

CITY OF FORT PIERCE

CITY COMMISSION AGENDA

Regular Meeting - Monday, December 5, 2022 -5:05 p.m.

City Hall - City Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida

1. **CALL TO ORDER**

2. **OPENING PRAYER** - Pastor David Star or Candice Star with Citadel of Truth Faith Ministries

3. **PLEDGE OF ALLEGIANCE**

4. **ROLL CALL**

5. **APPROVAL OF MINUTES**
 - a. Approval of minutes from the November 7, 2022 regular meeting.

 - b. Approval of minutes from the November 21, 2022 regular meeting.

6. **PROCLAMATIONS**
 - a. Special Presentation of a Donation by Hibiscus Park Neighborhood Association

7. **LETTERS TO COMMISSION**

8. **ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA**

9. **COMMENTS FROM THE PUBLIC ON AGENDA ITEMS NOT REQUIRING PUBLIC HEARINGS**

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

10. **MISCELLANEOUS REPORTS**

11. **CONSENT AGENDA**

- a. Approval of a blanket purchase order to use awarded funds from the 2022 Bullet Proof Vest Program (BVP) to purchase vests from GL Distributors, Inc in an amount not to exceed \$104,500.
- b. Approval of Florida Housing Finance Corporation Local Government Verification of Contribution to support an affordable housing development at 3000 Okeechobee Road by authorizing \$460,000 local match funding in the form of a CDBG loan from the City.

12. **PUBLIC HEARINGS**

- a. Public Hearing and Resolution 22-R47 - TEFRA Hearing for St. James Christian Academy, Inc., d/b/a Synergy School of Tomorrow, request to issue tax exempt private activity bonds to be used to acquire facilities located at 5900 Tedder Road, 6130 Tedder Road, and 5200 Oleander Avenue in Fort Pierce, Florida, and related activities.
- b. Public Hearing for the 2021 Consolidated Annual Performance and Evaluation Report (CAPER)
- c. POSTPONED FROM NOV. 7, 2022 Legislative Hearing - Ordinance No. 22-036 amending Chapter 34 - Article I and Chapter 34 - Article II establishing Parking Regulations. FIRST READING
- d. Legislative Hearing - Ordinance No. 22-038 Amendments to Chapter 109 of the Code of Ordinances entitled Floodplain Management. FIRST READING

13. **CITY COMMISSION**

- a. Resolution No. 22-R46 appointing Tina Peterson to the Board of Examiners of Contractors to fill the vacancy left by Mr. Fogg.

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.

15. **COMMENTS FROM THE CITY MANAGER**

16. **COMMENTS FROM THE COMMISSION**

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.

Pursuant to Sec. 2-49, Fort Pierce Code of Ordinances, persons desiring to place an item on the agenda may make written request to the city manager no later than 5:00 p.m. fifteen (15) days preceding the regular city commission meeting. Such request must state the subject matter of the individual's appearance and should include any background materials pertinent to the issue. The city manager shall review the request to determine if the item might be handled administratively or whether the subject matter is an item of city business. If appropriate, the city manager shall submit the item for placement on the agenda to the city clerk no later than 5:00 p.m. ten (10) days preceding the regular city commission meeting. The mayor may impose a time limitation of five (5) minutes, or allow such additional time he or she determines necessary and appropriate for such person to make presentation. All reports, communications, ordinances, resolutions, contracts, documents or other materials to be submitted to the commission shall, no later than 12:00 noon on Wednesday prior to each meeting, be delivered to the city clerk and furnish each member thereof with a copy of the same prior to the regular meeting.

Pursuant to Section 286.0105, Florida Statutes, the City hereby advises you that if you or another person decide to appeal any decision made by the City Commission with respect to any matter considered at its meeting or hearing, that you or said person will need a record of the proceedings, and that for such purpose, affected persons may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (772) 467-3065 at least 48 hours

prior to the meeting.

City Commission Regular Meeting - 5:05 pm

5. a.

Meeting Date: 12/05/2022

Re:

SUBJECT:

Approval of minutes from the November 7, 2022 regular meeting.

Attachments

11.07.2022 Minutes

Form Review

Form Started By: Linda Cox

Started On: 11/17/2022 03:51 PM

Final Approval Date: 11/17/2022

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, NOVEMBER 7, 2022.

1. CALL TO ORDER

Mayor Hudson called the November 7, 2022, Regular Meeting of the City Commission to order at 5:05 P.M.

2. OPENING PRAYER - Pastor Quarterman - Victory and Praise Worship Center

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

Present: Commissioner Arnold Gaines; Commissioner Curtis Johnson, Jr.;
Commissioner Jeremiah Johnson; Commissioner Thomas Perona; Mayor
Linda Hudson

Staff Present: City Clerk Linda Cox
City Manager Nicholas Mimms
City Attorney Tanya Earley

5. APPROVAL OF MINUTES

- a. Approval of Minutes from October 17, 2022 Regular Meeting

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Arnold Gaines to approve the minutes of the October 17, 2022 Regular Meeting.

AYE: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr.,
Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Mayor
Linda Hudson

Passed

6. PROCLAMATIONS

- a. Small Business Saturday Proclamation

7. LETTERS TO COMMISSION

- a. Email from Jon Brady, News Director, CBS 12 expressing appreciation for the service, assistance, and professionalism of the Fort Pierce Police Officers that were dedicated to ensuring the safety and security of the Gubernatorial Debate, and to Acting Lieutenant David Cuti, the primary point person on site, for his diligence and patience.
- b. Kia and Luca sent an email thanking Public Works Director Mike Reals and Engagement and Outreach Coordinator Kaitlyn Ballard for attending their Neighborhood meeting and assisting them.

8. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

City Manager Nick Mimms requested the postponement of item 12f, Ordinance 22-036 amending Chapter 34 - Article I and Chapter 34 - Article II establishing Parking Regulations to the December 5, 2022 Regular Meeting.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Arnold Gaines to set the agenda with the postponement of item 12f to the December 05, 2022 Regular Meeting.

AYE: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr.,
Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Mayor
Linda Hudson

Passed

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

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

No public comments

10. MISCELLANEOUS REPORTS

11. CONSENT AGENDA

- a. Approve funding in the amount of \$100,000.00 for Building Department Contracted Professional Plan Review Services with CAP Government, Inc. for Fiscal Year 2023 pursuant to RFP No. 2019-012.
- b. Approve funding in the amount of \$200,000.00 for Building Department Contracted Professional Inspection Services provided by CAP Government, Inc. for Fiscal Year 2023 pursuant to RFP No. 2019-11.
- c. Approve Change Order to Replenish Purchase Order 220510 CAP Government - Professional Inspection Services in the amount of \$64,804.00 to satisfy remaining invoices for the 2022 fiscal year.
- d. Authorize the Mayor to certify the Community Development Block Grant 2023 Annual Action Plan that was submitted to HUD on August 15, 2022.
- e. Approval of the agreement between the City of Fort Pierce and St. Lucie County to Exchange Rights of Way.
- f. Approve Johnson Controls to provide for Fire Alarm & Voice Panel Replacements to the Sunrise Theatre as a single source in the total amount of \$67,159.00.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Arnold Gaines to approve the Consent Agenda.

AYE: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr.,
Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Mayor
Linda Hudson

Passed

12. PUBLIC HEARINGS

- a. Public Hearing and presentation on the Amended Citizen Participation Plan.

Brittany Marinello, Grants Division Manager, provided a presentation on the Amended Citizen Participation Plan.

Commissioner Gaines inquired on the requirements of the amendment, to which Ms. Marinello responded that the amendment is a statutory requirement.

Mayor Hudson opened the public hearing.
Seeing no one, she closed the public hearing.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Jeremiah Johnson to approve the Amended Citizen Participation Plan.

AYE: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr.,
Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Mayor
Linda Hudson

Passed

- b. Quasi-Judicial Hearing continued from September 19, 2022 - Review and approval of an application for a Conditional Use submitted by Tillman Infrastructure, Inc and applicant Telsula Morgan to build a 160-foot monopole communication tower at 1601 N. 25TH Street Fort Pierce FL 34957. Parcel ID: 2404-608-0095-050-9

Mayor Linda Hudson asked all present to listen carefully to what City Attorney Tanya Earley would read regarding Quasi-Judicial Hearings as they apply to subsequent Quasi-Judicial Hearings tonight. Tanya Earley, City Attorney, reminded everyone that this is a continuation of the September 19, 2022 hearing and reviewed the quasi-judicial hearing rules and procedures.

Mayor Linda Hudson called the proceeding to order.

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

Mayor Linda Hudson inquired with the Commission regarding ex-parte communications and asked City Clerk to call the roll:

Commissioner Arnold Gaines - Yes
Commissioner Curtis Johnson Jr.- Yes
Commissioner Jeremiah Johnson - Yes
Commissioner Thomas Perona- Yes
Mayor Hudson - Yes

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

Staff Presentation:

Ryan Altizer, Planner, presented the review and approval of an application for a Conditional Use submitted by Tillman Infrastructure, Inc and applicant Telsula Morgan to build a 160-foot monopole communication tower at 1601 N. 25TH Street Fort Pierce FL 34957. Staff recommends approval with the condition that the applicant find a way to use a design that camouflages the pole.

Questions of Staff:

Commissioner Jeremiah Johnson inquired about the condition proposed and the zoning designation of the current towers, to which Mr. Altizer responded that only the landscaping and fencing had been addressed and that he cannot speak to the

zoning designation of the other locations.

Mayor Hudson inquired about the medium residential zoning designation that surrounds to the west of the proposed location, to which Mr. Altizer responded that there is residential zoning to the north, west and south of the proposed location.

Applicant Questions of Staff:
None

Applicant Presentation:
Telsula Morgan and Tara Dewey, Tillman Infrastructure Inc, provided a presentation and answered questions on the proposed project at 1601 N 25th street.

Questions of the Applicant:
Commissioner Curtis Johnson inquired on the proposed drainage plan. Robert Rennebaum, Simmons & White Inc, discussed the site plan.

Commissioner Gaines inquired about the method used to notify the community of the October 18th community meeting, if the Lincoln Park Center staff were notified of the meetings topic and was the Lincoln Park staff solicited in the advertisement for the meeting. Ms. Morgan responded that a sign was placed on the proposed site, Lincoln Park Center staff was unaware of the meeting topic and not solicited to advertise it.

Commissioner Jeremiah Johnson inquired about the options available to make the proposed tower esthetically appealing, pole options, the future technology accommodations, similar infrastructure to the proposed project, the type of generator that will be used and regulation by the DEP. Ms. Dewey commented that the applicant is willing to paint the pole. Danielle Petti, Tillman Infrastructure responded that the galvanized structure is not the only option but recommends it due to its longevity, explained the type of pole may be considered due to the location and height, and that the generators are filed with the DEP. Patrick Keen, Radio Frequency Engineer, T-Mobile explained that the newest 5g equipment does not fit inside the enclosure, generates greater heat, and will not support the height or depth seen in the flagpole design. Mr. Keen elaborated that the most efficient model is the mono pole presented.

Commissioner Gaines inquired if the generator produces noise. Ms. Petti explained that the diesel generator runs briefly during a power outage and monthly testing.

Commissioner Jeremiah Johnson inquired about the impact to the existing landscaping and how that impact will be mitigated. Ms. Dewey entered into the record an updated landscaping plan with additional shade trees and will work with the owner of the adjacent land to add additional trees if requested.

Mayor Hudson opened the public hearing.

Public Comments:
Maxy Ellis - opposed
Lashawn Bell – opposed
Michael Latimer– opposed
Reginald Sessions – opposed
Samuel Gaines – opposed
Shando Bethel – opposed
Ionis Jefferson – opposed
Gloria Johnson-Scott – opposed
Andrea Dampier – opposed
Donald Scott – opposed
Pearl Davis – opposed

Applicant Closing Statement:
Ms. Morgan and Ms. Dewey addressed the statements made by the public and answered questions posed by the Commission.

Mayor Hudson closed the public hearing.

Comments from the Commission:

Commissioner Curtis Johnson expressed his concerns with community engagement and posed a question to City Attorney Tanya Earley regarding the Federal Communications Commission. Mrs. Earley explained the FCC requirements.

Commissioner Gaines expressed his concerns with community engagement.

Mayor Hudson expressed her concerns with the proposed project.

Commissioner Perona expressed the need for competent substantial evidence.

Commissioner Jeremiah expressed the challenges with the proposed project.

City Attorney Tanya Earley reiterated that the City's code contains standards of review.

There was deliberation regarding code standards of review.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Curtis Johnson, Jr. to deny the Conditional Use for the following reasons,

1. The height of the proposed tower and antenna cannot be obscured to comply with staff's recommendation.
2. The proximity of the antenna support structure in relation to surrounding residential structures and residential district boundaries is immediate, and therefore in conflict with the allowed uses of the surrounding zoning districts.
3. In light of the surrounding topography and the existing roadway connections, placing the tower at the proposed location could lead to drainage issues.
4. The proposed tower location is on the portion of the parcel that is most densely covered with vegetation; placing the tower at that location would require the removal of the vegetation and have a negative visual effect on surrounding properties.

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

NAY: Commissioner Thomas Perona

Passed

- c. Legislative Hearing - Ordinance No. 22-033 changing Short Term and Vacation Rental renewal dates from September 30 to anniversary billing. SECOND READING

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

ORDINANCE NO. 22-033

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; CHAPTER 22, ARTICLE X, SHORT TERM AND VACATION RENTAL REGULATIONS, REMOVING SECTION 22-507- EXISTING LEGAL NONCONFORMITIES; AMENDING SECTION 22-516- DURATION OF RENTAL UNIT REGISTRATION; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE. (SECOND READING)

Mayor Hudson opened the public hearing.
Seeing no one, she closed the public hearing.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Curtis Johnson, Jr. to approve Ordinance No. 22-033

AYE: Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson,
Commissioner Thomas Perona, Mayor Linda Hudson

NAY: Commissioner Arnold Gaines

Passed

- d. Legislative Hearing - Ordinance No. 22-034 creating an Affordable Housing Advisory Committee due to the larger allocation for the S.H.I.P. programs.
SECOND READING

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

ORDINANCE NO. 22-034

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CHAPTER 103, ARTICLE X, CREATING SECTION 103-373 TO ESTABLISH THE AFFORDABLE HOUSING ADVISORY COMMITTEE; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL PORTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE. (SECOND READING)

Mayor Hudson opened the public hearing.
Seeing no one, she closed the public hearing.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Curtis Johnson, Jr. to approve Ordinance No. 22-034

AYE: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr.,
Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Mayor
Linda Hudson

Passed

- e. Legislative Hearing - Ordinance 22-035 - Impact Fee Moratorium within Urban Infill and Redevelopment Area. SECOND READING.

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

ORDINANCE NO. 22-035

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; PROVIDING FOR A MORATORIUM ON THE IMPOSITION AND COLLECTION OF CITY IMPACT FEES FOR A PERIOD OF ONE (1) YEAR WITHIN THE BOUNDARIES OF THE CITY'S DESIGNATED URBAN INFILL AND REDEVELOPMENT AREA REQUIRED BY SECTIONS 113-8, 113-15 THROUGH AND INCLUDING 113-19 OF THE CITY CODE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.(SECOND READING)

Mayor Hudson opened the public hearing.
Seeing no one, she closed the public hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Arnold Gaines to approve Ordinance No. 22-035.

AYE: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr.,
Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Mayor
Linda Hudson

Passed

- f. POSTPONED TO DEC. 5, 2022 Legislative Hearing - Ordinance 22-036 amending Chapter 34 - Article I and Chapter 34 - Article II establishing Parking Regulations.
FIRST READING

13. CITY COMMISSION

- a. Resolution No. 22-R42 appointing Victoria Bush to the Sunrise Theatre Advisory Board and Mayor Hudson's representative.

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

RESOLUTION NO. 22-R24

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT OF MEMBERS TO THE SUNRISE THEATRE ADVISORY BOARD; PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Curtis Johnson, Jr. to approve Resolution No. 22-R42 appointing Victoria Bush to the Sunrise Theatre Advisory Board.

AYE: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr.,
Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Mayor
Linda Hudson

Passed

14. COMMENTS FROM THE PUBLIC

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Alex Shlenski

15. COMMENTS FROM THE CITY MANAGER

- a. Reports

City Manager Mimms responded to the comments made by Mr. Shlenski and will have staff investigate the matter, highlighted the FPRA board meeting, and the City plans for Hurricane Nicole. Commissioner Gaines and Commissioner Jeremiah Johnson responded to Mr. Shlenski comments; consensus was to research and potentially correct the ordinance which prohibits the fencing of vacant properties.

Commissioner Gaines thanked the City Manager and encouraged the public to take the upcoming storm seriously.

Commissioner Curtis Johnson requested that the City reduce and maintain debris due to the upcoming storm.

City Clerk Linda Cox – Is pleased with conversation on property fencing.

City Attorney Tanya Earley – No comments

16. COMMENTS FROM THE COMMISSION

Commissioner Perona commented on the Jaycee Park community build and encouraged the community to vote.

Commissioner Curtis Johnson commented on the upcoming storm.

Commissioner Gaines commented on the level of respect displayed by the Commission and the upcoming elections.

Commissioner Jeremiah Johnson commented on the upcoming elections and acknowledged Commissioner Perona for his service.

Mayor Hudson requested the Commission consider renaming Jaycee Park and called for nominations.

Consensus was to move forward with the call for nominations in accordance with our procedure.

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 Linda Hudson adjourned the meeting at 8:09 P.M

ATTEST:

CITY CLERK

MAYOR COMMISSIONER

City Commission Regular Meeting - 5:05 pm

5. b.

Meeting Date: 12/05/2022

Re:

SUBJECT:

Approval of minutes from the November 21, 2022 regular meeting.

Attachments

11.21.2022 Minutes

Form Review

Form Started By: Linda Cox

Started On: 11/28/2022 03:33 PM

Final Approval Date: 11/28/2022

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, NOVEMBER 21, 2022.

1. CALL TO ORDER

Mayor Hudson called the meeting to order at 5:05 p.m.

2. OPENING PRAYER - Sean Carr with Fort Pierce First Church of the Nazarene

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

Present: Commissioner Arnold Gaines; Commissioner Curtis Johnson, Jr.;
Commissioner Thomas Perona; Mayor Linda Hudson

Absent: Commissioner Jeremiah Johnson

Staff Present: City Clerk Linda Cox
City Manager Nicholas Mimms
City Attorney Tanya Earley

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Curtis Johnson, Jr. to excuse Commissioner Jeremiah Johnson.

AYE: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr.,
Commissioner Thomas Perona, Mayor Linda Hudson

Passed

5. APPROVAL OF MINUTES

6. PROCLAMATIONS

- a. Hospice and Palliative Care Month Proclamation
- b. Special Presentation to Commissioner Thomas K. Perona

Commissioner Tom Perona was presented with a proclamation and a key to the City recognizing his retirement from elected office. The Mayor, City Commissioners and City Manager Mimms all expressed their gratitude for his service to the community.

7. LETTERS TO COMMISSION

- a. Letter from Patrice Ann Adams in recognition of Officer Nicholas Nothof's protection and service to the people in the community.
- b. Voice message from Nick Bradley expressing his appreciation for Public Works Department employee Ricard Adam's assistance when he was in need of aid.
- c. Comments from the City's Facebook page acknowledging Communication Specialist Joe Sweat's phenomenal job of keeping residents informed about Hurricane Nicole.

- d. Email from Melanie Wildrick, Admin Specialist with FPL St. Lucie Service Center, commending Jimmy Lee White, Equipment Operator III with Public Works Department for his integrity and willingness to offer assistance.
- e. Email from June Eliassaint, New Home Specialist with Express Homes, complimenting the dedicated employees of the Building/Permitting Department for their assistance in the construction of homes for more than eighty families in the City of Fort Pierce.
- f. Letter of appreciation from FDLE, Orlando Regional Protective Operations for Fort Pierce Police Department personnel's professionalism and integrity, as well as their readiness to assist wherever required, during the Gubernatorial Debate at the Sunrise Theatre.

8. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

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

AYE: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr.,
Commissioner Thomas Perona, Mayor Linda Hudson
Passed

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

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

The following speakers spoke on item 11a:

Scott Abbate
Bryce Doughty
Beau Slay
Raymond Selph
Bob Benton
Greg Simmons
Glen Manchester
Frank Vericello
David Webbenhorst
Richard Hunt
Harry McTigue
Arlee Hatch
Michael Jenkins

10. MISCELLANEOUS REPORTS

11. CONSENT AGENDA

- a. Authorization to terminate Fisherman's Wharf Bulkhead Boat Ramp and Basin (Phase I) Project Agreement with St. Lucie County
- b. Approval of First Amendment to Amended and Restated Agreement for Development of King's Landing

- c. Amended 2019 DEO Grant Funding Agreement for Approval and Signature extending the expenditure period through June 30, 2023.
- d. Approval to piggyback HGAC Contract No.: GR01-20 HGACBUY Grounds Facilities & Parks Maintenance for the purchase of six (6) Dixie Chopper Mowers from High Performance Mowchines, Port St. Lucie, FL in an amount not to exceed \$65,952.00.
- e. Approval to piggyback Sourcewell Contract #093021-ELG for the purchase of an Elgin Broom Streets Sweeper from Environmental Products Group, Inc., Apopka, FL , in an amount not to exceed \$320,484.45.
- f. Approval of Interlocal Agreement between the City of Fort Pierce and St. Lucie County for Cost Share Relating to a Housing Needs Assessment and Implementation Plan for the amount not to exceed \$50,000.

Commissioner Gaines pulled item 11a.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Curtis Johnson, Jr. to approve items 11 b, c, d, e and f of the Consent Agenda.

AYE: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr.,
Commissioner Thomas Perona, Mayor Linda Hudson

Passed

As to item 11 a, termination of Fisherman's Wharf Bulkhead Boat Ramp and Basin Project Agreement with St. Lucie County, Shyanne Harnage, Economic Development Manager, provided some background regarding the reason for the request. Ms. Harnage explained that the termination of the agreement with St. Lucie County is one of several steps necessary to cure one of the title objections raised under the Purchase and Development Agreement with Pierce 1 Marina for the development of the Fisherman's Wharf area.

After much discussion regarding the request, the process by which the city is proceeding to cure the objections, and other outstanding questions, the City Manager and City Attorney were asked to come back and provide additional clarity as to the request and subsequent actions which may be required.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Curtis Johnson, Jr. to postpone item 11a to the 12/19 City Commission meeting to receive more clarity.

AYE: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr.,
Commissioner Thomas Perona, Mayor Linda Hudson

Passed

12. PUBLIC HEARINGS

13. CITY COMMISSION

- a. Resolution 22-R44 Accepting the Returns from the November 8, 2022 General Election.

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

RESOLUTION NO. 22-R44 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, ACCEPTING THE RETURNS OF THE PRIMARY ELECTION HELD ON NOVEMBER 8, 2022, AS PROVIDED BY THE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Hudson introduced Gertrude Walker, Supervisor of Elections, who was available to answer any questions regarding the certified election returns.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Curtis Johnson, Jr. to approve Resolution No. 22-R44.

AYE: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr.,
Commissioner Thomas Perona, Mayor Linda Hudson

Passed

- b. Resolution 22-R45 Appointing John Hening to the City of Fort Pierce Planning Board as Mayor Hudson's appointee.

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

RESOLUTION NO. 22-R45 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT OF A MEMBER TO THE CITY PLANNING BOARD; PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Arnold Gaines to approve Resolution 22-R45 appointing John Hening to the Planning Board.

AYE: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr.,
Commissioner Thomas Perona, Mayor Linda Hudson

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.

Pearl Liverpool

15. COMMENTS FROM THE CITY MANAGER

City Manager Nick Mimms referenced the final report from PFM regarding the Sunrise Theatre which was extremely positive. The City's turkey giveaway assisted over 750 families and he is grateful to all of the city staff and volunteers who helped. He reported minimal damage as a result of tropical storm Nicole.

Jetty Park received the most significant damage but thanks to our Public Works staff, it is back open to the public. The City Team really came together preparing for the storm and dealing with the after effects.

Ms. Cox expressed her appreciation to Commissioner Perona for his service to the community.

Ms. Earley also expressed her appreciation to Commissioner Perona.

- a. Report

16. COMMENTS FROM THE COMMISSION

Commissioner Perona provided an update on the playground rebuild at Jaycee Park. He also reiterated his appreciation for fellow commissioners and how well they have been working together on the Dias, everyone's true professionalism, and looks forward to great things to come as Commissioner-Elect Broderick takes his seat.

Commissioner C. Johnson reminded everyone that Commissioner Perona now has free time to serve on boards and committees. He is appreciative of the great dialog that occurred regarding Fisherman's Wharf and is grateful to all that came out to speak.

Commissioner Gaines expressed appreciation again for working with Commissioner Perona. He will continue to work hard for the City on the Retirement Board as Commissioner Perona asked him to do. He was happy that everyone came out tonight to share their thoughts with the Commission.

Mayor Hudson was reminded just how important boating is to the community and the history of boating in Fort Pierce. She is hopeful that the developer is encouraged to watch the meeting to fully grasp the desires of the community. She wished everyone a very Happy Thanksgiving.

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 6:58 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER

City Commission Regular Meeting - 5:05 pm

6. a.

Meeting Date: 12/05/2022

Re:

SUBJECT:

Special Presentation of a Donation by Hibiscus Park Neighborhood Association

Form Review

Form Started By: Linda Cox

Started On: 11/30/2022 11:20 AM

Final Approval Date: 11/30/2022

City Commission Regular Meeting - 5:05 pm

11. a.

Meeting Date: 12/05/2022

Re: Purchase Bullet Proof Vests through GL Distributors, Inc

Submitted For: Diane Hobley-Burney, Chief of Police, Police Department

SUBJECT:

Approval of a blanket purchase order to use awarded funds from the 2022 Bullet Proof Vest Program (BVP) to purchase vests from GL Distributors, Inc in an amount not to exceed \$104,500.

SUMMARY:

The Police Department submitted an application for the 2022 Bulletproof Vest Program (BVP) and has received an award. The Police Department is requesting approval for a purchase order in an amount not to exceed \$104,500. This will allow the Police Department to purchase vests for new hires and replace vests for officers that are expiring this fiscal year.

The BVP award is for a total of \$52,250 and requires a 50% match from the Police Department's Budget, totaling \$104,500 that can be used for purchasing vests. These funds expire on August 31, 2024.

RECOMMENDATION:

The Police Department recommends this request be approved.

ALTERNATIVES:

The alternative would be to decline the award, which will cause the Police Department to have to pay the entire cost of the vests. .

RESPONSIBLE STAFF:

Jason Braun, Lieutenant
Samuel Cooper, Sergeant

COORDINATED WITH:

Anita Cocoves, Program and Grant Coordinator

Fiscal Impact

Budgeted Y/N: Y
Fiscal Year: 2023
Account: 101.3005.552510
Amount: \$104,500
FISCAL IMPACT:

The BVP award will require a 50% match from the City's General Fund in the amount of \$52,250.

Attachments

Vest Quote

Form Review

Inbox	Reviewed By	Date
Finance Department	Johnna Morris	11/29/2022 10:28 AM
City Manager	Nick Mimms	11/30/2022 08:52 AM
Form Started By: Melissa Alexander		Started On: 11/01/2022 06:32 AM
Final Approval Date: 11/30/2022		

GL Distributors, Inc.

Pembroke Pines, FL 33029
 18459 Pines Boulevard, Suite 340
 Pembroke Pines, FL 33029
 Phone: (954) 441-1473



Quotation

DATE	QUOTE #
9/28/2022	Q18157

NAME / ADDRESS
Fort Pierce Police Department 920 South U.S. 1 Fort Pierce, FL 34950

SHIP TO
Fort Pierce Police Department 920 South U.S. 1 Fort Pierce, FL 34950

REP	PROJECT NAME	VALID THRU	PAYMENT TERMS	F.O.B.	LEAD TIME
009	LITEX II / APB.U PACKAGE	12/31/2022	Net 30	Destination	

ITEM	DESCRIPTION	QTY	PRICE	TOTAL
NASPO-GH ARMOR	Body Armor is on Florida Contract # 46151500-NASPO-21-ACS (NASPO Master Agreement # 164713). GL Distributors is an Authorized Distributor for the Body Armor Below. All terms, conditions, pricing, and specifications of Florida State Contract No. 46151500-NASPO-21-ACS shall apply		0.00	0.00
GH-LX02-II-M	Gator Hawk Body Armor, LiteX Series Level II, NIJ 06 Model GPBII-3, Male, Front/Rear Panels Only NAME, SIZE: TBA	1	555.64	555.64
GH-LPC	Gator Hawk Low Profile Concealable Carrier Color: Black	1	80.62	80.62
GH-STP-5X8	Gator Hawk Armor Soft Trauma Plate, 5" x 8"	1	21.75	21.75
GH-APB.U	Gator Hawk Body Armor, APB Carrier, Uniform, DARK NAVY L/C Option: 3x3" loop with vertical grommets R/C Option: 1x4" loop	1	253.46	253.46
ID-BS-PATCH-3X10	ID Patch Standard Color, 3x10", POLICE IN STORM GRAY ON DARK NAVY	1	16.68	16.68
ID-BS-NAME-1X4	Name Tape, Standard Color, 1x4", IN STORM GRAY ON DARK NAVY F. LASTNAME	1	8.70	8.70

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*"PROTECTING THOSE COMMITTED TO STANDING
 IN HARM'S WAY"*

Subtotal	\$936.85
Sales Tax (7.0%)	\$0.00
TOTAL	\$936.85
Quote Provided by: Mark Altman	

City Commission Regular Meeting - 5:05 pm

11. b.

Meeting Date: 12/05/2022

Re: 3000 Okeechobee Rd

Submitted For: Shyanne Harnage, Economic Development Manager, City Manager

SUBJECT:

Approval of Florida Housing Finance Corporation Local Government Verification of Contribution to support an affordable housing development at 3000 Okeechobee Road by authorizing \$460,000 local match funding in the form of a CDBG loan from the City.

SUMMARY:

Blue Sky Communities is under contract to purchase 3000 Okeechobee Road to develop Sunrise Village, a 68-unit affordable rental community for families and seniors. Fifteen percent of the units will be for households at or below 30% AMI, sixty-five percent will be for households at 60% AMI, and twenty percent will be for 80% AMI. In order to finance this project, Blue Sky Communities is applying for 9% Low Income Housing Credits through the state. In order to make their application more viable, they are seeking a \$460,000 local match in the form of a CDBG loan. The loan is proposed to be paid over a 20-year term at zero percent interest. Only the commitment to accompany the application is requested at this time, actual disbursement of funds is expected to occur in 2024. The City of Fort Pierce and St. Lucie County have an existing relationship with Blue Sky Communities through the two-phase affordable housing project Blue Sky Landing which is currently under construction.

The Community Development Block Grant (CDBG) Program is federally funded by the U.S. Department of Housing and Urban Development (HUD). The City of Fort Pierce receives federal CDBG funds allocated through HUD's Community Planning Development program, which are intended to primarily serve low- to moderate-income households and special needs communities. A severe shortage in affordable housing stock increases the pressure on the City's housing market. According to the City's CDBG Action Plan, one of the biggest challenges in the City is the huge disparity between housing costs and what people with low and moderate incomes can afford to pay. It is because of these factors that maintaining the existing supply of affordable housing continues to be a priority for the City. The City of Fort Pierce will continue to develop policies that help foster the development of new affordable housing units. Additionally, the City and its municipal partners will also continue to support the efforts of local housing providers who carry out strategies to retain and create affordable housing options throughout the region. This potential partnership with Blue Sky Communities is a prime example of supporting these efforts.

RECOMMENDATION:

Approval

ALTERNATIVES:

Staff will proceed as directed by the City Commission

RESPONSIBLE STAFF:

Shyanne Harnage, Economic Development Manager

COORDINATED WITH:

Nicholas Mimms, City Manager

Johnna Morris, Finance Director

Brittany Marinello, Grants Administration Manager

Fiscal Impact

Fiscal Year: 2024

Amount: \$460,000

OTHER INFORMATION:

\$460,000 local match in the form of a CDBG loan. The loan is proposed to be paid over a 20-year term at zero percent interest.

Attachments

FHC Local Government Verification of Contribution

Blue Sky Communities Request Letter

Form Review

Inbox

Finance Department

City Manager

Form Started By: Shyanne Harnage

Final Approval Date: 11/30/2022

Reviewed By

Johnna Morris

Nick Mimms

Date

11/29/2022 10:34 AM

11/30/2022 08:52 AM

Started On: 11/22/2022 11:09 AM

**FLORIDA HOUSING FINANCE CORPORATION
LOCAL GOVERNMENT VERIFICATION OF CONTRIBUTION – GRANT FORM**

Name of Development: _____

Development Location: _____
(At a minimum, provide the address number, street name and city, and/or provide the street name, closest designated intersection and either the city (if located within a city) or county (if located in the unincorporated area of the county). If the Development consists of Scattered Sites, the Development Location stated above must reflect the Scattered Site where the Development Location Point is located.)

The City/County of _____ commits \$ _____ as a grant to the Applicant for its use solely for assisting the proposed Development referenced above. The City/County does not expect to be repaid or reimbursed by the Applicant, or any other entity, provided the funds are expended solely for the Development referenced above. No consideration or promise of consideration has been given with respect to the grant. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. The commitment for this grant must be effective as of the Application Deadline for the applicable RFA, and is provided specifically with respect to the proposed Development.

The source of the grant is: _____
(e.g., SHIP, HOME, CDBG)

CERTIFICATION

I certify that the foregoing information is true and correct and that this commitment is effective at least through the date required in the applicable RFA.

Signature

Print or Type Name

Print or Type Title

Date Signed

NOTE TO LOCAL GOVERNMENT OFFICIAL: Additional information is set forth in the applicable Request for Application under which the Applicant is applying for funding for the above referenced Development.

This certification must be signed by the chief appointed official (staff) responsible for such approvals, Mayor, City Manager, County Manager/Administrator/Coordinator, Chairperson of the City Council/Commission or Chairperson of the Board of County Commissioners. If the contribution is from a Land Authority organized pursuant to Chapter 380.0663, Florida Statutes, this certification must be signed by the Chair of the Land Authority. One of the authorized persons named above may sign this form for certification of state, federal or Local Government funds initially obtained by or derived from a Local Government that is directly administered by an intermediary such as a housing finance authority, a community reinvestment corporation, or a state-certified Community Housing Development Organization (CHDO). Other signatories are not acceptable. The Applicant will not receive credit for this contribution if the certification is improperly signed. The amount of the contribution stated on this form must be a precise dollar amount and cannot include words such as estimated, up to, maximum of, not to exceed, etc.

If there are alterations made to this form that change the meaning of the form, the form will not be accepted.



Blue Sky Communities
5300 West Cypress Street
Suite 200
Tampa, Florida 33607

November 17, 2022

Shyanne Harnage, Economic Development Manager
City of Fort Pierce
100 North U.S. 1
Fort Pierce, FL 34950

RE: Sunrise Village LGAO

Dear Ms Harnage,

Blue Sky Communities is pleased to present Sunrise Village for the City's consideration. We have developed such a good relationship on our 2-phase Blue Sky Landing development, its very gratifying to be able to continue the effort with this new opportunity.

Sunrise Village is a 68-unit Rental community. Families and Seniors will be welcome here. Fifteen percent of the units will be for households at or below 30% AMI. Sixty five percent will be for households at 60% AMI. And twenty percent will be for 80% AMI.

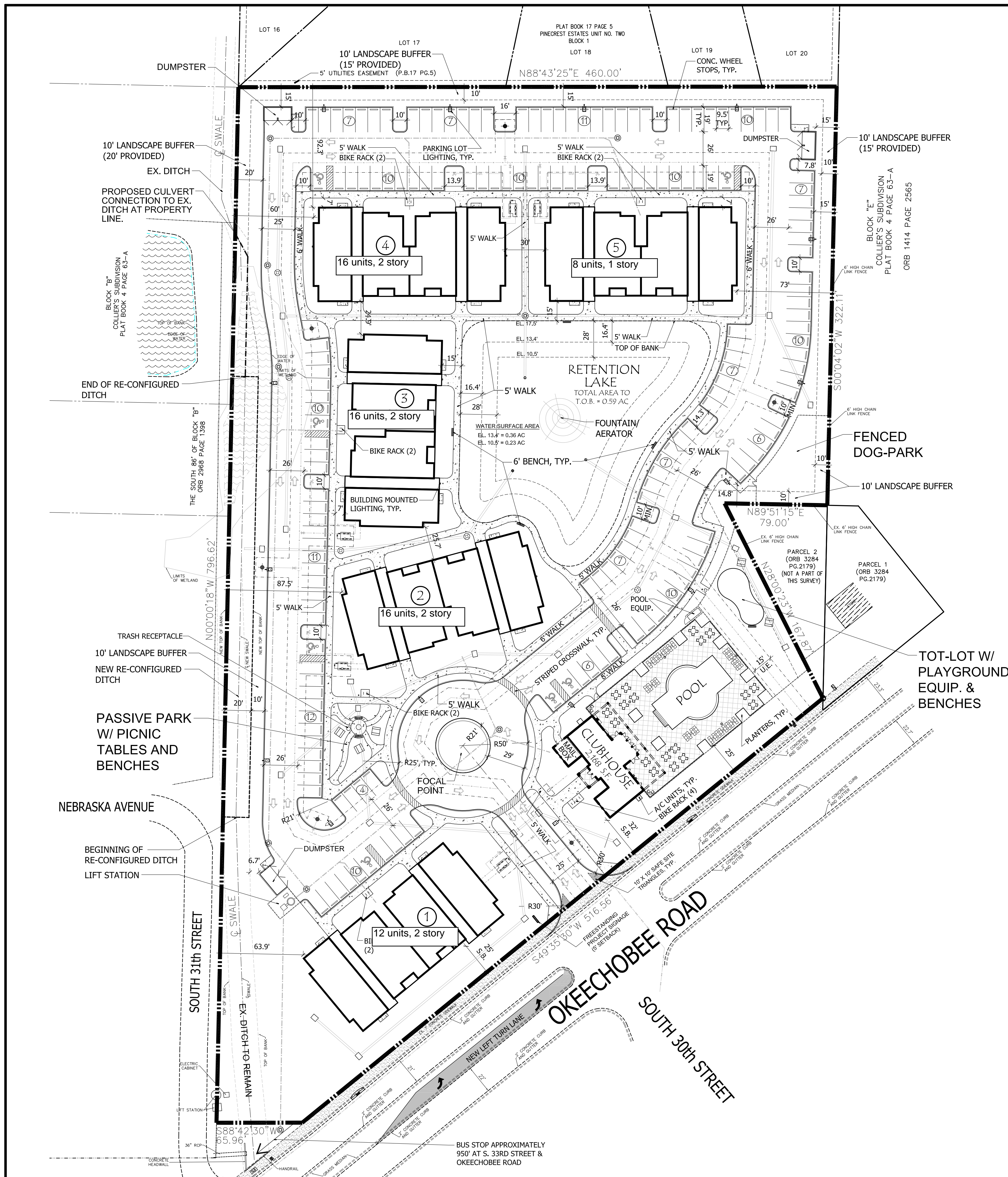
As you know, this site is 3000 Okeechobee Road. Blue Sky has a contract to purchase the site from the current owner. The rezoning was approved several years ago, and entitlements are being renewed through the TRC process. We intend to keep the same site plan, attached hereto.

Blue Sky's financing plan is to apply for the 9% Housing Credits. We have had excellent success winning this funding in recent years. In fact, phase 2 of Blue Sky Landing was financed with 9% Credits. This application is due to FHFC on December 28, 2022. We will know if we win by February, 2023. At that point we will commence final architecture and engineering. We should be in a position to start construction in January 2024 and be ready for Move In by April 2025.

In order to maximize our chances of winning the 9% Credits, we are respectfully requesting a loan from the City in the amount of \$460,000. We are requesting a 0% interest rate and a 20 year term. The loan will be repaid in full at the end of the 20 years.

Thank you very much for your service to the citizens of Fort Pierce.

Shawn Wilson
President



APPLICATION DATA:

NAME OF APPLICATION: ARIA APARTMENTS
 PARCEL ID: 2417-504-0020-001-6
 SITE ADDRESS: TBD

EXISTING FUTURE LAND USE: GENERAL COMMERCIAL (GC)
 PROPOSED FUTURE LAND USE: MEDIUM DENSITY RESIDENTIAL (RM)
 EXISTING ZONING DESIGNATION: GENERAL COMMERCIAL (C3)
 PROPOSED ZONING DESIGNATION: MEDIUM DENSITY RESIDENTIAL (R-4)

EXISTING USE: VACANT
 PROPOSED USE: MULTI-FAMILY RESIDENTIAL (112 UNITS)

PROPOSED DENSITY: *16.48 D.U./S PER ACRE
 *PROJECT UTILIZES DENSITY BONUS FOR PROXIMITY TO TRANSIT STOP (+5 D.U./S/ACRE) AND FOR INNOVATIVE DESIGN (+2 D.U./S/ACRE)

SITE DATA:

GROSS SITE AREA: 296,012.97 S.F. (6.796 ACRES)
 OPEN SPACE REQUIRED: 118,405.19 S.F. (40%)
 PERVIOUS AREA PROVIDED: 102,259.94 S.F. (34.5%)
 RETENTION AREA PROVIDED: 25,674.63 S.F. (8.7%)
 TOTAL OPEN SPACE AREA: 127,934.57 S.F. (43.2%)

MAX. BUILDING COVERAGE: 50% (148,006.5 S.F.)
 BUILDING COVERAGE PROVIDED: 18.0% (53,184 S.F.)

SETBACKS

SETBACK	REQUIRED	PROVIDED
FRONT	25'	25'
SIDE	10'	60'
REAR	20'	92.3'

BUILDING HEIGHT

REQUIRED:	45' (MAX)
PROVIDED:	39'-0"

PARKING DATA:

PROPOSED USES (FLEX SPACE)			
USE	UNITS	PARKING RATE	REQUIRED PARKING
MULTI-FAMILY RESIDENTIAL	112 UNITS	1.5/UNIT	168 SPACES
TOTAL PARKING REQUIRED:			168 SPACES
TOTAL PARKING PROVIDED:			172 SPACES
HANDICAP SPACES REQ'D.:			6 SPACES
HANDICAP SPACES PROV.:			7 SPACES

BICYCLE PARKING REQUIRED: 12 SPACES (1 PER 10 UNITS)
 BICYCLE PARKING PROVIDED: 14 SPACES



PROJECT TEAM

OWNER
 Arrow Investment Group, LLC
 4512 North Flagler Drive, Suite 2056
 West Palm Beach, Florida 33407

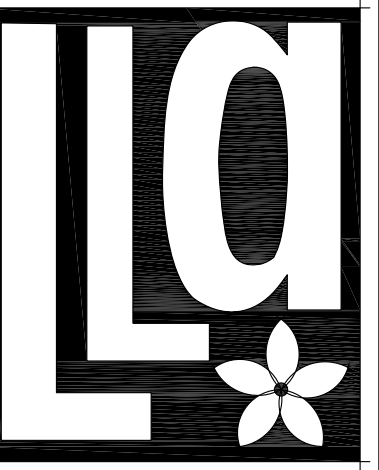
ARCHITECT
 Architectural Studios, Inc.
 300 Avenue of the Champions, Suite 260
 Palm Beach Gardens, Florida 33418
 Contact: Scott Disher (561-202-6990)

CIVIL ENGINEER/SURVEYOR
 Michael B. Schorah & Associates, Inc.
 1850 Forest Hill Blvd., Suite 206
 West Palm Beach, Florida 33406
 Contact: Michael LaCourseiere (561-968-0080)

DEVELOPMENT MANAGER/AGENT
 Managed Land Entitlements, LLC
 3710 Buckeye Street, Suite 100
 Palm Beach Gardens, Florida 33410
 Contact: Michael Sanchez (561-568-8045)

LANDSCAPE ARCHITECT
 Litterick Landscape Architecture
 2740 SW Martin Downs Blvd., #199
 Palm City, Florida 34990
 Contact: Jason Litterick (561-719-3876)

SURVEYOR
 Brown & Phillips, Inc.
 1860 Old Okeechobee Road, Suite 509
 West Palm Beach, Florida 33409
 Contact: John Phillips (561-615-3988)



Litterick Landscape Architecture

2740 SW Martin Downs Blvd. #199
 Palm City, FL 34990
 561-719-3876
 JasonLA1677@yahoo.com

Project Name

Aria Apartments
 Ft. Pierce, Florida

Landscape Architect of Record



Jason M. Litterick, RLA (LA0001677)

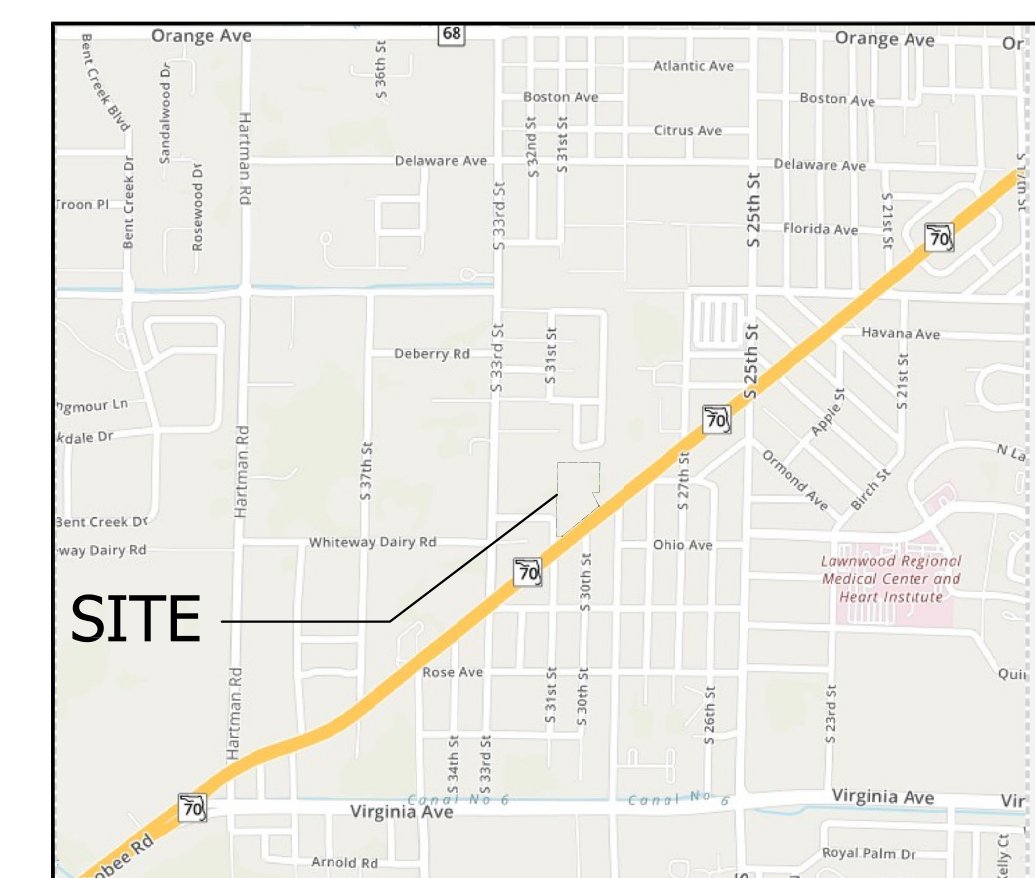
Scale: 1" = 40'-0"

Designed: JML
 Drawn: JML
 Approved: JML
 Date: 6/25/2020
 Job no.
 Revisions: 7/23/20

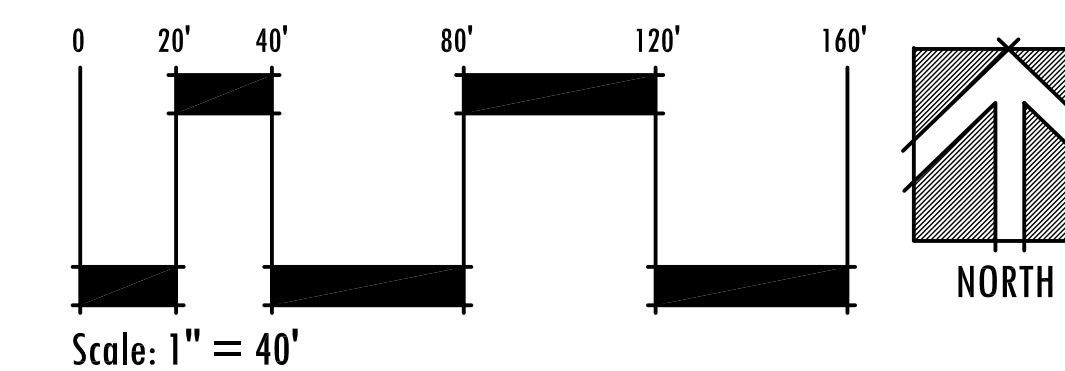
Sheet No.

SP-1

LOCATION MAP



Site Plan



REFER TO SHEET SP-2 FOR SITE PLAN DETAILS

City Commission Regular Meeting - 5:05 pm

12. a.

Meeting Date: 12/05/2022

Re: TEFRA - Synergy School

Submitted For: Linda Cox, City Clerk, City Clerk

SUBJECT:

Public Hearing and Resolution 22-R47 - TEFRA Hearing for St. James Christian Academy, Inc., d/b/a Synergy School of Tomorrow, request to issue tax exempt private activity bonds to be used to acquire facilities located at 5900 Tedder Road, 6130 Tedder Road, and 5200 Oleander Avenue in Fort Pierce, Florida, and related activities.

SUMMARY:

St. James Christian Academy "The Borrower" is requesting that the Public Finance Authority ("PFA") issue tax exempt and taxable bonds (the "Bonds") for the Borrower. The proceeds of the Bonds will be used to acquire facilities located at 5900 Tedder Road, 6130 Tedder Road, and 5200 Oleander Avenue in Fort Pierce, Florida, and related activities.

PFA is a unit of government, and a body corporate and politic organized under and pursuant to the provisions of Sections 66.0301, 66.0303 and 66.0304 of the Wisconsin Statutes, as amended. PFA has issued a number of these private activity bond issues over the years throughout the country, many of them in Florida.

The Internal Revenue Code requires that, prior to the issuance of tax exempt private activity bonds, there must be a public hearing held in the local jurisdiction where the project is located, notice of that public hearing must be published in a newspaper of general circulation at least 7 days in advance, and the issuance of the bonds must be approved by an elected official with jurisdiction over the Project. For purposes of the Internal Revenue Code, the City of Ft. Pierce has jurisdiction over the Project, and the elected official would be the City Commission. The specific action that would be requested from the City is a resolution approving the issuance of the bonds for purposes of the Internal Revenue Code.

It is important to note that the Bonds would not be issued by the City, and the City would have no obligation, moral or otherwise, with respect to the Bonds, and the Bonds would not count against any caps or limits on the issuance of debt by the City.

RECOMMENDATION:

Approve the resolution.

ALTERNATIVES:

Do not approve the resolution.

RESPONSIBLE STAFF:

Linda W. Cox, City Clerk

COORDINATED WITH:
Tanya Earley, City Attorney

Fiscal Impact

OTHER INFORMATION:
No fiscal impact.

Attachments

22-R47
Legal Ad

Form Review

Inbox	Reviewed By	Date
City Manager	Nick Mimms	11/23/2022 07:08 AM
Form Started By: Linda Cox		Started On: 11/21/2022 01:56 PM
Final Approval Date: 11/23/2022		

RESOLUTION NO. 22-R47

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; APPROVING THE ISSUANCE OF NOT EXCEEDING \$20,000,000 PUBLIC FINANCE AUTHORITY EDUCATIONAL FACILITIES REVENUE AND REVENUE REFUNDING BONDS (SYNERGY SCHOOL OF TOMMORROW, INC. PROJECT) WITHIN THE MEANING OF SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, AND SECTION 66.0304(11)(a) OF THE WISCONSIN STATUTES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Public Finance Authority, a body corporate and politic of the State of Wisconsin (the "Authority"), proposes to issue its Educational Facilities Revenue and Revenue Refunding Bonds (Synergy School of Tomorrow, Inc. Project), in an aggregate principal amount not to exceed \$20,000,000 (the "Bonds"); and

WHEREAS, the proceeds of the Bonds will be loaned to Synergy School of Tomorrow, Inc., a Florida nonprofit corporation (the "Applicant"), and used by the Applicant to (a) acquire facilities located at (i) 5900 Tedder Road and 6130 Tedder Fort Pierce, Florida and (ii) 5200 Oleander Avenue, Fort Pierce, Florida; (b) finance renovations to and buildout of said facilities and the acquisition of furniture, fixtures and equipment for use of Applicant at said facilities; (c) refund the Authority's Educational Facilities Revenue Bonds (St. James Christian Academy, Inc. Project) Series 2019A and Educational Facilities Revenue Bonds (St. James Christian Academy, Inc. Project) Taxable Series 2019B; (d) make a deposit to a debt service reserve fund, if required; (e) pay capitalized interest on the Bonds, if required; and (f) pay costs of issuance of the Bonds and certain other costs incurred in connection with the issuance of the Bonds (collectively, the "Project");

WHEREAS, in accordance with Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") the issuance of the Bonds must be approved by the "Applicable Elected Representative" of the City of Fort Pierce, Florida (the "City"), as the host jurisdiction; and

WHEREAS, pursuant to Section 66.0304(11)(a) of the Wisconsin Statutes, bonds issued by the Authority must be approved prior to their issuance by the governing body or highest ranking executive or administrator of the political jurisdiction within whose boundaries the project is to be located; and

WHEREAS, the Applicant has requested that the City Commission of the City (the "City Commission") approve the financing of the Project and the issuance of the Bonds in order to satisfy the requirements of Section 4 of the Amended and Restated Joint Exercise of Powers Agreement Relating to the Public Finance Authority, dated as of September 28, 2010 (the "Joint Exercise Agreement"), and Section 66.0304(11)(a) of the Wisconsin Statutes; and

WHEREAS, in accordance with Section 147(f) of the Code, the City Commission, as host jurisdiction for the Project, must provide public notice of and conduct a public

hearing concerning the Authority's intention to issue the Bonds, and approve the issue;
and

WHEREAS, public notice was given as set forth in Exhibit A (the "Notice") in TC Palm, a newspaper of general circulation in the City of Fort Pierce; and

WHEREAS, the City Commission conducted a public hearing, pursuant to the Notice, on Monday, December 5, 2022.

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

Section 1. APPROVAL OF ISSUANCE OF BONDS: The City Commission hereby approves the issuance of the Bonds by the Authority for financing the Project. It is the purpose and intent of the City Commission that this Resolution constitute approval of the issuance of the Bonds by the City, which is the governmental unit having jurisdiction over the area in which the Project is located, in accordance with Section 147(f) of the Code, Section 66.0304(11)(a) of the Wisconsin Statutes and Section 4 of the Joint Exercise Agreement.

Section 2. LIMITATION: The Bonds are not a debt of the City, the State of Florida (the "State"), nor any other political subdivision thereof; and neither the City, the State nor any other political subdivision thereof shall be liable thereon. The approval given herein is for the sole purpose of providing approval of the Bonds pursuant to Section 147(f) of the Code, Section 66.0304(11)(a) of the Wisconsin Statutes and Section 4 of the Joint Exercise Agreement, and the City does not pass judgment on the financial feasibility of the Project, the sufficiency of the proceeds of the Bonds to complete the Project, the ability of the Applicant to repay the loan of the proceeds of the Bonds or any other matter relating to the Applicant, the Bonds or the Project.

Section 3. EFFECTIVE DATE: This Resolution shall become effective immediately upon adoption.

IN WITNESS WHEREOF, this Resolution has been duly adopted this 5th day of December, 2022.

LINDA HUDSON, MAYOR

Attest:

LINDA W. COX, CITY CLERK

(CITY SEAL)

APPROVED AS TO FORM
AND CORRECTNESS:

TANYA M. EARLEY, CITY ATTORNEY

EXHIBIT "A"
NOTICE OF PUBLIC HEARING

ST. LUCIE NEWS TRIBUNE

ATTN: LEGAL ADVERTISING

P.O. TEFRA

RUN ONCE: Friday, November 25, 2022

Send Proof of Publication to: Linda W. Cox, City Clerk, lcox@cityoffortpierce.com

**PUBLIC FINANCE AUTHORITY
NOTICE OF PUBLIC HEARING**

The City Commission of the City of Fort Pierce, Florida (the “City”) will hold a public hearing on December 5, 2022, at 5:05 p.m., or as soon thereafter as possible, in the City Hall Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida, to discuss a project involving a qualified private activity bond financing. Anyone having an interest in this matter may attend the meeting to give their comments.

Applicant: Synergy School of Tomorrow, Inc., a Florida non-profit corporation f/k/a St. James Christian Academy, Inc.
2810 S Federal Highway
Fort Pierce, FL 34974

Project Descriptions and
Locations:

The Educational Facilities Revenue Bonds in one or more series (the “Bonds”), are expected to be issued by the Public Finance Authority (the “Authority”), and the proceeds loaned to the Applicant for the following:

(a) Refunding of the Authority’s \$6,965,000 Educational Facilities Revenue Bonds (St. James Christian Academy, Inc. Project) Series 2019A and the Authority’s \$630,000 Educational Facilities Revenue Bonds (St. James Christian Academy, Inc. Project) Taxable Series 2019B (collectively, the “Refunded Bonds”), which were issued for the following purpose:

- acquisition by the Applicant of the former Virginia College Campus, an approximately 75,000 square foot educational facility located at 2810 S. Federal Highway in Fort Pierce, Florida 34982, for use by the Applicant as a private school serving grades 6-12 (the “Virginia College Campus”);

- financing renovations to and buildout of said facility and the acquisition of furniture, fixtures and equipment for use of Applicant at said facility;
 - making a deposit to a debt service reserve fund;
 - paying capitalized interest on the Bonds; and
 - paying costs of issuance of the Bonds and certain other costs incurred in connection with the issuance of the Bonds.
- (b) Acquisition, renovation and repurposing of an approximately 41,812 square foot facility on approximately 13.8 acres of land located at 5900 Tedder Road, Fort Pierce, Florida and 6130 Tedder Road, Fort Pierce, Florida, for middle school classrooms and related facilities to primarily serve students in grades 6-8 (the “Tedder Road Campus”);
- (c) Acquisition and renovation of an approximate 16,074 square foot educational complex located at 5200 Oleander Avenue, Fort Pierce, Florida, currently leased by the Applicant and operated by the Applicant as Florida State Christian Academy serving approximately 320 students in grades K-5 (the “Oleander Avenue Campus”);
- (d) Improving and adding playgrounds and athletic fields at the Tedder Road Campus;
- (e) Renovation and repurposing of the Virginia College Campus to primarily serve grades 9-12;
- (f) Acquisition of furniture, fixtures and equipment for use of Applicant at all campuses;
- (g) Making a deposit to a debt service reserve fund, if required;
- (h) Paying capitalized interest on the Bonds, if required; and
- (i) Paying costs of issuance of the Bonds and certain other costs incurred in connection with the issuance of the Bonds.

Project Owner:

Applicant

Maximum Aggregate Face
Amount of Tax Exempt
Obligations Requested: \$20,000,000

The Bonds are expected to be issued pursuant to Section 66.0304 of the Wisconsin Statutes, as amended, by the Authority, a unit of government, and a body corporate and politic organized under and pursuant to the provisions of Sections 66.0301, 66.0303 and 66.0304 of the Wisconsin Statutes, as amended. The Bonds will be special limited obligations of the Authority payable solely from the loan repayments to be made by the Applicants to the Authority, and certain funds and accounts held by the bond agreement for the Bonds. All of the facilities to be financed with the proceeds of the Bonds will be owned by the Applicant.

The Bonds will not be a debt or liability of the City, St. Lucie County, the State of Florida or any political subdivision thereof, and neither the City, St. Lucie County, the State of Florida or any political subdivision thereof shall have any payment responsibility whatsoever in connection with the Bonds.

At the public hearing, any and all persons in attendance will be afforded an opportunity to comment on the proposed Project and the issuance of the Bonds therefor. Interested persons are invited to submit written comments, speak at the public hearing, or both. The public hearing is being held in the City as the host jurisdiction pursuant to the Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code").

ANY PERSON SEEKING TO APPEAL THE DECISION OF THE CITY COMMISSION AS TO THE FOREGOING IS ADVISED THAT A RECORD OF PROCEEDINGS IS REQUIRED IN ANY SUCH APPEAL AND THAT SUCH PERSON MAY NEED TO INSURE THAT A VERBATIM RECORD OF PROCEEDINGS IS MADE INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (772) 467-3065 at least 48 hours prior to the meeting.

This notice is published in accordance with the public notice requirements of Section 147(f) of the Code and the Tax Equity and Fiscal Responsibility Act of 1982.

City of Ft. Pierce, Florida
/s/ Linda W. Cox, City Clerk
Publish: 11/25/2022

City Commission Regular Meeting - 5:05 pm

12. b.

Meeting Date: 12/05/2022

Re: Public Hearing for the 2021 Consolidated Annual Performance and Evaluation Report (CAPER)

Submitted For: Brittany Marinello, Grants Manager, Finance Department

SUBJECT:

Public Hearing for the 2021 Consolidated Annual Performance and Evaluation Report (CAPER)

SUMMARY:

A public hearing to receive public comments on the CAPER report. The report is submitted to HUD in December to review the previous program year's annual performance on programs and disbursement of funds.

RECOMMENDATION:

Allow the presentation and public hearing for the 2021 CAPER.

ALTERNATIVES:

Staff shall proceed as directed by the Commission.

RESPONSIBLE STAFF:

Brittany Marinello, Grants Division Manager

COORDINATED WITH:

Johnna Morris, Director of Finance

Fiscal Impact

Budgeted Y/N: Yes

Fiscal Year: 2021

OTHER INFORMATION:

N/A

Attachments

CAPER 2021 Draft

Form Review

Inbox

Finance Department

City Manager

Form Started By: Brittany Marinello

Reviewed By

Johnna Morris

Nick Mimms

Date

11/29/2022 10:28 AM

11/30/2022 08:51 AM

Started On: 10/10/2022 03:42 PM

Final Approval Date: 11/30/2022



2021 Consolidated Annual Performance and Evaluation Report (CAPER)

DRAFT

City of Fort Pierce
Grants Administration Division
100 North U.S. Hwy. 1

Fort Pierce, FL 34950

CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

The City of Fort Pierce is an entitlement city, which receives an annual allocation of Community Development Block Grant (CDBG) program funds from the United States Department of Housing and Urban Development (HUD). For FY 2021, the City was allocation \$574,173 in CDBG funds. CDBG funds help the City address the housing, community and economic development objectives outlined by HUD, which include, but are not limited to: affordable housing development and preservation, public facilities and infrastructure improvements, and services for low- to moderateincome (LMI) households and the special needs population.

The City's Grants Administration Division is responsible for administering CDBG funds in Fort Pierce. The Division was able to complete several activities after a pause in the previous years due to the pandemic and staff changes. With the revamping of programs, the staff was able to address more of the community needs.

Affordable Housing: The City assisted 10 LMI owner-occupied residences with housing rehab. This housing rehab activity included weatherization improvements, which help to reduce the deteriorated housing stock in historic and low/mod neighborhoods. The City is working to identify new eligible households for this activity, which is the World Changers and Paint Our Town Program.

Public Services: The City completed several public service activities through a partnership with local nonprofit organizations. These services were targeted towards LMI youth, individuals seeking employment training. In total, 439 LMI persons were assisted with vital public services that help to improve their quality of life in Fort Pierce.

Public Facilities & Infrastructure Improvements: The City upgraded the Zora Neal Hurston signs along the Heritage trail. This is a major tourist destination for the City of Fort Pierce. The signs were very weathered by weather and old age. An estimate of 1000 persons were assisted with the upgrade of these signs because these signs draw students from all education levels to learn about the great american author Zora Neal Hurston.

Economic Development: The City assisted 10 small businesses with the Technical Assistance Small Business Grant in PY 2021. The City also hosted a Business Expo where 21 busiensses were able to participate in presenting and advertising their business to the public as well as gain helpful information on how to conduct business within the City.

Other Neighborhood Revitalization: Unfortunately, the City was not able to complete any Neighborhood Revitalization activities in the program year. The City is still planning to support local art and cultural heritage activities that also encourage economic investment in historic neighborhoods.

CARES Act Workforce Development: The City recognized the need for workforce development assistance within the community. These activities included additional training for youth and job placement, elderly individuals taking courses in computer literacy to be able to earn higher income to match the rising cost of living. In total, about 50 LMI individuals were assisted through the CARES Workforce Development.

CARES Outreach: The HANDS Clinic conducted outreach events to get the low-income population vaccinated. More than 3000 community members attended the outreach events.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
1A Expand and Improve Public Infrastructure	Non-Housing Community Development	CDBG: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	10000	2000	20.00%	10000	1000	10.00%
1B Improve Access to Public Facilities	Non-Housing Community Development	CDBG: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	10000	2000	20.00%	10000	1000	10.00%
2A Housing Rehabilitation	Affordable Housing	CDBG: \$	Homeowner Housing Rehabilitated	Household Housing Unit	75	0	0.00%	10	10	100.00%
2B Affordable Housing Opportunity	Affordable Housing	CDBG: \$	Homeowner Housing Added	Household Housing Unit	10	0	0.00%			
3A Provide Supportive Services for Special Needs	Non-Housing Community Development	CDBG: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	10000	0	0.00%	500	439	87.80%

3B Provide Vital Services for LMI Households	Non-Housing Community Development	CDBG: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	10000	0	0.00%	5000	3000	60.00%
4A Provide for Small Business Assistance	Non-Housing Community Development	CDBG: \$	Jobs created/retained	Jobs	100	0	0.00%	20	0	0.00%
4A Provide for Small Business Assistance	Non-Housing Community Development	CDBG: \$	Businesses assisted	Businesses Assisted	250	0	0.00%	50	30	60.00%

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction’s use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

The City of Fort Pierce has identified affordable housing and housing rehab, neighborhood revitalization through public improvements and services, and economic development to help assist LMI and special needs populations as its highest priority needs. Even with the negative effects of the pandemic and drastic changes to the economy, the City’s CDBG program made significant progress in addressing the priority needs through the activities reported in this plan. Below is a list of priorities as identified in the City’s Consolidated Plan and summary of activities in PY 2021.

Home Rehab / Home Purchase Assist / Fair Housing: Priority High

There was 10 LMI homeowner household assisted with housing rehab activities which included weatherization improvements. The City is working to identify new eligible households for the World Changers and Paint Our Town Program. Currently, more information on these programs are

provided on the City's website.

Economic Opportunity: Priority High

CDBG funds were used to assist 30 small businesses with technical assistance through micro-enterprise assistance such as marketing and advertisement assistance.

Public Facilities: Priority High

CDBG funds were utilized to update and upgrade the Zora Neal Hurston signs in a low income community. These activities benefitted residents citywide in LMI neighborhoods.

Public Services: Priority High

In PY 2020, the City assisted LMI persons with youth services, employment training and food banks. These activities assisted a total of 439 LMI persons in the City.

Neighborhood Revitalization: Priority High

Neighborhood Revitalization activities support local art and cultural heritage projects to recognize and celebrate cultures throughout the City. The activities would also create economic opportunities. Unfortunately, there were no Neighborhood Revitalization in PY 2021.

Code Enforcement: Priority High

There were no code enforcement activities in PY 2021.

CARES ACT Funds and Activities

CV Workforce Development: CDBG-CV assisted youth and elderly individuals in job placement and certifications to assist gaining employment.

CV Outreach: Outreach events include COVID-19 testing and vaccinations throughout the county with targetted focus on low-income areas within the City of Fort Pierce (Lincoln Park).

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted).

91.520(a)

	CDBG
White	350
Black or African American	4,222
Asian	0
American Indian or American Native	0
Native Hawaiian or Other Pacific Islander	0
Total	4,572
Hispanic	100
Not Hispanic	0

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	public - federal	574,173	305,518

Table 3 - Resources Made Available

Narrative

CARES Act Funds

The City received \$728,232 in CARES Act CDBG-CV funds for activities that help prepare and respond to COVID-19. In PY 2020 the City expended \$241,275 in CDBG-CV funds. IN PY 2021 the City expended \$180,000 to support workforce development and outreach events to encourage low income communities to get vaccinated. The City will continue to work on the activities proposed to assist LMI Fort Pierce residents in the upcoming year, and will continue to closely track expenditures.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description

Table 4 – Identify the geographic distribution and location of investments

Narrative

CDBG allocations are not limited to specific geographic areas of Fort Pierce, but must serve low- and moderate-income (LMI) residents or benefit LMI areas. When the project or planned activities are intended to serve individuals or households directly (direct services), beneficiaries must meet income and residency requirements in order to receive assistance.

The City has also identified public facility and infrastructure improvement activities as a need in Fort Pierce. These planned activities have an “area-wide” benefit. Per HUD requirements, these areas must be within an eligible Census Block Group Tract, as defined by HUD-CDBG regulations, whereby the majority of the residents are low- to moderate-income (51%).

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

The City of Fort Pierce has been able to leverage federal funds to receive annual state funding through the State Housing Initiative Partnership Program (SHIP). SHIP program funds are utilized to serve LMI households in the City, with the primary purpose of making homeownership affordable and provide other types of housing assistance.

The City also provides CDBG funding annually for our Weatherization program, which leverages approximately \$75,000 for the program from the Fort Pierce Utilities Authority.

CDBG funds are also used to leverage funds associated with rehabilitation of empty historic facilities located in a very low-income areas in Fort Pierce to transform them into arts and cultural heritage center(s). These facilities are open to the public with the purpose to promote civic pride, deter crime, encourage economic investment, development and help with the creation of jobs.

Publicly owned land or properties located in the jurisdiction to address the needs identified in the plan.

The City is currently collaborating with local stakeholders to create a Land Trust in Fort Pierce and is working towards developing affordable rental properties and affordable homes for sale for citizens.

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	0	0
Number of Non-Homeless households to be provided affordable housing units	15	10
Number of Special-Needs households to be provided affordable housing units	0	0
Total	15	10

Table 5 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	0	0
Number of households supported through The Production of New Units	0	0
Number of households supported through Rehab of Existing Units	15	10
Number of households supported through Acquisition of Existing Units	0	0
Total	15	10

Table 6 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

The City was able to assist 10 households with the rehab program. These rehabs were conducted through the weatherization program, World Changers, and Paint Our Town program. The City has continued funding the World Changers and Paint Our Town program in the AAP. The Weatherization program was discontinued due to a discontinued partnership with the FPUA.

Discuss how these outcomes will impact future annual action plans.

Housing rehab of homeowner households remains a high priority need for LMI residents of Fort Pierce and the City will continue to support this program. The City has continued to allocate funds towards the minor rehab program and continues to work with its service providers to identify more LMI households in need of these housing rehab services.

To meet the goals established in the plan, the City is continuing to work to identify new eligible households for the the Paint Our Town Program. Information on the Paint Our Town Program can be found and accessed in several ways, including by phone and email to the Grants Administration department, or through the City website at: <https://cityoffortpierce.com/873/Paint-Our-Town-Program>.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	0	0
Low-income	10	0
Moderate-income	0	0
Total	10	0

Table 7 – Number of Households Served

Narrative Information

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The Treasure Coast Homeless Services Council, Inc. (TCHSC) is the lead agency for the CoC FL-509, which provides resources and assistance for persons experiencing homelessness in the region. The mission of the TCHSC is to prevent and end homelessness on the Treasure Coast and to assure that if homelessness happens, it is brief and non-recurring. The CoC conducts an annual Point-in-Time (PIT) count, in relation to HUD's requirements. The TCHSC publishes the homeless numbers for St. Lucie County on their website, which includes an assessment of their individual needs. This information is submitted with annual grant applications such as this Consolidated Plan and subsequent Annual Action Plans to address our homeless issues.

The CoC uses the Coordinated Entry system for all individuals seeking housing assistance, and this process prioritizes the most vulnerable households for assistance. There are several locations across the CoC area that participates in the Coordinated Entry process including the TCHSC Housing Resource Center. Additionally, the TCHSC also administers the Homeless Management Information System (HMIS). The CoC uses Clienttrack for its HMIS system. The members in the CoC are encouraged to utilize the HMIS as it helps to reduce the duplication of services and measures the effectiveness of the CoC to meet the needs of the homeless. Through the uses of these tools, it is the hope that the City may be able to assess the population and their needs in the future.

The City has implement the Rapid Rehousing program through SHIP funding. This program assist households that are homeless or being evicted with rental assistance and first, last, and security deposit for those that need to find a home. The City has partnered with the Treasure Coast Homeless Services Council and the Fort Pierce Housing Authority to prevent residents from becoming homeless or to identify those that are homeless.

Addressing the emergency shelter and transitional housing needs of homeless persons

There are a few very emergency shelters located within the City of Fort Pierce. To alleviate this, the City is collaborating with the Fort Pierce Housing Authority to develop a transitional housing program using one of the housing authority properties to provide assistance for some of our homeless families. Funding is limited; however, the City is committed to helping the homeless with this initiative.

The City of Fort Pierce has begun partnering with the Treasure Coast Homeless Services Council and

other social service agencies to facilitate the Rapid Rehousing Program. Through a semi-coordinated entry (by utilizing the agencies) homeless individuals or those living in emergency shelters and transitional shelters were connected with the City's Rapid Rehousing Program.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

The City of Fort Pierce has begun partnering with the Treasure Coast Homeless Services Council and other social service agencies to facilitate the Rapid Rehousing Program. Through a semi-coordinated entry (by utilizing the agencies) homeless individuals or those living in emergency shelters and transitional shelters were connected with the City's Rapid Rehousing Program.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The City of Fort Pierce is located within the boundaries of the three county Continuum of Care area, and continues to work to establish a relationship with the Treasure Coast Homeless Services Council, Inc (CoC lead) to draw from their knowledge and resources for helping homeless person, and especially for chronically homeless individuals and families, veterans and their families and homeless youth. The CoC uses the Coordinated Entry system for all individuals seeking housing assistance, and this process prioritizes the most vulnerable households for assistance. There are several locations across the CoC area that participates in the Coordinated Entry process including the TCHSC Housing Resource Center.

The City partners with regional nearby counties on the Treasure Coast to sponsor the “Where to Turn” - 211 Network. The 211 Network Program provides referrals to supportive resources to help citizens connect to community services that will assist them in addressing their current housing, medical and day-to-day needs.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

The Fort Pierce Housing Authority (FPHA) is the local housing authority in the City and administers 827 public housing units and 844 Housing Choice Vouchers (HCV). It is the mission of the housing authority to provide quality and affordable housing options within the community without discrimination; while preserving the community's best interest; purposefully with the vision and core values of working to eliminate the negative influence of poverty, promoting partnerships that provide linkage to services that enable self-sufficiency development through education and employment, addressing homelessness, providing housing options to families with carrying levels of income to achieve an optimal living standard, operating in a fiscally responsible manner and maintaining organizational integrity.

The City will continue our collaborations with the FPHA and area supportive service providers to develop a transitional housing program for our growing number of homeless families in the City of Fort Pierce. The City is also collaborating with the Housing Authority regarding creating a Land Bank and affordable housing both to rent and own.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

The FPHA has a Resident Advisory Board (RAB) which meets with the FPHA Operations Office Manager to discuss issues at the residences and also meets to review planning and policies of the FPHA such as the PHA's 5-Year Plan, Administrative Plan, Admissions and Continued Occupancy Policy and Capital Fund Program 5-Year Action Plan. This participation from the RAB ensures that public housing residents are heard in the planning and development of programs with the FPHA.

FPHA provides a Family Self-Sufficiency Program for both its Section 8 Housing Choice Voucher and Public Housing Programs. This program is designed to mentor families and link them to services, training, education and childcare to help them eliminate the need for welfare. The City will continue to partner with the FPHA to promote our down payment and closing cost assistance. The purchase assistance program through the SHIP program assist individuals with learning what is required to purchase a home.

Actions taken to provide assistance to troubled PHAs

N/A

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

There is a severe shortage in the affordable housing stock which increases the pressure on the City's housing market. One of the biggest challenges in the City is the huge disparity between housing costs and

what people with low- and moderate-incomes can afford to pay. It is because of these factors that fostering and maintaining the existing supply of affordable housing continues to be a priority for the City. The City of Fort Pierce will continue to develop policies that help foster the development of new affordable housing units. Additionally, the City and its municipal partners will also continue to support the efforts of local housing providers who carry out strategies to retain and create affordable housing options throughout the region.

The City is in the process of developing an Affordable Housing Advisory Committee to recommend strategies to create more affordable housing within the City.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

As mentioned above, one of the obstacles in meeting the needs of LMI households in Fort Pierce is the great need for affordable housing in the City. There is also a lack of adequate funds to properly address this issue. The City however has taken these actions to address affordable housing in Fort Pierce.

The City continued to explore developing policies that helped to foster the development of new affordable housing units. The City will also maintain affordable housing and work to increase the amount of affordable housing throughout the City, including examining ways to increase the amount of housing stock that is barrier free and ADA compliant. Additionally, the City also continued to support the efforts of local non-profit housing providers who carry out strategies to retain and create affordable housing options throughout the region. One of the ways the City maintains affordable housing is through the rehab programs, which help to maintain conditions of existing housing.

As stated earlier, the City is currently collaborating with local entities to establish a Land Trust and is currently speaking with developers regarding constructing affordable housing - both for homeownership and for rentals - within the land trust. We continue these discussions and are committed to finding the right financial solution to address affordable housing in Fort Pierce.

State Housing Initiatives Partnership (SHIP) funds are used to rehabilitate owner-occupied homes belonging to lower-income citizens. SHIP funds are also used for down-payment and closing cost assistance.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

Though no accurate geographic information about the incidence of lead-based paint (LBP) exists in the City of Fort Pierce on a house by house basis, the City realizes that lead-based paint poses a serious health hazard and must be addressed. The City has encouraged residents and property owners to test for and abate lead paint. All housing proposed for rehabilitation under the City's CDBG and SHIP programs were screened by the year built to determine possible LBP hazard before funds were utilized. Owners were given the EPA Fact Sheet - Identifying Lead Hazards in Your Home and the EPA publication - Protect Your Family from Lead in Your Home. During the feasibility inspection, if the inspector identifies a potential lead-based paint problem, he then notifies the owner and may test the suspect area with a swab or take a sample to be processed through the County Health Department. If the repair is determined to disturb any surface containing lead, abatement procedures are utilized before the repair can go forward. If lead paint is detected, abatement costs are included in the rehabilitation. In every program where, federal funds are expended on a housing unit, the City incorporates the current procedures for hazard reduction or leadbased paint abatement guidelines as defined in 24 CFR Part 35.

When rehabilitating homes, the City provides homeowners a copy of the U.S. Department of Housing and Urban Development letter that informs homeowners what to do if they encounter lead-based paint in their home, and informs that no paint used during the rehabilitation contains lead. If funds expended exceed \$5,000 and old paint surfaces are disturbed, the City will take the position that the home contains lead-based paint if it was built prior to 1978 and will conduct abatement measures, per state and federal guidelines. Funding through the State Housing Initiatives Partnership (SHIP) program were also used to remediate lead-based paint issues, as needed.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

The City of Fort Pierce is committed to reducing the number of households with incomes below the poverty level by supporting programs to motivate and assist them to move toward self-sufficiency. The activities described in this CAPER report directly work towards reducing the number of poverty-level families.

The City continued to provide grants for programs to address human service needs in the community. These services and programs include youth services, food and nutrition services, Employment training programs, and many others. These programs and services help to build a foundation upon which individuals and families can find a pathway to self-sufficiency. As a means of reducing the number of persons with incomes below the poverty line, the City will continue to coordinate efforts with other public and private organizations providing additional economic development and job training programs.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

The City of Fort Pierce managed the institutional delivery structure surrounding the acceptance and allocation of federal grant funds for Consolidated Plan programs. The goals and objectives of the Strategic Plan could not have been developed without residents' informed assistance. Implementation of CDBG funds was overseen by the Department of Finance, Grants Administration Division. The area non-profits coordinated and assisted with in the implementation of approved projects, centered on delivering public improvements, economic development initiatives, neighborhood revitalization and better community facilities. The City of Fort Pierce City Commissioners approved projects and programs that met the City's goals. As the program matured during the course of the five year planning period, the City worked to expand the departments and non-profit agencies involved in the institutional delivery system for the CDBG program.

The City also hosted an workshops available to the public and local service providers with the purpose to expand information about the benefits of the CDBG program as well as eligible activities and uses of funds. This session was part of an outreach effort to answer common concerns and questions surrounding federally funded programs. Information covered in the sharing session included CDBG program basics and other related program requirements such as fair housing.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

Actions taken to enhance coordination between public and private housing and social service agencies included: encouraging agencies to work together to apply for CDBG funds to leverage resources to the fullest extent; as requests align with the Consolidated Plan goals, the City provided CDBG funds to eligible projects for housing and social services; the City continued working with the area nonprofits and the Fort Pierce Housing Authority to address issues of poverty and homelessness; offered referrals to organizations that would benefit from the leadership, programs, services, or collaboration with other organizations.

The City provides an opportunity annually for organizations to apply for grant funds for services for our lower income citizens. The application period for this opportunity typically opens in November. Once applications are received, they are reviewed and scored by the Communitywide Council. Their recommendations are then presented to City Commission for final approval. Following approval from the City Commission, the organization is provided a contract for funding. Throughout this process, the City provides technical assistance and information about the CDBG program to applicants. This information includes CDBG program basics, national objectives and eligible activities and uses of CDBG federal funds.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

The City's 2016-2020 Assessment of Fair Housing Report identified five impediments to fair housing choice. Each impediment was described explaining the fair housing issue as well as a list of contributing factors to those impediments. Further a strategy was developed with the use of metrics, milestones and a timeframe to reach these achievements. The following are the five identified impediments to fair housing choice.

Impediment #1 – Housing/Lending Discrimination on the basis of Race, Color, National Origin, Religion, Familial Status and Disability

Impediment #2 – Shortage of Affordable / Decent Housing Opportunities

Impediment #3 – Lack of Knowledge, Awareness of, or Education on Fair Housing Protections

Impediment #4 – Fair and Equal Lending Disparities

Impediment #5 – Housing Market Segregation

The Fair Housing Assessment is currently being updated.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

The City continuously monitors to ensure programs are being carried out in accordance with all HUD statutory and regulatory requirements. Monitoring covers HUD funded and SHIP funded programs. It also includes monitoring to ensure data submitted are correct and complete. The City also conducts onsite monitoring of sub-recipients, as needed, to ensure compliance with all applicable statutory and regulatory requirements. The City monitors expenditures on a monthly basis to ensure the timeliness expense of CDBG entitlement funds.

Project Monitoring: The goal of project monitoring is to ensure that HUD-funded projects and activities are implemented in a timely manner in accordance with Federal regulations and other statutory or regulatory requirements. The City's project monitoring process focuses on identifying deficiencies, promoting corrections, and providing technical assistance in order to improve the performance of the City and all its partners.

Project monitoring activities are comprised of desk reviews and/or on-site visits during which management procedures, goal establishment and achievement, record keeping, organizational financial status, construction and labor standards, procurement procedures, and many other areas are reviewed. **Desk Review:** Desk review is an ongoing process. Materials used for this review includes, but is not limited to, monthly reports and receipts and proof of payment for expenditures, the executed sub recipient/project sponsor agreement, requests for reimbursement, monthly, quarterly and annual reports, audits, the certificate of liability insurance, client eligibility information, documentation from previous monitoring visits, and the original funding application.

On-Site Monitoring: On-site monitoring is a structured review conducted by the program representative at the locations where project activities are being carried out or project records are being maintained. In preparation of the on-site monitoring visit, the assigned monitor contacts the agency to explain the purpose of the visit, schedules a time and date, sends a confirmation letter, and performs a desk review. Once on-site, the monitor reviews the sub recipient/project sponsor files, including source

documentation, to ensure compliance with all regulations governing their administrative, financial, and programmatic operation. The monitor also verifies that their performance objectives are on target and that the activity or project is projected to be completed within budget. This information is utilized to complete the appropriate checklist and provide the sub recipient/project sponsor with tentative conclusions during the exit interview.

The City's Grants Administration Division is responsible for on-site monitoring. Staff also perform a monthly desk review and may conduct on-site monitoring visits, as needed, to ensure that sub recipients

are compliant with federal regulations and statutory requirements, as well as the terms of their sub recipient agreement with the City. Additional monitoring takes place when individual Requests for Reimbursement from grantees are received. Prior to approval, staff verifies client eligibility with regard to the criteria outlined in their agreements before releasing payments.

MBE/WBE & Section 3

The City will continue to work with local businesses to contract with, in particular woman-owned and minority-owned businesses. Further, as applicable the City will comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C 1701u) and regulations at 24 CFR Part 75. Each year as part of the AAP submission, the City certifies it will comply with Section 3.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

The City of Fort Pierce follows its HUD approved Citizen Participation Plan (CPP) which guides the City in the citizen participation process of the Consolidated Plan, the Annual Action Plans, any substantial amendment to these plans and the CAPER as per 24 CFR 91.105. The following is a summary of efforts that City has taken to allow for citizen participation in the development of the 2021 AAP.

The City of Fort Pierce adheres closely to its Citizen Participation Plan on providing reasonable notice and opportunities for citizens to comment on performance reports. This Consolidated Annual Performance Report's (CAPER) availability and announcement for a Public Comment Period and Public Hearing was

advertised in a local paper, and on the City's website that the draft CAPER would be available for a period of 15-days and that a public hearing would be held to discuss the draft CAPER.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

Based on the program year 2021-2022, the changing economy has made it more clear that the public is in need of affordable housing efforts and assistance that will assist in the rising gas, food, and living expenses. The City is working on partnerships with developers to build more transitional housing, affordable housing, and working with the Housing Authority for more housing. Additionally, the City is working with the Continuum of Care to establish a more robust coordinated entry system for homeless individuals and those experiencing domestic violence.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction’s program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

Based on the program year 2021-2022, the changing economy has made it more clear that the public is in need of affordable housing efforts and assistance that will assist in the rising gas, food, and living expenses. The City is working on partnerships with developers to build more transitional housing, affordable housing, and working with the Housing Authority for more housing. Additionally, the City is working with the Continuum of Care to establish a more robust coordinated entry system for homeless individuals and those experiencing domestic violence.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

CR-58 – Section 3

Identify the number of individuals assisted and the types of assistance provided

Total Labor Hours	CDBG	HOME	ESG	HOPWA	HTF
Total Number of Activities	17	0	0	0	0
Total Labor Hours					
Total Section 3 Worker Hours					
Total Targeted Section 3 Worker Hours					

Table 8 – Total Labor Hours

Qualitative Efforts - Number of Activities by Program	CDBG	HOME	ESG	HOPWA	HTF
Outreach efforts to generate job applicants who are Public Housing Targeted Workers	1				
Outreach efforts to generate job applicants who are Other Funding Targeted Workers.	1				
Direct, on-the job training (including apprenticeships).	1				
Indirect training such as arranging for, contracting for, or paying tuition for, off-site training.	2				
Technical assistance to help Section 3 workers compete for jobs (e.g., resume assistance, coaching).	0				
Outreach efforts to identify and secure bids from Section 3 business concerns.	0				
Technical assistance to help Section 3 business concerns understand and bid on contracts.	0				
Division of contracts into smaller jobs to facilitate participation by Section 3 business concerns.	0				
Provided or connected residents with assistance in seeking employment including: drafting resumes, preparing for interviews, finding job opportunities, connecting residents to job placement services.	2				
Held one or more job fairs.	1				
Provided or connected residents with supportive services that can provide direct services or referrals.	3				
Provided or connected residents with supportive services that provide one or more of the following: work readiness health screenings, interview clothing, uniforms, test fees, transportation.	1				
Assisted residents with finding child care.	0				
Assisted residents to apply for, or attend community college or a four year educational institution.	0				
Assisted residents to apply for, or attend vocational/technical training.	3				
Assisted residents to obtain financial literacy training and/or coaching.	5				
Bonding assistance, guaranties, or other efforts to support viable bids from Section 3 business concerns.	0				
Provided or connected residents with training on computer use or online technologies.	3				
Promoting the use of a business registry designed to create opportunities for disadvantaged and small businesses.	3				
Outreach, engagement, or referrals with the state one-stop system, as designed in Section 121(e)(2) of the Workforce Innovation and Opportunity Act.	0				

Other.					
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Table 9 – Qualitative Efforts - Number of Activities by Program

Narrative

City Commission Regular Meeting - 5:05 pm

12. c.

Meeting Date: 12/05/2022

Re: Parking Ordinance Amendment

SUBJECT:

POSTPONED FROM NOV. 7, 2022 Legislative Hearing - Ordinance No. 22-036 amending Chapter 34 - Article I and Chapter 34 - Article II establishing Parking Regulations. FIRST READING

SUMMARY:

Amending the Ordinance as follows:

Article I -

- Reducing the number of reserved sections.

Article II -

- Deleting the entire section previously dedicated to "Stopping, Standing and Parking".
- Amending Sections 16 - 62 to establish new parking regulations.

RECOMMENDATION:

Approve the ordinance amendment.

ALTERNATIVES:

Deny or amend the ordinance amendment.

RESPONSIBLE STAFF:

Margaret M. Arraiz, Director of Community Response

COORDINATED WITH:

Parking Committee
Walker & Associates
City Manager's Office
City Attorney's Office

Fiscal Impact

OTHER INFORMATION:

N/A

Attachments

Ordinance 22-036 - Parking Regulations
Presentation

Form Review

Inbox

City Manager

Form Started By: Peggy Arraiz

Final Approval Date: 11/08/2022

Reviewed By

Nick Mimms

Date

11/02/2022 02:41 PM

Started On: 10/31/2022 04:37 PM

ORDINANCE NO. 22-036

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CHAPTER 34, ARTICLE I TO REDUCE THE NUMBER OF RESERVED SECTIONS; AMENDING CHAPTER 34, ARTICLE II, BY DELETING SECTIONS 34-35 THROUGH 34-62; AMENDING CHAPTER 34, ARTICLE II BY TITLE, AMENDING CHAPTER 34, ARTICLE II BY ADDING SECTIONS 34-16 THROUGH 34-62 TO ESTABLISH PARKING REGULATIONS; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fort Pierce continues to experience a high level of redevelopment in the downtown and waterfront areas that drastically increased the number of visitors to our community; and

WHEREAS, with the limited parking spaces available result in a large number of vehicles being parked illegally in ways that either damage public property or that are unsafe; and

WHEREAS, the City Commission finds it necessary to provide a set of parking rules and regulations to address the high volume of vehicles and related parking issues; and

WHEREAS, through consistent and successful enforcement of these parking restrictions, residents, visitors, and business owners can enjoy a safer and more friendly environment; and

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

SECTION 1. Chapter 34, Article I – In General is hereby amended so that the same shall read hereinafter as follows:

Secs. 34-9—34-~~15~~. – Reserved.

SECTION 2. Chapter 34, Article II – Stopping, Standing and Parking, Sections 34-35 through 34-62 are hereby deleted in their entirety:

- ~~(a) Purpose. This section shall regulate the parking of vehicles within the city limits. All violations in the section are considered class I violations unless specified otherwise.~~
- ~~(b) Obedience to angle parking signs or markings. Upon those streets which have been signed or marked by the traffic engineer for angle parking, no person shall stop, stand or park a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.~~
- ~~(c) Permit for loading and unloading at an angle to the curb. No person shall stop, stand or park any vehicle at right angles to the curb for the purpose of loading or unloading of merchandise without a permit issued by the traffic engineer, or his authorized representative.~~
- ~~(d) Obstruction of traffic. No person shall park any vehicle upon a street in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic. Where streets are not completely paved or curbs provided, the parking of a car shall not usurp more than 12 inches of the paved portion of the street.~~
- ~~(e) Alleys. No person shall stop, stand or park a vehicle within an alley in a business~~

~~district, except for the expeditious loading or unloading of materials, and in no event for a period of more than 20 minutes, and no person shall stop, stand or park a vehicle in any other alley in such a manner, or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic. No person shall stop, stand or park a vehicle within an alley in such position as to block the driveway or entrance to any abutting property.~~

~~(f) Authority to remove and impound vehicles.~~

~~(1) Whenever any police officer finds a vehicle standing upon a street or alley in violation of any of the foregoing provisions of this article, such standing upon a street or alley in violation of any of the provisions of this article, such officer may move such vehicles or require the driver or person in charge of the vehicle to move the same to a position off the paved or improved or main traveled part of such street or alley.~~

~~(2) Whenever any police officer finds a vehicle unattended upon any street, bridge or causeway, or in any tunnel within the city where such vehicle constitutes an obstruction to traffic, such officer may provide for the removal of such vehicle in accordance with law.~~

~~(g) All-night parking. No person, except physicians or other persons on emergency calls, shall park a vehicle on any street marked to prohibit all-night parking and giving notice thereof, for a period of time longer than 30 minutes between the hours of 2:00 a.m. and 5:00 a.m. of any day.~~

~~(h) Parking for certain purposes. No person shall park a vehicle upon any street for the principal purpose of:~~

~~(1) Displaying such vehicle for sale.~~

~~(2) Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency.~~

~~(3) Displaying advertising.~~

~~(4) Selling merchandise from such vehicle except in a duly established marketplace, or when so authorized or licensed under the ordinances of the city.~~

~~(5) Storage, or as junkage or dead storage, for more than five continuous days (120 hours).~~

~~(i) Standing or parking on one-way roadways. In the event a street includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left hand side of such one-way roadway, unless signs are erected to permit such standing or parking.~~

~~(j) Passenger curb loading zone. No person shall stop, stand or park a vehicle for any purpose or period of time, except for the expeditious loading or unloading of passengers, in any place marked as a passenger curb loading zone during hours when the regulations applicable to such passenger curb loading zone are effective, and then only for a period not to exceed five minutes.~~

~~(k) Freight curb loading zone.~~

~~(1) No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed 30 minutes.~~

~~(2) The driver of a vehicle may stop temporarily at a place marked as a freight~~

~~curb loading zone, for the purpose of and while actually engaged in loading or unloading passengers, when such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter such zone.~~

- ~~(l) Restricted parking zone. No person shall stop, stand or park a vehicle for any purpose or length of time in any restricted parking zone other than for the purpose to which parking in such zone is restricted, except that a driver of a passenger vehicle may stop temporarily in such zone, for the purpose of and while actually engaged in loading or unloading of passengers, when such stopping does not interfere with any vehicle which is waiting to enter or about to enter the zone for the purpose of parking in accordance with the purpose to which parking is restricted.~~
- ~~(m) Buses, taxicabs. The operator of a bus or taxicab shall not stop, stand or park upon any street in any business district at any place other than at a bus stop, or taxicab stand, respectively, except that this provision shall not prevent the operator of any such vehicle from temporarily stopping in accordance with other stopping, standing or parking regulations at any place for the purpose of and while engaged in the expeditious unloading or loading of passengers.~~
- ~~(n) Use of bus and taxicab stands. No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in the expeditious loading or unloading of passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.~~
- ~~(o) Parking prohibited at all times. When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets, sidewalks, sidewalk areas or other places so designated.~~
- ~~(p) Parking time limited on certain streets. When signs are erected giving notice thereof, no person shall stop, stand or park a vehicle for longer than the time designated by said signs at any time between those hours so stated by said signs on any day except Sundays and legal holidays.~~
- ~~(q) Parking in spaces for persons with disabilities. No person shall stop, stand, or park a vehicle within, or to obstruct, any space designated and marked as a disabled person parking space unless the vehicle displays a disabled parking permit or a license plate and the vehicle is transporting the person to whom the displayed permit is issued. Violation of this subsection is a Level III violation. All fines collected under this subsection will be collected in accordance with F.S. chs. 316 and 318.~~
- ~~(r) Parking in fire lanes. No person shall stop, stand, or park a vehicle, with the exception of allowing a disabled person to enter or exit the vehicle, in a fire lane located on any property within the city.~~
- ~~(s) Parking prohibited on city right-of-way. No person shall stop, stand or park a vehicle, either fully or partially, upon any right-of-way owned and maintained by the city.~~
- ~~(t) Violations of F.S. ch. 316. Supplemental to the provisions of this chapter, the city hereby adopts provisions relating to parking, traffic control, enforcement and penalties as outlined in the F.S. ch. 316.~~
- ~~(u) Exemptions. The prohibitions stated in this section shall not apply to city, county, state and/or utility worker vehicles while parked in conjunction with discharging their official duties.~~

- ~~(v) Penalty. A violation of any of the provisions of this section shall be deemed an infraction, a noncriminal violation which is not punishable by incarceration and for which there is no right to a trial by jury or a right to court-appointed counsel.~~
- ~~(w) Procedure. Any person cited for a violation of this section shall be deemed to be charged with a noncriminal violation and upon receiving notice of such shall:~~
- ~~(1) Within 30 calendar days pay to the city a fine, as provided for in chapter 2, for violation of on-street parking; off-street parking; illegal parking or blocking traffic. Upon the violator's failure to pay the appropriate sum as applicable within 30 calendar days after receipt of the notice of such violation or violations, the violator, shall pay an additional fine of \$18.00.~~
 - ~~(2) Within seven calendar days, post a bond which shall be equal in amount to the applicable penalty set forth in subsection (w)(1) of this section, plus \$10.00, and sign a written request to appear before a special magistrate authorized by law to preside over a court or hearing adjudicating traffic infractions. Any person electing to appear before a special magistrate shall be subject to the maximum penalty provided by subsection (w)(1) of this section, as well as subject to any administrative costs assessed.~~
 - ~~(3) Any person posting a bond as outlined in subsection (w)(2) of this section and who fails to appear at the hearing shall be considered as having forfeited said bond.~~
 - ~~(4) If a person follows the procedure of either subsection (w)(1) or (3) of this section, he shall be deemed to have admitted the infraction and to have waived his right to a hearing on the commission of the infraction. Such admission shall not be used as evidence in any other proceeding.~~

~~Sec. 34-36. Impoundment of vehicles generally.~~

~~The police officers of the city are hereby authorized to remove a vehicle from any public street, park, lawn or parkway or from any private alley, drive, driveway or other privately-owned property and to cause the same to be impounded in the nearest garage or other place of safety, or in a garage designated or maintained by the police department or otherwise maintained by the city:~~

- ~~(1) When any vehicle shall be parked on any public park, lawn, parkway or in front of or so as to block entrances or driveways into public or private property from streets, avenues, highways or boulevards.~~
- ~~(2) When any vehicle shall be parked in any private alley, drive, driveway or on other privately-owned property without the permission or consent of the owner of such private alley, drive, driveway or property.~~
- ~~(3) When any vehicle is left unattended and parked upon a street and is so parked illegally as to constitute a hazard or obstruction to the normal movement of traffic.~~
- ~~(4) When any vehicle is left unattended and parked for an excessive period of time and in violation of any ordinance of the city or regulation of the city manager limiting the time for parking of vehicles on designated streets or parts of streets within the city.~~
- ~~(5) When a vehicle is so disabled as to constitute an obstruction to traffic or a hazard to persons or property and the persons in charge of the vehicle are by reason of physical injury or condition incapacitated to such an extent as to be unable to provide for its custody or removal.~~

~~Sec. 34-37. Parking trucks, buses.~~

- ~~(a) Definitions. For the purpose of this section, the term "truck" means any vehicle designed or operated for the transportation of property and whose body weight, or~~

~~whose combined body and load weight, exceeds one ton. The term "bus" means any vehicle designed or operated for the transportation of human beings and whose body weight, or whose combined body weight and load weight, exceeds one ton.~~

~~(b) Parking on certain city streets. When official traffic control devices have been installed giving notice thereof, no driver or operator of any bus or truck shall park on said streets.~~

~~Secs. 34-38 – 34-62. Reserved.~~

SECTION 3. Chapter 34, Article II – Stopping, Standing and Parking is hereby amended so that the same shall read hereinafter as follows:

ARTICLE II. ~~Stopping, Standing and~~ Parking

DIVISION 1. GENERAL PROVISIONS; ADMINISTRATIVE AUTHORITY; DEFINITIONS

Section 34-16. Title.

This chapter shall be known and may be cited as the "City of Fort Pierce Parking Ordinance."

Section 34-17. Applicability.

The provisions of this chapter shall apply throughout the corporate limits of the City and to the use of parking-related property owned or operated by the City.

Section 34-18. Definitions.

For the purpose of this chapter, certain abbreviations, terms, phrases, words, and their derivatives shall have the following meanings:

Calendar days mean and include Saturdays, Sundays, and legal holidays. Thus, in computing any period of time prescribed or allowed by this chapter, the day of the act, event, or default from which the designated period of time begins to run shall not be included; however, the last day of the period so computed shall be included, even if it is a Saturday, Sunday or legal holiday, any provision of this Code to the contrary notwithstanding.

Citation means a parking ticket issued for a violation of the Code as described in this chapter.

Commercial parking permit shall mean an identification credential affixed to a vehicle issued to a business by the City in accordance with the provisions of this section.

Commercial vehicle means:

(a) A vehicle designed, used or maintained primarily for the transportation of property, with a gross vehicle weight of 10,000 pounds or more; or

(b) Any bus, van, or truck with either a gross vehicle weight in excess of 10,000 pounds, or which is designed, used or maintained primarily for the transportation of unrelated persons for hire; or

(c) Any vehicle used in connection with any commercial enterprise that is identified by permanent or removable markings on both sides of the exterior of the vehicle, in letters not less than three (3) inches high, of the name of the company operating such vehicle.

Contractor parking permit shall mean an identification credential affixed to a vehicle issued to a contractor on a temporary basis by the City in accordance with the provisions of this section.

Delinquent status means a citation where payment is past due and includes citations that have not been paid, or for which a request for a parking violation hearing has not been made. A citation which has been found to be in violation after a hearing shall be in delinquent status if not paid within the time set. A violation set for a parking violation hearing which results in default shall immediately be in delinquent status. A citation will

remain in delinquent status until paid in full, unless dismissed or found not to be a violation.

Hearing officer means the code enforcement special magistrate assigned to hear parking violation hearings and challenges to parking citation violations and immobilization of vehicles in accordance with the provisions of this chapter.

Industrial equipment means farm tractors, implements, bulldozers, draglines, cranes, derricks, heavy earthmoving equipment normally used in farming excavation and/or heavy construction activities.

Non-motorized vehicle means any vehicle which does not have an attached source of mechanical energy such as an engine in order to make it move, but has to be attached, drawn, pushed, or pulled in order for it to be moved. Non-motorized vehicles include, but are not limited to, utility trailers, travel trailers, watercraft, boats, and watercraft or boat trailers.

Owner means any person, firm, corporation, or association controlling any motor vehicle or mobile home by right of purchase, gift, lease, or otherwise as defined under F.S. § 320.01, as of the date of the violation. The owner of a vehicle bearing a license plate that has been issued a citation shall be liable for payment of all penalties and costs.

Park or parking means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in loading or unloading merchandise or passengers.

Parking enforcement officer means a designated person who has successfully completed a parking enforcement officer training program established and approved by the Florida Criminal Justice Standards and Training Commission.

Parking violation hearing means a hearing by a hearing officer in which a driver or owner of a vehicle bearing a license plate that has been issued a citation, may contest the issuance of the citation. Parking violation hearings shall provide the opportunity for testimony and evidence to be presented and the rules of evidence shall be liberally construed to allow for the presentation of testimony and evidence. Parking violation hearings shall also be used by a person with standing to challenge the immobilization of a vehicle in a post-immobilization hearing.

Semitrailer means a semitrailer which is used or designed primarily for carrying commercial loads.

Stand or standing means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in receiving or discharging passengers.

Stop or stopping, when prohibited, means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or to comply with the direction of a law enforcement officer or traffic-control sign or signal.

Vehicle means every device in, upon or by which any person or property is or may be transported or drawn upon any public street within the City, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

Section 34-19. Administrative authority.

The provisions of this chapter shall be enforced by the City Manager or his or her designee.

Section 34-20. Authority to issue citations for parking tickets.

Parking enforcement officers, police officers and community service officers are authorized to issue parking tickets for violations of this chapter.

Section 34-21 – 34-25. – Reserved.

DIVISION 2. FEE AUTHORITY AND TYPES

Section 34-26. Fees—City Commission to establish.

The City Commission shall have the authority to set fees by resolution.

Section 34-27. Same—Types enumerated.

Fees may be charged for the following:

- (1) Temporary Contractor Parking permits.
- (2) Business Parking permits (for use in loading zones only).
- (3) Marina Parking permits.
- (4) Late payments.
- (5) Immobilization and impoundment of vehicles as provided for in this chapter.

Section 34-28 – 34-30. – Reserved.

DIVISION 3. GENERAL PARKING REGULATIONS

Section 34-31. Parking in City lots, garages, public streets, and other property.

- (a) *Improper Parking.* Any vehicle stopped, standing, or parked in a single parking space on any City owned or operated parking lot, garage, public street, or other property shall be parked within the lines marked for such single parking space. It is unlawful to stop, stand or park any vehicle across any such line or mark or to park such vehicle in any such way that the same shall not be within the area so designated by such lines or markings for that single parking space.
- (b) *Height Restrictions.* No vehicle shall enter a parking garage which exceeds the height restriction posted on the clearance bar at the entrance of each garage.
- (c) *Restricted Parking.* It is unlawful for an operator of a vehicle to stop, stand or park such vehicle in a space not designated or designed for its size.
- (d) *Parking Time Limited.* When signs are erected giving notice of time limits, no person shall park a vehicle in any parking space and/or zone for a continuous period of time longer than that period of time designated by such signs. In order to enforce this provision no person shall roll the tires of a vehicle in an attempt to circumvent time restrictions enforcement prior to removing the vehicle from the parking space.
- (e) *Parking prohibited/limited.* When signs are erected or pavement markings are installed giving notice thereof, no person shall park a vehicle at any time upon any of the streets, parking lots, sidewalks, sidewalk areas or other places so designated in a manner inconsistent with the provided signage or pavement markings.
- (f) *Required distance from driveways.* It is unlawful for any person to stop, stand or park a vehicle, whether occupied or not, within ten (10) feet from the edge of a public or private driveway. It is unlawful for any person to stop, stand or park a vehicle across the street from a driveway if the street width is twenty-five (25) feet or less.
- (g) *Minimum street clearance.* It is unlawful for any operator to stop, stand or park any vehicle upon a street, in a traffic lane, any alley or other city owned or operated property in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the traffic lane or roadway for free movement of vehicular traffic, except that an operator may stop only during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations or traffic signs or signals or directions from a police officer or community service officer. Where streets are not completely paved or curbs provided, the parking of a car shall not usurp more than 12 inches of the paved portion of the street.
- (h) *Alleys.* No person shall stop, stand, or park a vehicle within an alley in a business district, except for the expeditious loading or unloading of materials, and in no event for a period of more than 20 minutes. No person shall stop, stand, or park a vehicle within an alley in such position as to block the driveway or entrance to any abutting property.
- (i) *Oversized vehicle restrictions.* No motor vehicle, as defined by Florida Statutes as may be amended, of eighty-six (86) inches or more in overall width (not including mirrors) shall be parked on any street, alley, or city owned or operated property, other than for loading and unloading, if parked adjacent to property designated by Chapter 125 of this Code as a residential zoning district.

- (1) A written warning will be provided prior to the issuance of a citation. After twelve (12) hours, if the motor vehicle is parked in any prohibited location, a citation may be issued.
 - (2) Failure to move the motor vehicle in violation from streets, alleys, or City owned or operated property within two (2) hours after the issuance of a citation shall subject the motor vehicle to immobilization and/or impoundment as provided under this chapter.
 - (3) If it is determined that continued parking of the oversized motor vehicle creates an unsafe condition or is hazardous to the safety of the community, the Police Department may have the vehicle towed in accordance with Section 34-57 of this chapter.
- (j) Commercial /Industrial vehicle restrictions.
- (1) It shall be unlawful for any owner, agent, operator or person in charge of any commercial vehicle, industrial vehicle, or semitrailer, to park, stop, store or keep same on any public street, avenue, alley or other thoroughfare, or any right-of-way therewith, within any residential district in the city for a period exceeding one hour in any 24-hour period, each such period commencing at the time of the first stopping in the city.
 - (2) It shall be unlawful for any owner or lessee of real property in any residential district in the city to park on, cause to be parked on, or allow to be parked on his residential property, any commercial vehicle identified in the definition for commercial vehicle of this section, subsections (a) and (b), industrial vehicle, or semitrailer for the period exceeding one hour in any 24-hour period, unless same is in an enclosed garage. Each such period shall commence at the time of first stopping or parking. This restriction shall also apply to the owner, agent, operator, or person in charge of any such vehicle in the event said person is not the owner or lessee of said real property.
 - (3) The restrictions of this section shall not apply to the temporary parking of such vehicles on private property in residential districts whereon construction is underway, for which a current and valid building permit has been issued by the city, and said permit is properly displayed on the premises or any excavation or construction site whereon construction, clearing, removal of debris or other building and/or excavation activities are either currently under way or will commence within the next 24 hours. Industrial equipment used in lot clearing, tree trimming or removal, lawncare and related services, is also included, although a specific building permit may not be required; and, nothing in this section is intended to require a building permit where not otherwise required.
 - (4) The restrictions of this section of one hour parking limit in residential districts shall not apply to routine deliveries by tradesmen, or the use of trucks in making service calls, provided that such time in excess of one hour is actually in the course of business deliveries or servicing as the case may be.
 - (5) The restrictions of this section shall not apply to a situation where such vehicle becomes disabled, and as a result of such emergency is required to be parked within a residential district for longer than one hour. However, any such vehicle shall be removed from the residential district within 24 hours, by wrecker towing if necessary, regardless of the nature of the emergency.
- (k) Parking for certain purposes. It is unlawful for any person to park any vehicle upon any City owned or operated lot, garage, street or other property for the primary purpose of:
- (1) Displaying such vehicle for sale.
 - (2) Washing, greasing, or repairing such vehicle, except repairs necessitated by an emergency.
 - (3) Displaying advertising in accordance with Section 117-5 – Prohibited signs or sign characteristics.

- (4) Selling food or merchandise from such vehicle except in a duly established special event, or when so authorized under the ordinances of the City in accordance with Section 22-361.
- (l) Parking on Right of Way. It is unlawful to park in or on any right-of-way owned or maintained by the City, County or State except in designated parking spaces or parking lanes. For the purposes of this section, the term "right-of-way" shall have the definition provided in Section 32-8.
- (m) Parking to block stop signs. No person shall stop, stand, or park a vehicle, with the exception to momentarily allow a person to enter or exit the vehicle, within fifteen (15) feet of a stop sign or stop bar.
- (n) Parking in opposing traffic lane. No person shall stop, stand, or park a vehicle by means of crossing oncoming traffic and park so as to face opposing traffic flow. When parking in an angled parking space, the vehicle must be parked with the flow of traffic. Backing into an angled parking space is prohibited.
- (o) Parking in fire lanes. No person shall stop, stand, or park a vehicle, with the exception of allowing a disabled person to enter or exit the vehicle, in a fire lane located on any property within the city. Violation of this subsection is a Level II violation.
- (p) Parking in spaces for persons with disabilities. No person shall stop, stand, or park a vehicle within, or to obstruct, any space designated and marked as a disabled person parking space unless the vehicle displays a disabled parking permit issued under Section 316.1958 or Section 320.0848, Florida Statutes or a license plate issued under Sections 320.084, 320.0842, 320.0843, or 320.0845, Florida Statutes, and the vehicle is transporting the person to whom the displayed permit is issued. Violation of this subsection is a Level III violation.
- (q) Violations of Chapter 316, Florida Statutes. Supplemental to the provisions of this chapter, the City hereby adopts provisions relating to parking, traffic control, enforcement and penalties as outlined in Chapter 316, Florida Statutes.
- (r) Exemptions. The prohibitions stated in this section shall not apply to City, County, State and/or utility worker vehicles while parked in conjunction with discharging their official duties.

Section 34-32. Freight, loading and unloading spaces restricted.

- (a) Spaces designated "loading zones" shall be restricted to commercial vehicles as defined in this section and other vehicles properly displaying a business parking permit and while actively engaged in the loading and unloading of materials or in cases of emergency.
- (b) No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a loading zone. In no case shall the stop for loading and unloading exceed thirty (30) minutes.
- (c) For any continuous parking in the same space, a violation will be deemed to have occurred for each interval of time designated that the vehicle remains in that space.

Section 34-33. Continuous parking.

- (a) It is unlawful for any person to permit a vehicle to remain in any parking space for more than twenty-four (24) hours in any non-residential zone, unless displaying a valid permit credential.
- (b) It is unlawful for any person to permit a vehicle to remain in any parking space for more than (4) hours after a citation has been issued for violation of subsection (a) of this section.
- (c) For any continuous parking in the same parking space, no more than one (1) offense under subsection (a) of this section and one (1) offense under subsection (b) of this section shall be deemed to have occurred on any one (1) date. In the case of any continuous parking in violation of subsection (a) or subsection (b) hereof covering parts of two (2) or more dates, one (1) offense under subsection (b) shall be deemed to have occurred on each of such dates.

Section 34-34. Electric vehicle charging station parking.

- (a) No person shall park any vehicle in any parking space located in any City owned or operated parking garage or parking lot which is clearly marked as being reserved for the use of an electric vehicle charging station located within said parking garage or lot, unless such vehicle is using the electric vehicle charging station.
- (b) It is unlawful for any person to permit a vehicle to remain in a parking space reserved for the charging of electric vehicles for more than four (4) hours.

Section 34-35. Special Events.

- (a) When roads, City owned or maintained parking lots, parks or other City property are leased to a private party for a special event, consistent with Chapter 28, Article IV – Special Events, it is unlawful for a person to park any vehicle within the designated area without express permission from the event permit holder.
- (b) It is unlawful for any person to permit a vehicle to remain in the leased special event area for more than two (2) hours after a citation has been issued for violation of subsection (a) of this section. If a vehicle remains parked after two (2) hours, the Police Department may have the vehicle towed in accordance with Section 34-57 of this chapter.

Section 34-36. Non-motorized vehicle parking prohibited.

Unless otherwise authorized in this Code, it shall be unlawful to park any non-motorized vehicle upon any street, alley, parking lot or City owned or operated property, for longer than twenty-four (24) consecutive hours. Failure to move the non-motorized vehicle in violation from streets, alleys, parking lot or city owned or operated property within two (2) hours after the issuance of a ticket shall subject the non-motorized vehicle to immobilization and/or impoundment as provided under this chapter.

Section 34-37 – 34-40. - Reserved

DIVISION 4. PERMITS, PERMIT REGULATIONS

Section 34-41. On-Street parking permits.

- (a) The City Manager or his or her designee may grant and issue, renew, deny, or revoke on-street parking permits that, when properly displayed, will allow parking in a restricted parking space. Fees shall be assessed for an on-street parking permit. Requests for on-street parking permits shall be made in writing to the City.

Section 34-42. Business parking permits.

- (a) Businesses may request a business parking permit for use of personal vehicles, used in the course of business, but that do not meet the definition of commercial vehicle as defined by this chapter, to allow parking within designated loading zones. Fees shall be assessed for a business parking permit. Requests for business parking permits shall be made in writing to the City.
- (b) Business parking permits may be used only in loading zones in the downtown area of the City. Parking is restricted to the thirty-minute time limit as permitted by section 34-32(b) of this code.
- (c) A business parking permit is valid only for the City fiscal year in which it was issued.

Section 34-43. Contractor parking permits.

- (a) Contractors or business owners may request a temporary contractor parking permit to allow for the use of restricted parking spaces for the following:
 - (1) A vehicle which is actively used for construction, rehabilitation, or repair of a business located in the downtown area, wherein materials and tools must be readily accessible.
 - (2) Dumpsters that are required for the construction, rehabilitation, or repair of a business located in the downtown area.

- (b) Specific conditions may be placed upon the permit holder based on time, location, safety concerns or other such conditions as are warranted. Failure to comply with such conditions may result in the permit being revoked.
- (c) Requests shall be made to the City Manager or his/her designee and must include the time for which the permit will remain active. In no case will a contractor parking permit be issued for a time frame beyond that for which a building permit has been issued.
- (d) Contractor parking permits shall be categorized as either "Limited", which provides for parking between the hours of 6:00 AM and 6:00 PM and is not space specific or "Unlimited", which provides for a specific space or spaces to be temporarily assigned to the permit holder.

Section 34-44. Marina parking permits.

- (a) Marina tenants may request a marina parking permit for extended parking of personal vehicles. Fees shall be assessed for a marina parking permit. Requests for marina parking permits shall be made in writing to the City Marina.
- (b) In addition to the rules provided in this section, all marina parking permit recipients must abide by the Fort Pierce City Marina Parking Rules and Regulations, as amended, which are available in the Marina Office.
- (c) Unless located in the designated marina parking lot on the north side of the marina, vehicles may not be parked in one location for more than 10 days. Vehicles parked for more than 10 days must be located on the 3rd, 4th or 5th floor of the City Hall Parking Garage
- (c) A marina parking permit expires upon the expiration or termination of permit holder's marina lease.

Section 34-45. Juror parking permits.

- (a) The office of the Clerk of the Circuit Court for St. Lucie County is authorized to issue parking permits in accordance with this section
- (b) Persons summoned for jury duty may be provided a temporary parking permit with the summons.
 - (1) Parking permits issued under this subsection (b) must be displayed on the dashboard if the vehicle is parked in a time-restricted parking space.
 - (2) Such parking permits are valid for one (1) day.
- (c) Once selected to serve on a jury, all jury members may be provided a juror parking permit for parking throughout their time of service.
 - (1) Parking permits issued under this subsection (c) must be displayed on the dashboard if the vehicle is parked in a time-restricted parking space.
 - (2) Such parking permits are valid for up to seven (7) days and may be renewed as necessary.

Section 34-46. St. Lucie County Sheriff's Office parking permits.

- (a) The St. Lucie County Sheriff's Office is authorized to issue parking permits to deputies assigned to the St. Lucie County Court House.
- (b) Sheriff's Office parking permits are valid only in marked parking spaces located on the west side of Indian River Drive.

Section 34-47 – 34-50. – Reserved

DIVISION 5. PENALTIES AND ENFORCEMENT

Section 34-51. Issuance of parking citations; payment or contesting citations; penalties for parking violations; requesting a City review.

- (a) A law enforcement officer, community service officer or parking enforcement officer who discovers a vehicle parked in violation of this chapter or other law may issue a

parking citation to a vehicle as identified by the license plate number, vehicle identification number, or with other specificity to ensure the vehicle in violation can be identified and deliver it to the driver; or if the vehicle is unattended, attach such citation to the vehicle in a conspicuous place.

(b) The parking citation shall provide:

(1) The date and time of issuance.

(2) The name or identification number of the officer or parking enforcement officer who issued the citation.

(3) A description of the violation.

(4) The penalty amount.

(5) The period of time in which it must be paid or set for a parking violation hearing before it is considered in delinquent status.

(6) The vehicle information.

(7) Information on how and where the citation may be paid; and

(8) Information on how the citation may be contested.

(c) The driver or owner of the vehicle which was issued a citation shall elect to pay the citation as described on the citation or request a parking violation hearing as described in paragraph (h). Failure to pay a citation, or request a parking violation hearing, within the specified time shall result in the citation being in delinquent status.

(d) Unless otherwise specifically provided in this section, the violation of any provision of this chapter relating to parking shall be a Class I noncriminal civil infraction pursuant to Section 1-106 of the Code of Ordinances.

(e) A violation of Section 34-31(p), enforcement of parking in spaces for persons with disabilities, shall be a Class III violation. Any penalty collected for such a violation may be deposited in a separate account to be used to defray expenses for administration of this violation; and to provide funds to improve accessibility and equal opportunity to qualified persons who have disabilities in the City and to provide funds to conduct public awareness programs in the City concerning persons who have disabilities.

(f) A violation of Section 34-31(o), parking in fire lanes, shall be a Class II violation.

(g) Any penalty not paid to the City within thirty (30) days of the date of the violation, unless a parking violation hearing has been requested, shall result in an additional penalty, which amount shall be set by Resolution plus any associated administrative fees pursuant to Section 1-105.

(h) A person who wishes to contest a citation without being assessed additional penalties or costs for delinquency shall complete and submit a written request for a parking violation hearing which must be received by the City within fourteen (14) calendar days of the date of the violation. A request for a parking violation hearing shall be on the form prescribed by the City. Requests shall include a complete name and address of the person contesting the hearing, and a phone number and e-mail address. A copy of the individual's driver's license, a copy of the parking citation and a description of the dispute must be included with the request for a hearing.

(i) The Department of Community Response shall conduct a preliminary review of all parking citation appeals within seven (7) days of receipt of the written request. The determination may:

(1) Affirm the issuance of the citation and the matter will be scheduled to be heard by the Special Magistrate.

(2) Find the appeal valid and dismiss the citation.

(3) Allow for a reduction in the penalty.

(j) Upon an affirmance under subsection (i)(1) or confirmation that the citation has not been paid, a notice of hearing will be issued. The City shall send a Notice of Hearing which states:

- (1) The date, time, and location of the parking violation hearing.
 - (2) That a person who elects to contest the citation may be assessed a penalty of up to \$500.00 if found in violation after a hearing by the Special Magistrate.
 - (3) That a person who elects to contest a violation and then fails to appear at the parking violation hearing shall be deemed to have waived his or her right to a hearing and may be found in violation by default subject to a penalty of up to \$500.00, unless otherwise authorized or prohibited by law.
 - (4) That unpaid citations will be in delinquent status may be transferred to St. Lucie County Court.
 - (5) That vehicles bearing license plates which are identified as belonging to owners who have citations in delinquent status are subject to immobilization or impoundment as provided in this chapter.
- (k) The Notice of Hearing shall be sent by certified mail to the address provided by the Florida Department of Transportation or to the person making the request for a parking violation hearing at the physical address, with a copy sent to the e-mail address provided in the request. A certification by the City that the Notice of Hearing was mailed to the physical address constitutes prima facie evidence that the person on the Notice of Hearing was served with the notice.
- (l) A person who requests a parking violation hearing waives his or her right to pay the initial civil penalty amounts set forth in this chapter. The Special Magistrate, after a hearing, shall make a determination as to whether a parking violation has been committed and may impose a civil penalty not to exceed \$500.00 unless otherwise authorized or prohibited by law, plus administrative costs.

Section 34-52. Cancellation or continuances of hearings; burden of proof; payment after hearing.

- (a) A scheduled parking violation hearing will be cancelled if full payment of the pending violation(s) is made at least twenty-four (24) hours prior to the hearing date.
- (b) Request for continuation of a scheduled parking violation hearing shall comply with the procedures outlined in the Special Magistrate Rules of Procedure, as may be amended.
- (c) A finding of violation requires all penalties and costs to be paid within fourteen (14) calendar days unless additional time is granted by the Special Magistrate or the City.
- (d) Failure to pay outstanding penalties or costs after a finding of a violation at a hearing shall result in the citation being transferred County Court for further proceedings.

Section 34-53. Additional penalties and enforcement to include immobilization and impoundment.

- (a) The City of Fort Pierce is authorized to attach a device that is capable of immobilizing a vehicle as described in this chapter when:
 - (1) It is determined that the license plate number attached to a vehicle, or the owner of a vehicle owes one hundred fifty dollars (\$150.00) or more to the City as a result of delinquent parking citations and related administration and late fees.
 - (2) A violation of section 34-36 exists, relating to non-motorized vehicles.
 - (3) A violation of section 34-31(i) exists, relating to motor vehicles of eighty-six (86) inches or more in overall width.
- (b) In order to ensure the safety of the vehicle, an immobilized vehicle shall be impounded if the reason for the immobilization has not been resolved and the immobilization device has not been removed within twenty-four (24) hours of the immobilization.

Section 34-54. Immobilization of vehicles.

- (a) Immobilization referred to in this chapter shall be by an immobilization device attached to the vehicle at the place where it is found, except that no vehicle shall be

immobilized on private property or within the traveled portion of any street or on any portion of a street when immobilization at such place would create a hazard to the public or to the traffic.

- (b) At the same time as the immobilizing device is attached to the vehicle, a warning notice shall be affixed to the windshield or other prominent place on the vehicle stating that the immobilizing device has been so attached, cautioning the operator not to attempt to operate the vehicle while the immobilizing device is still attached and informing the operator that the vehicle is under immobilization, the reason for the immobilization, and where the proper person must go in order to arrange for the removal of the immobilization device or to request a post-immobilization hearing. Immobilization fees, including the administration fees for removal of the immobilization device, shall be paid to the City.
- (c) A person with standing who wishes to request a post-immobilization hearing in front of a hearing officer shall follow the procedure set out under Section 34-51 of this chapter.

Section 34-55. Removal of immobilizing device unlawful.

It is unlawful for any person to attempt or to remove, damage, destroy or tamper with an immobilizing device affixed to a vehicle by the City. A violation of this section shall be a Class III infraction in accordance with City Code Section 1-106. Release of an immobilized vehicle will take place in accordance with section 34-56.

Section 34-56. Establishment of post-immobilization hearings.

- (a) Any person wishing to challenge the immobilization of a vehicle pursuant to this chapter shall be entitled to a post-immobilization hearing before a Special Magistrate. Post-immobilization hearings shall be handled on the same date and time as parking violation hearings. A person who wishes to contest an immobilization without being assessed additional penalties or costs for impoundment shall post a bond for the entire amount in dispute and complete and submit a written request for post-immobilization hearing which must be received by the City within two (2) business days of the date of the immobilization. A request for a post-immobilization hearing shall be on the form provided by the City. Requests shall include a complete name and address of the person requesting a hearing, a phone number, e-mail address and a copy of the requestor's driver's license and vehicle registration. A description of the dispute must be included with the request for a hearing. Upon such request, a notice of hearing will be issued, confirming the time and date of the hearing.
- (b) Within one (1) business day following receipt of the request for post-immobilization hearing, the Department of Community Response shall conduct a preliminary review of the immobilization appeal. The determination may:
- a. Affirm the immobilization and the matter will be scheduled to be heard by the Special Magistrate.
 - b. Find the appeal valid and allow the release of the immobilization device without penalty.
- (c) Upon affirmance by the Department of Community Response, the City shall send a notice of hearing which states:
- (1) The date, time, and location of the post-immobilization hearing.
 - (2) That a person who elects to contest the immobilization waives his or her right to pay the initial amount of the ticket due at the time of the immobilization unless a bond was posted.
 - (3) That additional penalties and costs for the impoundment of the vehicle will continue to accrue until a hearing is held and a determination is made as to whether the vehicle was immobilized in accordance with chapter 34, Fort Pierce Code.
 - (4) That a person who elects to contest a violation and then fails to appear shall be deemed to have waived his or her right to a hearing and any bond will be forfeited to the City.

- (d) The Notice of Hearing shall be sent by mail or e-mail to the person making the request for a post-immobilization hearing to the physical address or e-mail address provided in the request. A certification by the City that the Notice of Hearing was mailed to the physical address or e-mail address provided on a post-immobilization request constitutes prima facie evidence that the person on the Notice of Hearing was served with the notice.
- (e) The Special Magistrate, after a hearing, shall make a determination as to whether an immobilization was done in accordance with this chapter. If the Special Magistrate determines that the immobilization was not done in accordance with the applicable ordinances, statutes and regulations, the aggrieved party shall be entitled to a reimbursement of any bond, fines, costs, or penalties paid related to the contested immobilization or if the vehicle is still impounded, the vehicle shall be immediately released with a waiver of all fines, costs, and penalties.

Section 34-57. Impoundment of vehicles.

- (a) Impoundment referred to in this chapter shall be done in accordance with Section 713.78, Florida Statutes. A vehicle impounded under this chapter will be subject to all liens and terms described in Chapter 713, Florida Statutes, in addition to payment of other applicable penalties and costs.
- (b) The City of Fort Pierce is authorized to remove a vehicle from streets, City owned or operated off-street lots, parking structures, parks, beach and recreation areas, and other property within the City limits and to cause the same to be impounded in the nearest garage or other place of safety, or in a garage designated or maintained by the police department or otherwise maintained by the City, if any of the following occurs:
- (1) When any vehicle shall be parked in front of or so as to block entrances or driveways into public or private property.
 - (2) When any vehicle is left unattended and parked upon a street and is so parked illegally as to constitute a hazard or obstruction to the normal movement of traffic.
 - (3) When any vehicle is left unattended and parked for an excessive period of time and in violation of any ordinance of the City or regulation limiting the time for parking of vehicles.
 - (4) When a vehicle is so disabled as to constitute an obstruction to traffic or a hazard to persons or property and the persons in charge of the vehicle are by reason of physical injury or condition incapacitated to such an extent as to be unable to provide for its custody or removal.
 - (5) When a vehicle is considered inoperable or abandoned due to expired registration or other condition that prevents the vehicle from being removed by the registered owner.
 - (6) As authorized under section 34-53(b), related to unresolved immobilization of vehicles.

Section 34-58. Release of immobilized or impounded vehicle.

- (a) An immobilized vehicle under this chapter may be released by the City upon: payment of all parking fines, costs, and immobilization fees; a City review and determination to release the immobilization device without penalty; or upon a Special Magistrate finding in favor of the person challenging the immobilization.
- (b) A vehicle impounded under this chapter may be released upon: payment of all parking penalties, costs, towing, storage, and administrative fees in accordance with F.S. § 713.78; or upon the posting of a cash or surety bond totaling all applicable amounts owed until the disposition of any hearing held in accordance with section F.S. § 713.78. A person who posts a bond under this section and fails to file a complaint within the time required under F.S. § 713.78 shall have waived his or her right to a hearing and the total amount of the posted bond shall be forfeited to the city.

Section 34-59. Disposition of unrecovered impounded vehicles.

Vehicles impounded under this chapter which are not recovered may be disposed of in accordance with F.S. § 713.78.

Section 34-60 – 34-62. – Reserved

SECTION 4. All ordinances of parts of ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

SECTION 5. This ordinance is and the same shall become effective immediately upon final passage hereof.

SECTION 6. If any provision of this ordinance is held to be invalid, unconstitutional, or unenforceable for any reason by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this ordinance, which shall be deemed separate, distinct, and independent provisions to the fullest extent possible.

APPROVED AS TO
FORM AND 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. 22-009 was duly advertised by title only in the St. Lucie News Tribune on February 22, 2022 and February 20, 2022; 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 February 22, 2022; and was duly introduced, read by title only, and passed on second and final reading on March 7, 2022, by the City Commission of Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this 7th day of March 2022.

Linda Hudson, Mayor

ATTEST:

Linda W. Cox
City Clerk

(SEAL)

ORDINANCE NO. 22-036

SECTION 1. Chapter 34, Article I – In General is hereby amended so that the same shall read thereafter as follows:

Secs. 34-9—**34-15**. – Reserved.

SECTION 2. Chapter 34, Article II – Stopping, Standing and Parking, Sections 34-35 through 34-62 are hereby **deleted in their entirety**:

SECTION 3. Chapter 34, Article II – Stopping, Standing and Parking is hereby amended so that the same shall read thereafter as follows:

ARTICLE II. Parking

DIVISION 1. GENERAL PROVISIONS; ADMINISTRATIVE AUTHORITY; DEFINITIONS

Section 34-16. Title.

This chapter shall be known and may be cited as the "City of Fort Pierce Parking Ordinance."

Section 34-17. Applicability.

The provisions of this chapter shall apply throughout the corporate limits of the City and to the use of parking-related property owned or operated by the City.

Section 34-18. Definitions.

For the purpose of this chapter, certain abbreviations, terms, phrases, words, and their derivatives shall have the following meanings:

Calendar days mean and include Saturdays, Sundays, and legal holidays. Thus, in computing any period of time prescribed or allowed by this chapter, the day of the act, event, or default from which the designated period of time begins to run shall not be included; however, the last day of the period so computed shall be included, even if it is a Saturday, Sunday or legal holiday, any provision of this Code to the contrary notwithstanding.

Citation means a parking ticket issued for a violation of the Code as described in this chapter.

Commercial parking permit shall mean an identification credential affixed to a vehicle issued to a business by the City in accordance with the provisions of this section.

Commercial vehicle means:

(a) A vehicle designed, used or maintained primarily for the transportation of property, with a gross vehicle weight of 10,000 pounds or more; or

(b) Any bus, van, or truck with either a gross vehicle weight in excess of 10,000 pounds, or which is designed, used or maintained primarily for the transportation of unrelated persons for hire; or

(c) Any vehicle used in connection with any commercial enterprise that is identified by permanent or removable markings on both sides of the exterior of the vehicle, in letters not less than three (3) inches high, of the name of the company operating such vehicle.

Contractor parking permit shall mean an identification credential affixed to a vehicle issued to a contractor on a temporary basis by the City in accordance with the provisions of this section.

Delinquent status means a citation where payment is past due and includes citations that have not been paid, or for which a request for a parking violation hearing has not been made. A citation which has been found to be in violation after a hearing shall be in delinquent status if not paid within the time set. A violation set for a parking violation hearing which results in default shall immediately be in delinquent status. A citation will remain in delinquent status until paid in full, unless dismissed or found not to be a violation.

Hearing officer means the code enforcement special magistrate assigned to hear parking violation hearings and challenges to parking citation violations and immobilization of vehicles in accordance with the provisions of this chapter.

Industrial equipment means farm tractors, implements, bulldozers, draglines, cranes, derricks, heavy earthmoving equipment normally used in farming excavation and/or heavy construction activities.

Non-motorized vehicle means any vehicle which does not have an attached source of mechanical energy such as an engine in order to make it move, but has to be attached, drawn, pushed, or pulled in order for it to be moved. Non-motorized vehicles include, but are not limited to, utility trailers, travel trailers, watercraft, boats, and watercraft or boat trailers.

Owner means any person, firm, corporation, or association controlling any motor vehicle or mobile home by right of purchase, gift, lease, or otherwise as defined under F.S. § 320.01, as of the date of the violation. The owner of a vehicle bearing a license plate that has been issued a citation shall be liable for payment of all penalties and costs.

Park or *parking* means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in loading or unloading merchandise or passengers.

Parking enforcement officer means a designated person who has successfully completed a parking enforcement officer training program established and approved by the Florida Criminal Justice Standards and Training Commission.

Parking violation hearing means a hearing by a hearing officer in which a driver or owner of a vehicle bearing a license plate that has been issued a citation, may contest the issuance of the citation. Parking violation hearings shall provide the opportunity for testimony and evidence to be presented and the rules of evidence shall be liberally construed to allow for the presentation of testimony and evidence. Parking violation hearings shall also be used by a person with standing to challenge the immobilization of a vehicle in a post-immobilization hearing.

Semitrailer means a semitrailer which is used or designed primarily for carrying commercial loads.

Stand or *standing* means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in receiving or discharging passengers.

Stop or *stopping, when prohibited*, means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or to comply with the direction of a law enforcement officer or traffic-control sign or signal.

Vehicle means every device in, upon or by which any person or property is or may be transported or drawn upon any public street within the City, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

Section 34-19. Administrative authority.

The provisions of this chapter shall be enforced by the City Manager or his or her designee.

Section 34-20. Authority to issue citations for parking tickets.

Parking enforcement officers, police officers and community service officers are authorized to issue parking tickets for violations of this chapter.

Section 34-21 – 34-25. – Reserved.

DIVISION 2. FEE AUTHORITY AND TYPES

Section 34-26. Fees—City Commission to establish.

The City Commission shall have the authority to set fees by resolution.

Section 34-27. Same—Types enumerated.

Fees may be charged for the following:

- (1) Temporary Contractor Parking permits.
- (2) Business Parking permits (for use in loading zones only).
- (3) Marina Parking permits.
- (4) Late payments.
- (5) Immobilization and impoundment of vehicles as provided for in this chapter.

Section 34-28 – 34-30. – Reserved.

DIVISION 3. GENERAL PARKING REGULATIONS

Section 34-31. Parking in City lots, garages, public streets, and other property.

- (a) ***Improper Parking.*** Any vehicle stopped, standing, or parked in a single parking space on any City owned or operated parking lot, garage, public street, or other property shall be parked within the lines marked for such single parking space. **It is unlawful to stop, stand or park any vehicle across any such line or mark** or to park such vehicle in any such way that the same shall not be within the area so designated by such lines or markings for that single parking space.
- (b) ***Height Restrictions.*** No vehicle shall enter a parking garage which exceeds the height restriction posted on the clearance bar at the entrance of each garage.
- (c) ***Restricted Parking.*** It is unlawful for an operator of a vehicle to stop, stand or park such vehicle in a space not designated or designed for its size.
- (d) ***Parking Time Limited.*** When signs are erected giving notice of time limits, no person shall park a vehicle in any parking space and/or zone for a continuous period of time longer than that period of time designated by such signs. In order to enforce this provision no person shall roll the tires of a vehicle in an attempt to circumvent time restrictions enforcement prior to removing the vehicle from the parking space.
- (e) ***Parking prohibited/limited.*** When signs are erected or pavement markings are installed giving notice thereof, no person shall park a vehicle at any time upon any of the streets, parking lots, sidewalks, sidewalk areas or other places so designated in a manner inconsistent with the provided signage or pavement markings.
- (f) ***Required distance from driveways.*** It is unlawful for any person to stop, stand or park a vehicle, whether occupied or not, within ten (10) feet from the edge of a public or private driveway. It is unlawful for any person to stop, stand or park a vehicle across the street from a driveway if the street width is twenty-five (25) feet or less.
- (g) ***Minimum street clearance.*** It is unlawful for any operator to stop, stand or park any vehicle upon a street, in a traffic lane, any alley or other city owned or operated property in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the traffic lane or roadway for free movement of vehicular traffic, except that an operator may stop only during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations or traffic signs or signals or directions from a police officer or community service officer. Where streets are not completely paved or curbs provided, the parking of a car shall not usurp more than 12 inches of the paved portion of the street.
- (h) ***Alleys.*** No person shall stop, stand, or park a vehicle within an alley in a business district, except for the expeditious loading or unloading of materials, and in no event for a period of more than 20 minutes. No person shall stop, stand, or park a vehicle within an alley in such position as to block the driveway or entrance to any abutting property.
- (i) ***Oversized vehicle restrictions.*** No motor vehicle, as defined by Florida Statutes as may be amended, of eighty-six (86) inches or more in overall width (not including mirrors) shall be parked on any street, alley, or city owned or operated property, other than for loading and unloading, if parked adjacent to property designated by Chapter 125 of this Code as a residential zoning district.
 - (1) A written warning will be provided prior to the issuance of a citation. After twelve (12) hours, if the motor vehicle is parked in any prohibited location, a citation may be issued.

- (2) Failure to move the motor vehicle in violation from streets, alleys, or City owned or operated property within two (2) hours after the issuance of a citation shall subject the motor vehicle to immobilization and/or impoundment as provided under this chapter.
 - (3) If it is determined that continued parking of the oversized motor vehicle creates an unsafe condition or is hazardous to the safety of the community, the Police Department may have the vehicle towed in accordance with Section 34-57 of this chapter.
- (j) *Commercial /Industrial vehicle restrictions.*
- (1) It shall be unlawful for any owner, agent, operator or person in charge of any commercial vehicle, industrial vehicle, or semitrailer, to park, stop, store or keep same on any public street, avenue, alley or other thoroughfare, or any right-of-way therewith, within any residential district in the city for a period exceeding one hour in any 24-hour period, each such period commencing at the time of the first stopping in the city.
 - (2) It shall be unlawful for any owner or lessee of real property in any residential district in the city to park on, cause to be parked on, or allow to be parked on his residential property, any commercial vehicle identified in the definition for commercial vehicle of this section, subsections (a) and (b), industrial vehicle, or semitrailer for the period exceeding one hour in any 24-hour period, unless same is in an enclosed garage. Each such period shall commence at the time of first stopping or parking. This restriction shall also apply to the owner, agent, operator, or person in charge of any such vehicle in the event said person is not the owner or lessee of said real property.
 - (3) The restrictions of this section shall not apply to the temporary parking of such vehicles on private property in residential districts whereon construction is underway, for which a current and valid building permit has been issued by the city, and said permit is properly displayed on the premises or any excavation or construction site whereon construction, clearing, removal of debris or other building and/or excavation activities are either currently under way or will commence within the next 24 hours. Industrial equipment used in lot clearing, tree trimming or removal, lawncare and related services, is also included, although a specific building permit may not be required; and, nothing in this section is intended to require a building permit where not otherwise required.
 - (4) The restrictions of this section of one hour parking limit in residential districts shall not apply to routine deliveries by tradesmen, or the use of trucks in making service calls, provided that such time in excess of one hour is actually in the course of business deliveries or servicing as the case may be.
 - (5) The restrictions of this section shall not apply to a situation where such vehicle becomes disabled, and as a result of such emergency is required to be parked within a residential district for longer than one hour. However, any such vehicle shall be removed from the residential district within 24 hours, by wrecker towing if necessary, regardless of the nature of the emergency.
- (k) *Parking for certain purposes.* It is unlawful for any person to park any vehicle upon any City owned or operated lot, garage, street or other property for the primary purpose of:
- (1) Displaying such vehicle for sale.
 - (2) Washing, greasing, or repairing such vehicle, except repairs necessitated by an emergency.
 - (3) Displaying advertising in accordance with Section 117-5 – Prohibited signs or sign characteristics.
 - (4) Selling food or merchandise from such vehicle except in a duly established special event, or when so authorized under the ordinances of the City in accordance with Section 22-361.

- (l) **Parking on Right of Way.** It is unlawful to park in or on any right-of-way owned or maintained by the City, County or State except in designated parking spaces or parking lanes. For the purposes of this section, the term "right-of-way" shall have the definition provided in Section 32-8.
- (m) *Parking to block stop signs.* No person shall stop, stand, or park a vehicle, with the exception to momentarily allow a person to enter or exit the vehicle, within fifteen (15) feet of a stop sign or stop bar.
- (n) **Parking in opposing traffic lane.** No person shall stop, stand, or park a vehicle by means of crossing oncoming traffic and **park so as to face opposing traffic flow.** When parking in an angled parking space, the vehicle must be parked with the flow of traffic. Backing into an angled parking space is prohibited.
- (o) *Parking in fire lanes.* No person shall stop, stand, or park a vehicle, with the exception of allowing a disabled person to enter or exit the vehicle, in a fire lane located on any property within the city. Violation of this subsection is a Level II violation.
- (p) *Parking in spaces for persons with disabilities.* No person shall stop, stand, or park a vehicle within, or to obstruct, any space designated and marked as a disabled person parking space unless the vehicle displays a disabled parking permit issued under Section 316.1958 or Section 320.0848, Florida Statutes or a license plate issued under Sections 320.084, 320.0842, 320.0843, or 320.0845, Florida Statutes, and the vehicle is transporting the person to whom the displayed permit is issued. Violation of this subsection is a Level III violation.
- (q) *Violations of Chapter 316, Florida Statutes.* Supplemental to the provisions of this chapter, the City hereby adopts provisions relating to parking, traffic control, enforcement and penalties as outlined in Chapter 316, Florida Statutes.
- (r) *Exemptions.* The prohibitions stated in this section shall not apply to City, County, State and/or utility worker vehicles while parked in conjunction with discharging their official duties.

Section 34-32. Freight, loading and unloading spaces restricted.

- (a) Spaces designated "loading zones" shall be restricted to commercial vehicles as defined in this section and other vehicles properly displaying a business parking permit and while actively engaged in the loading and unloading of materials or in cases of emergency.
- (b) No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a loading zone. **In no case shall the stop for loading and unloading exceed thirty (30) minutes.**
- (c) For any continuous parking in the same space, a violation will be deemed to have occurred for each interval of time designated that the vehicle remains in that space.

Section 34-33. Continuous parking.

- (a) It is unlawful for any person to permit a vehicle to remain in any parking space for more than twenty-four (24) hours in any non-residential zone, unless displaying a valid permit credential.
- (b) It is unlawful for any person to permit a vehicle to remain in any parking space for more than (4) hours after a citation has been issued for violation of subsection (a) of this section.
- (c) For any continuous parking in the same parking space, no more than one (1) offense under subsection (a) of this section and one (1) offense under subsection (b) of this section shall be deemed to have occurred on any one (1) date. In the case of any continuous parking in violation of subsection (a) or subsection (b) hereof covering parts of two (2) or more dates, one (1) offense under subsection (b) shall be deemed to have occurred on each of such dates.

Section 34-34. Electric vehicle charging station parking.

- (a) No person shall park any vehicle in any parking space located in any City owned or operated parking garage or parking lot which is clearly marked as being reserved for

the use of an electric vehicle charging station located within said parking garage or lot, unless such vehicle is using the electric vehicle charging station.

- (b) It is unlawful for any person to permit a vehicle to remain in a parking space reserved for the charging of electric vehicles **for more than four (4) hours**.

Section 34-35. Special Events.

- (a) **When roads, City owned or maintained parking lots, parks or other City property are leased to a private party for a special event, consistent with Chapter 28, Article IV – Special Events, it is unlawful for a person to park any vehicle within the designated area without express permission from the event permit holder.**
- (b) It is unlawful for any person to permit a vehicle to remain in the leased special event area for more than two (2) hours after a citation has been issued for violation of subsection (a) of this section. If a vehicle remains parked after two (2) hours, the Police Department may have the vehicle towed in accordance with Section 34-57 of this chapter.

Section 34-36. Non-motorized vehicle parking prohibited.

Unless otherwise authorized in this Code, it shall be unlawful to park any non-motorized vehicle upon any street, alley, parking lot or City owned or operated property, for longer than twenty-four (24) consecutive hours. Failure to move the non-motorized vehicle in violation from streets, alleys, parking lot or city owned or operated property within two (2) hours after the issuance of a ticket shall subject the non-motorized vehicle to immobilization and/or impoundment as provided under this chapter.

Section 34-37 – 34-40. - Reserved

DIVISION 4. PERMITS, PERMIT REGULATIONS

Section 34-41. On-Street parking permits.

- (a) The City Manager or his or her designee may grant and issue, renew, deny, or revoke on-street parking permits that, when properly displayed, will allow parking in a restricted parking space. Fees shall be assessed for an on-street parking permit. Requests for on-street parking permits shall be made in writing to the City.

Section 34-42. Business parking permits.

- (a) Businesses may request a business parking permit **for use of personal vehicles**, used in the course of business, but that do not meet the definition of commercial vehicle as defined by this chapter, **to allow parking within designated loading zones**. Fees shall be assessed for a business parking permit. Requests for business parking permits shall be made in writing to the City.
- (b) Business parking permits may be used only in loading zones in the downtown area of the City. Parking is restricted to the thirty-minute time limit as permitted by section 34-32(b) of this code.
- (c) A business parking permit is valid only for the City fiscal year in which it was issued.

Section 34-43. Contractor parking permits.

- (a) Contractors or business owners may request a temporary contractor parking permit **to allow for the use of restricted parking spaces** for the following:
 - (1) A vehicle which is **actively used for construction, rehabilitation, or repair** of a business located in the downtown area, wherein materials and tools must be readily accessible.
 - (2) Dumpsters that are required for the construction, rehabilitation, or repair of a business located in the downtown area.
- (b) Specific conditions may be placed upon the permit holder based on time, location, safety concerns or other such conditions as are warranted. Failure to comply with such conditions may result in the permit being revoked.

- (c) Requests shall be made to the City Manager or his/her designee and must include the time for which the permit will remain active. In no case will a contractor parking permit be issued for a time frame beyond that for which a building permit has been issued.
- (d) Contractor parking permits shall be categorized as either “Limited”, which provides for parking between the hours of 6:00 AM and 6:00 PM and is not space specific or “Unlimited”, which provides for a specific space or spaces to be temporarily assigned to the permit holder.

Section 34-44. Marina parking permits.

- (a) Marina tenants may request a marina parking permit for extended parking of personal vehicles. Fees shall be assessed for a marina parking permit. Requests for marina parking permits shall be made in writing to the City Marina.
- (b) In addition to the rules provided in this section, all marina parking permit recipients must abide by the Fort Pierce City Marina Parking Rules and Regulations, as amended, which are available in the Marina Office.
- (c) Unless located in the designated marina parking lot on the north side of the marina, vehicles may not be parked in one location for more than 10 days. Vehicles parked for more than 10 days must be located on the 3rd, 4th or 5th floor of the City Hall Parking Garage.
- (c) A marina parking permit expires upon the expiration or termination of permit holder’s marina lease.

Section 34-45. Juror parking permits.

- (a) The office of the Clerk of the Circuit Court for St. Lucie County is authorized to issue parking permits in accordance with this section
- (b) Persons summoned for jury duty may be provided a temporary parking permit with the summons.
 - (1) Parking permits issued under this subsection (b) must be displayed on the dashboard if the vehicle is parked in a time-restricted parking space.
 - (2) Such parking permits are valid for one (1) day.
- (c) Once selected to serve on a jury, all jury members may be provided a juror parking permit for parking throughout their time of service.
 - (1) Parking permits issued under this subsection (c) must be displayed on the dashboard if the vehicle is parked in a time-restricted parking space.
 - (2) Such parking permits are valid for up to seven (7) days and may be renewed as necessary.

Section 34-46. St. Lucie County Sheriff’s Office parking permits.

- (a) The St. Lucie County Sheriff’s Office is authorized to issue parking permits to deputies assigned to the St. Lucie County Court House.
- (b) Sheriff’s Office parking permits are valid only in marked parking spaces located on the west side of Indian River Drive.

Section 34-47 – 34-50. – Reserved

DIVISION 5. PENALTIES AND ENFORCEMENT

Section 34-51. Issuance of parking citations; payment or contesting citations; penalties for parking violations; requesting a City review.

- (a) A law enforcement officer, community service officer or parking enforcement officer who discovers a vehicle parked in violation of this chapter or other law may issue a parking citation to a vehicle as identified by the license plate number, vehicle identification number, or with other specificity to ensure the vehicle in violation can

be identified and deliver it to the driver; or if the vehicle is unattended, attach such citation to the vehicle in a conspicuous place.

- (b) The parking citation shall provide:
 - (1) The date and time of issuance.
 - (2) The name or identification number of the officer or parking enforcement officer who issued the citation.
 - (3) A description of the violation.
 - (4) The penalty amount.
 - (5) The period of time in which it must be paid or set for a parking violation hearing before it is considered in delinquent status.
 - (6) The vehicle information.
 - (7) Information on how and where the citation may be paid; and
 - (8) Information on how the citation may be contested.
- (c) The driver or owner of the vehicle which was issued a citation shall elect to pay the citation as described on the citation or request a parking violation hearing as described in paragraph (h). Failure to pay a citation, or request a parking violation hearing, within the specified time shall result in the citation being in delinquent status.
- (d) Unless otherwise specifically provided in this section, the violation of any provision of this chapter relating to parking shall be a Class I noncriminal civil infraction pursuant to Section 1-106 of the Code of Ordinances.
- (e) A violation of Section 34-31(p), enforcement of parking in spaces for persons with disabilities, shall be a Class III violation. Any penalty collected for such a violation may be deposited in a separate account to be used to defray expenses for administration of this violation; and to provide funds to improve accessibility and equal opportunity to qualified persons who have disabilities in the City and to provide funds to conduct public awareness programs in the City concerning persons who have disabilities.
- (f) A violation of Section 34-31(o), parking in fire lanes, shall be a Class II violation.
- (g) Any penalty not paid to the City within thirty (30) days of the date of the violation, unless a parking violation hearing has been requested, shall result in an additional penalty, which amount shall be set by Resolution plus any associated administrative fees pursuant to Section 1-105.
- (h) A person who wishes to contest a citation without being assessed additional penalties or costs for delinquency shall complete and submit a written request for a parking violation hearing which must be received by the City within fourteen (14) calendar days of the date of the violation. A request for a parking violation hearing shall be on the form prescribed by the City. Requests shall include a complete name and address of the person contesting the hearing, and a phone number and e-mail address. A copy of the individual's driver's license, a copy of the parking citation and a description of the dispute must be included with the request for a hearing.
- (i) The Department of Community Response shall conduct a preliminary review of all parking citation appeals within seven (7) days of receipt of the written request. The determination may:
 - (1) Affirm the issuance of the citation and the matter will be scheduled to be heard by the Special Magistrate.
 - (2) Find the appeal valid and dismiss the citation.
 - (3) Allow for a reduction in the penalty.
- (j) Upon an affirmance under subsection (i)(1) or confirmation that the citation has not been paid, a notice of hearing will be issued. The City shall send a Notice of Hearing which states:
 - (1) The date, time, and location of the parking violation hearing.

- (2) That a person who elects to contest the citation may be assessed a penalty of up to \$500.00 if found in violation after a hearing by the Special Magistrate.
 - (3) That a person who elects to contest a violation and then fails to appear at the parking violation hearing shall be deemed to have waived his or her right to a hearing and may be found in violation by default subject to a penalty of up to \$500.00, unless otherwise authorized or prohibited by law.
 - (4) That unpaid citations will be in delinquent status may be transferred to St. Lucie County Court.
 - (5) That vehicles bearing license plates which are identified as belonging to owners who have citations in delinquent status are subject to immobilization or impoundment as provided in this chapter.
- (k) The Notice of Hearing shall be sent by certified mail to the address provided by the Florida Department of Transportation or to the person making the request for a parking violation hearing at the physical address, with a copy sent to the e-mail address provided in the request. A certification by the City that the Notice of Hearing was mailed to the physical address constitutes prima facie evidence that the person on the Notice of Hearing was served with the notice.
- (l) A person who requests a parking violation hearing waives his or her right to pay the initial civil penalty amounts set forth in this chapter. The Special Magistrate, after a hearing, shall make a determination as to whether a parking violation has been committed and may impose a civil penalty not to exceed \$500.00 unless otherwise authorized or prohibited by law, plus administrative costs.

Section 34-52. Cancellation or continuances of hearings; burden of proof; payment after hearing.

- (a) A scheduled parking violation hearing will be cancelled if full payment of the pending violation(s) is made at least twenty-four (24) hours prior to the hearing date.
- (b) Request for continuation of a scheduled parking violation hearing shall comply with the procedures outlined in the Special Magistrate Rules of Procedure, as may be amended.
- (c) A finding of violation requires all penalties and costs to be paid within fourteen (14) calendar days unless additional time is granted by the Special Magistrate or the City.
- (d) Failure to pay outstanding penalties or costs after a finding of a violation at a hearing shall result in the citation being transferred County Court for further proceedings.

Section 34-53. Additional penalties and enforcement to include immobilization and impoundment.

- (a) The City of Fort Pierce is authorized to attach a device that is capable of immobilizing a vehicle as described in this chapter when:
 - (1) It is determined that the license plate number attached to a vehicle, or the owner of a vehicle owes one hundred fifty dollars (\$150.00) or more to the City as a result of delinquent parking citations and related administration and late fees.
 - (2) A violation of section 34-36 exists, relating to non-motorized vehicles.
 - (3) A violation of section 34-31(i) exists, relating to motor vehicles of eighty-six (86) inches or more in overall width.
- (b) In order to ensure the safety of the vehicle, an immobilized vehicle shall be impounded if the reason for the immobilization has not been resolved and the immobilization device has not been removed within twenty-four (24) hours of the immobilization.

Section 34-54. Immobilization of vehicles.

- (a) Immobilization referred to in this chapter shall be by an immobilization device attached to the vehicle at the place where it is found, except that no vehicle shall be immobilized on private property or within the traveled portion of any street or on any

portion of a street when immobilization at such place would create a hazard to the public or to the traffic.

- (b) At the same time as the immobilizing device is attached to the vehicle, a warning notice shall be affixed to the windshield or other prominent place on the vehicle stating that the immobilizing device has been so attached, cautioning the operator not to attempt to operate the vehicle while the immobilizing device is still attached and informing the operator that the vehicle is under immobilization, the reason for the immobilization, and where the proper person must go in order to arrange for the removal of the immobilization device or to request a post-immobilization hearing. Immobilization fees, including the administration fees for removal of the immobilization device, shall be paid to the City.
- (c) A person with standing who wishes to request a post-immobilization hearing in front of a hearing officer shall follow the procedure set out under Section 34-51 of this chapter.

Section 34-55. Removal of immobilizing device unlawful.

It is unlawful for any person to attempt or to remove, damage, destroy or tamper with an immobilizing device affixed to a vehicle by the City. A violation of this section shall be a Class III infraction in accordance with City Code Section 1-106. Release of an immobilized vehicle will take place in accordance with section 34-56.

Section 34-56. Establishment of post-immobilization hearings.

- (a) Any person wishing to challenge the immobilization of a vehicle pursuant to this chapter shall be entitled to a post-immobilization hearing before a Special Magistrate. Post-immobilization hearings shall be handled on the same date and time as parking violation hearings. A person who wishes to contest an immobilization without being assessed additional penalties or costs for impoundment shall post a bond for the entire amount in dispute and complete and submit a written request for post-immobilization hearing which must be received by the City within two (2) business days of the date of the immobilization. A request for a post-immobilization hearing shall be on the form provided by the City. Requests shall include a complete name and address of the person requesting a hearing, a phone number, e-mail address and a copy of the requestor's driver's license and vehicle registration. A description of the dispute must be included with the request for a hearing. Upon such request, a notice of hearing will be issued, confirming the time and date of the hearing
- (b) Within one (1) business day following receipt of the request for post-immobilization hearing, the Department of Community Response shall conduct a preliminary review of the immobilization appeal. The determination may:
 - a. Affirm the immobilization and the matter will be scheduled to be heard by the Special Magistrate.
 - b. Find the appeal valid and allow the release of the immobilization device without penalty.
- (c) Upon affirmance by the Department of Community Response, the City shall send a notice of hearing which states:
 - (1) The date, time, and location of the post-immobilization hearing.
 - (2) That a person who elects to contest the immobilization waives his or her right to pay the initial amount of the ticket due at the time of the immobilization unless a bond was posted.
 - (3) That additional penalties and costs for the impoundment of the vehicle will continue to accrue until a hearing is held and a determination is made as to whether the vehicle was immobilized in accordance with chapter 34, Fort Pierce Code.
 - (4) That a person who elects to contest a violation and then fails to appear shall be deemed to have waived his or her right to a hearing and any bond will be forfeited to the City.
- (d) The Notice of Hearing shall be sent by mail or e-mail to the person making the request for a post-immobilization hearing to the physical address or e-mail address provided

in the request. A certification by the City that the Notice of Hearing was mailed to the physical address or e-mail address provided on a post-immobilization request constitutes prima facie evidence that the person on the Notice of Hearing was served with the notice.

- (e) The Special Magistrate, after a hearing, shall make a determination as to whether an immobilization was done in accordance with this chapter. If the Special Magistrate determines that the immobilization was not done in accordance with the applicable ordinances, statutes and regulations, the aggrieved party shall be entitled to a reimbursement of any bond, fines, costs, or penalties paid related to the contested immobilization or if the vehicle is still impounded, the vehicle shall be immediately released with a waiver of all fines, costs, and penalties.

Section 34-57. Impoundment of vehicles.

- (a) Impoundment referred to in this chapter shall be done in accordance with Section 713.78, Florida Statutes. A vehicle impounded under this chapter will be subject to all liens and terms described in Chapter 713, Florida Statutes, in addition to payment of other applicable penalties and costs.
- (b) The City of Fort Pierce is authorized to remove a vehicle from streets, City owned or operated off-street lots, parking structures, parks, beach and recreation areas, and other property within the City limits and to cause the same to be impounded in the nearest garage or other place of safety, or in a garage designated or maintained by the police department or otherwise maintained by the City, if any of the following occurs:
 - (1) When any vehicle shall be parked in front of or so as to block entrances or driveways into public or private property.
 - (2) When any vehicle is left unattended and parked upon a street and is so parked illegally as to constitute a hazard or obstruction to the normal movement of traffic.
 - (3) When any vehicle is left unattended and parked for an excessive period of time and in violation of any ordinance of the City or regulation limiting the time for parking of vehicles.
 - (4) When a vehicle is so disabled as to constitute an obstruction to traffic or a hazard to persons or property and the persons in charge of the vehicle are by reason of physical injury or condition incapacitated to such an extent as to be unable to provide for its custody or removal.
 - (5) When a vehicle is considered inoperable or abandoned due to expired registration or other condition that prevents the vehicle from being removed by the registered owner.
 - (6) As authorized under section 34-53(b), related to unresolved immobilization of vehicles.

Section 34-58. Release of immobilized or impounded vehicle.

- (a) An immobilized vehicle under this chapter may be released by the City upon: payment of all parking fines, costs, and immobilization fees; a City review and determination to release the immobilization device without penalty; or upon a Special Magistrate finding in favor of the person challenging the immobilization.
- (b) A vehicle impounded under this chapter may be released upon: payment of all parking penalties, costs, towing, storage, and administrative fees in accordance with F.S. § 713.78; or upon the posting of a cash or surety bond totaling all applicable amounts owed until the disposition of any hearing held in accordance with section F.S. § 713.78. A person who posts a bond under this section and fails to file a complaint within the time required under F.S. § 713.78 shall have waived his or her right to a hearing and the total amount of the posted bond shall be forfeited to the city.

Section 34-59. Disposition of unrecovered impounded vehicles.

Vehicles impounded under this chapter which are not recovered may be disposed of in accordance with F.S. § 713.78.

Section 34-60 – 34-62. – Reserved

City Commission Regular Meeting - 5:05 pm

12. d.

Meeting Date: 12/05/2022

Re: Proposed Ordinance #22-038 Amendments to the Floodplain Ordinance - FIRST READING

Submitted For: Paul Thomas, Building Official, Building

SUBJECT:

Legislative Hearing - Ordinance No. 22-038 Amendments to Chapter 109 of the Code of Ordinances entitled Floodplain Management. FIRST READING

SUMMARY:

The Building Department is requesting approval of Ordinance No. 22-038 amending Chapter 109 of the Code of Ordinances entitled "Floodplain Management," to amend definitions and clarify base flood zone elevation determination criteria.

RECOMMENDATION:

Staff recommends approval of proposed Ordinance #22-038, Amendments to Chapter 109 of the Code of Ordinances entitled Floodplain Management.

ALTERNATIVES:

Do not approve at this time

RESPONSIBLE STAFF:

Paul Thomas, CBO, CFM, Director of Building
Shaun Coss, CFM, Building Department Coordinator

COORDINATED WITH:

Sara Hedges, Assistant City Attorney

Fiscal Impact

OTHER INFORMATION:

No impact at this time.

Attachments

22-038 Chapter 109 Flood Plain

Form Review

Inbox	Reviewed By	Date
Building	Paul Thomas	11/22/2022 04:47 PM
City Manager	Nick Mimms	11/23/2022 07:12 AM
Form Started By: Karen Murphy		Started On: 10/11/2022 04:40 PM
Final Approval Date: 11/23/2022		

ORDINANCE NO. 22-038

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA BY AMENDING **CHAPTER 109 OF THE CODE OF ORDINANCES ENTITLED "FLOODPLAIN MANAGEMENT,"** TO AMEND DEFINITIONS; TO CLARIFY BASE FLOOD ZONE ELEVATION DETERMINATION CRITERIA; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, Chapter 553, Florida Statutes, allows for local technical amendments to the Florida Building Code that provide for more stringent requirements than those specified in the Code and allows adoption of local administrative and local technical amendments to the Florida Building Code to implement the National Flood Insurance Program and incentives; and

WHEREAS, on February 16, 2021, there was adopted Ordinance 21-002 which ordinance amended Chapter 5, Article X(A) entitled "Floodplain Management" therein providing definitions and procedures that shall be amended to be consistent with the FEMA Policy to allow issuance of permits;

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

SECTION 1. Chapter 109 Article I, Sec. 109-2(b) "Definitions," is hereby amended as follows:

Market value means the price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this chapter, the term "market value" refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value ~~may~~ shall be established by a qualified independent appraiser (specifying it is based on pre-damage condition and all valuation data and/or appraisals shall be dated within six months of the permit application date), actual cash value estimate (replacement cost depreciated for age and quality of construction) prepared by a qualified independent appraiser, or current tax assessment building valuation data (as maintained in the records of the office of the county property appraiser) plus 20 percent. When a state of emergency has been declared, the building official may allow the valuation data and/or appraisal to be dated up to a maximum of one year prior of the date the emergency is declared.

SECTION 2. Chapter 109 Article II, Sec. 109-27(a) "Site plans and construction documents" is hereby amended as follows:

(a) *Information for development in flood hazard areas.* The site plan or construction documents for any development subject to the requirements of this chapter shall be drawn to scale and shall include, as applicable to the proposed development:

(1) Delineation of flood hazard areas, floodway boundaries and flood zones, base flood elevations, and ground elevations if necessary for review of the proposed development.

(2) Where base flood elevations or floodway data are not included on the FIRM or in the flood insurance study, they shall be established in accordance with subsection (b)(2) or (3) of this section.

(3) Where base flood elevations on the FIRM are rounded to the nearest foot, use the base flood elevation from the FIRM plus 0.4 foot to calculate the base flood elevation.

~~(3)~~(4) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the flood insurance study, such elevations shall be established in accordance with subsection (b)(1) of this section.

~~(4)~~(5) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.

~~(5)~~(6) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

~~(6)~~(7) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

~~(7)~~(8) Delineation of the coastal construction control line or notation that the site is seaward of the coastal construction control line, if applicable.

~~(8)~~(9) Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the state department of environmental protection.

~~(9)~~(10) Existing and proposed alignment of any proposed alteration of a watercourse.

The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this chapter but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this chapter.

SECTION 3. APPLICABILITY.

For the purposes of jurisdictional applicability, this Ordinance shall apply in the City of Fort Pierce, Florida. This Ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this Ordinance.

SECTION 4. SEVERABILITY.

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. EFFECTIVE DATE.

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

APPROVED AS TO FORM
AND CORRECTNESS:

Tanya M. Earley
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. 22-038 was duly advertised by title only in the St. Lucie News Tribune on November 25, 2022; 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 December 5, 2022; and was duly introduced, read by title only, and passed on second and final reading on December 19, 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.

Linda Hudson
MAYOR COMMISSIONER

ATTEST

Linda W. Cox
CITY CLERK

(CITY SEAL)

City Commission Regular Meeting - 5:05 pm

13. a.

Meeting Date: 12/05/2022

Re: BEC

Submitted For: Linda Cox, City Clerk, City Clerk

SUBJECT:

Resolution No. 22-R46 appointing Tina Peterson to the Board of Examiners of Contractors to fill the vacancy left by Mr. Fogg.

SUMMARY:

Mr. Fogg resigned.

RECOMMENDATION:

Adopt the resolution.

ALTERNATIVES:

Seek additional applications.

RESPONSIBLE STAFF:

Linda W. Cox, City Clerk

COORDINATED WITH:

Building Department

Fiscal Impact

OTHER INFORMATION:

No fiscal impact.

Attachments

22-R46

Peterson, Tina (Consumer)

Form Review

Inbox

City Manager

Form Started By: Linda Cox

Final Approval Date: 11/23/2022

Reviewed By

Nick Mimms

Date

11/23/2022 07:06 AM

Started On: 11/21/2022 01:22 PM

RESOLUTION NO. 22-R46

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.

BE IT RESOLVED By the City Commission of the City of Fort Pierce, Florida, that the following be and are hereby appointed and/or reappointed by the City Commission to serve as members of the Board of Examiners of Contractors; said terms to commence upon adoption of this resolution and to expire February 28, 2023, or when a successor has been duly appointed.

<u>Name</u>	<u>Represents</u>	<u>Term Expires</u>
Tina Peterson	Consumer	February 28, 2023

(unexpired term of Ralph Fogg)

BE IT FURTHER RESOLVED that this Resolution shall become effective upon adoption.

IN WITNESS WHEREOF, this Resolution has been duly adopted this 5th day of December, 2022.

LINDA HUDSON, MAYOR COMMISSIONER

ATTEST:

LINDA W. COX, CITY CLERK

(CITY SEAL)

APPROVED AS TO FORM
AND CORRECTNESS:

TANYA EARLEY, CITY ATTORNEY



CITY OF FORT PIERCE

100 NORTH US HWY 1
FORT PIERCE, FLORIDA 34950
(772) 467-3065 FAX (772) 467-3841

APPLICATION FOR APPOINTMENT/REAPPOINTMENT

Consumer Representative Applications for Board of Examiners of Contractors

Name of Board or Boards for which you are applying: _____

Name: Tina Peterson		Phone: (772)285-7100	
Home Address: 5112 Silver Oak Drive, Fort Pierce, FL 34982 City/Zip Code:		How long at this address? 4.5 years	
Are you a citizen of the United States?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Occupation: previously a Marketing/Project Development Manager for an underwater construction company			
Do you own a business that operates within the City of Fort Pierce?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, list the address and nature of said business:			
Do you now or in the future plan to do business with the City of Fort Pierce?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, in what capacity?			
Are you employed by a business that is located within the City of Fort Pierce?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, state the business and location:			
Currently unemployed, but searching for a new employment opportunity.			
Do you have special training or knowledge in the area of:			
Architecture: <input type="checkbox"/> Yes <input type="checkbox"/> No Engineering: <input type="checkbox"/> Yes <input type="checkbox"/> No Real Estate Brokering: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Contracting: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Land Development: <input type="checkbox"/> Yes <input type="checkbox"/> No Other:			
Describe your education, background, training and knowledge – (feel free to attach a resume):			
I have worked for various construction companies, both on land and underwater. In past years I also had my Real Estate Sales License. I have also included my resume.			
Are you currently a member of a Commission-appointed board/committee?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, please specify:			
Have you ever been convicted of a felony?		<input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, what was the nature of the crime(s) you were convicted of:			
N/A			
Referred by: Newsbreak Article		Applicant Email Address: 1spicey1@gmail.com	
Date: September 22, 2022	Applicant's Signature <i>Tina Peterson</i>		

APPLICATIONS EXPIRE 6 MONTHS FROM THE DATE OF SUBMISSION. PLEASE REAPPLY AS OFTEN AS DESIRED.

Please return form to: City Clerk's Office – 100 North US Hwy 1, Fort Pierce, Florida 34950

fax (772) 467-3841 or via email at lcox@cityoffortpierce.com

Tina Peterson
Marketing/Project Development Manager

EDUCATION:

Florida State University 1996-1999
B.S. in Business Management
National Association of Sports Medicine 2022
Certified Personal Trainer (CPT)

SKILLS:

Microsoft Teams
Microsoft Outlook, Word, Excel, Power Point
Deltek Vision/Vantagepoint
AIA Spreadsheets
WordPress
Photoshop
InDesign
Design Space

PROFESSIONAL AFFILIATIONS:

National Notary Association 2010-present

COURSES:

Accounting Foundations, Administrative Professional Tips, Communication Foundations, Customer Retention, Customer Service Leadership, Customer Service: Problem Solving, Customer Service Skills, Developing Organizational Awareness, Diversity Legal Basics for Supervisors, Employment Law for Supervisors, Essential Human Resources, Event Planning Foundations, Fair Labor Standards Act, Family Medical Leave Act for Supervisors, Harassment Prevention, Hiring Legally, How to Conduct New Employee Orientation, How to Explain the 401k to Employees, How to Manage Time Wisely, How to Rock a Conference, Human Resources as a Business Partner, Interviewing Skills for Supervisors, Introducing Photoshop, Leading with Emotional Intelligence, Leading Without Formal Authority, Management Foundations, Managing Workforce Generations, Marketing on Facebook, Optimizing Your Work/Life Balance, Persuasive Selling, Promoting A Substance Free Workplace, Sexual Harassment, Time Management for Managers, Why Trust Matters, Workplace Harassment, Writing Customer Service Emails

Professional Profile

Mrs. Peterson has more than 30 years of experience in the business/office setting. She is highly efficient, motivated, detailed, extremely organized, and reliable. With an excellent multi-tasking ability, she is able to work under pressure and meet deadlines. A superior team player.

Experience

Underwater Engineering Services, Inc. Fort Pierce, Florida
Marketing/Project Development Manager August 2020 – Sept. 2022

Project Development: Handle all incoming calls regarding potential work for the Project Development Group, process yearly prequalification's/supplier registrations, perform daily bid checks, point of contact for bid notifications, request copies of bid specifications/plans, review initial request for bid eligibility requirements, ensure all bid requirements are met, work with Bond Company/Surety to request bid bonds, payment and performance bonds, assemble complete bid package and mail, obtain bid results, track and report all open bid/proposals to the president, receive, review and enter all contracts/subcontracts/PO's, provide Certificates of Insurance and required endorsements for projects, assist with project submittals, attend project kick-off/preconstruction meetings, prepare awarded projects for entry and turnover to Administration. Marketing: Redesign/update/maintain company website, all brochure creations/maintenance, tradeshow organization and set-up, create/maintain past Project Summaries, contact current and past customers for future business opportunities, customer satisfaction surveys, create/order company business cards, develop and maintain employee resumes. Initiate company licensing and renewals. Organize yearly Holiday Party for employees/clients.

Project Administrator/HR Representative Sept. 2008 – August 2020

Assist the Vice Presidents of Commercial and Engineering Divisions and 10+ Project Managers. Project Development: process yearly prequalification's/supplier registrations. Perform daily bid checks, point of contact for bid notifications, request copies of bid specifications/plans, review initial request for bid eligibility requirements, ensure all bid requirements are met, work with Bond Company to request/obtain bid bond/performance bond, assemble complete bid package and ship, obtain bid results, maintain bid log and bids lost database. Initialize contract/subcontract/Purchase Order signing, request Certificate of Insurance for projects, attend project

kick-off meetings, create project number and enter all proposals and awards, maintain job files and electronic database, and submit notice to owner requests. Create/maintain project past performances for completed jobs. Track all projects and close out when finished. Assist with security clearances/badging for nuclear project sites. Human Resources: Company point of contact. Process new hire/re-hire employee applications and drug screens. Process employee changes. Maintain employee files. Assist employees with company benefits. Maintain active/inactive diver certifications files/log. Schedule training (NACE, Stormwater, M.O.T.). Travel arrangements for personnel when needed. Marketing: Assist with company website. Tradeshow set-up and organization. Develop and maintain employee resumes. Organize yearly Holiday Party for employees/clients. Accounting: Invoice clients. Assist in monthly project

budgeting "Earned Not Billed." Code accounts payable invoices to prepare for payment. Accounts receivable collections for past due accounts. Prepare Certified Payroll/Prevailing Wage. Collect and reconcile Visa/American Express receipts. Timesheet entry. Review/enter expense reports. Transportation: Company Vehicle, Vessel & Trailer registrations. Yearly Heavy Equipment Taxes. Yearly Overweight Truck & Trailer Permits. Request MVR's for employee usage of company vehicles.

Berk's Landing, LLC / Outrigger Harbour Condominium's
Office Manager/Assistant Project Coordinator

Jensen Beach, Florida
November 2005 – July 2008

Report directly to the Managing Partner. Prepare monthly construction draw/spreadsheet for engineering inspector and bank for loan funding, including the use and knowledge of AIA Documents (G702 and G703 billing). Accounts receivables/payables for building construction; including deposits, bank reconciliation and payroll. Assist homeowners in choosing color selections for their condominium. Meet with vendors to choose color selections for spec condominiums. Maintain color selection files, spreadsheets and photographs. Supply architectural assistance and coordinate floor plan changes with developer and building supervisor when needed. Assist with advertising, including floor plans and brochures. Organize homeowner contracts and spreadsheets, including supplying to bank and title company. Prepare partial and final releases of lien. Maintain subcontractor certificates of insurance. Begin start-up of the condominium association, including capital contributions and quarterly dues.

Southbay Development Corporation
Asst. Office Manager/Asst. Construction Superintendent

Jensen Beach, Florida
October 2004 – October 2005

Prepare permit packages for the city to include product verifications, surveys, model plans and notice of commencements. Work with engineering company and architect when needed. Conduct bi-weekly walk throughs of homes under construction to determine status of subcontractor performance; assist Superintendent in coordinating scheduling of subcontractors; schedule subcontractors to complete warranty work; update weekly construction schedule and broadcast to subcontractors. Schedule inspections with city development office/city inspector. Prepare purchase contracts for new home buyers; assist new homebuyers in choosing color selections for home; coordinate and attend pre-closing walks throughs and closings of each home with title company. Update MLS listings; assist with advertising; and attend weekly sales meetings. Work with property management association concerning resident and common grounds issues; member of the board of directors.

ZyloMed Corporation
Branch Manager

West Palm Beach, Florida
April 2002 – May 2003

Work with owners via email or telephone to discuss daily business operations, new processes and new accounts or transcriptionists. Supervise transcriptionists (in/out of state), delegate client work amongst transcriptionists, ensure client work is completed and delivered on a timely basis; input character counts to ensure transcriptionists are paid at the correct rate. Approve transcriptionists' vacations, while providing back-up support. Convert clients' voice files to ensure proper delivery to transcriptionists. Supervise couriers to ensure proper pick-up/delivery of clients' work, record and monitor courier's hours and mileage for proper payment. Prepare and log dictation/transcription for Federal Express delivery to clients. Supervise assistant to ensure printing, faxing, and emailing of clients' work. Monitor NetOp System, Telewave Server and MT World program to ensure proper functioning. Handle all incoming telephone calls from clients and transcriptionists. Organize, manage, and save all client files. Update client and transcriptionist records when necessary. Organize office to operate efficiently, including ordering of all office supplies.

Gulfcoast Oncology Associates
Human Resource Manager/Business Manager

St. Petersburg, Florida
October 2000 – April 2002

Human Resources: review staffing needs with each department leader, recruit new employees, oversee employee benefit packages, authorize PTO/vacation time for all employees, counsel/terminate employees when needed, annual reviews for all business employees, update & distribute HR manual yearly, plan summer education series for all employees, knowledge of EEOC, FMLA, and Workers Compensation. Business Department: Oversee Patient Accounts department, oversee purchasing department, oversee IT department, oversee accounts payable, oversee accounts receivable, oversee transcription department. Public Relations: Office brochure, website, summarized physicians' resume's, employee directory, advertising (employment ads and yellow pages), and creation of quarterly newsletter (distributed to employees and patients). Transportation Services (assign usage of company vehicle, monitor mileage and maintenance). Staff Functions (Patient Appreciation Picnic, Summer Anniversary Picnic, and Holiday Party).