

ORDINANCE NO. 22-004

AN ORDINANCE AMENDING THE PROVISIONS OF FORT PIERCE CODE OF ORDINANCES CHAPTER 111, ARTICLE II, DIVISION 2, SUBDIVISION II, AMENDING SECTION 111-89, REGARDING COMPOSITION AND QUALIFICATION OF HISTORIC PRESERVATION BOARD MEMBERS; REMOVING AND RESERVING SECTIONS 111-90 AND 111-91, REGARDING APPOINTMENT PROCEDURES AND TERMS; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fort Pierce, Florida established a Historic Preservation Board in 2001; and

WHEREAS, the City Commission desires consistency in the appointment procedures, terms and attendance criteria for all of its boards and committees.

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Fort Pierce, Florida as follows:

SECTION 1. That Chapter 111, Article II, Division 2, Subdivision II, Section 111-89 is hereby amended as follows:

Sec. 111-89. Composition, qualification of members.

- (a) *Membership.* The historic preservation board shall consist of ~~no fewer than~~ seven members ~~appointed by the city commission.~~ Each member of the city commission shall appoint one member, to serve concurrently with the appointing commissioner's term. Additionally, two at-large members shall be appointed by majority vote of the city commission. Each at-large member shall serve for a term of four years. To the extent available within the city, the commission shall appoint professional members from the disciplines of architecture, history, architectural history, planning, archaeology, real estate, law, engineering, construction, or any other historic preservation related disciplines such as urban planning, American studies, American civilization, cultural geography and cultural anthropology. Alternatively, to the extent that professional individuals in such disciplines are not available, there may instead be appointed lay individuals that have substantial experience, interest, or knowledge in the fields mentioned above.
- (b) *Intent.* It is the intent of this section that members of the board shall be appointed on the basis of civic pride, integrity, and interest in the field of historic preservation. Board members shall be persons of mature and ethical judgment and background, having the ability and desire to act in the public interest and having the ability to make and form an equitable decision concerning the preservation and protection of the cultural environment.
- (c) *Residency requirements; terms of office.* Each member of the board shall be a resident of the city or operate a business in the city during the term of appointment ~~and shall be appointed to a term of three years.~~ Members shall hold office until their successors have been duly appointed and qualified.
- (d) *Special advisers.* Special advisers may be appointed by the city commission upon recommendation by the historic preservation board. The board may also seek expertise on proposals or matters requiring evaluation by a profession not represented on the board.
- (e) *Removal.* Any member may be removed for cause by a majority vote of the city commission. Appointments for replacement of any member due to death, resignation or removal shall be made by the city commission for the un-expired term. ~~Alternate. The city commission shall also appoint two alternate members meeting the same~~

~~qualifications as a member. The terms of office of alternate members shall be three years. An alternate member shall sit on the board when a regular member is not in attendance, whether such an absence is excused or not. Alternate members shall attend scheduled board meetings to be able to serve if necessary. If a board meeting commences with an alternate being seated for an absent board member, the alternate shall remain seated in the regular member's stead for the entire meeting. An alternate that is not formally seated in the stead of an absent member shall not participate in any discussions or deliberations of matters before the board. If an alternate shall on two successive occasions be unable to sit for a meeting as a member of the board when asked to do so, he shall be deemed to have resigned his position as an alternate member of the board. Vacancies shall be filled within 60 days except that an extension of 60 additional days may be requested of the state historic preservation office.~~

- (f) Attendance. Absence from three consecutive regular meetings, or fifty percent (50%) of all meetings of the board shall operate to vacate the seat of a member unless such absence is excused by the board setting forth the fact of such excuse duly entered upon the minutes.

SECTION 2. That Chapter 111, Article II, Division 2, Subdivision II, Section 111-90 is hereby amended as follows:

Sec. 111-90. ~~Appointment procedure.~~ Reserved.

~~Prior to the appointment of any board member, the city shall publish a notice concerning the opening in a newspaper of general circulation in the city so as to solicit qualified and interested individuals. Vacancies shall be filled within 60 days except that an extension of 60 additional days may be requested of the state historic preservation office. Appointments will be made by the city commission after recommendations have been made by the historic preservation officer.~~

SECTION 3. That Chapter 111, Article II, Division 2, Subdivision II, Section 111-91 is hereby amended as follows:

Sec. 111-91. ~~Terms.~~ Reserved.

- (a) ~~Members shall be eligible for reappointment. All appointments after the board is first established shall be for a three-year term.~~
- (b) ~~Any member may be removed for cause by a majority vote of the city commission. Appointments for replacement of any member due to death, resignation or removal shall be made by the city commission for the un-expired term.~~

SECTION 4. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5. All ordinances, rules or regulations or parts of ordinances, rules or regulations in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

SECTION 6. This Ordinance is and the same shall become effective immediately upon final passage.

APPROVED AS TO FORM & CORRECTNESS:

TANYA M. EARLEY, Esq.,
City Attorney

STATE OF FLORIDA

COUNTY OF ST. LUCIE

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 22-004 was duly advertised by title only in the St. Lucie News Tribune on December 23, 2021; copy of said Ordinance was made available at the office of the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on January 3, 2022; and was duly introduced, read by title only, and passed on second and final reading on January 18, 2022 by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this 18th day of January, 2022.

Linda Hudson,
Mayor Commissioner

ATTEST:

Linda W. Cox,
City Clerk

(City Seal)