

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 20, 2024.

1. CALL TO ORDER

Mayor Hudson called the May 20, 2024, Regular Meeting of the City Commission to order at 5:05 P.M.

Commissioner Broderick left the meeting at 7:18 P.M.

2. OPENING PRAYER - Father John with St. Nicholas Greek Orthodox 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 the May 06, 2024 Regular Meeting.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Jeremiah Johnson to approve the minutes of the May 06, 2024 Regular Meeting.

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

Passed

6. PROCLAMATIONS

- a. National Public Works Week
- b. National Safe Boating Week

7. LETTERS TO COMMISSION

- a. Email from Carmen M. Lineberger, Managing Assistant United States Attorney, acknowledging Sgt Francois for her invaluable institutional knowledge and diligent investigation related to three defendants being federally charged in the mail carrier robberies.
- b. Email from Jacques Chester extending sincere thanks to Officers White, Stokes, Miklosh, and Charles of the Fort Pierce Police Department for effectively resolving a community issue by evicting squatters and also acknowledging their commitment and beneficial impact on the community.

- c. Email from Debra Mijal expressing immense gratitude for the sea grape trimming along S Ocean Drive, for the landscapers' exceptional work, and the enhanced park's appearance.

8. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Arnold Gaines 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.

Rick Reed
Susan Parry

10. MISCELLANEOUS REPORTS

- a. Presentation of the 2024 Final Legislative Report by Ryan Matthews, of GrayRobinson.

Ryan Matthews, Gray Robinson PA, presented the 2024 Final Legislative Report.

- b. Youth Council update on their participation in the 2024 Florida League of Cities Youth Legislative Action Days and the EMPOWER YOUTH Day of Giving, a community service project.

The Fort Pierce Youth Council presented their participation in the 2024 FLC Youth Legislative Action Days and the community service project, Empower Youth Day of Giving.

11. CONSENT AGENDA

- a. Authorization to terminate Agreement dated October 27, 2020 to Lease and Improve the 1134 and 1138 Avenue D with Lincoln Park Young Professionals in accordance with Section 16(a) of the lease agreement.
- b. Approval of Interlocal Agreement with St. Lucie County and all local law enforcement agencies for the Public Safety Emergency Communications Center and 911 Board of Governors.
- c. Approve two (2) Agreements for Tax Deed Sale Surplus Proceeds between the City of Fort Pierce and the St. Lucie County Clerk of the Circuit Court and Comptroller.

- d. Approve transfer from the Clean & Safe Community Initiative restricted fund to the Fort Pierce Animal Adoption Center budget to cover veterinary costs in the amount of \$200,000.00.
- e. Approval to purchase mitigation credits from Bear Point Mitigation Bank in the amount of \$32,000.00 to satisfy Army Corp of Engineer's Notice of Violation.

Commissioner Gaines pulled item 11a

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Curtis Johnson, Jr. to approve items 11b – 11e 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 FPRA meeting and his vote of “no” in that meeting.

Commissioner Broderick inquired on the decision to vote no.

Commissioner Gaines commented on his reason to vote no on termination requirements.

City Attorney Sara Hedges commented on the requirements to terminate the lease, a mutual release for both parties, and the need for votes by the Commission.

Commissioner Jeremiah Johnson inquired as to why Commissioner Gaines voted no and if they would like to continue the relationship.

Commissioner Gaines commented that he wanted votes from both Boards to be consistent.

Commissioner Jeremiah requested clarification of the voting language.

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Jeremiah Johnson to approve item 11a.

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

NAY: Commissioner Arnold Gaines

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. 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. SECOND READING

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 38-30 – 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.
SECOND READING

Mayor Hudson opened the public hearing.

Seeing no one, she closed the public hearing.

Commissioner Jeremiah Johnson commented on an email received by a citizen regarding the boundaries on this area.

Mayor Hudson commented that the boundaries referenced are not included.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Arnold Gaines to approve Ordinance 24-014.

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

Passed

- b. 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 -
SECOND 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. SECOND READING

Mayor Hudson opened the public hearing.

Seeing no one, she closed the public hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Curtis Johnson, Jr. to approve Ordinance 24-016.

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

Passed

- c. Legislative 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 - SECOND 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. SECOND READING

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 24-017.

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

Passed

- d. Quasi-Judicial Hearing - Ordinance 23-058 - An ordinance by the City Commission of the City of Fort Pierce amending the city's zoning atlas and establishing a zoning designation of planned development (PD) for three (3) parcels containing approximately 122.8 acres and being generally located at or near the northeast corner of Selvitz Road and Devine road and west of Christensen road in Fort Pierce, Florida; Subject property: Parcel ID(s): [2432-211-0006-000-3](#), [2432-211-0005-000-6](#), [2432-343-0001-000-4](#) - FIRST READING

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

ORDINANCE NO. 23-058

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE; AMENDING THE CITY'S ZONING ATLAS FROM (R-1) SINGLE-FAMILY LOW DENSITY ZONE AND ESTABLISHING A ZONING DESIGNATION OF (PD) PLANNED DEVELOPMENT FOR THREE (3) PARCELS CONTAINING APPROXIMATELY 122.8 ACRES AND BEING LOCATED AT OR NEAR THE NORTHEAST CORNER OF SELVITZ ROAD AND DEVINE ROAD AND APPROXIMATELY 1600 FEET NORTH OF DEVINE ROAD IN FORT PIERCE, FLORIDA; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE. FIRST READING

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 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 (Developer)
Commissioner Curtis Johnson Jr. – Yes (Potential update)
Commissioner Jeremiah Johnson – Yes (Applicant, design team and residents)
Mayor Hudson – No

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

Staff Presentation:

Vennis Gilmore, Assistant Planning Director, presented the amendment to City's Zoning Atlas and the establishment of PD (planned development) zoning designation.

RECOMMENDATION:

Based on the revised submittal, staff recommends APPROVAL of the proposed Zoning Atlas Map Amendment with twenty-two (22) conditions.

Commission Questions of Staff:

The Commissioner inquired on project phasing and emergency access.

Mr. Gilmore commented on the phasing referenced in the conditions and deferred the emergency access question to the applicant.

Applicant Questions of Staff:

Dan Sorrow, Coteleur & Hearing, had no questions of Staff.

Applicant Presentation:

Mr. Sorrow presented Selvitz Road Mixed-Use rezoning for PD land use.

Questions of the Applicant:

The Commission inquired on the widening of Selvitz Rd, phasing, the storage and RV Boating area, and frontage and acknowledged the work with the Commission, Staff, and residents.

Mr. Sorrow commented on the Counties TRN map series and traffic analysis, the use of the storage facility, and architectural details.

Mayor Hudson opened the public hearing.

Jill Summerlin – expressed water concerns.

Gabriele Klaesen - posed questions to the applicant.

Amy Quate - on the gopher tortoise survey.

Glenn Smith – expressed concern with the change of use and density.

Micky Sigmon – commented on the changes and perimeter of the building and emergency access.

Applicant Response:

Mr. Sorrow addressed the open space and land preservation and conservation, planned units, gated community, property access and landscaping, pod two units,

payment in lieu of providing sidewalks, the gopher tortoise survey time frame, adjacent zoning, and emergency access barrier.

Commission Questions of the Applicant:

The Commission inquired on the applicant's comfortability with locking in the proposed phasing plan, three hundred unit density maximum, following State law for gopher tortoises, and phasing as proposed.

Mr. Sorrow commented on locking in the proposed phasing plan, the request for three hundred units being the max, and the proper relocation of the gopher tortoise habitat.

Mayor Hudson closed the public hearing.

Commission Discussion:

Commissioner Broderick requested clarification if a revision will go through Planning only, and strict three-hundred-unit density limitation.

Kevin Freeman, Planning Director, explained that due to the scale of the project, it would also come back to the Commission.

Commissioner Jeremiah Johnson reiterated the importance of phasing as proposed and if any future changes are made the applicant would need to go through an intense process to do so and inquired of Ms. Hedges the requirements for this condition.

Ms. Hedges requested clarification as to pod 1 phasing, as that is not a current condition, and explained that any amendments would come back to the Commission for changes.

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Arnold Gaines to approve Ordinance 23-058 with twenty- two (22) conditions and the addition of the maximum units of three hundred units in pod 1.

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

Passed

13. CITY COMMISSION

- a. Resolution No. 24-R27 appointing members to the Sunrise Theatre Advisory Board.

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

RESOLUTION NO. 24-R27

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT AND REAPPOINTMENT OF MEMBERS TO THE SUNRISE THEATRE ADVISORY BOARD; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Gaines – Dorrian Bridges

Mayor Hudson - Dorrian Bridges

Commissioner Jeremiah Johnson – Wendy Diaz

Commissioner Curtis Johnson - Dorrian Bridges

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Arnold Gaines to approve Resolution No. 24-R27.

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

Passed

- b. Resolution No. 24-R28 authorizing a lease agreement for three (3) parcels located at Avenue D and Indian River Drive Temporary Public Parking for a term of twelve (12) months.

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

RESOLUTION NO. 24-R28

A RESOLUTION OF THE CITY OF FORT PIERCE, FLORIDA AUTHORIZING THE LEASE OF THREE(3) PARCELS OF LAND LOCATED ALONG INDIAN RIVER DRIVE FROM GLYNDA CAVALCANTI; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Mimms commented that this is a public/private venture to gain additional parking in the downtown area.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Curtis Johnson, Jr. to approve Ordinance 24-R28.

AYE: 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.

Lynn C.

15. COMMENTS FROM THE CITY MANAGER

City Manager Nick Mimms – Commented that a representative or he himself will visit as there is funding available for senior residents, FPUA Joint Meeting May 6th, the City has been granted the largest industrial lease commitment in the State for Broad Range Logistics.

Commissioner Curtis Johnson inquired on jobs associated with Broad Range Logistics and requested additional information on rehab funding. Mr. Mimms commented that additional information is forthcoming from Pete Tesch of the EDC and that there are various programs and funds available.

City Clerk Linda Cox – Confirmed the order of the Joint Meeting.

City Attorney Sara Hedges – No comments

The Commission discussed the change of order.

16. COMMENTS FROM THE COMMISSION

Commissioner Gaines- commented on the May Day and Public Works events, Opening Day of the District 17 Tournament, and expressed condolences to the families that experienced loss this weekend, reminded the City that we are one, and thanked the First Responders on the scene.

Commissioner Curtis Johnson expressed condolences to the families that experienced loss and are also in recovery, requested that closure be brought through investigation, thanked the Police Department for their hard work and condolences for their loss, and Mr. Mimms and Staff for offering counseling services.

Commissioner Jeremiah Johnson commented that the families are in his prayers and reflected on the percentage of State resources allotted to criminal and civil justice and what can be done on the level, commented that he was proud of the efforts of the Sheriff Department and City in their immediate response and that the City Manager for the resources provided.

Mayor Hudson commented on attending the Law Enforcement Appreciation Day at St. Paul A.M.E, thanked the Police Department, and commented on how this has affected the entire City.

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 7:55 P.M.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER