

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 6:30 P.M. ON MONDAY, **MARCH 4, 2019.**

1. CALL TO ORDER

The meeting was called to order at 6:30 p.m.

2. OPENING PRAYER - Father Yves Geffrard - Notre Dame Catholic Mission

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

Present: Mayor Linda Hudson; Commissioner Jeremiah Johnson; Commissioner Thomas Perona; Commissioner Reginald Sessions

Absent: Commissioner Rufus Alexander

Staff Present: City Clerk Linda Cox
City Manager Nicholas Mimms
City Attorney Peter Sweeney

Commissioner Rufus Alexander arrived at 7:04 p.m.

5. APPROVAL OF MINUTES

- a. Approval of the minutes for the February 19, 2019 Regular Meeting.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Reginald Sessions to approve item 5 a.

AYE: Mayor Linda Hudson, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

6. PROCLAMATIONS

Mayor Hudson issued the Proclamations.

- a. American Red Cross Month Proclamation
b. Diabetes Alert Day Proclamation

7. LETTERS TO COMMISSION

The following letters will be kept on file in the City Clerk's Office.

- a. Email from Curtis Johnson in recognition and appreciation of Officer Femminello going above and beyond to respond to an alarm at his residence recently.

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

Don Christman on item 13 e.
Rick Reed on item 13 e.
Mario Wilcox on item 13 e.
Al Boettjer on item 13 e.
Charles Hayek on item 13 e.
Richard M. Weiner on item 13 e.

9. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve the agenda as presented.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

10. MISCELLANEOUS REPORTS

- a. Presentation and discussion on the Opioid Epidemic

Judge Cynthia Angelos gave the statistics of opioid deaths stating Florida is the state with the largest casualties. Her and her colleagues were the first to file suit in Florida, beginning with the City of Palm Bay. Many cities and counties have since filed suit. All of the cases that have begun this process have now been removed to Federal Court in front of a judge that is "for us". She referenced an article of the Washington Post stating that the judge handling this case in Florida is "aggressively moving these cases to settlement". Judge Angelos believes what this means to the City of Fort Pierce is we will reap the benefits.

Attorney Michael Kahn broached the costs to the City of Fort Pierce indicating the city would not pay for their services. If they won this case, the firm would get paid 20% from the settlement and the rest would go to the city. Mr. Kahn stated time was of the essence and City Attorney, Peter Sweeney, indicated he'd be comfortable with reviewing the contract between now and the Regular Meeting scheduled for March 18, 2019 so that our City Commission could discuss further. Per Mr. Kahn, it is the same contract that the City of Palm Bay entered into when Mr. Sweeney worked there.

- b. Monthly Financial Report for the Month Ending January 31, 2019

Johnna Morris, Finance Director, reported all funds are positive and doing well with the exception of the Sunrise Theatre and Indian Hills Golf Course. The Sunrise Theatre's net operating income for the fiscal year is positive, however, because of the beginning fund balance, the fund is not positive nor is it stable. Nevertheless, the theatre has been doing much better than it has in the past since the net income is currently positive for the fiscal year; this has not been the case for the last three to four fiscal years. The Indian Hills Golf Course's revenue is not what has been projected, nor are the expenses. Toward the end of this current fiscal year, it was about \$90,000 short. Ms. Morris indicated she and Mr. Mimms, City Manager, had a meeting with Daniel Visconti, Golf Course Manager, and he indicated he's working on some programs to generate more income for the golf course. Ms. Morris and Mr. Mimms will continue to monitor the fund to see where we are. They will have to make some transfers but her and Mr. Mimms have yet to decipher the dollar figures these will total.

- c. Approval of 2017-2018 Final Budget Amendments for Grant Funds: CDBG, SHIP, and Grant Administration

Johnna Morris, Finance Director, indicated the City Commission had been provided the budget adjustments for our grant funds, particularly CBDG, SHIP and Grant Administration. The CBDG budget has been amended to \$278,464. SHIP's budget was amended to \$494,071 and Grant Administration's amended budget is now \$170,843. This is a standard procedure that takes place after the audit, making these audited figures.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Reginald Sessions to approve as submitted.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

11. CONSENT AGENDA

- a. Approval of a request by Amerigas Propane to install two (2) above-ground 420# tanks at 1814 N. 21st Street.
- b. Notification of Approval for a Minor Amendment to the Site Plan for St. Andrew's Episcopal Academy located at 210 and 320 S. Indian River Drive Fort Pierce, FL.
- c. Travel expenses in the amount of \$1,437.90 for Commissioner Rufus Alexander to attend the 2019 Florida Black Caucus of Local Elected Officials Spring Conference.
- d. Travel expenses in the amount of \$1,437.90 for Commissioner Reginald Sessions to attend the 2019 Florida Black Caucus of Local Elected Officials Spring Conference.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Thomas Perona to approve item numbers 11 a through 11 d.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions
Passed

12. PUBLIC HEARINGS

- a. Resolution No. 18-R62 and Quasi-Judicial Hearing – A hearing to allow the owners and/or parties of interest in the property identified as 1705 N 27th Street to show cause why the structure located on the premises should not be condemned and demolished.

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

A RESOLUTION DETERMINING THAT A CERTAIN BUILDING OR STRUCTURE LOCATED AT 1705 N 27TH ST IN FORT PIERCE, FLORIDA IS UNSAFE AND A NUISANCE THAT CONSTITUTES A MENACE TO THE BUSINESS, HEALTH AND SAFETY OF THE COMMUNITY; AND THAT SAID BUILDING OR STRUCTURE SHALL BE CONDEMNED AND DEMOLISHED; DECLARING THE PARTIES OF INTEREST WERE PROVIDED THE OPPORTUNITY TO BE HEARD AND ARE RESPONSIBLE FOR THE REMOVAL OF THE BUILDING OR STRUCTURE; AND ORDERING THE CITY OF FORT PIERCE TO AFFECT SUCH REMOVAL AND PLACE A LIEN UPON THE PROPERTY IDENTIFIED IF COMPLETED BY THE CITY OF FORT PIERCE; PROVIDING FOR APPEAL; PROVIDING FOR NOTICE TO ALL PARTIES; AND PROVIDING FOR AN EFFECTIVE DATE

Peggy Arraiz, Code Enforcement Manager, indicated this was brought before the City Commission last year as a Request for Condemnation and Demolition. During that meeting a member of the public spoke indicating that this was possibly going up for Tax Sale Deed and, as a result, the City Commission postponed this to see what would happen. Staff is asking for a 60-day continuance. The property has yet to go up for Tax Sale Deed, however, the Tax Sale office was able to put Ms. Arraiz in contact with an heir to the property and the previous missing line of communication was established. The heir is attempting to sell the property outright and avoid the tax sale. The request for the deed has been placed with the County and has gone to the County Court System to be certified. Within approximately 60-days we will know if the property will be sold as a private sale or if it will go through as a Tax Sale Deed.

Mayor Hudson opened the Public Hearing.
Seeing no one, the Mayor closed the Public Hearing.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to withdraw this case.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions
Passed

- b. Quasi-Judicial Hearing - Review and approval of an application for Conditional Use with No New Construction submitted by property owner, Pinchuk Warehouse Properties LLC, and applicant Michael J Waldrop Innovation Contracting, to establish the Woodworking Use at 2610 Orange Avenue, Fort Pierce, FL. The property is zoned General Commercial (C-3), Parcel ID: 2408-507-0018-000-3.

Before commencing this Quasi-Judicial Hearing, Peter Sweeney, City Attorney, reminded the Commission when acting as a Quasi-Judicial Body they apply the laws and policies established and are held to stricter procedural requirements, following basic standards established and are held to stricter procedural requirements, following basic standards of notice and due process based on substantial evidence. As such, they conduct these proceedings as judges instead of legislators.

Mr. Sweeney additionally confirmed that there are no party interveners in this matter. That means that the only other individuals that may be heard are people who might have relevant information and their comments are limited to three (3) minutes each. Members of the public may be permitted to present their non-expert opinions, but the Commission must know that public sentiment is not relevant to the decision which must be based on competent, substantial evidence.

Mayor Hudson called the proceeding to order.

City Clerk, Linda Cox, confirmed the City complied with advertisement and notice requirements.

Mayor Linda Hudson inquired with the Commission regarding ex-parte communications; there were none.

