

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, JUNE 03, 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 Gary Robinson with Church of God by Faith

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 May 20, 2024 Regular Meeting.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Jeremiah Johnson to approve the minutes of the May 20, 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 Garden Week

7. LETTERS TO COMMISSION

- a. Letter from the Zora Neale Hurston Florida Education Foundation sincerely thanking the City of Fort Pierce for participating in the 2024 Zora EXPERIENCE Festival, which greatly contributed to its success.

8. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

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

10. MISCELLANEOUS REPORTS

11. CONSENT AGENDA

- a. Approval of contract with Kimley Horn and Associates to perform the required tasks to develop a Comprehensive Safety Action Plan; city matching funds required in the amount of \$60,000.00.
- b. Approval to appoint an employee, Junelly Jimenez-Sebastiano, Payroll and Benefits Coordinator, to serve as the alternate member of the Public Risk Management of Florida Group Health Trust Board of Directors.
- c. Approval of the Amendment to the grant agreement between the State of Florida, the Department of State and the City of Fort Pierce extending the grant period for the Highwaymen Museum project to December 31, 2024.
- d. Specific Authorization #7 to RFQ 2019-027 for Captec Engineering Inc for professional engineering design services for the Nebraska Avenue Sidewalk Project.
- e. Approve the expenditure of \$318,050.00 for the purchase of a 28' Munson aluminum catamaran landing craft for use by the Fort Pierce City Marina within the Fort Pierce waterways.
- f. Approval of the Fort Pierce Youth Council's recommendations of the recipients to receive a City of Fort Pierce Youth Award.
- g. Approval of expenditure for Flagler Technologies: Nutanix Cluster Purchase with software/hardware maintenance for a term of 5 years for an amount not to exceed \$123,787.80.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Michael Broderick to approve the Consent Agenda.

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

Passed

12. PUBLIC HEARINGS

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 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](#) - SECOND 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. 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 Curtis Johnson, Jr. to approve Ordinance No. 23-058.

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

Passed

- b. 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. (Continued from May 6, 2024)

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

Kevin Freeman, Planning Director, presented the 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).

The Commission inquired on the language, area, investment for Master PD, preventing abuses, compatibility, approval process, timing, and innovations in development.

Mr. Freeman commented on the code and the ability to influence PD when it

comes forward, the site map area will be lowered in the CRA, the investment could range in the hundreds of thousands, the approval process, and the planning department's vision moving forward.

Ms. Hedges commented on the compatibility and purpose referenced under standards and confirmed that all evidence is presented, and the process does not change with the amendment.

Mayor Hudson opened the public hearing.

Kris Einstein expressed challenges with the process

Mayor Hudson closed the public hearing.

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Arnold Gaines to approve Ordinance No. 24-015.

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

Passed

- c. Quasi-Judicial Hearing - Ordinance No. 24-018 an ordinance by the City Commission of the City of Fort Pierce, Florida; amending the City's zoning atlas and rezoning one(1) parcel generally located at or near 301 Florida Ave, containing approximately 0.38 Acres of land, more or less, from General Commercial (C-3) to Planned Development (PD); Parcel ID: 2410-711-0041-000-7. FIRST READING

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

ORDINANCE NO. 24-018
AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING THE CITY'S ZONING ATLAS AND REZONING ONE (1) PARCEL GENERALLY LOCATED AT OR NEAR 301 FLORIDA AVENUE CONTAINING APPROXIMATELY 0.38 ACRES OF LAND, MORE OR LESS, FROM GENERAL COMMERCIAL (C-3) TO PLANNED DEVELOPMENT (PD); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; 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 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 the Quasi-Judicial

hearing.

Staff Presentation:

Kevin Freeman, Planning Director, presented the amending the City's zoning atlas and rezoning one(1) parcel generally located at or near 301 Florida Ave, containing approximately 0.38 Acres of land, more or less, from General Commercial (C-3) to Planned Development (PD).The request to change the zoning to PD is to accommodate a small 7,000-square-foot building for a commercial infill site, providing four (4) commercial (office/warehouse) units within the Fort Pierce Redevelopment Area FPRA). The site layout and building have been specifically designed to create a more urban feel in keeping with the FPRA. This has been primarily accomplished by locating the facade to the front and having parking located to the rear. In order to facilitate the concept, the Planned Development will incorporate: A reduced depth to the front, side and rear yards. Maximum lot coverage is 60% and 50% proposed with a building and sidewalks. The remainder is open space and pervious materials.

Architecture is consistent with a contemporary industrial style.

RECOMMENDATION:

Staff recommendation is for the City Commission to vote APPROVAL of the proposed Zoning Atlas Map Amendment, with conditions:

Questions of Staff:

None

Applicant Questions of Staff:

Jason Gunther, Thomas Engineering, had no questions of staff.

Questions of the Applicant:

None

Mayor Hudson opened the public hearing.

Seeing no one, she closed the public hearing.

Commission Discussion:

Commissioner Broderick commented on the application.

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Curtis Johnson, Jr. to approve Ordinance No. 24-018.

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

Passed

- d. Quasi-Judicial Hearing and Resolution 24-R29 on notice of appeal filed by the City of Fort Pierce to appeal a decision made by the Historic Preservation Board on March 25, 2024, pursuant to Fort Pierce Code of Ordinance, Sec. 111-53, approving an application for conditional use for an expansion of outdoor entertainment area at 411 N 2nd Street..

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

RESOLUTION NO. 24-R29

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA ISSUING AN ORDER OF FINDINGS BASED UPON COMPETENT SUBSTANTIAL EVIDENCE DETERMINED AT AN APPEAL HEARING HELD ON JUNE 3, 2024 FOR THE APPEAL OF THE HISTORIC PRESERVATION BOARD DECISION ENTERED ON MARCH 25, 2024 FOR PROPERTY LOCATED AT 411 N 2ND STREET, FORT PIERCE, FL; PROVIDING FOR NOTICE TO ALL

PARTIES; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE.

Mayor Linda Hudson asked all present to listen carefully to what City Attorney Sara Hedges would read regarding the Quasi-Judicial Appellant Hearing. Sara Hedges, City Attorney reviewed the quasi-judicial hearing rules and appellant 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 (Staff and email)

Commissioner Arnold Gaines – Yes (Email)

Commissioner Curtis Johnson Jr. – Yes (Email)

Commissioner Jeremiah Johnson – Yes (Staff and Email)

Mayor Hudson Yes (Email and audio from the Historic Preservation Board)

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

Appellant:

City Manager, Nick Mimms, presented the appeal of the decision made by the Historic Preservation Board on March 25, 2024 of the expansion of outdoor entertainment space.

Kevin Freeman, Planning Director, presented an overview of the action by the Historic Preservation Board.

The Historic Preservation Board approved the request with the following conditions:

The total area used for outdoor entertainment at the property subject of the variance/conditional use be limited to a maximum of 5,000 square feet.

The Conditional Use will run with the property following all provisions of Article II - Noise, of the City Code of Ordinances.

Grounds for the Appeal

The City of Fort Pierce requests that the City Commission review the decision to allow the increase in area utilized as outdoor entertainment space based on the impact generated by the expansion of the outdoor entertainment space on the health and welfare on immediate neighbors of the subject property. The City of Fort Pierce seeks relief from the anticipated additional noise, activity and disturbance resulting from the expansion of the area available for outdoor entertainment.

RECOMMENDATION:

Staff will proceed as directed.

Questions of Staff:

The Commission inquired on staff present at the Historic Preservation Board meeting, Edgartown District conditional use process and code requirements, the 800 square feet limit, if this affects Mainstreet's use of their outdoor space, ancillary use, what was used before the 800 square feet, and accessory structures in Sec 125-197 of Municode.

Mr. Freeman commented on staff present at the Historic Preservation Board meeting, the auxiliary nature of the 800 square feet Edgartown conditional use

requests, there is no evidence that this affects Mainstreet, unsure when the 800 square feet went into use, and identified accessory structures as referenced in Sec 125-197.

Applicant:

Jon Nolli, Pierced Cider Works.

Commission Questions of the Applicant:

The Board inquired if music is played during activities, property space usage, the pictures were provided to the Historic Preservation Board, what is acceptable for use, familiarity with Edgartown prior to opening the business, and services that are charged.

Mr. Nolli commented that music is played during specific activities, activities take place at varied locations of the property, the Historic Preservation Board completed the presentation on his behalf, all the property should be usable, and a cover charge for biannual festivals.

Mayor Hudson opened the public hearing.

Holly Theuns – Honor Historic Edgartown

Robert Lynch – On behalf of Pierce Cider Works.

Marissa David – On behalf of Pierce Cider Works

Christa Stone – On behalf of Pierce Cider Works and Edgartown businesses.

Martha Teramo – Point Break Kitchen owner on behalf of Pierce Cider Works.

Cindi O’Connell – Honor Historic Edgartown.

Mayor Hudson closed the public hearing.

Commission Discussion:

The Commission discussed at length the conditional use process in Edgartown, noise ordinance the Historic Preservation Board reversal and denial of the conditional use.

Ms. Hedges commented on the reversal and competent substantial evidence.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Michael Broderick to reverse the decision of the Historic Preservation Board and deny the conditional use application because its approval will negatively affect the health, safety and welfare of the general public.

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

NAY: Commissioner Arnold Gaines, Mayor Linda Hudson

Passed

13. CITY COMMISSION

- a. Resolution 24-R30 approving the execution of the Termination and Release of an easement held by the City of Fort Pierce for the use and benefit of the Fort Pierce Utilities Authority (FPUA) which is no longer needed by FPUA.

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

RESOLUTION NO. 24-R30

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, A FLORIDA MUNICIPAL CORPORATION, APPROVING THE TERMINATION AND RELEASE OF A FORCE MAIN EASEMENT HELD BY THE CITY FOR THE USE AND BENEFIT OF THE FORT PIERCE UTILITIES AUTHORITY; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Sara Hedges explained the purpose of the resolution seeking to follow through with the FPUA.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Arnold Gaines to approve Resolution 24-R30.

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

Passed

Commissioner Broderick excused himself from the meeting at 8:27 p.m.

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.

Lisa Prince Mobley
Reginald Sessions
Kris Einstein
Chris Gardener
Jon Nolli
Steve Tarr
Cindi O'Connell

15. COMMENTS FROM THE CITY MANAGER

a. Reports

City Manager Nick Mimms commented on the need to address gun violence and how the City will do so, June 10th is the first Day Commission Meeting, the Historic Preservation Board, National Community Survey results, June 11, Kings Landing, surveillance camera purchases, Avenue D and Indian River Dr.construction, recruitment and retaining employees, mental health, and improvements.

City Clerk Linda Cox – No comments

City Attorney Sara Hedges – No comments

16. COMMENTS FROM THE COMMISSION

Commissioner Gaines commented on the City's involvement in addressing gun violence, local student recruitment,

Commissioner Curtis Johnson thanked Pastor Sanders and his wife, addressed gun violence and how it affects all of Fort Pierce including economic development, the Police Department outreach at First Step Park, recruitment, the need for programs in prison to address issues, and the legal system.

Commissioner Jeremiah Johnson commented on the misrepresentation of the City in the media, State and Federal participation in law enforcement, budget for the Police Department, community partnership, and additional staffing in the attorney's office.

Mayor Hudson commented on her pride for the City, and addressed gun violence and the need to stand up for the 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 Hudson adjourned the meeting at 9:29 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER