

# CITY OF FORT PIERCE

## CONFERENCE AGENDA

Conference Agenda Meeting - Monday, October 9, 2023 - 9:00 a.m.

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

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **New Business**
  - a. Development Review Task Force Update - Planning
  - b. Discussion of a proposal to require applicants of development to post site notice and send mailout notice of a Planning Board hearing.
  - c. Discussion pertaining to the funding of affordable housing.
  - d. Discussion of proposed amendments to Code Chapter 28 - Parks.
  - e. Art in Public Places Fund
  - f. Discussion of the City of Fort Pierce Code of Ordinances Charter Article XII - Fort Pierce Utilities Authority
5. **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.
6. **City Commission Boards and Committees Updates**

7. **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.

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 Conference Agenda**

**4. a.**

**Meeting Date:** 10/09/2023

**Re:**

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**SUBJECT:**

Development Review Task Force Update - Planning

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**Attachments**

Development Review Task Force Recommended Code Amendments

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**Form Review**

Form Started By: Linda Cox  
Final Approval Date: 09/20/2023

Started On: 09/20/2023 11:31 AM

## **Development Review Task Force - Recommended Code Amendments.**

- A. The Task Force recommends thresholds comparable to St. Lucie County thresholds for staff approval of projects be established.
  - 1. Non-Residential site plan projects under 50,000 square feet should be approved by staff without requiring City Commission approval.
  - 2. Residential site plans of 50 units or less, should also be approved by staff without requiring City Commission approval.

Existing thresholds for Minor (administrative approval) are regulated at Sec. 125-313 of the City Code of Ordinances - Major and minor site plan application.

(a) Major site plans.

(1) General. A major site plan is one which is:

- a. A residential project which exceeds 20 total dwelling units; or
- b. A nonresidential or mixed-use development over 4,000 square feet in area.

**City Commission Conference Agenda**

**4. b.**

**Meeting Date:** 10/09/2023

**Re:** Public Notification prior to Planning Board

**Submitted For:** Kev Freeman, Planning Director, Planning & Zoning

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**SUBJECT:**

Discussion of a proposal to require applicants of development to post site notice and send mailout notice of a Planning Board hearing.

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**Attachments**

Memo - Draft Code Language

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**Form Review**

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
City Manager	Nick Mimms	09/20/2023 04:26 PM
Form Started By: Kev Freeman		Started On: 09/14/2023 01:36 PM
Final Approval Date: 09/20/2023		



**TO:** City Commission  
**FROM:** Kev Freeman, Planning Director  
**RE:** Planning Board Mailout  
**DATE:** 14<sup>TH</sup> September 2023

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### STAFF ANALYSIS

**Background:** The City Commission requested staff investigate a proposal regarding Planning Board public notification requirements. Staff have investigated and provide an example of a potential code amendment.

**Proposed Parameters of Code Addition:**

**Mailout Notice Prior to Planning Board.**

- (a) All applications which are heard by the Planning Board shall be subject to this mailout requirement.
- (b) This section does not override any other public notice required by State Statute or by City Code.
- (c) Notice shall be mailed to all current addresses within 500ft lineal feet of the boundary of the subject property at minimum 10-days prior to the hearing before the Planning Board.
- (d) It shall be the responsibility of the applicant or petitioner to mail the required notice and provide proof thereof to the city.
- (e) All property owners' associations and occupiers of dwelling units located within the prescribed distance shall be notified.
- (f) The notice shall advise the addressee of the time, place, and purpose of the hearing and shall state the substance of the proposed action as it affects the addressee.
- (g) Such notice shall be mailed by regular U.S. mail. Notice shall be deemed complete upon mailing regardless of whether or not the notice was actually received by the addressee.
- (h) A signboard shall be posted on site which advises of the time, place, and purpose of the hearing and shall state the substance of the proposed action as it affects the addressee.
- (i) At the commencement of the hearing which is the subject of the mailed notice, the applicant or petitioner shall present evidence that the notice was mailed in accordance with the provisions of this Code. Such evidence shall be under oath and may be in the form of live testimony or the

affidavit of someone with personal knowledge. The evidence shall include a copy of the mailed notice, the date of mailing, and the list of the addressees and their addresses.

**Community Meeting**

- (a) The applicant is encouraged to set a community outreach meeting to inform citizens of the proposal prior to the Planning Board hearing.

**City Commission Conference Agenda**

**4. c.**

**Meeting Date:** 10/09/2023

**Re:** Affordable Housing - Incentives, Funding.

**Submitted For:** Kev Freeman, Planning Director, Planning & Zoning

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**SUBJECT:**

Discussion pertaining to the funding of affordable housing.

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**Attachments**

Funding of Affordable Housing.

State Statute 166.04151

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**Form Review**

**Inbox**

City Manager

Form Started By: Kev Freeman

Final Approval Date: 09/22/2023

**Reviewed By**

Nick Mimms

**Date**

09/22/2023 02:27 PM

Started On: 09/18/2023 04:14 PM

## **Funding of Affordable Housing.**

The City may adopt and maintain in effect any law, ordinance, rule, or other measure that is adopted for the purpose of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing or linkage fee ordinances.

**A-** An inclusionary housing ordinance may require a developer to provide a specified number or percentage of affordable housing units to be included in a development or allow a developer to contribute to a housing fund or other alternatives in lieu of building the affordable housing units.

**B-** An affordable housing linkage fee ordinance may require the payment of a flat or percentage-based fee, whether calculated on the basis of the number of approved dwelling units, the amount of approved square footage, or otherwise.

In exchange for a developer fulfilling the requirements of A or B above a municipality must provide incentives to fully offset all costs to the developer of its affordable housing contribution or linkage fee. Such incentives may include, but are not limited to:

- (a) Allowing the developer density or intensity bonus incentives or more floor space than allowed under the current or proposed future land use designation or zoning;
- (b) Reducing or waiving fees, such as impact fees or water and sewer charges; or
- (c) Granting other incentives.

Select Year: 2022 ▼ 

## The 2022 Florida Statutes

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[Title XII](#)  
MUNICIPALITIES

[Chapter 166](#)  
MUNICIPALITIES

[View Entire Chapter](#)

### **166.04151 Affordable housing.**—

(1) Notwithstanding any other provision of law, a municipality may adopt and maintain in effect any law, ordinance, rule, or other measure that is adopted for the purpose of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing or linkage fee ordinances.

(2) An inclusionary housing ordinance may require a developer to provide a specified number or percentage of affordable housing units to be included in a development or allow a developer to contribute to a housing fund or other alternatives in lieu of building the affordable housing units.

(3) An affordable housing linkage fee ordinance may require the payment of a flat or percentage-based fee, whether calculated on the basis of the number of approved dwelling units, the amount of approved square footage, or otherwise.

(4) In exchange for a developer fulfilling the requirements of subsection (2) or, for residential or mixed-use residential development, the requirements of subsection (3), a municipality must provide incentives to fully offset all costs to the developer of its affordable housing contribution or linkage fee. Such incentives may include, but are not limited to:

(a) Allowing the developer density or intensity bonus incentives or more floor space than allowed under the current or proposed future land use designation or zoning;

(b) Reducing or waiving fees, such as impact fees or water and sewer charges; or

(c) Granting other incentives.

(5) Subsection (2) does not apply in an area of critical state concern, as designated by s. [380.0552](#) or chapter 28-36, Florida Administrative Code.

(6) Notwithstanding any other law or local ordinance or regulation to the contrary, the governing body of a municipality may approve the development of housing that is affordable, as defined in s. [420.0004](#), on any parcel zoned for residential, commercial, or industrial use. If a parcel is zoned for commercial or industrial use, an approval pursuant to this subsection may include any residential development project, including a mixed-use residential development project, so long as at least 10 percent of the units included in the project are for housing that is affordable and the developer of the project agrees not to apply for or receive funding under s. [420.5087](#). The provisions of this subsection are self-executing and do not require the governing body to adopt an ordinance or a regulation before using the approval process in this subsection.

**History.**—s. 15, ch. 2001-252; s. 9, ch. 2019-165; s. 6, ch. 2020-27; s. 2, ch. 2022-176.

**City Commission Conference Agenda**

**4. d.**

**Meeting Date:** 10/09/2023

**Re:** Proposed Ordinance Amendment - Chapter 28 - Parks

**Submitted For:** Peggy Arraiz, Code Compliance Manager, Code Enforcement

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**SUBJECT:**

Discussion of proposed amendments to Code Chapter 28 - Parks.

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**Form Review**

**Inbox**

City Manager

Form Started By: Peggy Arraiz

Final Approval Date: 09/11/2023

**Reviewed By**

Nick Mimms

**Date**

09/11/2023 09:45 AM

Started On: 09/08/2023 04:47 PM

**City Commission Conference Agenda**

**4. e.**

**Meeting Date:** 10/09/2023

**Re:** Art in Public Places Fund

**Submitted For:** Nick Mimms, City Manager, City Manager

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**SUBJECT:**

Art in Public Places Fund

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**Attachments**

Email from City Manager re: Art in Public Places

Art in Public Places Program

17-R22

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**Form Review**

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
City Manager	Nick Mimms	09/08/2023 04:19 PM
City Manager	Nick Mimms	09/11/2023 09:45 AM
Form Started By: Jennifer Robinson		Started On: 09/08/2023 02:19 PM
Final Approval Date: 09/11/2023		

**From:** Nick Mimms  
**Sent:** Thursday, August 31, 2023 4:01 PM  
**To:** Linda Hudson; Jeremiah Johnson; Curtis Johnson; Arnold Gaines; Michael Broderick  
**Cc:** Linda Cox; Jennifer Robinson; Sara Hedges  
**Subject:** ART IN PUBLIC PLACES  
**Attachments:** Completed CIP Funding Breakdown 8-23.pdf

Good Afternoon!!

Please see attached a spreadsheet showing the individual and cumulative appropriation of funds to be used for Art in Public Places. The Art in Public Places Program is referenced in the City of Fort Pierce Code of Ordinances in Section 10. As outlined, all city capital projects are to include a 1% appropriation to be used for the program.

This information was requested by a Member of the City Commission and is provided for your review.

Have a peaceful evening...



**Nicholas C. Mimms, P.E., ICMA-CM**  
**City Manager**

City of Fort Pierce • 100 N U.S. 1 Fort Pierce, FL 34950  
772.467.3793 • [nmimms@cityoffortpierce.com](mailto:nmimms@cityoffortpierce.com)





**Capital Improvement Projects**  
**Completed Projects (FY 2019 - FY 2023)**  
**As of August 2023**

#	Fiscal Year Start	Fiscal Year Completed	Project Name	Project Description	Design	Construction	CEI	Total Project Cost	Art In Public Places Appropriation
1	2018	2019	<b>Surfside Neighborhood Drainage Improvements</b>	Total reconstruction of numerous roadways on South Hutchinson Island. The work includes 500 LF of piping and exfiltration trench	\$ 55,110	\$ 1,108,004		\$ 1,163,114	\$ 11,631
2	2018	2019	<b>Virginia Avenue Outfall Canal (Savannah Road between Heathcote and Indian Hills Recreation Area)</b>	Increase capacity of the existing canal along with the addition of rip-rap armoring of the canal bed and banks	\$ -	\$ 2,011,722	\$ -	\$ 2,011,722	\$ 20,117
3	2019	2019	<b>Edwards Road Canal (Sunrise and Oleander)</b>	Piping and canal stabilization of 500 LF of open canal	\$ 31,985	\$ 504,336		\$ 536,321	\$ 5,363
4	2018	2019	<b>Mayflower Canal Stabilization (Virginia to Edwards)</b>	Increase capacity of the existing canal along with the addition of rip-rap armoring of the canal bed and banks		\$ 3,030,625		\$ 3,030,625	\$ 30,306
5	2019	2019	<b>Dreamland Park Improvements</b>	Construction of parking area and plaza for Wall of Remembrance Memorial		\$ 186,400		\$ 186,400	\$ 1,864
6	2020	2020	<b>2020 Street Resurfacing (18th,21st, Tucker,Easter, 17th etc.)</b>	Milling and resurfacing of streets		\$ 314,669		\$ 314,669	\$ 3,147
7	2020	2020	<b>8th Street Stormwater Pump Station</b>	Installation of a stormwater pumping station to discharge into the Edwards Road drainage system	\$ 40,110	\$ 300,600		\$ 340,710	\$ 3,407
8	2020	2020	<b>Avenue A &amp; B Reconstruction - 7th Street to 8th Street</b>	Roadway reconstruction complete with new curb and gutter, sidewalks, and striping		\$ 365,640		\$ 365,640	\$ 3,656
9	2019	2020	<b>Ohio Avenue (US 1 to South 3rd Street)</b>	Intersection realignment and the reconstruction of Ohio Avenue. The work includes a new drainage collection system which conveys stormwater to an existing outfall on the east side of S. 3rd Street	\$ 135,875	\$ 1,021,473	\$ 60,124	\$ 1,217,472	\$ 12,175
10	2020	2020	<b>S. 7th Street (10th to Wendell) and Wendell Road (7th to Sunrise)</b>	Total reconstruction of roadway, including installation of a new drainage collection system to aid in conveyance of stormwater		\$ 755,984		\$ 801,484	\$ 8,015
						\$ 45,500			
11	2019	2020	<b>Melody Lane Seawall Replacement</b>	Replacement of storm damaged seawall		\$ 1,048,687		\$ 1,048,687	\$ 10,487
12	2019	2020	<b>Fuel Dock Support Building</b>	Construction of Marina auxillary building		\$ 889,598		\$ 889,598	\$ 8,896
13	2020	2020	<b>Waterproofing Decks at City Hall Garage</b>	Replacement of joint seals and repair of spalding concrete	\$ 27,200	\$ 398,715	\$ 15,000	\$ 440,915	\$ 4,409
14	2021	2022	<b>2021 Street Resurfacing (11th,Douglas,14th, 15th, 16th, Avenue E, etc.)</b>	Milling and resurfacing of streets		\$ 383,375		\$ 383,375	\$ 3,834



**Capital Improvement Projects**  
**Completed Projects (FY 2019 - FY 2023)**  
**As of August 2023**

#	Fiscal Year Start	Fiscal Year Completed	Project Name	Project Description	Design	Construction	CEI	Total Project Cost	Art In Public Places Appropriation
15	2020	2021	<b>5th Street Reconstruction (Boston Avenue to Delaware Avenue)</b>	Project includes reconstruction of roadway, drainage, landscaping, irrigation, street lighting, undergrounding of utilities and sidewalk construction	\$ 49,995	\$ 707,392	\$ 28,450	\$ 955,163	\$ 9,552
						\$ 58,459			
						\$ 83,349			
						\$ 27,518			
16	2020	2021	<b>17th Street (Orange Avenue to Avenue D)</b>	Reconstruction of pavement, drainage, addition of sidewalks, utility replacement, undergrounding of utilities, street lighting and landscape		\$ 1,970,169	\$ 113,965	\$ 2,263,439	\$ 22,634
						\$ 54,175			
						\$ 125,130			
17	2019	2021	<b>Citrus Avenue Overpass</b>	Reconditioning of overpass	\$ 83,616	\$ 984,699	\$ 65,000	\$ 1,133,315	\$ 11,333
18	2021	2021	<b>Thumb Point Drive and Rio Vista Drainage Connection</b>	Construction of new drainage facilities providing for a positive connection to the SR A1A drainage system at Rio Vista and connection to the existing Thumb Point system at 1660 Thumb Point		\$ 97,339		\$ 97,339	\$ 973
19	2017	2022	<b>Indian Hills Recreation Area - Multi-use Trail</b>	Concrete trail section part of the Greenways Trail System	\$ 55,400	\$ 502,939		\$ 558,339	\$ 5,583
20	2022	2022	<b>Porpoise Avenue Beach Access Parking Improvements</b>	Construction of a 21 space parking and beach access point	\$ 4,800	\$ 282,687		\$ 287,487	\$ 2,875
21	2022	2022	<b>Pavement Marking - Indian River Drive</b>	Re-stripping of Indian River Drive from Citrus Avenue to Savannah Road		\$ 36,339		\$ 36,339	\$ 363
22	2022	2022	<b>2022 Street Resurfacing (Means Ct., 12th St., Ave H Ave M, 30th, Quincy Ave., etc.)</b>	Milling and resurfacing of streets		\$ 662,134		\$ 662,134	\$ 6,621
23	2020	2022	<b>N. 8th Street Reconstruction - Ave. D to Ave. E</b>	Reconstruction of pavement, drainage, addition of sidewalks, utility replacement, undergrounding of utilities, street lighting and landscape	\$ 23,225	\$ 416,734		\$ 461,007	\$ 4,610
						\$ 3,937			
						\$ 6,576			
						\$ 10,536			
24	2023	2023	<b>Binney/Fairway Raised Intersections</b>	Constructon of four raised intersection - two on Binney Dr. and two on Fairway Dr. for traffic calming		\$ 144,000		\$ 144,000	\$ 1,440
25	2021	2023	<b>Beach Court Reconstruction</b>	Replacement of failing storm drain, sidewalk, roadway reconstruction, lighting and landscape	\$ 47,390	\$ 780,335		\$ 902,265	\$ 9,023
						\$ 74,540			
<b>Totals</b>					<b>\$ 554,706</b>	<b>\$ 19,394,315</b>	<b>\$ 282,539</b>	<b>\$ 20,231,559</b>	<b>\$ 202,316</b>

## ARTICLE II. - ART IN PUBLIC PLACES

### Sec. 10-19. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Artwork* means works in a variety of media produced by professional visual artists. Works may be permanent, temporary or functional.

*Board* means the arts and culture advisory board.

*Capital project* means any city capital improvement project costing more than \$100,000.00 and paid for wholly or in part by funds appropriated by the city commission to construct or renovate any park, beach restoration, abovegrade utility, and to construct or renovate any city-owned building.

*Commission* means the city commission.

*Eligible construction costs* mean the total project appropriation, including engineering and design, but not including demolition costs, equipment costs except for the cost of custom designed equipment or equipment that creates a new use for a building or facility, real property acquisition costs, impact fees, enterprise funds, and soil remediation costs.

*Equipment costs*, for the purposes of the public art/design and transportation enhancement project calculation, means those costs for the acquisition of mechanical equipment of standard manufacture.

*Master plan* means the arts and culture master plan.

*Renovation* means a capital project or transportation capital project which is a major redesign of a facility or system or a portion of a facility or system which is included in the city's capital program budget and which requires a building permit from the appropriate governmental jurisdiction. Renovation shall also include a capital project or transportation capital project which is an expansion or upgrading of the capacity of the facility or system, enlarging the facility, or creating new use for the facility. The term "renovation" does not include repairs, maintenance, installation of mechanical equipment, or modifications required solely for ADA compliance.

*Strategic plan* means a ten-year manual of action criteria based on the arts and culture master plan for the selection of sites, artwork, public capital and transportation facilities, projects, programs, etc., to be developed by the board with public input and approval by the commission prior to its implementation. This manual shall provide for a comprehensive plan for the art in public places program which shall include the display of loaned art in appropriate public buildings.

*Transportation capital project* means any city capital transportation improvement project costing more than \$100,000.00 and paid for wholly or in part by funds appropriated by the city to construct or renovate any highway or arterial, bridge or causeway, sidewalk, or bikeway or any road beautification project.

*Transportation enhancement project* means one or more of the following projects, prioritized in the following order:

- (1) Visual enhancement of facilities for pedestrians and bicycles.
- (2) Scenic or historic highway programs, including the provision of tourist and welcome center facilities.
- (3) Landscaping and other scenic beautification projects.
- (4) Historic preservation.
- (5) Rehabilitation and operation of historic transportation buildings, structure or facilities, including historic railroad facilities.
- (6) Preservation of abandoned railway corridors, including the conversion and use thereof for pedestrian or bicycle trails.

*Trust fund* means the Art in Public Places Trust Fund created pursuant to this article and shall include all gifts and donations deposited in the trust fund.

(Code 1983, § 2-355; Ord. No. J-527, § 1, 11-15-1999; Ord. No. 17-023, § 1, 8-7-2017)

Sec. 10-20. - Art in public places program.

- (a) Appropriations for city capital projects shall include an amount equal to one percent of the total eligible construction costs to be used for artist design services and for the selection, acquisition and display of artworks for related education programs, for the maintenance of city artworks, and for the administration of the master plan and the strategic plan. Funds appropriated pursuant to this section shall not exceed \$100,000.00 per project. Funds appropriated for one capital project, but not deemed necessary or appropriate by the council in whole or in part for that project, may be expended on other public art projects approved under the master plan and the strategic plan, subject to any bond restrictions and legal or grant restrictions. Bond funds shall be appropriated and accounted for in the bond capital project accounts. Projects costing less than \$100,000.00 shall be subject to the public art calculation and such funds will be pooled for other art projects. All city departments may opt to participate in the art in public places program for any improvement project not otherwise subject to this article.
- (b) Appropriations for transportation capital projects shall include an amount equal to one percent of the total eligible construction costs to be used for site specific transportation enhancement projects, including artist design services for such projects, for the maintenance of such projects, and for the administration of the master plan and the strategic plan, relating to such projects.

Funds appropriated pursuant to this section shall not exceed \$100,000.00 per project. Bond funds shall be appropriated and accounted for in the bond capital project accounts. Transportation projects costing less than \$100,000.00 are subject to the transportation enhancement projects calculation and such funds shall be pooled for other transportation enhancement projects.

- (c) The first priority for use of funds generated by a capital project shall be that capital project site. The monies appropriated under this article may be used for artist design services, for the development of design concepts and models, and for the selection, acquisition, purchase, commissioning, placement, installation, exhibition and/or display of artworks. Artworks and transportation enhancement projects shall be selected in accordance with the master plan and the strategic plan and may be temporary or permanent, may be integral to the architecture or may be incorporated into the project. Integration of the artists' design concepts into the project architecture and/or design should be ensured, insofar as is feasible, by the concurrent selection of the artist with the architect, engineer, or project designer.
- (d) In the case of a project which involves the use of grant or city bond proceeds issued after the effective date of the ordinance from which this this article is derived, amounts for artist design services and artworks described in this article shall be used for projects and capital purposes consistent with state and federal laws, the resolutions and/or ordinances approved by the commission and the terms of the grant agreement.
- (e) With the exception of transportation capital projects or as otherwise restricted by the commission, any applicable bond resolution or ordinance, local, state or federal law, or the conditions of a granting authority, monies generated under this article may be pooled and expended for any public art and design project in the city, subject to the master plan and approved strategic plan. Pooled funds may be used as seed money for artists' fees to initiate partnerships with private and other public entities to provide public art and aesthetic enhancements in the city, pursuant to a written agreement.
- (f) To the extent allowed by grant guidelines and by law, all city departments shall, from the effective date of the ordinance from which this this article is derived, include in all applications for funding to outside granting organizations or governmental agencies, an amount equal to one percent of eligible construction costs for a capital project, not to exceed \$100,000.00, or an amount equal to one percent of eligible construction costs for a transportation capital project, not to exceed \$100,000.00, for artist design services and artworks or transportation enhancement projects, as specified herein.
- (g) The minimum amount to be appropriated for artist design services, artworks, and transportation enhancement projects shall be the total eligible construction costs multiplied by 0.01. This calculation shall be made by the city department prior to the time of the appropriation for the city's capital program. An amount equal to 15 percent of the eligible allocation of the construction

project may be used for projects support and community participation activities. For publicly-owned property, this may include staffing, artist selection-related costs (excluding travel of the selection committee), consultants, design/proposal/moquette costs, identifying plaques, project documentation, publicity, community education activities and other purposes as may be deemed appropriate for the administration of the program. An amount equal to 15 percent of the eligible public art allocation of the construction project for a capital project shall be set aside in a separate account within the trust fund for curatorial services and the preservation and maintenance of city artworks. An amount equal to 15 percent of the eligible public art allocation of the construction project for a transportation capital project shall be set aside in a separate account within the trust fund for curatorial services and the preservation and maintenance of the specific transportation enhancement project. The council shall recommend that any artwork or transportation enhancement project needing extraordinary operational or maintenance costs be reviewed by the appropriate city department prior to recommendation to the commission. The council shall also be responsible for conducting an annual maintenance survey of artworks and transportation enhancement projects. This survey shall include a condition report on each work, prioritized recommendations for the restoration or repair and maintenance, and estimated costs. Such repair and maintenance shall comply with any contractual obligations which may have been entered into by the city in the acquisition of the artworks. Expenditures of monies in the artwork and transportation enhancement projects maintenance and project support accounts shall be annually recommended by the council and included in the proposed annual budget submitted to the commission. Funds in the maintenance and conservation account not expended by the end of the close of any fiscal year shall be carried forward. The council shall also, review and update as necessary the insurance requirements for artworks at least every five years.

(Code 1983, § 2-356; Ord. No. J-527, § 1, 11-15-1999; Ord. No. 17-023, § 2, 8-7-2017)

Sec. 10-21. - Art in public places trust fund.

- (a) *Created.* There is hereby created an "Art in Public Places Trust Fund" consisting of all funds appropriated and deposited to the trust fund in connection with the construction or renovation of a facility or system pursuant to this article. The trust fund is also authorized to accept gifts, grants and donations made to the city for works of art. All appropriations, gifts, grants and awards of monies hereunder shall be deposited in an interest-bearing account entitled the "City of Fort Pierce Art in Public Places Trust Fund Account," which shall be a separate account established and maintained apart from the general revenue funds and accounts of the city. All interest in said account shall accrue to the use and benefit of the trust fund account.
- (b) *Term of existence.* The City of Fort Pierce Art in Public Places Trust Fund Account shall be self-perpetuating from year to year unless specifically terminated by the commission.
- (c)

*Trust assets.* All appropriations, gifts, grants and awards of money or property received hereunder from either public or private donors shall be placed in trust for and inure to the use and benefit of the city for public art and design purposes; and said property and funds shall be expended, utilized and disbursed pursuant to the provisions of this section.

(d) *Appropriations and donations.*

- (1) Eligible monies appropriated pursuant to this article shall be transferred to the trust fund. This transfer shall take place within 30 days of the original project appropriation by the commission.
- (2) Funds deposited or credited to the City of Fort Pierce Art in Public Places Trust Fund Account, except funds for maintenance and conservation of city artworks and transportation enhancement projects, not expended or obligated by the close of any fiscal year shall be carried over automatically for a period of three years beyond the close of the city construction project, or upon recommendation of the council, carried over for an additional two years. Any funds carried over for three years, or upon request five years, and still unexpended at the expiration of such period, shall be transferred to the general fund for general art purposes or transportation enhancement projects, as appropriate, only; provided that funds derived from other restricted sources shall revert to the funds from which originally appropriated at the expiration of said three- or five-year period, or if project is canceled, as applicable.
- (3) Any gifts, grants and awards received, subject to a condition shall be expended strictly in accordance with such condition.

(Code 1983, § 2-357; Ord. No. J-527, § 1, 11-15-1999)

Sec. 10-22. - Ownership and maintenance of artworks.

Unless otherwise provided, ownership of all works of art acquired by the city under this article shall be vested in the city, including copyrights, patents and other reproduction rights. The commission shall be responsible for managing the reproduction rights of each acquisition with advice from the board. Custody, supervision, maintenance and preservation of the works of art shall be the responsibility of the city, and shall be carried out by qualified art professionals with appropriate collaboration with the council.

(Code 1983, § 2-358; Ord. No. J-527, § 1, 11-15-1999)

Sec. 10-23. - Compliance with state and federal laws.

Nothing in this article shall be deemed or construed to require the city to appropriate or expend funds if the appropriation or expenditure of such funds for the purposes herein described would not be permitted under any state or federal law, rule or regulation; or the compliance with this article would in any way affect

the treatment of interest on any bonds or other indebtedness or the city for federal income tax purposes; or the compliance with this article would in any way prevent or inhibit the city's compliance with state or federal laws, rules or regulations relating to debt obligations of the city.

(Code 1983, § 2-359; Ord. No. J-527, § 1, 11-15-1999)

**RESOLUTION NO. 17-R22**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, ESTABLISHING THE **ARTS AND CULTURE ADVISORY BOARD**, SPECIFYING THE PURPOSES OF THE ADVISORY BOARD, COMPOSITION OF THE ADVISORY BOARD, TERMS OF APPOINTMENTS AND DUTIES OF THE ADVISORY BOARD, AND PROVIDING FOR AN EFFECTIVE.

**WHEREAS**, arts and culture distinguish and inspire, fostering creativity, goodness, beauty and economic development, as they help express values, build bridges between cultures, and bring people together, regardless of ethnicity, age, social status or income; and

**WHEREAS**, the Fort Pierce Code of Ordinances, Article XXII, Chapter 2, set forth guidelines for its Art in Public Places Program (AIPP); and

**WHEREAS**, the City Commission has approved the 'Promotion of Local Art and Cultural Heritage' as a fundable activity for the Community Development Block Grant program; and

**WHEREAS**, the creation and implementation of a 10-Year Arts and Culture Strategic Plan will play a significant role in creating and sustaining a flourishing arts and cultural heritage tourism industry for the City of Fort Pierce, and;

**WHEREAS**, The City Commission desires and values public input that will be achieved through public presentations and meetings of an Arts and Culture Advisory Board during the creation and implementation of the 10-Year Arts and Culture Strategic Plan.

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

**Section 1.** Advisory Board Creation; Purposes of the Board.

There is hereby created an Advisory Board to be known as the Arts and Culture Advisory Board. The purposes of the Advisory Board include, but are not limited to, the following:

1. Conduct public meetings, presentations, etc., to survey and assess the community's needs, resources and support for artists and arts initiatives then generate a 10-Year Arts and Culture Strategic Plan for review and approval by the City Commission;
2. Make written recommendations to City Commission and staff on selection and approval of sites and works for specific public art projects, landscape treatments, architectural enhancements, and artwork(s) to be commissioned or purchased by the City in accordance with Art in Public Places (AIPP) guidelines;
3. Act in an advisory capacity in matters pertaining to arts and cultural heritage programs, projects, and activities and events for the City, in accordance with the Arts and Culture Strategic Plan and AIPP guidelines;

4. Collaborate with local artists, arts organizations, businesses, schools, staff and citizens to accomplish the projects, activities, goals and objectives detailed in the Strategic Plan and encourage and facilitate opportunities for residents and tourists to participate in these projects and activities;
5. Assist in fostering a strong and vibrant cultural environment that supports a diverse program of the performing and creative arts for both residents and visitors;
6. Serve as cultural liaison for the City between the interests of the creative community, business community, tourist industry and the community-at-large;
7. Promote greater public participation in and access to arts and cultural heritage programming within the City;
8. Coordinate activities and pursue relationships with public and private arts, historic and cultural organizations or agencies, educational entities, tourism providers and any other organizations/entities in the promotion of arts and culture in Fort Pierce and/or the enhancement of the quality of life in Fort Pierce through arts and cultural programming, projects and activities;
9. Stimulate greater public awareness and appreciation of the importance of the arts in creating and sustaining a vibrant community and heighten awareness of the City of Fort Pierce as an artist refuge and an oasis for creativity, peace, tranquility, and serenity; and
10. Provide quality, timely, up-to-date information to those seeking arts and cultural heritage information on Fort Pierce by telephone, internet and mail or in person and collect tourism data to assist with market analysis and research.

**Section 2. Composition of the Board.**

1. The Arts and Culture Advisory Board shall consist of seven (7) members. One appointment will be made by each Commissioner and two (2) by the Board. All members will be approved by the City Commission.
2. An architect or design professional, if under contract with the City of Fort Pierce for a specific City project, may advise the Board during the selection process as it relates to the project, but shall not be a voting member of the Board.
3. Except as otherwise limited by this resolution, the Arts and Culture Master Plan, Art in Public Places (AIPP) rules and regulations, or other law, rule, regulation or ordinance, the Board may adopt written policies and procedures to assist it in the performance of its duties, which shall be effective upon approval by the City Commission.

**Section 3. Residency Requirement.**

All Members of the Arts and Culture Advisory Board shall have their primary place of residence within the boundaries of the City of Fort Pierce.

**Section 4. Staff Assistance.**

The Manager of the Department of Finance-Grants Administration Division and Department staff will serve the Advisory Board by providing advice, information or assistance within the purview of their respective positions.

**Section 6. Vacancies.**

Vacancies on the Advisory Board shall be filled by the City Commission in its normal manner of filling vacancies on advisory boards. The City Commission, at its sole discretion, may require written applications for appointment to the Advisory Board.

**Section 7. Terms of Appointment.**

Advisory Board members shall be appointed for a two-year term, with an option to renew the appointment, per City Commission approval, for an additional term of two years. Appointments to fill vacancies due to resignation or other unexpected events shall be limited to the unexpired term of such vacancy. No individual shall be appointed for more than two terms, excluding however, any partial term for the filling of a vacancy as referenced above. Members may continue to serve on the Advisory Board until a replacement has been appointed. After having served two consecutive terms, any appointee may reapply for reappointment to the Advisory Board after an absence from the Advisory Board for at least one year.

**Section 8. Initial Appointment of Officers. Election of Officers.**

The Advisory Board shall elect from within the Chairman, Vice-Chairman and Secretary who shall serve for a one-year term and may not serve consecutive terms in the same position. The Chairman shall be responsible for monitoring activities of the Advisory Board and shall report on activities of the Board. The Vice Chairman shall perform the Duties of Chair in the absence of the Chairman. The Secretary shall perform the clerical duties of the board, take notes, prepare minutes of meetings, and prepare correspondence as required by the Board.

**Section 9. Attendance.**

An Advisory Board member shall be automatically removed from service at such time as the member's absences exceed twenty-five percent (25%) of all scheduled Advisory Board meetings, including workshop meetings, in a given six-month period, unless the Advisory Board, by majority vote, plus one (1), waives an absence by finding that unusual circumstances exist which warrant a waiver. An Advisory Board member shall be considered not to have attended a meeting for which the member was not present for at least seventy-five percent (75%) of the meeting. At that time, the City Clerk shall give notice to the Advisory Board member that automatic removal will occur at such time as absences exceed twenty-five percent (25%) of all scheduled meetings in a six-month period.

**Section 10. Orientation of Board Members.**

When a prospect accepts the initial appointment to the Advisory Board, the new member shall attend an orientation session. The orientation session shall be conducted by the Grants Administration Division staff and shall include, but not be limited to, the following topics:

1. History and organization of the City;
2. Duties and responsibilities of Advisory Board members; and
3. Requirements of the "Government in the Sunshine Law."

**Section 11. Regular Meetings of the Advisory Board; Special Meetings.**

1. The Advisory Board shall establish a regular meeting time and place.

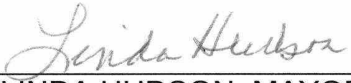
2. Notice of regular meetings shall be posted in accordance with and shall comply with Florida law relating to open meetings under Section 286.011 Florida Statutes.
3. Special meetings of the Advisory Board may be called by the Chairman. Notice of special meetings shall be made by posting no later than 24 hours prior to the time specified for the meeting.

**Section 12.** Appointments to the Advisory Board are encouraged to make recommendations to Staff for new appointments to the Board.

**Section 13.** A majority of the Advisory Board members shall constitute a quorum. Robert Rules of Order shall govern parliamentary procedures of the Advisory Board.

**Section 14.** This resolution shall take effect upon approval by the City Commission.

**IN WITNESS WHEREOF**, this Resolution has been duly adopted on this 7th day of August, 2017.

  
\_\_\_\_\_  
LINDA HUDSON, MAYOR COMMISSIONER

ATTEST:

  
\_\_\_\_\_  
LINDA W. COX, CITY CLERK

(CITY SEAL)

APPROVED AS TO FORM  
AND CORRECTNESS:

  
\_\_\_\_\_  
JAMES MESSER, Esq.  
CITY ATTORNEY

**City Commission Conference Agenda**

**4. f.**

**Meeting Date:** 10/09/2023

**Re:** Charter Article XII

**Submitted For:** Nick Mimms, City Manager, City Manager

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**SUBJECT:**

Discussion of the City of Fort Pierce Code of Ordinances Charter Article XII - Fort Pierce Utilities Authority

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**Attachments**

Fort Pierce, FL Code of Ordinances - Article XII (FPUA)

FPUA FY 2024 Annual Budget

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**Form Review**

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
City Manager	Nick Mimms	09/22/2023 02:29 PM
City Manager	Nick Mimms	09/22/2023 03:24 PM
Form Started By: Jennifer Robinson		Started On: 09/18/2023 04:16 PM
Final Approval Date: 09/22/2023		

Sec. 178. - Authorization to manage and operate financial affairs.

- (a) The utilities authority shall, except as specifically provided in Section 176 of this Chapter [Charter], have the exclusive power and authority to manage and conduct its financial affairs in accordance with generally accepted accounting principles applied to municipal utilities systems and the provisions of resolutions authorizing its revenue bonds and other obligations outstanding as of the effective date of the ordinance.
- (b) All revenues derived from the utilities after paying the necessary costs and expenses shall be applied to the payment of interest on and principal of bonds, revenue certificates, loans, and other obligations from monies borrowed, both senior and subordinate lien and to the sinking fund for the redemption thereof as required by law and ordinances under which said bonds were issued. The utilities authority shall set up reserve accounts and comply with all other provisions required by any revenue bonds and other obligations issued prior to [October 4, 1994,] the effective date of this ordinance [section].
- (c) The utilities authority shall pay to the City of Fort Pierce each year a sum equal to six (6) percent of the gross revenues as hereinafter defined, derived from the operation of the utilities for the preceding fiscal year, unless the city commission, by majority vote, agrees to accept a lesser percentage. This sum shall be paid on or before sixty (60) days after approval and acceptance of the audit for such fiscal year by the city commission.
- (d) (i) *Gross revenue* means all the income derived from retail sales of electricity, gas, and wastewater disposal; wholesale and retail sales of water; gains on sales of assets, interest, rents, royalties, dividends, and management fees.  
  
(ii) Where a power cost adjustment or purchase gas adjustment is utilized, "gross income" shall mean the amount billed based upon the applicable rate without a debit or credit for the cost adjustment.
- (e) All revenue bonds and other obligations or, other evidences of debt issued by the utilities authority subsequent to [October 4, 1994,] the effective date of this ordinance [section] shall comply with the provisions of Article XII. The utilities authority may issue revenue bonds, or other obligations or evidence of debt, varying from the requirements of this article, if said issue and terms are approved by majority vote of the city commission.
- (f) All other provisions not in conflict herewith of Article XII remain in full force and effect.

(Ord. No. F-399, § 10, 4-24-1972; Ord. No. J-117, § 3, 8-15-1994)

**ESTIMATED DISTRIBUTION TO THE CITY OF FORT PIERCE**

<b>AMENDED FY 2023 REVENUE BUDGET</b>	<b>ELECTRIC</b>	<b>WATER</b>	<b>NATURAL GAS</b>	<b>WASTE- WATER</b>	<b>FPUAnet</b>	<b>OTHER</b>	<b>TOTAL</b>
GROSS REVENUE	\$85,071,400	\$29,481,700	\$ 7,251,200	\$ 25,356,900	\$1,737,800	\$2,695,014	\$151,594,014
REVERSE:							
Purchased Power & Gas Adjustments	6,862,700	-	1,660,400	-	-	-	8,523,100
Capital Contributions	697,300	3,449,600	134,100	3,086,700	666,500	-	8,034,200
Grant Revenue	51,600	21,200	5,200	3,518,600	-	69,400	3,666,000
FMPA O&M Contract Income	-	-	-	-	-	2,074,288	2,074,288
FPUAnet Operating Revenue	-	-	-	-	1,062,800	-	1,062,800
FPUAnet Other Revenue	-	-	-	-	8,300	-	8,300
Gas Piping & Appliance Revenue	-	-	202,900	-	-	-	202,900
Gas Piping & Appliance Costs	-	-	(182,000)	-	-	-	(182,000)
Revenue for City Billing	76,300	57,500	10,800	42,400	200	-	187,200
MOEC Operating Revenue	-	-	-	-	-	451,326	451,326
ADJUSTED GROSS REVENUE	\$77,383,500	\$25,953,400	\$ 5,419,800	\$ 18,709,200	\$ -	\$ 100,000	\$127,565,900
<b>DISTRIBUTION TO CITY PAYABLE IN FY 2024</b>	<b>\$ 4,643,010</b>	<b>\$ 1,557,204</b>	<b>\$ 325,188</b>	<b>\$ 1,122,552</b>	<b>\$ -</b>	<b>\$ 6,000</b>	<b>\$ 7,653,954</b>

<b>ORIGINAL FY 2024 REVENUE BUDGET</b>	<b>ELECTRIC</b>	<b>WATER</b>	<b>NATURAL GAS</b>	<b>WASTE- WATER</b>	<b>FPUAnet</b>	<b>OTHER</b>	<b>TOTAL</b>
GROSS REVENUE	\$80,485,200	\$30,744,500	\$ 7,499,200	\$ 38,561,900	\$2,042,700	\$2,777,061	\$162,110,561
REVERSE:							
Purchased Power & Gas Adjustments	(130,000)	-	1,588,800	-	-	-	1,458,800
Capital Contributions	600,000	3,037,000	130,000	3,100,000	540,000	-	7,407,000
Grant Revenue	200,000	20,000	5,000	15,500,000	-	59,000	15,784,000
FMPA O&M Contract Income	-	-	-	-	-	2,079,230	2,079,230
FPUAnet Operating Revenue	-	-	-	-	1,459,900	-	1,459,900
FPUAnet Other Revenue	-	-	-	-	42,600	-	42,600
Gas Piping & Appliance Revenue	-	-	185,000	-	-	-	185,000
Gas Piping & Appliance Costs	-	-	(140,000)	-	-	-	(140,000)
Revenue for City Billing	76,400	57,500	10,800	42,500	200	-	187,400
MOEC Operating Revenue	-	-	-	-	-	563,831	563,831
ADJUSTED GROSS REVENUE	\$79,738,800	\$27,630,000	\$ 5,719,600	\$ 19,919,400	\$ -	\$ 75,000	\$133,082,800
<b>DISTRIBUTION TO CITY PAYABLE IN FY 2025</b>	<b>\$ 4,784,328</b>	<b>\$ 1,657,800</b>	<b>\$ 343,176</b>	<b>\$ 1,195,164</b>	<b>\$ -</b>	<b>\$ 4,500</b>	<b>\$ 7,984,968</b>