City Clerk, Linda Cox, was asked to swear in those wanting to speak during this Quasi-Judicial hearing. Individuals in the audience intending to speak on this item were asked to stand, raise their right hand, and administered an oath to tell the truth, the whole truth and nothing but the truth. Those that were sworn in were asked to clearly state their name for the record and confirm they were sworn in at such time as they were asked to come forward to testify.

Maria Lewica, Historic Preservation Officer, indicated the applicant is asking for approval of a Conditional Use in order to accommodate the proposed woodworking activity. The subject warehouse is located in General Commercial Zoning District (C-3). The Future Land Use of this property is General Commercial (GC). The proposed 1127 square foot woodworking room will replace one of the storage areas of the Office Furniture Consultants warehouse of 15,584 square feet of sales, office and storage.

The Technical Review Committee reviewed the request for a Conditional Use last month and all comments were acknowledged by the applicant. The Planning Board voted unanimously to recommend approval with staff conditions. The requested Conditional Use with No New Construction is consistent with City Code and the Comprehensive Plan, and does not adversely affect the public health, safety, convenience and general welfare. Staff recommends approval of the Conditional Use with the following conditions to be met prior to the Building Department Permit issuance:

1. Comply with City Code Section 22-60. Off-street parking and loading (j) Lighting (1)a. Please provide the lighting plan with a minimum average of two (2) footcandles.
2. Submit Change of Use Application to the Building Department to include a signed and sealed Life Safety Plan.
3. Provide a copy of a signed and sealed boundary survey.
4. Provide revisions to the parking in accordance with the existing structure features; Revise width of a handicapped access aisle to comply with ADA requirements, revise parking stall length to provide a minimum length of 18 feet, show the location of the stop sign and stop bar and indicate the standard parking stall width.
5. Relocate all proposed plantings to be situated within the limits of the property and not within the limits of the 27th Street public right-of-way.
6. Schedule a meeting with building department and the fire district to discuss possible sprinklers and dust collection requirements.

Mayor Hudson opened the Public Hearing.

The applicant, Michael Waldrop, confirmed he was sworn-in. Mr. Waldrop clarified condition number six for Commissioner Johnson indicating the location has sprinklers already and on the plan it does show for dust-collection. He indicated he was comfortable with all of the staff conditions.

Seeing no one else, the Mayor closed the Public Hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Rufus Alexander to approve item 12 b with staff conditions.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

- c. Legislative Hearing - Ordinance 19-008 annexing property located at 2607 Kerr Street. FIRST READING

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

AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE 2607 KERR STREET IN FORT PIERCE, FLORIDA 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, 2019; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; ESTABLISHING THE ZONING DESIGNATION; ESTABLISHING THE LAND USE DESIGNATION; DIRECTING FILING OF THE ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT AND CHIEF ADMINISTRATIVE OFFICER OF ST. LUCIE COUNTY; DIRECTING REVISION OF THE CHARTER BOUNDARY ARTICLE TO BE FILED WITH THE DEPARTMENT OF STATE

AND SUBMITTED TO THE OFFICE OF ECONOMIC AND DEMOGRAPHIC RESEARCH; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Vennis Gilmore, Planning Analyst, indicated this was an application by the property owner, Robert Cleveland and the Coldwell Banker Paradise representative, Kathleen Nally. The applicant is seeking a voluntary annexation. The property is located at the northwest corner of Okeechobee Road on Kerr Street. The proposed City Zoning is C-3, General Commercial Zone and the proposed City Future Land Use designation is GC, General Commercial. The Planning Board voted unanimously to recommend approval of the request as presented. As proposed, the annexation meets the standards of the City Code & Comprehensive Plan, specifically Policy Section 1.11 regarding annexations. Staff recommends that the City Commission approve the proposed voluntary annexation along with the zoning and future land use designations.

Mayor Hudson opened the Public Hearing.
Seeing no one, the Mayor closed the Public Hearing.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to approve item 12 c as presented.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions
Passed

- d. Legislative Hearing - Ordinance 19-009 - Financial Budget Amendment of the General Fund FY 2018 Budget. FIRST READING

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

AN ORDINANCE AMENDING THE 2017-18 BUDGET OF THE CITY OF FORT PIERCE, FLORIDA BY INSERTING THEREIN A SCHEDULE ATTACHED HERETO AND DESIGNED AS THE 2017-18 FINAL BUDGET AMENDMENT. THE SAID SCHEDULE PROVIDES FOR THE INCREASES AND/OR DECREASES IN REVENUES AND APPROPRIATIONS IN THE GENERAL FUND, AND PROVIDING FOR AN EFFECTIVE DATE.

Johnna Morris, Finance Director, indicated the Final Budget Amendment for the 2017-2018 Fiscal Year was before the City Commission. The approved budget was for \$36,886,199 and it is being amended to \$40,332,181. An outline was also provided to the City Commission explaining the increases and decreases in the fund. This is a standard procedure that occurs following the completion of the audit, hence, these are audited numbers.

Mayor Hudson opened the Public Hearing.
Seeing no one, the Mayor closed the Public Hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve item 12 d.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions
Passed

- e. Legislative Hearing - Ordinance 19-004 amending Section 5-94 regarding Building Drainage. FIRST READING.

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

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING CHAPTER 5, ARTICLE IV OF THE CODE OF ORDINANCES ENTITLED "BUILDING DRAINAGE"; AMENDING SECTION 5-94, TO AMEND REFERENCED SECTIONS; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Kristie Kirstein, Community Rating System Coordinator, indicated in 2012 a flood ordinance was moved from Chapter 22 to Chapter 5 and they missed a few code references, prompting them to do some housekeeping and remove some code section references.

Mayor Hudson opened the Public Hearing.
Seeing no one, the Mayor closed the Public Hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve item 12 e.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions
Passed

- f. Legislative Hearing - Ordinance 19-005 repealing and replacing Chapter 5, Article X(A) currently entitled "Flood Hazard Zones" Sections 5-315 through 5-329. FIRST READING

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

AN ORDINANCE BY THE CITY COMMISSION AMENDING THE CITY OF FORT PIERCE CODE OF ORDINANCES TO REPEAL CHAPTER 5 ARTICLE X(A) "FLOOD HAZARD ZONES" SECTION 5-315 THROUGH 5-329; TO ADOPT A NEW CHAPTER 5 ARTICLE X(A) ENTITLED "FLOODPLAIN MANAGEMENT" SECTION 5-315 THROUGH 5-329; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; TO ADOPT TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE; REPEALING ALL ORDINANCES AND PARTS THEREOF IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Kristie Kirstein, Community Rating System Coordinator, indicated they are repealing the existing flood ordinance and adopting the State of Florida Model Ordinance provided by the Department of Emergency Management. This amendment request will allow us to remain in compliance with the National Flood Insurance Program. She indicated several benefits to the public and citizens.

Mayor Hudson opened the Public Hearing.
Seeing no one, the Mayor closed the Public Hearing.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve item 12 f.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions
Passed

- g. Legislative Hearing - Ordinance 19-006 creating Chapter 5, Article V "Workforce Housing Program". FIRST READING

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

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING CHAPTER 5, OF THE CODE OF ORDINANCES ENTITLED "BUILDINGS AND BUILDING REGULATIONS" AMENDING ARTICLE V TO BE ENTITLED "WORKFORCE HOUSING PROGRAM", AMENDING SECTION 5-111 TO PROVIDE FOR A SHORT TITLE; AMENDING SECTION 5-112 SETTING FORTH THE PURPOSE AND INTENT OF THE WORKFORCE HOUSING PROGRAM; AMENDING SECTION 5-113 TO PROVIDE FOR APPLICABILITY; AMENDING SECTION 5-114 TO ESTABLISH DEFINITIONS; AMENDING SECTION 5-115 TO RESERVE LINKAGE FEES FOR FUTURE ADOPTION; AMENDING SECTION 5-116 TO RESERVE FOR PROVISIONS FOR FUTURE ADOPTION; AMENDING SECTION 5-117 TO ESTABLISH CONSTRUCTION STANDARDS FOR WORKFORCE HOUSING; AMENDING SECTION 5-118 PERTAINING TO RESTRICTIONS ON THE SALES AND RENTAL PRICES FOR WORKFORCE HOUSING DWELLING UNITS; AMENDING SECTION 5-119 ESTABLISHING QUALIFICATIONS FOR INDIVIDUALS TO BE ELIGIBLE FOR THE WORKFORCE HOMEBUYER PROGRAM; AMENDING SECTION 5-120 TO ESTABLISH A TIME PERIOD WHEREIN RENTAL AND FOR-SALE WORKFORCE HOUSING UNITS ARE REQUIRED TO REMAIN AFFORDABLE; AMENDING SECTION 5-121 TO CREATE A WORKFORCE HOUSING TRUST FUND; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

Shaun Coss, Building Department Coordinator, indicated this ordinance is the foundation blocks for future upcoming ordinance amendments to this ordinance. It will allow the city to

enter into an agreement with not-for-profit organizations to act as the Community Land Trust for the City of Fort Pierce. This only applies to workforce housing units constructed in conjunction with Community Land Trust or when funds will be accessed from the City of Fort Pierce Workforce Housing Trust Fund. This could be used for new construction, re-development. Rehabilitation is also an option.

Mayor Hudson opened the Public Hearing.
Seeing no one, the Mayor closed the Public Hearing.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Jeremiah Johnson to approve item 12 g.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

- h. Legislative Hearing - Ordinance 19-007 which amends Chapter 7, Article I, Section 7-20, "Fire Prevention and Protection." FIRST READING

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

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING CHAPTER 7, ARTICLE I OF THE CODE OF ORDINANCES ENTITLED "FIRE PREVENTION AND PROTECTION"; AMENDING SECTION 7-20, TO AMEND PERMITTING REQUIREMENTS OF ABOVEGROUND STORAGE TANKS; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Shaun Coss, Building Department Coordinator, this ordinance removes the requirement for above-ground fuel tanks to be approved by the City Commission as a result of the complaints the Building Department has received from the public and contractors. It currently takes approximately one month to get these approved and thus they are looking to streamline the process to be business-friendly.

Mayor Hudson opened the Public Hearing.
Seeing no one, the Mayor closed the Public Hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Reginald Sessions to approve item 12 h.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

- i. Legislative Hearing - Ordinance No. 19-010 abolishing the Construction Board of Adjustment and Appeals. FIRST READING

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

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING CHAPTER 5, ARTICLE I, OF THE CODE OF ORDINANCES ENTITLED "BUILDING CODE", SECTIONS 5-1.102.9, 5-1.103.3 AND 5-1.103.5 BY DELETING REFERENCES TO THE CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS; AMENDING SECTION 5-1.140 BY ABOLISHING THE FORT PIERCE CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS, PROVIDING FOR APPEAL RIGHTS PURSUANT TO FLORIDA STATE STATUTE; REPEALING SECTIONS 5-1.140.1 THROUGH 5-1.140.6.2; AMENDING CHAPTER 5, ARTICLE VII ENTITLED "PERMIT FEES", SECTION 5-268 BY DELETING REFERENCES TO THE CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS; AMENDING CHAPTER 5, ARTICLE XIII ENTITLED "PROPERTY MAINTENANCE AND HOUSING CODE", SECTION 5-365 TO EXCLUDE APPEAL PROVISIONS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND SUBSTITUTING THE RIGHT TO A HEARING PROCESS THEREIN; AMENDING CHAPTER 15 ENTITLED "SIGNS AND BILLBOARDS", SECTION 15-8 BY DELETING REFERENCES TO THE CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS; AMENDING VARIOUS PROVISIONS FOR GRAMMATICAL CORRECTNESS; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Shaun Coss, Building Department Coordinator, indicated this ordinance is to abolish the Construction Board of Adjustments and Appeals since the way the ordinance was originally

written isn't strictly compatible with the City Charter. The board's duties will be divided amongst other boards depending on the nature of the issue at hand.

Mayor Hudson opened the Public Hearing.
Seeing no one, the Mayor closed the Public Hearing.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve item 12 i.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions
Passed

- j. Legislative Hearing - Ordinance No. 19-011 - Repealing Chapter 5, Article VIII "Swimming Pools". FIRST READING

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

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, REPEALING CHAPTER 5, ARTICLE VIII OF THE CODE OF ORDINANCES ENTITLED "SWIMMING POOLS" AND ALL SECTIONS CONTAINED THEREIN; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

Shaun Coss, Building Department Coordinator, indicated the purpose of this ordinance is to repeal the remaining provisions of the swimming pool ordinance. Several sections of the swimming pool ordinance were repealed years ago and the setbacks specific to swimming pool remained in this ordinance. It has come to their attention that the Building Department regulating swimming pool setbacks is perceived to be a violation of State Statute. All other setbacks are regulated by the Planning and Zoning Department. The setbacks will then, by default, fall under the Chapter 22 Planning and Zoning ordinances and any variances of that setback can be heard by the Planning Board of Adjustments. This will bring us into compliance with State Law.

Mayor Hudson opened the Public Hearing.
Seeing no one, the Mayor closed the Public Hearing.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve item 12 j.

AYE: Mayor Linda Hudson, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions
Passed

13. CITY COMMISSION

- a. Applications for Consideration for Appointment to the Board of Examiners of Contractors.

City Clerk, Linda Cox, indicated these would come back to the City Commission next month for voting.

- b. Resolution No. 19-R07 determining that the structure located at 1710 Seaway Drive is unsafe and should be condemned and demolished. A hearing to determine this matter is scheduled before the City Commission on April 1, 2019.

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

A RESOLUTION DETERMINING THAT A CERTAIN BUILDING OR STRUCTURE LOCATED AT 1710 SEAWAY DRIVE IN FORT PIERCE, FLORIDA 34949 IS UNSAFE AND A NUISANCE THAT CONSTITUTES A MENACE TO THE BUSINESS, HEALTH AND SAFETY OF THE COMMUNITY; AND THAT ALL PARTIES OF INTEREST MUST SHOW CAUSE WHY THE STRUCTURE SHOULD NOT BE CONDEMNED AND DEMOLISHED IN ACCORDANCE WITH THE CHARTER OF THE CITY OF FORT PIERCE; AND NOTIFYING ALL PARTIES OF POTENTIAL ACTION BY THE CITY OF FORT PIERCE FOR FAILURE TO ACT; AND THAT A PUBLIC HEARING BE HELD AT THE REGULARLY SCHEDULED CITY COMMISSION MEETING ON APRIL 1, 2019 AT 6:30 PM, IN THE CITY COMMISSION CHAMBERS LOCATED AT 100 N US HWY 1, FORT PIERCE, FLORIDA; AND PROVIDING FOR NOTICE TO ALL PARTIES.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Reginald Sessions to approve item 13 b.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

- c. Resolution 19-R08, authorizing the creation and recordation of a 12' wide Edwards Road Canal (Canal No. 9) Right-of-Way located along the south side of the properties situated at 1029, 1031, 1033, and 1035 Trinidad Avenue.

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AUTHORIZING AND DIRECTING THE MAYOR-COMMISSIONER AND CITY CLERK OF THE CITY OF FORT PIERCE TO CERTIFY THAT THE PUBLIC DRAINAGE CANAL, FORT PIERCE CANAL NO. 9, AS PARTIALLY SITUATED ALONG THE SOUTHERN PROPERTY BOUNDARIES OF THE PARCELS LOCATED AT 1029, 1031, 1033, AND 1035 TRINIDAD AVENUE, IS VESTED IN THE MUNICIPALITY OF THE CITY OF FORT PIERCE, FLORIDA, HAVING BEEN MAINTAINED BY THE CITY OF FORT PIERCE FOR A CONTINUOUS PERIOD IN EXCESS OF FOUR YEARS AND DIRECTING THE CLERK TO FILE A MAINTENANCE MAP IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. LUCIE COUNTY, FLORIDA. AFTER SAME HAVING BEEN DULY EXECUTED BY THE MAYOR, CITY CLERK, AND CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE.

Jack Andrews, City Engineer, indicated this is a housekeeping item which will allow us to stabilize the canal along Edwards Road with the grant we've received. We'll also be able to add piping. Straightening our right-of-way will allow us to perform the work needed and the objective after completion is to prevent flooding.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve item 13 c.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

- d. Resolution 19-R09 appointing members to the Communitywide Council.

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT AND REAPPOINTMENT OF MEMBERS TO THE COMMUNITYWIDE COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.

Ms. Cox explained this resolution did not require a vote because we had exactly the number of applications as we had vacant seats, thus, all that was needed was a motion to approve it.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve item 13 d.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

- e. Discussion of shooting violence in Fort Pierce at the request of Commissioner Sessions.

Commissioner Sessions expressed his concerned with gun violence, specifically on the north side of town.

Nicholas Mimms, City Manager, indicated discussion on shooting violence needs to be non-specific since many, if not all, of the cases are under investigation. He assured the City Commission that our Police Department and City's collaborative partnerships have never ceased and continue with the Bureau of Alcohol, Tobacco, Firearms and Explosives; Federal Bureau of Investigation; United States Marshalls Office; and St. Lucie County Sheriff's Office.

Commissioner Sessions spoke about his visit with Chief Diggs in the City of Fort Myers and how they utilize a system called Shot Spotter.

Commissioner Johnson thanked the police officers in the audience for their service. He indicated that time was of the essence to look at and compare their base salary with competing agencies, retention policies and the vacancies we currently have. He felt the vacancies being filled were very important to have more security on our streets. He also thought it was of importance to bring solutions to the table instead of complaining, to do this the budget should be examined.

Commissioner Perona researched the gun violence in other communities and found that this is happening in other places as well to the point that the stats say that more people have died by gunshot than any war in the United States. He is worried the knee jerk reactions for solutions are taking away from the real efforts we are making as a city and the efforts our Police Department is making. He believes an education component along with the unified support of the City Commission and the community to our Police Department is the best defense.

Mayor Hudson spends a considerable amount of time at the Police Departments. She indicated she attends all of the swearing in of the new recruits. She's very familiar with the work our officers do under great difficulty and duress. She indicated her admiration because she is aware it is not our Police Department that is creating an environment where people shoot one another. There are a lot of factors involved, including but not limited to, poverty, hopelessness, and lack of parenting to name a few. She knows our officers are serious about preventing the crime that happens here. She indicated the Shot Spotter price tag of \$350,000 initial fee and an annual cost of \$100,000 for, as she understands it, one square mile is simply money the city does not have. She thanked the officers for their efforts, their investment and volunteer work within our community. She expressed wanting to do anything possible to make sure our officers return home to their families every night, safe and sound.

Commissioner Sessions suggested a workshop would be a good place to start to come up with some solutions to the situation at hand.

Chief Hobbey-Burney weighed in on the matter and assured the City Commission that the Fort Pierce Police Department officers are committed to the citizens of Fort Pierce and keeping them safe. She said when people have called they appear on site despite of how dangerous a situation may be. Furthermore, she indicated some officers have moved their families here or in some cases, like hers, have left their family to come here, because they're invested in this city. She indicated their officers are the only Shot Spotters we need, but more than that they need the City Commission's support and to not be portrayed in the media like they are not doing their job, thereby putting the citizens against the officers that lay their lives on the line for them every day because they are interested in their security and that of this city.

Mr. Mimms indicated he'd be happy to put together a Special Workshop to discuss our Police Department's funding to include police officer salaries, benefits, compensation, equipment, vehicles, technology, etc. It can also be arranged for the City Commission to review crime statistics; Mr. Mimms reiterated it would have to be nonspecific in nature so as to not disrupt current investigations. Staff could also try to identify any funding opportunities that can be accessed for our law enforcement department. To do this, we will need the City Commission's support regarding any tax increases. He could have this scheduled before the Budget Workshop usually held annually in June or July.

14. COMMENTS FROM THE PUBLIC

Pinkie Hendley
Betty Bradwell
Mario Wilcox
Henry Duhart
Annette Brown
Colin McCarthy
Curtis Johnson, Jr.
Don Christman

15. COMMENTS FROM THE CITY MANAGER

- a. City Manager's Report and Purchase Order Report

There were no comments from the City Manager or the City Attorney.

16. COMMENTS FROM THE COMMISSION

Commissioner Alexander commended the Fort Pierce Police Department for their efforts and said we have come a very long way from where we were, but do have more to go.

Commissioner Perona expressed his excitement for the workshop and the long term effects and the benefit it represents for our community.

Commissioner Sessions shared the same enthusiasm regarding the workshop. He looks forward to finding solutions to address the gun violence problem within the city.

Commissioner Johnson said he was proud of our city and proud to live here. He prays every day for our law enforcement and community' safety, but also that, as a Commission, they can come up with solutions for this city's citizens despite disagreements.

Mayor Hudson believes our police force needs the cooperation and the support of our community. Successful policing is part of the community being willing to trust them, share information with them, and to support them as well as being able to stand up for them. It takes a supportive community to make the community crime-free.

17. ADJOURNMENT

The meeting adjourned at 10:08 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER