

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 18, 2019.**

1. CALL TO ORDER

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

2. OPENING PRAYER - Father John Liebler, St. Simon the Cyrenian

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

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

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

5. APPROVAL OF MINUTES

- a. Approval of the minutes from the February 11, 2019 special closed meeting.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve item 5 a.

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

Passed

- b. Approval of the minutes from the March 4, 2019 Regular Meeting.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve item 5 b.

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

Passed

6. PROCLAMATIONS

- a. Special Presentation

Chief Nate Spera with the St. Lucie County Fire District presented Commissioner Rufus Alexander with a plaque thanking him for his service on the St. Lucie County Fire Board from January 2002 through January 2019.

- b. Mayor Hudson issued the Proclamation.

Proclamation recognizing Parents' & Children's Day

7. LETTERS TO COMMISSION

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

- a. Letter from Crystal Samuel, President, Fort Pierce Lions Club, thanking Mayor Hudson, Commissioner Johnson, Director of Public Works, Mike Reals, Code Enforcement Officer Janey Vanderhorst and Officers Damien Spotts and Bill Hall for giving their valuable time to attend a Dining in the Dark Awareness Dinner in February.
- b. Email from Cathy Roberts, VP Relationship Manager III, Seacoast Bank, expressing her gratitude for a job well done by the Fort Pierce Police Department and the detectives whose professionalism and diligence apprehended each suspect of the February 23rd robbery.

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

Delores Faniel spoke on item 11 a.
Rick Reed spoke on items 11 d and 11 e.
Mario Wilcox spoke on items 11 d, 11 e and 11 f.

9. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

City Clerk, Linda Cox, indicated the applicant's representative requested item 12 c be withdrawn.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to withdraw item 12 c and approve the agenda as amended.

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

10. MISCELLANEOUS REPORTS

There were no miscellaneous reports.

11. CONSENT AGENDA

- a. Approve request to reduce code enforcement lien in the amount of \$62,600.00 against 1022 Avenue H, Ft. Pierce, FL 34947 - Parcel ID Number 2404-818-0016-000-2 previously owned by Beverly A Prince, 601 Saunders St, Apt. W2, Hinesville, GA 31313 and currently owned by Deloris Faniel, 4703 Evergreen Ave., Ft. Pierce, FL 34947 to \$722.44 payable in 6 months.
- b. Approve request to reduce code enforcement lien in the amount of \$30,140.00 against 1108 Avenue G, Ft. Pierce, FL 34950 - Parcel ID Number 2404-821-0020-000-3 previously owned by Krista Duhart & Norma White, 1108 Avenue G, Ft. Pierce, FL 34950 and currently owned by Carlson Family LLC, 2103 Sunrise Boulevard, Ft. Pierce, FL 34950 to \$1,500.00 payable in 30 days.
- c. Approve request to reduce code enforcement lien in the amount of \$416,040.00 against 1108 Avenue G, Ft. Pierce, FL 34950 - Parcel ID Number 2404-821-0020-000-3 previously owned by Krista Duhart & Norma White, 1108 Avenue G, Ft. Pierce, FL 34950 and currently owned by Carlson Family LLC, 2103 Sunrise Boulevard, Ft. Pierce, FL 34950 to \$1,800.00 payable in 30 days.
- d. Approval of travel for Commissioner Rufus Alexander to attend the 2019 National Conference on Preventing Crime in Black Communities from May 28, 2019 through May 31, 2019 in the amount of \$957.12.
- e. Approval of travel for Commissioner Reginald Sessions to attend the 2019 National Conference on Preventing Crime in Black Communities from May 28, 2019 through May 31, 2019 in the amount of \$957.12.
- f. Approval of travel for Mayor Hudson to attend the Florida League of Cities Legislative Action Days from March 25, 2019 to March 27, 2019 in the revised amount of \$655.72 as mileage is not needed.
- g. Approve request for installation of above-ground diesel tank located at 1309 Easter Avenue.
- h. Approval of selection of Counsel for Opioid Litigation.

Commissioner Perona requested item 11 h be pulled for discussion.
Commissioner Alexander and Commissioner Johnson requested item 11 d be pulled for discussion.
Commissioner Johnson also pulled 11 e, and 11 f for discussion.

As to items 11 d, 11 e and 11 f, Commissioner Johnson indicated he'd like to be able to look at the travel budget better. He addressed the budgets from 2016-2018 and said he'd like for them to be able to keep themselves accountable, or each other as the Commission saw fit. He proposed an individual budget for each member of the City Commission versus a budget for all five as a means to lessen the stress on the City Manager on acquiring more funds for travel and allowing the Commission to self-monitor more closely. He also felt that it'd be in their best interest to approve travel as it draws closer to the date.

Commissioner Sessions indicated he felt the travel budget should be increased.

Commissioner Alexander indicated he owns his own business and when he goes away to conferences he is also losing money.

Mayor Hudson indicated she too liked Commissioner Johnson's idea of focusing on the City Commission travel budget. She could not remember if they'd ever broached the subject since she'd become mayor. Furthermore, she expressed if they expect staff to stick to a budget, they should be held to the same standards.

Commissioner Johnson suggested paying for travel out of pocket and then getting reimbursed for it.

Commissioner Sessions asked for item 11 e to be completely removed expressing he would pay the City of Fort Pierce a check out-of-pocket for the already booked expenses so that he would be able to attend.

Commissioner Alexander asked for his travel to be cancelled altogether.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Reginald Sessions to hold items 11 d and 11 e until the next Regular Meeting on April 1, 2019.

AYE: Mayor Linda Hudson, Commissioner Jeremiah Johnson

NAY: Commissioner Rufus Alexander, Commissioner Thomas Perona, Commissioner Reginald Sessions

Failed

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to approve items 11 d and 11 e.

AYE: Commissioner Thomas Perona, Commissioner Reginald Sessions

NAY: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson

Failed

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to approve item 11 f.

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

NAY: Commissioner Rufus Alexander

Passed

As to item 11 h, Commissioner Perona expressed his excitement about the possibility of being able to partake in this, but was cautiously optimistic indicating he wanted to make sure we were not going to incur expenses and that we did not spend lots of money down the road.

City Attorney, Peter Sweeney, indicated the fee agreement was the one he was already familiar with from having worked with attorneys Cynthia Angelos and Michael Kahn in the City of Palm Bay. The terms were also identical. As far as attorneys' fees, there is no out-of-pocket costs unless the aforementioned are fired. This is standard procedure. If there is a settlement that comes of this case, their fee would be deducted from the settlement.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve item 11 h.

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

Passed

12. PUBLIC HEARINGS

- a. Quasi-Judicial Hearing - Review and approval of an application for a Conditional Use with No New Construction submitted by property owner, Igor Kublitskiy and representative, Jeff Binner, to establish a Dwelling Rental, offering lodging for less than six (6) months; with a minimum of thirty-one (31) days at 2005 Mimosa Avenue, Fort Pierce, FL. The property is zoned Single-Family Intermediate Density Zone (R-2), Parcel ID: 2412-503-0061-000-0.

Mayor Hudson asked all present to listen carefully to what City Attorney, Peter Sweeney would read regarding Quasi-Judicial Hearings as they apply to all subsequent Quasi-Judicial Hearings tonight.

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.

Mr. Sweeney indicated he'd passed along to all members of the City Commission a definition of "competent, substantial evidence" as recognized by the Florida Supreme Court.

Mayor Hudson called the proceeding to order.

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

Mayor Linda Hudson indicated she'd had ex-parte communications via email and inquired with the Commission regarding ex-parte communications on their end. All City Commissioners had.

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.

Vennis Gilmore, Planning Analyst, indicated this was a Conditional Use application by the property owner and representative to operate a dwelling rental of a minimum stay of 31 nights and a maximum of six months. This property is located at the southeast corner of Mimosa Avenue and South Ocean Drive and is approximately 0.28 acres. The floor plan consists of four-bedrooms, three-bathrooms and is a single-family residence. The subject property is located in the R2-Single-Family Intermediate Density Zone which is mainly designed for areas of single-family dwellings with an average net density of less than five (5) units per acre for conventional developments. The Low Density Residential (RL) Future Land Use designation is intended for parcels that are best suited for lower density residential uses. The Technical Review Committee, at their December 20, 2018 meeting, recommended approval with conditions and staff recommended denial. The Planning Board, at their February 12, 2019 meeting, recommended denial and so did staff. There were 56 notifications sent to neighboring property owners regarding this Conditional Use Application. Five were in favor and 22 were in opposition. After discussing this application with the City Manager and City Attorney's office based on existing code, staff recommended approval with staff conditions as the application is consistent with our city code and the applicant is seeking no variances. There are no Code Enforcement or Fort Pierce Police Department violations for this property. Staff recommends that the City Commission approve the request with the following conditions:

- 1) The maximum occupancy ensures compliance with City Code Section 8.5-43. - Required space in dwelling units, based upon the size of each unit;
- 2) Registration of the property manager accessible at all times, to resolve complaints or violations of City Code;
- 3) Issuance of guide booklets (available from Code Enforcement) for renters regarding local rules and public service resources to minimize conflicts; and
- 4) The applicant files for and obtains St. Lucie County & City of Fort Pierce Business Tax

Licenses within thirty (30) days of Conditional Use approval.

5) Limit no more than 2 vehicles.

6) Include the City of Fort Pierce Business Tax License number on all advertising.

7) The subject property shall be rented as one (1) unit only.

The common amount of vehicles allowed to park are two.

Mayor Hudson opened the Public Hearing.

Jeff Binner confirmed he was sworn in. He is the applicant's real estate agent. Mr. Binner went into detail as to the issues they'd encountered when trying to acquire a permit to list this property as a short-term rental and the pushback they've received from the neighbors with fabricated stories. He thought there should be more than two parking spots approved.

Igor Kublitskly confirmed he was sworn in. He is the applicant. Mr. Kublitskly expressed he is from Colorado and purchased this home as a vacation home for him and his family of four. However, the property does not allow him to let it sit until they decide to come and stay, thus they decided they'd needed to offer short term rentals to keep it. He said there is already a strenuous process when allowing individuals to stay at a residence through AirBnB, yet he's tried appeasing the neighbors asking what they don't want to see in the neighborhood and the reply of one of the neighbors was that it didn't even matter what he did as they all had a group that opposed things like this and they'd all come to the meeting to speak out against him.

Carole Mushier confirmed she was sworn in and was there in representation of the unanimous vote to request denial of this application.

Michael Anpeniak confirmed he was sworn in and indicated the applicant rented the home immediately after he closed on the property despite knowing he would need a short-term rental permit. He complained about having to clean up trash from this property.

Anatole Klyosov confirmed he was sworn in and complained about noise coming from this unit at all hours of the night, as well as trash.

Cindy Baker confirmed she was sworn in and indicated she works two jobs and she's not a snow bird. She said she is a realtor and in her experience having short term rentals impacts house values negatively in the neighborhood.

Tom Raeger confirmed he was sworn in and said when he purchased his home a few years ago he was told by his realtor he could only rent it for six months at a time. He didn't see an issue with it but is concerned renting for less than six months could be a problem if it was accommodating so many transient visitors, thus he is in opposition.

Tom Francios confirmed he was sworn in and complained about the noise and was also in opposition.

Rick Ross confirmed he was sworn in and was also concerned with the noise and not being able to sleep when he has to wake up early to go to work the next day. He was in opposition.

Bruce Murray confirmed he was sworn in and went into detail as to how the applicant was not in compliance with several laws. He was also in opposition.

Nancy Moore confirmed she was sworn in. She indicated she had several conversations with the owner before he finally said he did intend to rent short-term. She is in opposition.

Charlene Adair was sworn in. She was concerned about the property being rented out to criminals and/or sexual offenders. She was in opposition.

Ashely Voss confirmed she was sworn in and, having two small children, she was also concerned about the unit being rented out to criminals and/or sexual offenders.

Craig Zezeck confirmed he was sworn in. He thought to provide a conditional use permit for one house at a time was unreasonable and he was in opposition.

Jeff Binner returned to the podium. He understood the neighbors had concerns but he feels they are concerns about things that have not even happened. Furthermore, he expressed they did not provide evidence to the complaints they claimed happened. He feels they were led to believe by city staff that this process was much simpler than it was and that they'd have a permit quickly upon requesting it, thus they did not take down the AirBnB ads.

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

The Commission consulted with attorney Sweeney about State laws and how they apply to our local government and its ability to regulate short term rentals. Mr. Sweeney indicated the State law prohibits the regulation of short-term rentals unless there is a local law before 2011, which there was but that ordinance has been updated several times since thus it may not apply.

Mayor Hudson explained the Legislature, not the City Commission, had put certain laws in place that put them in a difficult position while making this decision because this is what every coastal community is fighting at this moment since short term rentals cannot be regulated by location or duration.

The City Commission asked questions, and debated how to proceed with this application.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to deny item 12 a based on substantial evidence as follows: overcapacity of trash, single family home being used as a dwelling rental, overcapacity parking of vehicles per single-family home being used as a dwelling rental, inadequate monitoring of users for a single-family home being used as a vacation rental, inappropriate noise for a vacation rental, negative impact on house values in the adjacent area when used as a short-term and likely not-conforming use of a single-family home in an R-2 zoning district pursuant to city code among others.

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 New Construction & Design Review submitted by Property Owners, Sid & Elissa Ghezzar, & Representative, Thomas Cooper, to construct a single family home seaward (east) of the Coastal Construction Control Line (CCCL), located at 410 S. Ocean Drive in Fort Pierce, FL. The property is zoned Hutchinson Island Medium Density Residential (R4-A) Parcel ID: 2401-502-0006-000-0

Mayor Hudson called the proceeding to order since the quasi-judicial proceeding rules had already been read by attorney Peter Sweeney.

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

Mayor Linda Hudson inquired about ex-parte communications. No one had ex-parte communications.

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.

Brandon Creagan, Planner, indicated the applicant is seeking a Conditional Use with New Construction & New Design on a vacant piece of property. The Coastal Construction Control Line (CCCL) provides protection for Florida's beaches and dunes while assuring reasonable use of private property. Before this single-family home is built it will also require approval from the Florida Department of Environmental Protection (FDEP), which regulates the CCCL. Because this home will be built on South Hutchinson Island it will be subject to South Beach Overlay District Height Requirement of 45 feet. Mr. Creagan presented a floor plan consisting of approximately 762 square feet, as well as the mid-century modern architecture elevation of what the property would look like. The Planning Board voted unanimously to recommend approval of the request as presented. The proposed single-family home meets the requirements of the City Code, and is in compliance with the City's Comprehensive plan. Staff recommends that the City Commission approve the Conditional Use with New Construction, with the following conditions:

1. A landscape plan that demonstrates compliance with City Code 22-186 must be submitted with the building permit.
2. A lighting plan or photometric survey that demonstrates compliance with City Code 5-375 must be submitted with the building permit.
3. Prior to any construction the applicant shall obtain an FDOT Driveway Connection Permit.
4. Prior to construction activities the applicant shall obtain approval from the FDEP for construction activities seaward of the Coastal Construction Control Line.

Mayor Hudson opened the Public Hearing.

The architect, Tom Cooper, confirmed he was sworn in and indicated the applicant was looking for a minimalist home. They have taken into consideration that they are building across from the Archie's lot by implementing impact resistant windows to minimize the noise from the exterior.

Rick Ross confirmed he was sworn in. He said he manages the building right across from this site and they welcome the applicants. He also added they do not have impact resistant windows and they have had no complaints about the noise at Archie's.

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

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

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

- c. Quasi-Judicial Hearing - Ordinance 19-012 - An Ordinance by the City Commission of the City of Fort Pierce, Florida, Abandoning a portion of the Delaware Avenue right-of-way, lying east of south Indian River Drive fronting the west bank of the Indian River; being approximately 25.00 feet wide; providing for a severability clause; providing for repeal of Ordinances or parts thereof in conflict; and providing for an effective date. FIRST READING

This item was removed per the request of the applicant's legal counsel.

- d. Legislative Hearing - Ordinance 19-008 annexing property located at 2607 Kerr Street. SECOND 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.

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 19-009 - Financial Budget Amendment of the General Fund FY 2018 Budget. SECOND 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.

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 e.

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

- f. Legislative Hearing - Ordinance 19-004 amending Section 5-94 regarding Building Drainage. SECOND 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.

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 f.

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

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

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 g.

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

- h. Legislative Hearing - Ordinance 19-006 creating Chapter 5, Article V "Workforce Housing Program". SECOND 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.

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 h.

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

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

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 Rufus Alexander 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. 19-010 abolishing the Construction Board of Adjustment and Appeals. SECOND 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.

Mayor Hudson opened the Public Hearing.

Seeing no one, the Mayor closed the Public Hearing.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Reginald Sessions to approve item 12 j.

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

- k. Legislative Hearing - Ordinance No. 19-011 - Repealing Chapter 5, Article VIII "Swimming Pools". SECOND 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.

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 k.

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

13. CITY COMMISSION

- a. Resolution No. 19-R10 determining that the structure located at 608 S. 6th Street is unsafe and should be condemned and demolished. A hearing to determine this matter is scheduled before the City Commission on April 15, 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 608 S 6TH 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 ALL PARTIES OF INTEREST MUST SHOW CAUSE WHY THE STRUCTURE SHOULD NOT 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 15, 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 Rufus Alexander to approve item 13 a.

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

- b. Resolution No. 19-R11 Appointing members to the Board of Examiners of Contractors.

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 OF MEMBERS TO THE BOARD OF EXAMINERS OF CONTRACTORS; PROVIDING FOR AN EFFECTIVE DATE.

Robert Allen	Mechanical	February 28, 2023
Reed Sudderth	Plumbing	February 28, 2023
Holly Theuns	Consumer	February 28, 2023
Ralph Fogg	Consumer	February 28, 2023

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

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

14. COMMENTS FROM THE PUBLIC

Mario Wilcox
Rick Reed

15. COMMENTS FROM THE CITY MANAGER

Mr. Nicholas Mimms, City Manager, expressed his excitement about the March 22, 2019 Strategic Planning Wrap Up Session with the Lyle Sumek at City Hall at 2 p.m.

16. COMMENTS FROM THE COMMISSION

Commissioner Johnson had no comments.

Mayor Hudson said *A Land Remembered* sold out to over 1,100 people at the Sunrise Theatre and would be presented on March 19, 2019. Sandy Shoes is coming up on March 23, 2019. The Legislature introduced several bills getting rid of CRAs, prohibiting regulation of businesses in cities and, lastly, no city can cast an ordinance dictating someone cannot have a vegetable garden. Movies in the Fort have been a big hit and Chief Hobley-Burney elaborated on the matter.

Commissioner Perona feels they need to speak about the City Commission budget so that they all stay accountable and doing what they say they are going to do. He was disappointed the budget was not approved for the Preventing Crime Conference. The Sunrise Theatre did a great job with the concert this past weekend for The Rascals. The volunteers were very dynamic and attentive.

Commissioner Alexander indicated he resented the questions regarding travel since, as a Licensed Funeral Director, when he is absent because of a conference he is losing money as he needs to pay another Licensed Funeral Director in his stead.

Commissioner Sessions hopes and anticipates that the City Commission can collectively come together as a board to address major problems in this community since at the end of the day it's about doing all they can, the best way they can, and in any way they can for the citizens.

17. ADJOURNMENT

The meeting adjourned at 9:38 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER