

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, JULY 21, 2025.

1. CALL TO ORDER

Mayor Hudson called the July 21, 2025 Regular Meeting of the City Commission to order at 5:05 P.M.

2. OPENING PRAYER - Pastor Jimmy Lloyd - Fairlawn Church

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

Present: Commissioner Michael Broderick; Commissioner Arnold Gaines;
Commissioner Curtis Johnson, Jr.; Mayor Linda Hudson; Commissioner
James Taylor

Staff Present: City Manager Richard Chess
City Attorney Sara Hedges
City Clerk Linda Cox

5. APPROVAL OF MINUTES

A. Approval of the Minutes of the July 07, 2025 Regular Meeting.

Motion was made by Commissioner James Taylor, seconded by Commissioner Curtis Johnson, Jr. to approve the minutes of the July 07, 2025 Regular Meeting.

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

Passed

6. PROCLAMATIONS

7. LETTERS TO COMMISSION

8. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Arnold Gaines to approve the agenda as set.

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

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.

Michael Silva

10. MISCELLANEOUS REPORTS

A. Kings Landing Quarterly Update - Bill Ware, Live Oak Holdings

Bill Ware, Live Oak Holdings presented the quarterly report.

Quarterly Update Summary: King's Landing Development

April 2025

The Third Amendment to the Amended and Restated Development Agreement was approved unanimously by the City Commission (April 7) and FPRA Board (April 8).

The agreement was recorded on April 10, becoming the new governing document. An initial progress set of architectural and site plans was submitted April 7, following collaborative meetings with city staff and FPRA.

A follow-up meeting the same day endorsed the proposed direction, and an updated progress set was submitted on April 28.

Mainsail Lodging & Development continues progressing on the Marriott Franchise Application.

Coordination began with the City to install mesh fencing around the development site by May.

May 2025

The amended site plan application was submitted on May 27, meeting the May 31 deadline per the Third Amendment.

Mesh fencing was installed per City Commission request.

Ongoing coordination with architect, civil engineer, contractor, and residential programming (Brooke Harris) continued.

Informal engagement with Commissioners and local stakeholders occurred, including visits with Commissioners Johnson and Broderick, Marina staff, and IRSC leadership.

A meeting with Mainsail in Tampa was held to strengthen project collaboration.

June 2025

The project team attended a TRC meeting on June 26, receiving no comments from Planning and minor Engineering comments, which are being addressed.

A follow-up meeting with Mr. Chess the same day discussed a potential convention/meeting space adjacent to the hotel.

Work on architectural/civil design and Marriott franchise approval is ongoing. Both are expected by September 2025.

Title-related discussions are underway with the City regarding existing easements.

July 2025

Planning Board approval was granted on July 14; Historic Preservation and a follow-up meeting with Mr. Chess are scheduled for July 28.

A site plan recommendation has been forwarded to the Board, with final consideration likely in August or September.

Engineering conditions are being addressed to expedite construction.

Coordination continues with FPUA on utility upgrades and with the City on aligning with Indian River Drive improvements.

Mainsail is submitting its final Marriott franchise package in July to be placed on the August approval agenda. Marriott remains committed to the project.

Commissioner Broderick inquired on issues the City should be aware of now that could become problematic.

Mr. Ware responded that no concerns had emerged at this time, the project is on schedule, and that collaboration with city staff and partners has been exceptionally positive.

11. CONSENT AGENDA

- A. Approval of the 2025 Annual Resurfacing Program in the amount of \$551,519.64 in accordance with the Paving Lady contract awarded in response to Bid No. 2023-044.
- B. Approval of AT&T Change Order for Avenue B Utility Installation in the amount of \$74,391.65.
- C. Approval of First Amendment to Reconstruction Agreement with All Digital All Day to remove the existing billboard at 7049 Okeechobee Rd and construct a replacement sign.
- D. Approval of expenditure of Law Enforcement Trust Funds to purchase two (2) Penlink PLX Software Licenses in the amount of \$18,000.00.
- E. Approval of Award of RFP 2025-019 for the Indian River Drive Roadway Reconstruction project to the low bidder, Ferreira Construction Company, Inc. in an amount not to exceed \$10,254,124.04.
- F. Approval of Award of RFP 2025-017 for Sunrise Theatre Operations Concessionaire to the highest ranked respondent, VenuWorks, and to authorize staff to enter into contract negotiations.
- G. Approval of federally funded Subaward and Grant Agreement with Florida Division of Emergency Management for Hurricane Milton.

Commissioner Johnson pulled item 11A
Commissioner Broderick pulled items 11E and 11F.

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Curtis Johnson, Jr. to approve items 11B-11D and 11G of the Consent Agenda.

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

Passed

As to item 11A

Commissioner Johnson noted the half-cent sales surtax funds road paving, with over \$500,000 currently approved to resurface just 1.54 miles, highlighting rising costs. He clarified that many roads fall under county, state, or federal jurisdiction, thanked the Surtax Committee for prioritizing projects, and inquired about ongoing use of funds, committee meetings, and the 13th Street project.

Selena Griffett, Project Engineer, reported the City has resurfaced 13.97 miles of roads since 2020, including 1.5 miles this year, with 8 miles remaining at an estimated cost of \$4 million. Funded by the half-cent sales surtax through 2028, she encouraged residents to contact the Engineering Office for information on surtax committee meetings and noted 13th Street as a more complex project.

Mayor Hudson added that the sales surtax has supported more than just resurfacing and has been a significant asset in improving roads overall. She emphasized that while progress has been made, more work remains, and the City will be engaging the public again soon as efforts continue.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Michael Broderick to approve item 11A of the Consent Agenda.

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

Passed

As to item 11E

Commissioner Broderick requested a project overview.

City Engineer Mark Zrallack shared that the City has modified the scope of the Indian River Drive project to make it financially feasible, removing nonessential elements but retaining key features, including the replacement of the 62-year-old bridge near the Manatee Center.

The revised project includes:

Full roadway reconstruction

A wider (8–10 ft) sidewalk on the east side and new sidewalk on the west

Lighting upgrades

Pedestrian access across the new bridge (replacing the existing pedestrian bridge)

Construction is expected to begin in September 2025, from the roundabout to Orange Avenue.

The Backus project has been removed due to cost and will be deferred to Phase Two, allowing the City to utilize available grant funding for Indian River Drive.

Mr. Zrallack confirmed coordination with FPUA and King's Landing to avoid future utility conflicts and noted that project phasing details and construction duration are still being finalized.

Shyanne Harnage, Community and Economic Development Director, explained that the City received funding from the Florida Job Growth Grant Fund through Governor DeSantis in partnership with the St. Lucie County Economic Development Council, aimed at supporting off-site infrastructure improvements associated with the King's Landing development and broader downtown revitalization.

The grant funds must be expended by June 2026, which is driving the phased approach to the Indian River Drive project.

Although the entire project will not be completed by that date, the City is working to ensure the initial phase meets the grant deadline.

Originally estimated at \$7–8 million, the project's lowest bid came in at \$13 million. To address the shortfall, staff performed value engineering, scaling back on nonessential elements ("bells and whistles") while preserving core improvements like the new bridge, sidewalks, and lighting.

Approximately half of the grant funds have already been used for design and bid preparation.

The project will also incorporate on-street parking on Indian River Drive, which was previously identified under the infrastructure sales tax program.

Funding sources include the Florida Job Growth Grant, infrastructure sales surtax, road impact fees, and an increased City contribution from \$2 million to \$3 million, which will be brought forward in the upcoming Capital Improvement Plan (CIP)

The Commission expressed concern that construction on Indian River Drive may conflict with the annual Christmas Parade. They emphasized the need for clear communication with the public and coordination with Main Street for event staging, with staff confirming that direction has been provided.

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Curtis Johnson, Jr. to approve item 11E of the Consent Agenda.

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

Passed

As to item 11F

Commissioner Broderick inquired on the background on this RFP.

Ms. Harnage commented that following the retirement of Sunrise Theatre's Executive Director, Sharon Engel, the City issued an RFP in January to explore new operational models either as a city-run enterprise fund or bringing in a private operator. The goal was to find a firm to handle daily operations such as programming, marketing, ticketing, maintenance, and food services, while the City retains ownership and responsibility for major capital systems.

The RFP process, developed with outside counsel, sought a qualified operator with a five-year budget, transition plan, team qualifications, and proven experience managing similar venues. Five proposals were received and evaluated by a panel using criteria such as experience, financials, implementation plans, and economic impact.

VenuWorks, which manages over 50 venues including historic theaters, received the highest score (244.5/300). Their proposal emphasized local programming, operational efficiency, and blending historic preservation with modern management. Staff recommends moving forward with negotiations with Venue Works as the preferred operator.

Key Discussion Points:

Volunteer Continuity: VenuWorks plans to retain volunteers and collaborate closely with the Sunrise Theatre Foundation.

Financial Structure: The model includes an FPRA contribution of \$500,000, with the operator managing day-to-day operations. The City will maintain capital systems (e.g., HVAC, roofing).

Ticketing Concerns: Affordability remains a priority. Concerns about a shift to Ticketmaster will be addressed in negotiations.

Staffing: Current city employees at the theatre will be offered internal transfers if desired.

Foundation Role: The Sunrise Theatre Foundation remains integral to youth programs and capital improvements.

Next Steps: A contract will be negotiated and brought back to the Commission for approval.

Special Thanks to Marissa Quijano and her team for their leadership during the transition.

Motion was made by Commissioner Michael Broderick, seconded by Commissioner James Taylor to approve item 11F of the Consent Agenda.

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

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. Quasi-Judicial Hearing - Ordinance 25-020 - Review and approval of an application to rezone a single parcel containing approximately 11.54 acres and being located at or near 3804 Sunrise Boulevard in Fort Pierce, from Single Family Moderate Density (R-3) zoning to Planned Development (PD) together with a Planned Development Final Site Plan for fifty (50) single-family residences. The application is submitted by applicant Blaine Bergstresser, KMA Engineering & Surveying, on behalf of owner DT VENTURES 1 LLC. More specifically at Parcel ID#:

2433-123-0001-000-1 - FIRST READING.

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

ORDINANCE NO. 25-020

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING THE CITY'S ZONING ATLAS FOR ONE(1) PARCEL CONTAINING APPROXIMATELY 11.54 ACRES, MORE OR LESS, AND BEING LOCATED AT OR NEAR 3804 SUNRISE BOULEVARD IN FORT PIERCE, FLORIDA FROM (R-3) SINGLE FAMILY MODERATE DENSITY ZONE TO PLANNED DEVELOPMENT (PD); ESTABLISHING THE SUNRISE LAKES PLANNED DEVELOPMENT ZONE WITH A FINAL DEVELOPMENT SITE PLAN AND CONDITIONS OF DEVELOPMENT; APPROVING A PLANNED DEVELOPMENT ZONING AGREEMENT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; 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 that the City complied with the advertisement and notice requirements.

Mayor Linda Hudson inquired with the Commission regarding ex-parte communications.

Commissioner Broderick – Yes (Two emails from citizens)

Commissioner Gaines – Yes (Two emails from citizens)

Commissioner Johnson – Yes (Two emails from citizens)

Commissioner Taylor – Yes (Two emails from citizens)

Mayor Hudson – Yes (Two emails from citizens)

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

Staff Presentation:

Kevin Freeman, Planning Director, presented the approval of an application to rezone at 3804 Sunrise Blvd.

RECOMMENDATION:

Staff recommend the City Commission APPROVE the application of the Sunrise Lakes Final Planned Development, subject to the following 10 conditions:

Conditions:

All infrastructure, including the private lift station, school district bus stop, and stormwater system, shall be completed prior to the issuance of first certificate of occupancy for a residential building.

A plat of the property shall be required prior to application for a building permit for a residential building.

The minimum Open Space shall be maintained at a minimum of 23% of the Final PD site area.

The development shall comply with the permitted density, intensity and residential lot and building heights as outlined within the approved Sunrise Lakes Development Agreement and Final PD site plan.

A detailed stormwater and drainage plan and statement shall be submitted at the time of Building Permit.

The Final PD Plan shall be governed by all agreements, provisions and covenants which govern the use, maintenance, and continued protection of the planned development and any of its common open space or other shared areas. This shall include the binding of successors in title to any commitments concerning completion of the project and its maintenance and operation.

A tree mitigation calculation shall be submitted and approved prior to issuance of a site clearing or vegetation removal permit.

A landscape maintenance agreement shall be required prior to final certificate of occupation.

A revised final site plan, architectural elevations and landscaping plan shall be submitted for the proposed amenity center.

All applicable state or federal permits shall be obtained before commencement of the development.

Questions of Staff:

The Commission inquired about R3 density requirements, expressed frustration over inconsistent evaluation of planned developments based on location, calling for clearer, more consistent standards to avoid wasting staff time and ensure evidence-based decisions in quasi-judicial hearings, acknowledged the importance of location in the PD process, and affirmed that Mr. Freeman's zoning assessment was professional and fact-based.

Mr. Freeman clarified that the planned development (PD) allows for adjusted density and lot sizes within future land use parameters, typically enabling more units than current zoning, though infrastructure needs to reduce actual buildable lots; this proposal stays below maximum density, emphasizes single-family homes, and recommends limiting height to 28 feet to align with community standards, balancing property owner rights with neighborhood compatibility, stormwater management, and evolving city policies.

Applicant Questions of Staff:

Blaine Bergstresser of KMA Engineering did not pose any questions to the staff but provided a summary of the project's history.

Commission Questions of the Applicant:

The Commission inquired on the previous concept as duplex units, single-family specs, price point, architectural details, school bus stop location, easement details, tree mitigation, and fencing.

Mr. Bergstresser clarified that the project was originally presented as a duplex, provided specs, price points, referenced the site plan for the bus stop, tree mitigation, and fencing for noise abatement with FDOT.

Ms. Hedges inquired about the proposed maximum building height of 28 feet, a lot depth of 82 feet, the address and legal representation for DDT Ventures, and the potential to preserve as many existing trees as possible.

Mr. Bergstresser confirmed the proposed building height and lot depth, agreed to provide the address and attorney information for DDT Ventures, and accepted the inclusion of language to preserve as many existing trees as possible.

Conditions will be added as follows:

11a 28' maximum height.

11b 82' lot depth

11c Provide the address for DDT Ventures.

11d Preserve as many existing trees as possible.

11e Landscape buffers to the south.

Mayor Hudson opened the public hearing.

Krista Storey

Judy Biglin

Steve Tierney

Paul Housewright

Ronna Perry

Jean Woodard

Mr. Bergstresser addressed traffic concerns, tree preservation, and innovation.

Mayor Hudson closed the public hearing.

Commission Discussion:

Commissioners expressed concern over the lack of clear definitions for terms such as "innovative" and "imaginative" in the Planned Development (PD) process. Commissioner Gaines emphasized the need for objective standards to evaluate proposals, stating that inconsistent interpretations undermine the planning process and staff efforts. Commissioner Taylor echoed this, noting that without defined criteria, both developers and staff are left without clear guidance. It was clarified that the term used in the code is "imaginative," not "innovative," which further highlighted the need for clarity. Commissioners agreed that the subjective nature of such terms leads to varied opinions, complicating decision-making.

Concerns were raised about whether proposed developments align with the character of existing neighborhoods, particularly in areas accustomed to larger lots and lower density. Growth pressures and legislative changes, such as the state removing final plat approvals from local commission review, add complexity.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Arnold Gaines to approve Ordinance 25-020 with the 11 conditions and A-E.

The motion failed.

A follow-up motion was made to continue the item, allowing the applicant to work with staff to develop a revised, more "imaginative and enlightened" plan. The applicant agreed to submit updated materials within a month, pending coordination with staff and public notice requirements.

Motion was made by Commissioner Arnold Gaines, to continue Ordinance No. 25-020 until the City Commission meeting on September 15, 2025.

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

Passed

- B. Quasi-Judicial Hearing - Ordinance 25-021 - Review and approval of an application to amend the Millcreek Planned Development (PD) zoning in respect of one (1) parcel containing approximately 62.51 acres, and generally located north of Orange Ave and West of 41st Street in Fort Pierce, with a Planned Development Final Site Plan for Pod 2 to construct a total of 439 dwelling units, distributed in 309 townhomes and 130 detached single-family homes at a density of 7.1 du/ac. The application submitted by applicant REDTAIL DG Tod Mowery on behalf of owner FM Millcreek Holding LLC. more specifically at Parcel ID #2407-124-0001-000-3 - FIRST READING.

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

ORDINANCE NO. 25-021

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING THE MILLCREEK PLANNED DEVELOPMENT (PD) ZONING IN RESPECT OF ONE (1) PARCEL OF APPROXIMATELY 62.51 ACRES OF LAND, MORE OR LESS, AND GENERALLY LOCATED NORTH OF ORANGE AVE AND WEST OF 41ST STREET; APPROVING MILLCREEK PD POD 2 FINAL SITE PLAN THROUGH THE FINAL PLANNED DEVELOPMENT (PD) ZONING PROCESS; APPROVING A PLANNED DEVELOPMENT ZONING AGREEMENT; 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 that the City complied with the advertisement and notice requirements.

Mayor Linda Hudson inquired with the Commission regarding ex-parte communications.

Commissioner Broderick – Yes (Developer and consultants)

Commissioner Gaines – Yes (Developer and consultants)

Commissioner Johnson – Yes (Developer and consultants)

Commissioner Taylor – Yes (Developer and consultants)

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 application to amend the Millcreek Planned Development (PD) Orange Ave and West 41st Street.

RECOMMENDATION:

Staff recommend the City Commission Continue Consideration of the proposed Millcreek PD Final Site Plan to a date certain or until such a time when the Development Agreement is deemed to be acceptable by the City Attorney's Office.

Questions of Staff:

The Commission discussed the relevance of the unity of title requirement, questioning whether the City has the authority to waive it and allow development of POD Two independently, given the separation of ownership. Concerns were raised about potential future conflicts between property owners and the City if such standard requirements are relaxed, especially when multiple owners are involved in a single Planned Development.

Ms. Hedges clarified that by entering into a Planned Development (PD) with another property owner, the applicant forfeited the ability to act independently; both properties are now bound under one PD. She emphasized that the requirement for a unity of title is not new, it was explicitly stated in Ordinance 23-011, which approved the rezoning. Specifically, Conditions 8, 14, and 15 required unified ownership, recording of a unity of title with the Clerk of Court, parcel combination with the Property Appraiser, and submission of a general address request form. These conditions remain unmet.

Ms. Hedges explained that the applicant was advised to amend their rezoning if they wished to change the conditions before submitting a final site plan. While they had the option to separate the pods and proceed independently, they chose to remain as one unified property under the existing PD. She cautioned against disregarding established rules and requirements simply for the convenience of those unwilling to follow them, emphasizing the importance of consistency and integrity in the process.

Ms. Hedges inquired of Mr. Freeman whether the actual property owner had reviewed and agreed to the development agreement, emphasizing that the owner is the party contracting with the City. Clarification was requested regarding the breakdown between Pod One and Pod Two, and whether changes to pod boundaries from conceptual to final site plan are permissible under the former code, prior to the recent code amendment. She also asked how many parcels make up Pod Two and noted that Pod One appears to consist of four parcels, leaving three for the other owner.

Mr. Freeman agreed that the property owner must be a party to the development agreement and stated that the applicant was advised accordingly. He reserved further comment until hearing from the applicant, noting he has not seen an amended agreement listing Mill Creek Holding LLC as a signatory, which should be included in the ordinance or development agreement.

The Commission inquired whether it is standard practice for a prospective developer to secure an option on a property prior to closing, pursue necessary approvals, and operate under an agreement that allows them to represent the property owner during proceedings, whether interconnectivity with the existing road network, including Avenue D and adjacent properties, had been considered, and discussed tabling the item.

Mr. Freeman affirmed this as a normal course of business, confirmed that interconnectivity was discussed with the City and County.

Ms. Hedges recommended allowing the applicant to speak before considering a motion to table the item.

Tod Mowery, Redtail, presented the proposed Mill Creek project and answered questions posed by the Commission.

Questions of the Applicant:

Ms. Hedges, directed the applicant to respond to specific questions regarding Ordinance 23-011 and its interpretation of the term "final site plan." Mr. Mowery acknowledged that while the ordinance uses the singular form, it does not expressly prohibit multiple final site plans. He emphasized that throughout the process, it was made clear and consistently documented that separate final site plans would be submitted for each POD.

He asserted that the final PD site plan language could be interpreted as singular or plural depending on context and presentation, noting the public hearing in 2023 where it was conveyed that each POD would be developed independently as development occurred. Mr. Mowery stated this practice is consistent with other PD approvals across jurisdictions and developments.

Regarding property access, Mr. Mowery clarified that an existing shared easement provides legal access to the adjoining property, although physical access has not yet been established due to the lack of development.

In response to questions about unified control and ownership per Condition 8, Mr. Mowery maintained that each applicant must demonstrate unified control and ownership for their respective POD at the time of development. He indicated that such requirements would be met prior to any building permits being issued, both for his client and for the POD One owners, with whom his client has had periodic contact.

When asked about the PD agreement, Mr. Mowery confirmed that while it had not yet been signed by the owner or applicant, they were prepared to sign at any time. He acknowledged that the ordinance would not take effect until fully executed.

A procedural exchange occurred regarding the legal rights of the applicant in a quasi-judicial hearing. Mr. Mowery asserted the applicant's right to ask questions of those who testified. Ms. Hedges clarified that as the City Attorney, she is not subject to questioning during testimony, as she provides legal counsel, not testimony. She reiterated that her legal opinions are advisory and that the Commission may choose whether to follow them.

Mr. Mowery concluded by stating that of the three cited noncompliance issues, two were not applicable at this stage, and the third had been addressed through interpretation and documentation.

Mayor Hudson opened the public
Linda Thompkins
Nancy Spires
Nancy Love
Mayor Hudson closed the public hearing.

Mr. Mowery commented that from his perspective, there were only three items in question. Two of them are requirements that don't apply until the building permit stage. The third concerns a definition that is not clearly defined, so it ultimately comes down to interpretation.

The Commission expressed concerns regarding traffic, infrastructure, and stormwater management related to the proposed Pod 2 development.

Traffic & Access:

The applicant confirmed a single entry point aligned with Bent Creek, with no additional access proposed.

FDOT reviews the full Pod 2 plan, including all 439 residential units.

Traffic improvements (e.g., a four-way signal) are evaluated in phases based on trip generation and warrant analyses conducted by FDOT.

As of Phase 1 (152 units), FDOT has not required signalization. Future phases (157 units in Phase 2 and 130 in Phase 3) may trigger requirements depending on traffic impact data.

Stormwater Management:

The site will include multiple stormwater treatment facilities.

A full stormwater system will be constructed at the start of development to retain on-site runoff.

South Florida Water Management District (SFWMD) will permit and regulate the design, including control elevations and overflow structures, with any discharge routed to a nearby canal only under extreme weather conditions.

Utilities & Annexation:

The entire Pod 2 property is fully annexed into the city and will be served by FPUA (Fort Pierce Utilities Authority) for water, electric, and gas.

While neighboring properties (e.g., north and east of the site) are still in the county, the utility extension may raise future service questions.

Solid Waste Collection:

No dumpster enclosures are planned for townhomes.

Curbside residential-style collection will be used, with garages and space between driveways designed to accommodate trash bins.

The Commission emphasized the importance of understanding the signalization “trigger point” due to potential traffic safety concerns at Bent Creek. Mr. Mowery acknowledged that signalization requirements are entirely based on FDOT’s data-driven analysis at each development phase.

Commission discussion:

1. Legal Interpretation of Unified Control / Unity of Title:

Condition 8 requires unified ownership and legal control of the entire PD (not just individual pods) before final site plan approval.

Legal counsel (Ms. Hedges) maintained that this condition has not been met, as the applicant only controls Pod 2—not the entire PD.

Conditions 14 & 15 depend on unified control being established first.

The Commission discussed possibly interpreting the ordinance differently, allowing pod-by-pod control and requiring unity of title only at building permit stage.

If proceeding with approval, the Commission must clearly state that “unified control” and “unity of title” apply per pod, not the full PD.

2. Development Agreement Edits Needed:

Add owner’s address

Add ordinance number and date

Clarify references to 23-011 ordinance if it remains in effect

Staff recommended clarifying the PD ordinance prior to approval but allowed moving forward if the Commission clarifies its interpretation now.

3. Traffic Concerns & FDOT Signalization:

Concerns raised over the lack of signalized intersection at Bent Creek/Orange Ave with future traffic from Mill Creek, Bent Creek Phase 3, and other nearby developments.

FDOT determines signalization only when traffic data “warrants” it.

The Commission requested a condition requiring the developer to submit applications to FDOT for a traffic signal now and with each phase, including traffic

from neighboring developments.

A new condition will require the applicant to:

Proactively apply to FDOT for signalization immediately and with each phase. Include full context of surrounding housing density (e.g., Bent Creek) in the justification.

4. Emergency Access Requirement:

Clarification added that the secondary/emergency access road at the rear of the property must be for emergency vehicles only, using secured access (e.g., fire keys or gates).

Motion was made by Commissioner James Taylor, seconded by Commissioner Michael Broderick to approve the PD Site Plan with staff's recommended conditions, excluding Condition 3, Clean-up edits to the Development Agreement (owner's address, ordinance number, date), clarification that the PD ordinance allows development per pod, not requiring full-PD unified title upfront, applicant must proactively apply to FDOT for signalization at Bent Creek/Orange Ave now and with each development phase, including surrounding developments in justification, and that emergency access to be limited strictly to emergency use (with fire access controls).

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

Passed

13. CITY COMMISSION

- A. Resolution 25-R49 approving Interlocal Agreement between St. Lucie County and the City of Fort Pierce for the Creation of Anchoring Limitation Areas pursuant to Sections 327.4108 and 163.07, Florida Statutes.

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

RESOLUTION NO. 25-R49

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, A FLORIDA MUNICIPAL CORPORATION, APPROVING AN INTERLOCAL AGREEMENT BETWEEN ST. LUCIE COUNTY AND THE CITY OF FORT PIERCE FOR THE CREATION OF ANCHORING LIMITATION AREAS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Kyle Kauffman and John Revord, St. Lucie County provided an update on the interlocal agreement. No Changes Since May: The interlocal agreement, layout, and responsibilities between the City and County remain unchanged. Both parties are ready to launch the initiative.

City & County Roles:

City Marina will conduct daily vessel patrols in designated areas (south and north of the inlet, including Wesley's Island).

County will handle buoy placement, permitting, and other logistical components.

Collaboration & Readiness: The City and County report a strong working relationship and are prepared to move forward. The City's patrol vessel is ready, and the staff are trained.

Public Outreach: A communication plan includes welcome letters and free pump-out logbooks for boaters, promoting responsible mooring and waste disposal practices.

Derelict Vessel Enforcement:

17 vessels were originally identified; 10 have already been removed or addressed. Goal is to eliminate nearly all remaining derelict vessels by year-end. A proactive monitoring approach will help identify and address vessel issues early, rather than waiting for public complaints.

New State Law (Effective Jan 1):

Vessels moored for more than 14 consecutive days will require a permit. This will help the City and County track and enforce responsible vessel activity and ensure compliance.

Environmental Concerns:

Addressing illegal waste discharge into the lagoon is part of the program. Through daily interactions, staff will identify liveboards, offer guidance, and encourage best practices.

Main Objective:

Discourage long-term, untended mooring in vital corridors.
Keep the waterway clear for navigation and protect public infrastructure.

Motion was made by Commissioner Michael Broderick, seconded by Commissioner James Taylor to approve Resolution No. 25-R49.

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

Passed

- B. Resolution 25-R50 approving a Stormwater and Drainage Utilities Easement from the City of Fort Pierce for the use and benefit of the Fort Pierce Utilities Authority to Kings Landing FT Pierce LLC for the Villas at King's Landing.

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

RESOLUTION NO. 25-R50

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, A FLORIDA MUNICIPAL CORPORATION, APPROVING A STORMWATER AND DRAINAGE EASEMENT FOR THE KING'S LANDING VILLAS PLAT PROPERTY; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Arnold Gaines to approve Resolution No. 25-R50.

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

Passed

- C. Resolution 25-R54 approving the City of Fort Pierce Local Housing Assistance Program (LHAP) Amendment for the 2024-2027 report.

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

RESOLUTION NO. 25-R54

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA APPROVING THE AMENDED LOCAL HOUSING ASSISTANCE PLAN AS REQUIRED BY THE STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM ACT, SUBSECTIONS 420.907-420.9079, FLORIDA STATUTES; AND RULE CHAPTER 67-37, FLORIDA ADMINISTRATIVE CODE; AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTS AND CERTIFICATIONS NEEDED BY THE STATE;

AUTHORIZING THE SUBMISSION OF THE LOCAL HOUSING ASSISTANCE PLAN FOR REVIEW AND APPROVAL BY THE FLORIDA HOUSING FINANCE CORPORATION; AND PROVIDING AN EFFECTIVE DATE.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Michael Broderick to approve Resolution No. 25-R54.

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

Passed

14. COMMENTS FROM THE PUBLIC

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

No public comments

15. COMMENTS FROM THE CITY MANAGER

City Manager, Richard Chess commented that he met with the County Administrator last week in an effort to coordinate a joint meeting between the County Administration and the City Commission.

City Clerk, Linda Cox – No comments

City Attorney, Sara Hedges – No comments

16. COMMENTS FROM THE COMMISSION

Commissioner Johnson commented on an email starting the TPO process.

Commissioner Gaines thanked Deputy Chief Norris.

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 10:21 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER