

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, APRIL 03, 2023.

1. CALL TO ORDER

Mayor Hudson called the April 03, 2023, Regular Meeting of the City Commission to order at 5:05 P.M.

2. OPENING PRAYER - Pastor Phyliss Hankerson from Assembly of God Faith Temple Church

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

Present: Commissioner Michael Broderick; Commissioner Arnold Gaines; Commissioner Jeremiah Johnson; Mayor Linda Hudson

Absent: Commissioner Curtis Johnson, Jr.

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

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Jeremiah Johnson to excuse the absence of Commissioner Curtis Johnson, Jr.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines, Commissioner Jeremiah Johnson, Mayor Linda Hudson

Passed

5. APPROVAL OF MINUTES

- a. Approval of Minutes from the March 20, 2023 Regular Meeting

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Jeremiah Johnson to approve the minutes from the March 20, 2023 Regular Meeting.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines, Commissioner Jeremiah Johnson, Mayor Linda Hudson

Passed

6. PROCLAMATIONS

- a. Sexual Assault Awareness Month Proclamation being received by The Inner Truth Project
- b. Functional Neurological Disorder Proclamation

7. LETTERS TO COMMISSION

8. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Arnold Gaines to approve the agenda as set.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines,
Commissioner Jeremiah Johnson, 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 comments

10. MISCELLANEOUS REPORTS

- a. Presentation of Solar and Energy Loan Fund's (SELF) new services by Doug Coward, Director of National Expansion and Partnerships

Doug Coward, Founder, Director of National Expansion, SELF, provided a presentation on Solar and Energy Loan Fund of St. Lucie County. SELF is one of the first Green-CDFIs in America focused on bringing low-cost loan capital, sustainability, and energy equity to under banked communities. In St. Lucie County, SELF has 4 primary lending programs, including their flagship Green Home Loans program, which offers unsecured personal loans evaluated based on the homeowners' ability to pay, not credit scores. SELF's inclusive underwriting methodology and low-cost capital fill critical market gaps for low- and moderate-income homeowners and local contractors.

11. CONSENT AGENDA

- a. Approval of the first amendment to the Grant Award Agreement between the Department of State and the City of Fort Pierce for the Fort Pierce Highwaymen Museum.
- b. Approval of CDBG Emergency Rehabilitation Strategy increase of funding in the additional amount of \$50,000.00.

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

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines,
Commissioner Jeremiah Johnson, Mayor Linda Hudson

Passed

12. PUBLIC HEARINGS

- a. Legislative Hearing - Ordinance 23-022 - Review and approval of a Future Land Use Map Amendment by owner Resurrection Life Family Worship Center, Inc., to change the future land use from Medium Density Residential, RM, to High Density Residential, RH, of 4.883 acres of the parcel located at 1910 S. Jenkins Road Fort Pierce, FL 34947. Parcel ID: 2418-322-0001-000-5. SECOND READING

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

ORDINANCE NO. 23-022

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE THE DESIGNATION OF THE PROPERTY GENERALLY LOCATED AT OR NEAR 1910 S. JENKINS ROAD, FROM MEDIUM DENSITY RESIDENTIAL, RM, TO HIGH DENSITY RESIDENTIAL, RH; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.(SECOND READING)

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

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Arnold Gaines to approve Ordinance No. 23-022.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines,
Commissioner Jeremiah Johnson, Mayor Linda Hudson

Passed

- b. Legislative Hearing - Ordinance 23-023 amending Chapter 117 of the Code of Ordinances entitled "Signs." FIRST READING

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

ORDINANCE NO. 23-023

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING CHAPTER 117, OF THE CODE OF ORDINANCES ENTITLED "SIGNS", SECTION 117-8 BY REPEALING PROVISIONS IN CONFLICT WITH § 553.792(2)(A), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.(FIRST READING)

Paul Thomas was available for questions.

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 Ordinance No. 23-023.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines,
Commissioner Jeremiah Johnson, Mayor Linda Hudson

Passed

- c. Legislative Hearing - Ordinance 23-024 Amending Chapter 103, Article II "Building Code," Division 2 of the Code of Ordinances Entitled "Building Fees." FIRST READING

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

ORDINANCE NO. 23-024

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING CHAPTER 103, ARTICLE II "BUILDING CODE", DIVISION 2 OF THE CODE OF ORDINANCES ENTITLED "PERMIT FEES", SECTION 103-52 PROVIDING WHEN PERMIT FEES ARE DUE, PROVIDING FOR THE DETERMINATION OF VALUATIONS, ESTABLISHING THE ARCHITECTURAL PRE-REVIEW INCENTIVE AND PROVIDING FOR REFUND APPLICABILITY; AMENDING SECTION 103-53 PROVIDING PERMIT FEES AND PLAN REVIEW

FEES; AMENDING SECTION 103-54, TO CORRECT CODIFICATION ERRORS; AMENDING SECTION 103-55 TO PROVIDE AN ADDITIONAL INCENTIVE FEE; AMENDING SECTION 103-56 TO PROVIDE AN ADDITIONAL PENALTY FEE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.(FIRST READING)

Paul Thomas clarified that there are no increases in fees with this proposal and was available for questions.

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. 23-024.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines,
Commissioner Jeremiah Johnson, Mayor Linda Hudson

Passed

- d. Legislative Hearing - Ordinance 23-025 - Final Budget Amendment of the General Fund 2021-22 Budget. FIRST READING

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

ORDINANCE NO. 23-025

AN ORDINANCE AMENDING THE 2021-22 BUDGET OF THE CITY OF FORT PIERCE, FLORIDA BY INSERTING THEREIN A SCHEDULE ATTACHED HERETO AND DESIGNATED AS THE 2021-22 FINAL BUDGET AMENDMENT; THE SAID SCHEDULE PROVIDES FOR THE INCREASES AND/OR DECREASES IN REVENUES AND APPROPRIATIONS IN THE GENERAL FUND; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE. (FIRST READING)

Johnna Morris, Finance Director, presented the final budget amendment of the general fund 2021-22 which included the revenues and expenses

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. 23-025.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines,
Commissioner Jeremiah Johnson, Mayor Linda Hudson

Passed

- e. Legislative Hearing - Ordinance 23-026, Amending Chapter 26, Article II, Noise, Section 26-40 Sound Level Limitations, to restrict noise volume citywide. FIRST READING

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

ORDINANCE NO. 23-026

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 26, ARTICLE II, NOISE; AMENDING AND CLARIFYING SECTION 26-38, SUBSECTION (c) – MAXIMUM PERMISSIBLE SOUND LEVELS BY USE OCCUPANCY; AMENDING AND CLARIFYING SECTION 26-40 – SOUND LEVEL LIMITATIONS, TABLE 1; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES

OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

City Manager Nick Mimms updated the Commission on the new equipment for sound utilization and commented that the Ordinance revision would reduce the sound limitations in residential, commercial and industrial areas by five decibels.

Deputy Chief Riddle and Officer Spotts presented the new equipment.

The Commission discussed the modifications to the ordinance, process for complaints, possible implementation of sound checks throughout the day, and the comparison of adjacent municipalities and enforcement.

Deputy Chief Riddle commented that when they respond to complaints the issue is usually resolved quickly.

Commissioner Gaines inquired as to whom complaints received personally should be directed.

City Attorney Tanya Earley requests those complaints be forwarded to the police department.

Mayor Hudson opened the public hearing.

Laquina Knight - Noise concern

Mel Markowitz - Enforcement concerns

Michelle Danaluk - Enforcement concerns

Steve Scott - Noise

Mayor Hudson closed the public hearing.

The Commission discussed the specifics of the difference to Edgartown, parameters that should be considered and the totality of the noise ordinance for the City.

Mayor Hudson inquired of City Attorney Earley if there would be a problem with a different decibel level in Edgartown as opposed to other areas of the City.

Attorney Earley commented that there is no perceived issue with a distinction if it is justified and expounded on the concern in Edgartown on the type of music played and the need for the meter reading after 11 P. M. in the City-wide ordinance.

Mayor Hudson made mention of Commissioner Curtis Johnson absence and his interest in the subject.

City Attorney Earley commented on the requirements if a motion was made than the ordinance is not passed.

Commissioner Jeremiah Johnson commented on the option to table the ordinance.

Commissioner Gaines made a motion to table ordinance 23-026 which was seconded by Commissioner Jeremiah Johnson.

Prior to roll call, Commissioner Broderick commented that he is not in favor of delaying the process.

Commissioner Gaines commented on the direction of the ordinance and withdrew the motion.

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Arnold Gaines to approve Ordinance No. 23-026.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines, Mayor Linda Hudson

NAY: Commissioner Jeremiah Johnson
Passed

Mayor Hudson requested information on the success of the enforcement of other local municipalities.

City Manager Nick Mimms commented on enforcement and compliance.

Commissioner Gaines inquired if no new enforcement can be provided.

City Attorney Earley commented that this is a legislative hearing and new evidence can be introduced.

13. CITY COMMISSION

a. Resolution 23-R28 Declaring Surplus Property

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

RESOLUTION NO. 23-R28

A RESOLUTION DECLARING CERTAIN PROPERTIES OWNED BY CITY OF FORT PIERCE TO BE SURPLUS TO CITY OF FORT PIERCE NEEDS, DESCRIBED AS 212 NORTH 18TH STREET; CORTEZ PARK BLK 2 LOT 11 ON CORONADO AVENUE; AND NOBLES AND NOTTINGHAM S/D BLK 1 LOT 16 (OR 661-2248: 806-705) ON AVENUE I, AND AUTHORIZING CITY STAFF TO DISPOSE OF SAID PROPERTY IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 2, ARTICLE V, SECTION 2-425 OF THE CITY OF FORT PIERCE CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

Miriam Garcia, Redevelopment Specialist, was available for questions.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Arnold Gaines to approve Resolution No. 23-R28.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines,
Commissioner Jeremiah Johnson, Mayor Linda Hudson

Passed

b. Resolution 23-R30 Approving FPUA's FY2021-2022 Final Budget Amendment.

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

RESOLUTION NO. 23-R30

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; APPROVING THE FINAL BUDGET AMENDMENT FOR THE FORT PIERCE UTILITIES AUTHORITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; AND PROVIDING FOR AN EFFECTIVE DATE.

Javier Cisneros, Director of Utilities and Barbara Mika, Director of Financial Administration, presented the FPUA's FY2021-2022 Final Budget Amendment together with the comprehensive annual financial report.

Commissioner Johnson inquired as to the evaluation, staffing, recruiting, local contractors, and trend charts. Mr. Cisneros commented that there are positions that have not been filled, that they are working to address the pay scale, and went over the trend charts and projections.

Mayor Hudson inquired on a legislative bill that may assist with reciprocal applicants.

Commissioner Gaines inquired if the college has been considered for future

vacancies. Mr. Cisneros commented that many students do not go into the wastewater profession but they do work with the college.

Commissioner Broderick inquired on the debt service coverage and concerns. Mr. Cisneros explained that the cost for purchase resale was higher. Ms. Mika explained that they are trying to maintain cash above what is owed.

Commissioner Gaines inquired on the marketing used to fill vacancies and suggested reaching out to local high schools. Mr. Cisneros commented that marketing is being discussed and pay scale is being considered.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Jeremiah Johnson to approve Resolution No. 23-R30.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines,
Commissioner Jeremiah Johnson, Mayor Linda Hudson

Passed

- c. Resolution 23-R31 accepting the Fort Pierce Utilities Authority Comprehensive Annual Financial Report for FY2022 and annual distribution.

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

RESOLUTION NO. 23-R31

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; ACCEPTING THE FY2022 ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Jeremiah Johnson to approve Resolution No. 23-R31.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines,
Commissioner Jeremiah Johnson, Mayor Linda Hudson

Passed

- d. Resolution 23-R32 Opposing House Bill 1331 and Senate Bill 1380 relating to Municipal Utilities

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

RESOLUTION NO. 23-R32

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, OPPOSING HOUSE BILL 1331 AND SENATE BILL 1380 RELATING TO MUNICIPAL UTILITIES; AND PROVIDING AN EFFECTIVE DATE.

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Arnold Gaines to approve Resolution No. 23-R32.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines,
Commissioner Jeremiah Johnson, Mayor Linda Hudson

Passed

- e. Approval of the FY 2023 Proposed Budget/Spending plan for the Animal Adoption Center.

Peggy Arraiz, Director of Community Response, and Johnna Morris, Finance Director, presented the FY 2023 Proposed Budget/spending plan for the Animal Adoption Center.

The Commission inquired on community partners, existing staff, fiscal year end, renovations, volunteers, contributions, and adoptions. Ms. Arraiz commented on the desire for community partners, current staff, this budget/spending plan ends in September, renovations, volunteers, and pet adoptions.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Jeremiah Johnson to approve FY 2023 Proposed Budget/Spending Plan for the Adoption Center.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines,
Commissioner Jeremiah Johnson, 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.

Jeff Arrigoni

Rick Reed

Michelle Danaluk

Laquina Knight

15. COMMENTS FROM THE CITY MANAGER

a. Reports

City Manager Nick Mimms provided an update on the St. Lucie County Joint Meeting.

City Clerk Linda Cox - No comments

City Attorney Tanya Earley - No comments

16. COMMENTS FROM THE COMMISSION

Commissioner Gaines commented on Ordinance 23-026.

Commissioner Broderick commented on Ordinance 23-026 and the need for better solutions.

Commissioner Jeremiah Johnson shared his visit with Mr. Mike Easom and dedication of the baseball field.

Mayor Hudson commented on the conference call with the Florida League of Cities and Congressman Mast's Vietnam Veterans event at the Riverwalk Center and addressed concerns at Jetty Park.

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 8:33 P.M.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER