

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 04, 2024.

1. CALL TO ORDER

Mayor Hudson called the November 04, 2024, Regular Meeting of the City Commission to order at 5:05 P.M.

2. OPENING PRAYER - Devoshay Johnson, Deputy City Manager, EmPowered in Christ (E.P.I.C.) Ministries

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

Present: Commissioner Michael Broderick; Commissioner Arnold Gaines; Commissioner Curtis Johnson, Jr.; Commissioner Jeremiah Johnson; Mayor Linda Hudson

Staff Present: City Clerk Linda Cox
City Manager Nicholas Mimms
City Attorney Sara Hedges

5. APPROVAL OF MINUTES

- a. Approval of the Minutes of the October 21, 2024 Regular Meeting.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Curtis Johnson, Jr. to approve the minutes of the October 21, 2024 Regular Meeting.

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

Passed

6. PROCLAMATIONS

- a. National Apprenticeship Week

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 Curtis Johnson, Jr., 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.

Kim Johnson

10. MISCELLANEOUS REPORTS

- a. Solid Waste Debris Removal Plan and On-Line Mapping System launch

Solid Waste Manager, Leroy Lewis, provided an update on debris removal and introduced the new on-line mapping system.
The Commission inquired on cleaning up and how to report problematic debris locations.

11. CONSENT AGENDA

- a. Approval of the Amendment to the grant agreement between the State of Florida, the Department of State and the City of Fort Pierce extending the grant period for the Highwaymen Museum project to June 30, 2025.
- b. Approve Public Works to piggyback Florida Sheriff's Association Contract No. FSA23-VEH21.0 Specification No 46, for the purchase of two (2) Crew Cab-Flatbed Trucks from Rechten International, Riviera Beach, FL in accordance with the attached quote, for the amount not to exceed \$273,430.00.
- c. Approval to piggyback Florida Sheriff's Association Contract No. FSA23-VEH21.0: Heavy Trucks and Buses (bid effective from October 1, 2024 through September 30, 2025), Specification No. 86, for purchase of a Peterbuilt model 520 with Heil ASL and chassis, in accordance with the attached quote, for the amount not to exceed \$423,860.00.
- d. Approval of Blanket Purchase Orders for the Police Department for Fiscal Year 2024-2025 in the total budgeted amount of \$734,769.
- e. Approval of Security Enhancements, City Hall, Securitas Electronic Security, Inc. Uniontown, OH, in the amount of \$195,380.24.

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

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

Passed

12. PUBLIC HEARINGS

Quasi-Judicial Hearings follow a strict set of rules and procedures which can be found on the City's website using this link: <https://www.cityoffortpierce.com/DocumentCenter/View/6740/Quasi-Judicial-Procedures>. All Quasi-Judicial decisions by the City Commission must be based on competency substantial evidence. Competent substantial evidence is evidence which will establish a substantial basis from which the fact at issue can reasonably be inferred. It includes fact or opinion evidence offered by an expert on a matter that requires specialized knowledge and that is relevant to the issues to be decided. It is evidence a reasonable mind could accept as having probative weight and adequate to support a legal conclusion. Hypothetical, speculative, fear or emotion based generalized statements that do not address the relevant issues and that cannot be reasonably said to support the action advocated, are not competent substantial evidence.

- a. Legislative Hearing - Ordinance 24-041 - Impact Fee Moratorium within Urban Infill and Redevelopment Area. SECOND READING.

Records Management Coordinator, Tina Rel, introduced the Ordinance, read by title only, into the record.

ORDINANCE NO. 24-041

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 Curtis Johnson, Jr., seconded by Commissioner Jeremiah Johnson to approve Ordinance No. 24-041.

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

Passed

13. CITY COMMISSION

- a. Resolution 24-R56 expressing support for Project Hammy as a Qualified Economic Development Ad Valorem Tax Exemption applicant.

Records Management Coordinator, Tina Rel, introduced the Resolution, read by title only, into the record.

RESOLUTION NO. 24-R56

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, EXPRESSING SUPPORT FOR PROJECT HAMMY AS A QUALIFIED ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION APPLICANT SUBJECT TO THE REQUIREMENTS OF SECTION 195.1995, FLORIDA STATUTES; ALLOWING IMPROVEMENTS AND/OR TANGIBLE PERSONAL PROPERTY ADDITIONS TO BE MADE BY PROJECT HAMMY SUBJECT TO THE ADOPTION OF AN EXEMPTION ORDINANCE; REPEALING ALL RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

Wes McCurry, Senior Vice President, EDC, and Micheal Rossman provided a presentation on the proposed expansion of Sports Life Distribution and Project Hammy as a qualified economic development ad valorem tax exemption applicant.

The Commission inquired on job opportunities for residents, hiring model and statistics, benefits of the program, and the location.

Mr. Rossman commented on job opportunities, hiring model and expectations, benefits of the program, and the location.

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Arnold Gaines to approve Resolution 24-R56.

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

Passed

b. Follow up discussion and direction regarding the following:

1. Status of City Manager, Nick Mimms.
2. Status of the appointment of Linda Cox as Acting City Manager.

City Attorney Sara Hedges provided a brief summary of the September meeting with the addition of Mr. Mimms request that the car allowance be considered. The Commission discussed at length the details of the contract, employment scenarios, severance, and allowable benefits.

Johnna Morris, Finance Director, explained that rehiring is not an option as Mr. Mimms had entered the drop, and it is irrevocable, and all benefits are allowable; however some require payment in full by the employee. In addition, she clarified the terms for reemployment.

Ms. Hedges clarified the amendment of the contract and what that would entail.

Commissioner Broderick made a motion to proceed with Mr. Mimms termination without cause and that all benefits remain intact.

The motion failed.

Jared Sorenson, Human Resources Manager, clarified the terms and use of FMLA.

Ms. Hedges explained the protection of FMLA, and referenced outside counsel's referendum.

Ms. Morris commented on the cap, and his entitlement to FMLA benefits.

Ms. Cox clarified the utilization of sick time and the date it ends.

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Jeremiah Johnson to proceed with the termination of Mr. Mimms without cause, continue to provide health insurance and pay car allowance, and FMLA until exhausted February 17, 2025.

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

NAY: Commissioner Arnold Gaines, Commissioner Curtis Johnson, Jr.

Passed

As to 13b item number 2

The Commission discussed Ms. Cox's appointment as City Manager, qualifications, support of appointment to the position, advertising the position, and revisiting the discussion after February 17, 2025 based on the previous vote.

Ms. Cox commented that Mr. Sorenson come back to the Commission with a timeline for the City Manager position.

Ms. Hedges commented that Mr. Mimms termination coincides with the February 18th Regular Commission meeting, a directive could be given to align the City Manager search with it., and set a status for the process.

Mr. Sorenson inquired if the Commission would like to revisit the compensation for Ms. Cox as Acting City Manager as he requires direction.

Commissioner Broderick made a motion to continue Ms. Cox as the Acting City Manager until February 18, 2025 when she will transition to City Manager.

The motion failed.

Mr. Sorenson commented that he had concern with the time required to vet applicants.

Motion was made by Commissioner Michael Broderick, seconded by Commissioner Jeremiah Johnson to continue Ms. Cox as the Acting City Manager until further deliberation.

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

Passed

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Michael Broderick to advertise the City Manager position November 15, 2024, to December 15, 2024, and to readdress the process at the January 21, 2025, Regular Meeting.

AYE: Commissioner Michael Broderick, Commissioner Arnold Gaines,
Commissioner Curtis Johnson, Jr., 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.

Mario Wilcox

Debra Johnson

15. COMMENTS FROM THE CITY MANAGER

a. Reports

Acting City Manager Linda Cox thanked the Commission for the process and affirmed her commitment to the City, provided an update on the Indian River Drive Mural, The Kiwanis playground at Jaycee Park, the November 12th Day meeting canceled, the swearing in ceremony for the new Commissioner will take place on December 2nd at 4 p.m., commented on Project Hammy, and encouraged citizens to get out and vote.

Records Management Coordinator, Tina Rel – No comments

City Attorney, Sara Hedges - No comments

16. COMMENTS FROM THE COMMISSION

Commissioner Gaines encouraged citizens to get out and vote.

Commissioner Broderick commented on completing the Elected Municipal Officials phase two.

Commissioner Jeremiah Johnson requested department heads be available to answer questions on the cleanliness of the City at an upcoming meeting.

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.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER