part of RFQ 2019-027 for Professional Engineering Continuing Services to include updated insurance and legal requirements.
- g. Approval of expenditure for Upland Software, Inc: Filebound renewal for a term of three years for an amount not to exceed \$252,449.31.
- h. Approval of letter of support for Heathcote Botanical Gardens in their application for 2024-2025 Cultural Facilities grant submission for matching funds for General Program Support from the Florida Arts & Culture Commission.

Commissioner Gaines pulled item 11a

Commissioner Curtis Johnson pulled items 11 b and 11d

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Jeremiah Johnson to approve items 11c and 11e-11h 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 11a

Commissioner Gaines commented on the work being done to assist the homeless.

Commissioner Curtis Johnson inquired on the services that will be provided.

Commissioner Gaines commented on the proposed projects and services including 7th Street.

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

Commissioner Curtis Johnson commented on the purpose of the structure and expansion at the animal adoption center.

Peggy Arraiz, Director of Community Response, commented on the benefits of an onsite veterinary center.

Commissioner Broderick commented on the evolution of the services.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Michael Broderick to approve item 11b 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 Curtis Johnson commented on the company to provide the pilot pay-to-park service and requested additional information on the negotiation process.

Peggy Arraiz, Director of Community Response, commented on the next phase of the pilot program which is negotiations.

City Manager Nick Mimms commented that this is the time to provided Staff with direction before negotiations.

Mayor Hudson inquired on St. Lucie County resident not paying to park.

Ms. Arraiz commented that the topic is being reviewed by legal. City residents are not an issue, St. Lucie County requires additional research.

Ms. Hedges commented on the review required to extend free parking to St. Lucie County residents.

Commissioner Curtis Johnson commented that this is a pilot program for Jetty Park, Jaycee Park, and Causeway Park and that this may offset some maintenance fees required for the facilities.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Jeremiah Johnson to approve item 11d of the Consent Agenda.

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. *CONTINUED FROM MARCH 18, 2024* 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 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 – Yes (Prior meeting and staff)

Commissioner Arnold Gaines – Yes (First hearing)

Commissioner Curtis Johnson Jr. – Yes (Last meeting)

Commissioner Jeremiah Johnson – Yes (Last meeting)

Mayor Hudson (Nothing new)

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

Staff Presentation:

Ryan Altizer, Planner, presented the application for Site Plan.

Vennis Gilmore, Assistant Planning Director presented updates to the Site Plan.

SUMMARY:

The applicant is requesting the review and approval of an application for a Site Plan (Development and Design Review) for a two-hundred and six (206) unit rental community at 5315 Edwards Road and 5496 Altman Road Road. The community will consist of one-bedroom, two-bedroom and three-bedroom duplexes. Viva East is the sister project to Viva West. Both communities will share access to amenities such as a fitness center, business lodge, community room, catering kitchen, pet spa, outdoor grilling areas and more.

The Site Plan leaves the 8.20 acre wetland (2.25 acres are freshwater marsh and 5.95 acres are riverine swamp) preserved, providing an additional 2.5 acres of upland ecosystems adjacent to those wetlands as a buffer. The 10.7 acres of wetlands and buffer will be preserved through a conservation easement.

The proposed development is located on a parcel with an approximate acreage of 39.70 acres. The future land use of the parcel is Medium Density Residential, RM, and the zoning is Medium Density Residential, R-4. The proposed 206 units are below the allowed 397 units (10 units per acre) in the R-4 zoning district.

RECOMMENDATION:

Staff's recommendation is for the City Commission to vote approval of the proposed Site Plan (Development and Design Reviews), with eleven (11) conditions.

Staff recommends approval with eleven (11) 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 through the Planning Department for all units prior to building permit applications.
3. Addresses will need to be submitted through 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 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.

5. Jenkins Road and Edwards Road are identified on the County's Right of Way Protection Plan. A dedication of 40' along Jenkins Road and a dedication of 47' along Edwards Road are shown on the site plan. In addition, a 25' x 25' corner clip on the northwest corner of the development parcel is shown. These right of ways shall be deeded to St. Lucie County within 90 days of site plan approval by the City of Fort Pierce.

6. A 6-foot-wide sidewalk is required along the entire parcel frontage at all adjacent road right of ways.

7. Based on concerns discussed at the City's public hearing, and on the outcome of the April 9, 2024 meeting between the City manager, City staff, the developer and developer's agents and St. Lucie County staff, it was determined and agreed that certain offsite improvements are required to be provide for vehicular and pedestrian safety as follows:

The intersection of Edwards Road and Jenkins Road shall be signalized within six (6) months of the issuance of the 100th certificate of capacity (CO) at Viva East or the 100th certificate of capacity (CO) at Viva West which is stated to share amenities between developments, whichever occurs first.

A dedicated westbound right hand turn lane on Edwards Road shall be constructed within six (6) months of the issuance of the 100th certificate of capacity (CO) at Viva East or the 100th certificate of capacity (CO) at Viva West which is stated to share amenities between developments, whichever occurs first.

A dedicated southbound left turn lane on Jenkins Road shall be constructed within six (6) months of the issuance of the 100th certificate of capacity (CO) at Viva East or the 100th certificate of capacity (CO) at Viva West which is stated to share amenities between developments, whichever occurs first.

Crosswalks at the Edwards Road and Jenkins Road intersection on the south and east legs shall be constructed within six (6) months of the issuance of the final certificate of capacity (CO) of Viva East.

Construction of a 6-foot-wide sidewalk from the Viva East Parcel to the Viva West parcel along the west side of Jenkins Road within two (2) years of issued final certificate of capacity (CO) of Viva East or the 100th certificate of capacity (CO) at Viva West which is stated to share amenities between developments, whichever occurs first.

8. The developer shall enter into a roadway improvement agreement and impact fee credit agreement with St. Lucie County prior to any construction in the right of way.

9. The City shall obtain and pay for all costs associated with acquisition of 25' right of way along the west side of Jenkins Road from parcels 2325-501-0015 and 2325-501-0001-000-9. The City shall dedicate the right of way to St. Lucie County at no cost.

10. The County agrees to obligate the roadway impact fees up to the amount due by the development based on the County's current roadway impact fee schedule towards the improvements listed in Comment 3. The County's share of the collected roadway impact fees is 36% with the City retaining 64% (including 4% for administration of the collection) of all funds collected. Any and all costs to design, permit and construct the above improvements in excess of the County's roadway impact fees shall be the sole responsibility of the developer. The described County's obligation of the County retained roadway impact fees shall be provided as a roadway impact fee credit. The described City's obligation of the County retained roadway impact fees shall be provided as a roadway impact fee credit. An agreement shall document the contributions and responsibilities from all parties.

11. The City agrees to obligate the City's share of the collected County roadway impact fees 64% (including 4% for administration of the collection) of all funds collected to fund construction of the improvements. In addition, the City shall obligate transportation impact fees up to the amount due by the development based on the City's current transportation impact fee schedule towards the improvements listed in Comment 3. An agreement shall document the contributions and responsibilities from all parties.

The Commission inquired when the road work would begin, if the City participated with the County and developer, City obligations, right of ways, County roads, activity of Viva West, bonding that makes developer responsible, sidewalks, and thanked Staff for their work.

Kevin Freeman, Planning Director commented that they monitor the number of units approved with the certificate of occupancy, the limits on volume were set by the County, a meeting took place with multiple entities for the conditions, pointed out the parcels that impinge on the City, they are unaware of the developer's ability to fund the project and impact fees will go into the project, and two years for sidewalk infrastructure.

Mr. Mimms commented on which project would start first and the entities that took part in determining the conditions.

Applicant Questions of Staff:

Francarlos Rivera, TDG Developers was available for questions and clarified that a right-of-way improvement agreement with St. Lucie County requires bonding.

The Commission inquired on the two-year hold period on sidewalks, the process after bonding, the civil and building permit process, phasing, and financing, and thanked the development team.

Mr. Rivera commented that the two-year time frame is to be aligned with the onsite improvements, explained steps after bonding requirements, construction duration of two years, phasing, and funding is not dependent upon one project.

Commissioner Broderick inquired on the permitting timeframe because he would prefer more specificity.

Mr. Mimms commented that there is no consistency in this experience but Staff will be working with the property owner and have a funding mechanism.

Mayor Hudson opened the public hearing.

Seeing no one, she closed the public hearing.

Commissioner Jeremiah Johnson clarified motion language.

Commissioner Curtis Johnson commented on the projects funding.

Commissioner Broderick commented on the City's responsibility in the developer's financing of the project.

Mr. Mimms commented on the possibility of the City being a part of an interlocal agreement which includes the developer's financial responsibility.

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Jeremiah Johnson to approve the site plan with 7e to read twelve months and clean up, and language on items 10 and 11 (comment 3) revised to condition.

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), submitted by applicant Jerry Compton with Creech Consulting, Inc., of a 4,306 square-foot building to provide mental health services for ages 3 and up at 1211 and 1213 S. 25th Street, more specifically at Parcel IDs: 2417-507-0005-000-7 and 2417-503-0040-000-2.

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 – Yes (Email)

Commissioner Curtis Johnson Jr. – No

Commissioner Jeremiah Johnson – Yes (Email)

Mayor Hudson - No

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

Staff Presentation:

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

SUMMARY:

Request for review of an application for a Site Plan (Development and Design Review) of a 4,306 square-foot building to provide mental health services for ages 3 and up.

The proposed development is located on a parcel with a Future Land Use of General Commercial (GC) and a Zoning of General Commercial (C-3).

RECOMMENDATION:

Staff Recommendation is for the City Commission to vote approval of the proposed Site Plan (Development and Design Review), with four 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. Prior to the issuance of any 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.
4. Prior to the issuance of Building Permit approval, 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 provided.

Questions of Staff:

The Commission inquired if the application falls under the new administrative process.

Mr. Freeman commented that is would and requested that the landscape condition be updated.

Applicant Questions of Staff:

Jerry Compton, Creech Construction,

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 Site Plan application with four (4) conditions with the condition number one language changed to landscape maintenance agreement instead of landscape bond.

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

Passed

- c. Quasi-Judicial Hearing - Ordinance No. 24-010 - An ordinance amending the planned development plan for the property generally located at or near 4150 and 4200 Gator Trace Road and known as The Gator Trace Planned Unit Development. Subject Property: Parcel ID(s): 2435-311-0001-000-4 & 2435-243-0001-000-6 - FIRST READING

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

ORDINANCE NO. 24-010
AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING THE PLANNED DEVELOPMENT PLAN FOR THE PROPERTY GENERALLY LOCATED AT OR NEAR 4150 AND 4200 GATOR TRACE ROAD AND KNOWN AS THE GATOR TRACE PLANNED UNIT DEVELOPMENT; PROVIDING FOR CONDITIONS; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.FIRST READING

Mayor Linda Hudson called the proceeding to order.

City Clerk Linda Cox confirmed the City 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 and applicant)

Commissioner Arnold Gaines – Yes (Email)

Commissioner Curtis Johnson Jr. – Yes (Email, applicant, and residents)

Commissioner Jeremiah Johnson – Yes (Email, applicant, and residents)

Mayor Hudson – Yes (Reviewed Planning Board meeting, email, and Conservators)

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

Staff Presentation:

Vennis Gilmore, Assistant Planning Director, presented an ordinance amending the planned development plan.

SUMMARY:

Request for review of application for a Major Site Plan Amendment to an existing Planned Unit Development, together with a Design Review of two (2) parcels within the Gator Trace Planned Unit Development.

The subject property has a Future Land Use designation of Medium Density Residential (RM) and a Zoning designation of Planned Development Zone (PD). The applicant is requesting to increase the number of allowed units on the two (2) subject parcels from 67 Units to 83 units (identified as Phase I within the existing Gator Trace PUD Site Plan). The site plan consists of thirteen (13) residential

buildings.

The subject parcels total approximately 6.94 acres.

RECOMMENDATION:

Staff recommends approval of the request with Conditions.

1. Consistent with Section 125-212 & 125-313 of City Code & the Comprehensive Plan.
2. Does not adversely affect the public health, safety, convenience and general welfare.

Questions of Staff:

The Commission inquired on sidewalks, property frontage, density, units, impervious areas, improvements to Gator Trace Blvd., connectivity, emergency vehicle access, and the fire district, and if approval of 83 units affects the development agreement and discussed the current development agreement and the process.

Mr. Gilmore answered all questions posed by the Commission.

Ms. Hedges explained the current agreement requires an amendment to the development agreement for approval of the 83 units, still requires the Commission to vote and negotiations by all parties.

Mr. Freeman, Planning Director, commented on the dual process for this application and its undertaking.

Applicant Questions of Staff:

Ekrem Uzman, had no questions of Staff.

Applicants Presentation:

Mr. Uzman Presented Gator Trace on the Greens Townhouse Development and commented on the development agreement.

Questions of the applicant:

The Commission inquired on the validity of the development agreement, innovations with the property, future land use, density, why not move forward with the approved number, why should the proposed be approved, and conditions of the development agreement.

Mayor Hudson opened the public hearing.

Mike Cielinski- introduced a letter into the record on behalf of Steve Tarr.

Robert White -expressed concerns.

Harriet Scott- expressed concerns.

Scott Godfrey - expressed environmental concerns.

Robbie Creswell expressed concerns from Grand Villa residents.

Agnes Mical - expressed safety concerns.

Judy Metzcar - expressed concerns with losing green space and the lack of resident interaction.

Ekrem Uzman responded to public comments and addressed other concerns.

Mayor Hudson closed the public hearing.

Commission discussion:

The Commission discussed egress, ingress, proposed construction, the validity of the developer's agreement, sidewalks, school board involvement, golf ball protection, construction access, and the environment.

Mr. Gilmore noted the original construction access routes.

Ms. Hedges commented on the development agreement and referenced the specific criteria for said agreement, and noted that this is not the venue to challenge the developer's agreement.

Mr. Freeman expounded on the need for school accommodations and that no comments were made by the School District in the technical review.

Mayor Hudson requested a motion for 67 units.

Commissioner Broderick inquired on options for the motion.

Commissioner Jeremiah Johnson commented that the motion should be simple.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Broderick.

Commissioner Curtis Johnson commented on the motion.

Commissioner Jeremiah Johnson withdrew the motion.

Commissioner Curtis Johnson commented on the developer's agreement condition of approval being amended to 67.

Ms. Hedges commented that the developer's agreement references the unit number by date of approval.

City Clerk Linda Cox commented that the conditions are enumerated in the order.

Ms. Hedges clarified that they are in the exhibit and the addition of a condition that the developer's agreement be followed.

Commissioner Gaines commented on the current agreement of 67 or that the motion should state denied 83 units based on the development agreement.

Ms. Hedges added sections 125-212 the purpose of PD in 11 subsections that may be useful to make the motion and clarified the reason for denial be listed in the motion.

Commissioner Jeremiah Johnson inquired of the Commission if condition one accomplishes the goal or if it needs to be more clearly defined as 67.

Mr. Freeman commented that condition one should read subject to the development agreement dated March 26, 2007.

Ms. Hedges requested clarification on the motion.

The Commission continued the discussion on the options for the motion.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Michael Broderick to approve ordinance 24 -010 with seven (7) conditions.

AYE: Commissioner Michael Broderick, Commissioner Curtis Johnson, Jr.

NAY: Commissioner Arnold Gaines, Commissioner Jeremiah Johnson, Mayor
Linda Hudson

Failed

Ms. Hedges clarified the amendment language.

Mayor Hudson suggested adjusting the language.

Ms. Hedges stated she did not believe the language addressed the unit number.

Commissioner Curtis Johnson explained the quasi-judicial proceeding to the public.

Commissioner Broderick suggested alternative language with the amendment stated clearly.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Michael Broderick to deny Ordinance 24 -010 based upon the existence of the March 26, 2007 Development Agreement in accordance with Section 125-212(c)(1)(f), along with incompatibly with 125-212(a), 125-212(a)(2), 125-212(a)(4) and 125-212(a)(10) of the Fort Pierce Code of Ordinances.

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

NAY: Commissioner Curtis Johnson, Jr.

Passed

- d. Legislative Hearing - Ordinance 24-011: Review and approval of a voluntary annexation by Owner, Ignacio and Amelia Garcia, to extend the territorial limits of the City of Fort Pierce, Florida, to include one (1) parcel at 2507 Rolyat Street. The proposed Future Land Use of the property is General Commercial (GC), with a proposed Zoning of Office Commercial (C-1). The Parcel ID is 2419-601-0049-000-2. FIRST READING

City Clerk Linda Cox introduced the Ordinance, read by title only, into the record.
ORDINANCE NO. 24-011

AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE ONE (1) PARCEL AT OR NEAR APPROXIMATELY 2507 ROLYAT STREET 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 FORT PIERCE ZONING DESIGNATION OF OFFICE COMMERCIAL (C-1); ESTABLISHING THE FORT PIERCE LAND USE DESIGNATION OF GENERAL COMMERCIAL (CG); 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

Kerry Driver, Planner, presented the review of a voluntary annexation. Applicant and owner is proposing the annexation of one (1) parcel into the City of Fort Pierce. The property address for is 2507 Rolyat Street, with parcel ID: 2419-601-0049-000-2. The current St. Lucie County Future Land Use is Commercial (COM) and the current St. Lucie County Zoning is Commercial, Office (CO).

RECOMMENDATION:

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

The Commission inquired on the street, including entrance and exit, can this be

approved with a condition for future annexations, expressed concern with the conflict of duplication of services for the St. Lucie County properties adjacent, and the possibility of an agreement for future annexations similar to that of the FPUA.

Ms. Driver commented that the street is not a dead end and that the property owner's reasoning for annexation was for gas.

Mr. Freeman commented that the City may adopt a condition similar to the FPUA which has an agreement that may assist in future annexations.

Mr. Mimms commented on the annexation, which the Commission can deny.

Commissioner Broderick recommended that this be postponed for a month, so the owner can be notified they can contact the FPUA for gas.

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 postpone the item until a date certain, the July 1, 2024 Regular Meeting.

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

Passed

- e. Legislative Hearing - Ordinance No. 24-014 - An ordinance amending the Code of Ordinances of the City of Fort Pierce, Chapter 28 - Parks, regarding fishing, hours, prohibited activities, parking and special use permits.

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

ORDINANCE NO. 24-014

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CHAPTER 28 – PARKS, RECREATION AND SPECIAL EVENTS BY AMENDING ARTICLE I – IN GENERAL, SECTION 28-4 – FISHING WITHIN THE CITY TO INCLUDE AREAS OF JAYCEE PARK AND SOUTH CAUSEWAY PARK; DELETING SECTION 28-5 – CLEANING OF BEACH DURING TURTLE NESTING SEASON; AMENDING ARTICLE II – PARKS AND RECREATION, SECTION 28-30 – HOURS TO PROVIDE REGULATIONS BY SIGNAGE; AMENDING SECTION 28-31 – PROHIBITED ACTIVITIES BY AMENDING TEMPORARY SHELTER REGULATIONS; TO ALLOW DIGGING IN THE SAND/BEACH AREAS; CLARIFYING ANIMALS PERMITTED IN PARKS TO BE SERVICE ANIMALS; TO PROHIBIT THE USE OF FIREWORKS IN PARKS; AMENDING SECTION 28-33 – PARKING WITHIN PARKS TO PROVIDE REGULATIONS BY SIGNAGE; TO PROVIDE REGULATIONS REGARDING TYPE OF AND SIZE OF VEHICLES; AMENDING SECTION 28-37 – APPLICATION FOR SPECIAL USE PERMIT, SUBSECTION (a) TO ALLOW THE CITY MANAGER TO ASSIGN A DESIGNEE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.FIRST READING

Peggy Arraiz, Director of Community Response, presented the proposed amendments to Chapter 28.

Questions of Staff:
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 Arnold Gaines to approve Ordinance No. 24-014.

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

Passed

- f. Legislative Hearing - Ordinance 24-015: Amending the Code of Ordinances of the City of Fort Pierce Chapter 125 - Zoning, Article IV - Basic Zoning Districts, Section 125-212 Planned Development Zone (PD) and deleting existing Section 125-213 CHAPTER 125-213 - Planned Unit Redevelopment Zone (PUR). FIRST READING.

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

ORDINANCE NO. 24-015

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA, INSERTING AN AMENDED AND REVISED SECTION OF CHAPTER 125 – ZONING, ARTICLE IV – BASIC ZONING DISTRICTS, SECTION 125–212 – PLANNED DEVELOPMENT ZONE (PD); DELETING EXISTING SECTION AT CHAPTER 125 – ZONING, ARTICLE IV – BASIC ZONING DISTRICTS, SECTION 125–213 – PLANNED UNIT REDEVELOPMENT ZONE (PUR); PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.FIRST READING

Commissioner Broderick recommended continuing it to a future meeting.

Mayor Hudson inquired of Mr. Freeman if this would affect other applications.

Mr. Freeman explained the effects of postponing the item.

Commissioner Curtis Johnson inquired how many applications would be affected if postponed.

Mr. Freeman commented on the number of applications.

Ms. Hedges commented on the applicants notification of their ability to move forward and does this need to be readvertised.

Ms. Cox commented that the next meeting for required advertisement would be June 3rd.

Ms. Hedges commented that any public comment can be heard tonight.

Mayor Hudson opened the public hearing.

Kris Einstein commented on the need to have better agenda scheduling.

Mayor Hudson closed the public hearing.

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Jeremiah Johnson to continue Ordinance 24-015 to the June 3, 2024 Regular Meeting.

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

Passed

- g. Legislative Hearing - Ordinance 24-016 review and adoption of a Future Land Use Map Amendment by property owner Janica Jules, of one (1) parcel of land to change the Future Land Use from Boundary Commercial (BC), to General Commercial (GC), at 3720 Okeechobee road - Parcel ID: 2417-331-0002-000-7 - FIRST READING

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

ORDINANCE NO. 24-016

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE THE DESIGNATION OF PROPERTY GENERALLY LOCATED AT OR NEAR 3720 OKEECHOBEE ROAD, FROM BOUNDARY COMMERCIAL, BC, TO GENERAL COMMERCIAL, GC; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. FIRST READING

Ryan Altizer, Planner, presented the review and adoption of a Future Land Use Map Amendment.

SUMMARY:

Applicant Janica Jules is requesting review and approval of an application for a Future Land Use Map Amendment of one (1) parcel of land to change the Future Land Use from Boundary Commercial, BC, to General Commercial, GC, at 3720 Okeechobee Road, more specifically at Parcel ID: 2417-331-0002-000-7

RECOMMENDATION:

Staff's recommendation is for City Commission to vote approval of the Future Land Use Map Amendment.

Mayor Hudson opened the public hearing.

Heriberto Cruz – commented on his adjacent property.

Mayor Hudson closed the public hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Michael Broderick to approve Ordinance No. 24-016.

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

Passed

- h. Quasi-Judicial Hearing - Ordinance 24-017 providing for a Zoning Atlas Map Amendment by owner Janica Jules, of one (1) parcel of land from Neighborhood Commercial (C-2) to General Commercial (C-3) at 3720 Okeechobee Road, more specifically at Parcel ID: 2417-331-0002-000-7 - FIRST READING.

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

ORDINANCE NO. 24-017

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REZONING THE PROPERTY GENERALLY LOCATED AT OR NEAR 3720 OKEECHOBEE ROAD, FROM NEIGHBORHOOD COMMERCIAL (C-2) TO GENERAL COMMERCIAL (C-3); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Linda Hudson called the proceeding to order.

City Clerk Linda Cox confirmed the City 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

Ryan Altizer, Planner, presented the Zoning Atlas Map Amendment at 3720 Okeechobee Road.

SUMMARY:

In accordance with Sections 125-37 and 125-133 of the City Code, the applicant is requesting the review and approval a Zoning Atlas Map Amendment of one (1) parcel from Neighborhood Commercial, C-2, to General Commercial, C-3 at 3720 Okeechobee Road, more specifically at Parcel ID: 2417-331-0002-000-7.

RECOMMENDATION:

Staff's recommendation is for the City Commission to vote approval of the Zoning Atlas Map Amendment.

Questions of Staff:

Janica Jules, the applicant, had no questions of Staff.

Commission Questions of the Applicant.

Mayor Hudson opened the public hearing.

Seeing no one, she closed the public hearing.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Jeremiah Johnson to approve Ordinance No. 24-017

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

Passed

13. CITY COMMISSION

- a. Resolution 24-R25 authorizing the Police Department to apply for permits through the Florida Department of Transportation for Flock automatic license plate readers.

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

RESOLUTION NO. 24-R25

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA AUTHORIZED THE FORT PIERCE POLICE DEPARTMENT TO APPLY FOR PERMITS THROUGH THE FLORIDA DEPARTMENT OF TRANSPORTION FOR FLOCK AUTOMATIC LICENSE PLATE READERS; AUTHORIZING THE CHIEF OF POLICE TO DESIGNATE AN AUTHORIZED REPRESENTATIVE; AND PROVIDING AN EFFECTIVE DATE.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Arnold Gaines to approve Resolution No. 24-R25.

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

Passed

- b. Submittal of applications to serve on the Sunrise Theatre Advisory Board.

City Clerk Linda Cox commented on the new application process but many applications were received from County residents.

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 public comments

15. COMMENTS FROM THE CITY MANAGER

- a. Reports

City Manager Nick Mimms – No comments

City Clerk Linda Cox – No comments

City Attorney Sara Hedges – No comments

16. COMMENTS FROM THE COMMISSION

Commissioner Broderick – No comments

Commissioner Jeremiah Johnson – No comments

Commissioner Curtis Johnson – commented on taking consideration into agendas.

Commissioner Jeremiah Johnson – No comments

Commissioner Gaines – No comments

Mayor Hudson – 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 10:26 P.M.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER