

MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD September 24, 2018
AT 5:30 PM Commission Chambers
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION

Mayor Kelli Glass Leighton
Vice Mayor Becky Bruner
Commissioner Eula R. Clarke
Commissioner Merritt Matheson
Commissioner Mike Meier

ADMINISTRATIVE

Interim City Manager, David Dyess
City Attorney, Michael J. Mortell
City Clerk, Mary R. Kindel

ROLL CALL



5:40 PM Roll Call.

Present: Mayor Glass Leighton, Vice Mayor Bruner, Commissioner Clarke, Commissioner Matheson, Commissioner Meier.

PLEDGE OF ALLEGIANCE

PROCLAMATIONS



5:40 PM 1. Family Day 2018 - September 24, 2018

Dr. Adnieszka W. Marshall, Director of Prevention Services of Tykes and Teens, invited everyone to join them on Sept. 27th for Family night.

PRESENTATIONS

2. September Service Awards

Amy Duran – 10 Years
Carlton O'Brien – 10 Years

3. Employee of the Month - September 2018

Karen Chambers-Cuffy was recognized by her supervisor, Roz Johnson and the City of Stuart as September's Employee of the Month. Karen graciously came forward to accept her award.


4. City of Stuart's 'WATER FEST' Award Presentation from the Florida Festival & Events Association for 2018.

Jim Chrulski briefly presented on the Water Fest tee shirt design. Ms. Patty Hamilton came forward on behalf of Florida Festival and Events Association (FFEA), a statewide organization that represents over 400 festivals each year and presented Anne Ellig, Recycling and Conservation Coordinator, with the award. Anne thanked all that helped assist with Water Fest and invited all to come be a part of the next 7th Annual Water Fest on March 23, 2019.


COMMENTS BY CITY COMMISSIONERS

Commissioner Matheson –

- Attended a River Forum this past Saturday and was pleased with the healthy discussion. Seems there is a bigger push by SFWMD for deep injection wells. A need was identified to get fresh water to areas around the state that are not receiving it. Deep Injection wells do not do this but feels they are a short term solution that does not take the next generation into account.

 5:57 PM Motion: Motion that the City of Stuart draft a Resolution stating the City's opposition to deep injection wells and that Resolution be sent to this upcoming legislative session as well as every board member of the SFWMD., Action: Approve, Moved by Commissioner Matheson, Seconded by Commissioner Meier.

Motion passed unanimously.

 5:59 PM Motion: To have staff put item on agenda to discuss the traffic problems on Palm City Road. Would like to be brought up to speed on what has been done in the past at a future meeting., Action: Approve, Moved by Commissioner Matheson, Seconded by Vice Mayor Bruner.

Motion passed unanimously.

Commissioner Clarke –

- Thanked Julie McHenry and staff of 10th Street for the reading of the Constitution. Asked the Interim City Manager to give an update.

Interim City Manager Dyess reported briefly on the reading of the Constitution.

- Confirmed whether she was required to attend the September 26, 2018 Special Commission Meeting between Mayor Glass Leighton and Commissioner Meier.
- Had a meeting with Susan King on fluoridation. Attorney Mortell confirmed that Ms. King does not live in City limits. Clarke explained that Ms. King has a business in the City.


- Pleased with the open discussion with the new commissioners.

Vice Mayor Bruner –

- Attended the Kiwanis ribbon cutting ceremony and is very pleased with the event and complemented FPL on the solar canopy.

Commissioner Meier –

- Last week Senator's Rubio and Nelson allotted 1 million dollars to the CDC for river issues, a win for Florida. Funds used to educate the public and research of illnesses caused by the bacterias.

 **6:06 PM Motion: Move that we, the City of Stuart coordinate with the County and with the Health Department to agitate that we be a recipient of funds and a recipient of that focus. I move that we work with the County and the Health Department to be a focus and recipient of funds for the CDC Algae illness budget., Action: Approve, Moved by Commissioner Meier, Seconded by Commissioner Clarke. Motion passed unanimously.**


Mayor Glass Leighton –

- Public Workshop for the train station held a week ago. Though it was well attended and many public comments were received, there were few City residents who commented. Asked the board to consider moving the meeting back from October 8th to October 22nd. In that time, would like to get more feedback from City residents. Interested in putting a survey link in the utility bills regarding the train station.

A discussion took place on the survey.


Public Comment:

- 1) Sandra Feeley – Weir Street, In favor of the survey but more information should accompany the survey question.
- 2) Nita Denton – as a condo resident in the City, they do not see utility bills and would like to be included in the survey.
- 3) Jimmy Smith – Apache Ave., commented to keep in mind that multiple people may live at one address and should have the opportunity to participate in the survey.
- 4) Tom Feeley – Weir Street, commented that a one question survey not enough.
- 5) Kathryn Pure – Palm Lake Park resident, currently a Martin County resident but may be annexed into the City in the future, would like to be included in the survey.

 **6:07 PM Motion:** Move that we ask staff to come up with a simple survey, one question – as a Stuart city resident, would you like a train station within the City of Stuart? A yes or no question. Revised: In anticipation of the train coming, would you as a City of Stuart resident want a train station within City limits? Moving agenda item to October 24th., Action: Approve, Moved by Mayor Glass Leighton, Seconded by Commissioner Meier.
Motion passed unanimously.

COMMENTS BY CITY MANAGER

APPROVAL OF AGENDA

 **6:28 PM Motion:** , Action: Approve, Moved by Commissioner Clarke, Seconded by Commissioner Meier.
Motion passed unanimously.

 **6:29 PM COMMENTS FROM THE PUBLIC (5 min. max)**

No comments.

 **6:29 PM CONSENT CALENDAR**


5. Approval of the Minutes; 9/10/2018 SCM and 9/10/2018 CCM

6. RESOLUTION No. 89-2018; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, TO APPROVE THE AWARD OF RFP 2018-203 FOR RETIREMENT PLAN ADMINISTRATION FOR 457(B) AND 401(A) DEFINED CONTRIBUTION PLANS TO ICMA RETIREMENT CORPORATION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.


7. RESOLUTION No. 90-2018; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING BUDGET AMENDMENT #12 TO THE 2017-2018 GENERAL FUND, APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR A WORK AUTHORIZATION WITH KIMLEY-HORN IN THE AMOUNT OF \$68,905.00 FOR A PERFLUORINATED COMPOUND SITE INVESTIGATION AT THE PUBLIC SAFETY COMPLEX, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

8. RESOLUTION No. 91-2018; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY OF STUART POLICE DEPARTMENT TO PROVIDE SERVICES TO THE MARTIN COUNTY SCHOOL BOARD; A GOVERNING BODY OF THE SCHOOL DISTRICT OF MARTIN COUNTY, FOR TEACHING THE PHOENIX CURRICULUM AT FELIX A. WILLIAMS AND J.D. PARKER ELEMENTARY SCHOOLS, AND AUTHORIZING THE ACCEPTANCE AND ADOPTING THE PROVISIONS OF THE PROGRAM PROVIDING AN EFFECTIVE DATE IMMEDIATELY.

END OF CONSENT CALENDAR

 **6:29 PM Motion: Action: Approve, Moved by Commissioner Matheson, Seconded by Commissioner Meier.**
Motion passed unanimously.

COMMISSION ACTION

 **6:30 PM 9.** Human Resources to facilitate continued discussion regarding the appointment of the Interim City Manager to regular status or, initiation of the recruitment process.

Human Resources Director, Roz Johnson came forward to present the two options previously proposed by the commission to be brought back for discussion in September.

Option 1: Appoint the Interim City Manager to City Manager

Option 2: Recruit state wide.

David Dyess was appointed Interim City Manager on May 28, 2018.

Commissioner Clarke – announced that she has seen an improvement in staff since Mr. Dyess has been Interim City Manager. Feels having Dyess as City Manager would be a good thing for the City, not disruptive.

Commissioner Matheson – thoroughly impressed with Mr. Dyess. Does have some hesitation but feels we have the right person for the job.


Commissioner Meier – announced that he admires Dyess' leadership, kindness, grace, and the respect he has in the community. Three major stakeholders in this are the commissioners, residents, and staff. Asked Roz Johnson about the general feeling of staff about Mr. Dyess. Ms. Johnson stated that all responses from staff have been favorable. Meier asked Dyess for an essay of his life in Stuart and was happy with the essay received.

Commissioner Bruner – commented that staff doesn't have to suffer and all are very happy. He started in this town, grew up here, and began as a police officer at 20 years old.


Public Comment:


- 1) Thelma Washington, President of East Stuart Partnership and Director of Gertrude Walden Childcare Center, commented that David Dyess is the right man for the job.**
- 2) Polly Campenni – In favor of David Dyess becoming the permanent City Manager.**
- 3) Tom Harmer – City definitely seems to be making the right choice in Mr. Dyess. Always worked for what is best for the city of Stuart as a whole.**


- 4) Nita Denton – In favor of hiring David Dyess as City Manager.
- 5) Stephen Rogers – Lives and owns a business in Stuart, in favor of hiring David Dyess.
- 6) Jimmy Smith – in favor of David Dyess and is proud of the City and the Commission.
- 7) Helen McBride – In favor of hiring David Dyess
- 8) Armond Pasquale – Commented that the City should consider previous employee, Sam Amerson for the City Manager position.

 **6:42 PM Motion: Accept Interim Manager, David Dyess and our Manager and direct a member of the staff to negotiate with him directly as it relates to his employment contract and come back to the Commission. Revised Motion: That we approve David Dyess as our Manager and that staff and Mr. Dyess work out a pay plan and we don't look for any other manager., Action: Approve, Moved by Vice Mayor Bruner, Seconded by Commissioner Clarke. Motion passed unanimously.**

Human Resources will come back to the Commission with a salary range for consideration.


 **7:03 PM 10. Advisory Board Appointments**
Community Redevelopment Board (CRB) Appointment by Commissioner Becky Bruner
Local Planning Agency (LPA) Appointment by Commissioner Mike Meier


 **7:03 PM Motion: Approve both appointments., Action: Approve, Moved by Commissioner Matheson, Seconded by Commissioner Clarke. Motion passed unanimously.**


 **6:59 PM 11. RESOLUTION No. 92-2018; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING APPENDIX "A" BY AMENDING CHAPTER 2, CHAPTER 10, CHAPTER 18, CHAPTER 32, CHAPTER, 34, CHAPTER 36, AND CHAPTER 42 OF THE CITY'S CODE OF ORDINANCES, AND PROVIDING AN EFFECTIVE DATE.**

Skipped Item #10, will complete Item #11 then Item #10.
Public Works Director, David Peters explained Appendix A, the rates and charges attached in the Code of Ordinances. The water sewer and sanitation rates identified are part of the rate study the commission adopted last year. This is the annual approval process.


Commissioner Meier – Pole sign waiver currently has a typo identified as 2006. Attorney Mortell commented that the Ordinance will be updated and amended to include up to 2022.

 **7:02 PM Motion: Move approval also including revising the date of the pole sign fee waiver to reflect the new pole sign limit date., Action: Approve, Moved by Commissioner Meier, Seconded by Vice Mayor Bruner. Motion passed unanimously.**

 **7:04 PM 12. RESOLUTION No. 93-2018; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, SUPPORTING THE 2018 WATER RESOURCES DEVELOPMENT ACT (W RDA) (S. 3021); PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

 **7:04 PM Motion: Action: Approve, Moved by Commissioner Meier, Seconded by Commissioner Matheson. Motion passed unanimously.**

ORDINANCE FIRST READING

 **7:05 PM 13. ORDINANCE No. 2381-2018; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ANNEXING A PARCEL OF LAND FRONTING N.W. FEDERAL HIGHWAY (U.S. HIGHWAY 1) AND SOUTH OF 14TH STREET, OWNED BY BAKER ROAD, LLC;, CONSISTING OF 0.80 ACRES, SAID PARCEL BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.**

Stephen Mayer, Senior Planner of the Development Department requested to make both presentations together as they are closely related.

Item #14 is Quasi-Judicial, therefore, they will both be heard as Quasi-Judicial. Two motions will be needed to adopt the two separate Ordinances.

Sworn In – 3 people; Stephen Mayer, Kev Freeman, Brad Currie of EDC Engineering.

Stephen Mayer gave a presentation to include both Ordinances 2381-2018 and 2382-2018.

Applicant, Brad Currie came forward to answer questions.

Attorney Mortell clarified that Ordinance No. 2381-2018 is to determine whether or not to annex. Ordinance No. 2382-2018 is Quasi-Judicial as relates to parking issues.

Commissioners inquired on pervious concrete, LED lighting, and 8 foot sidewalks.


The Mayor requested staff to check on whether 8 foot sidewalks were possible before 2nd Reading.

Public Comment:

- 1) Kathrine Paree – Palm Lake Park resident, opposes project as children are in the area and the increased traffic is dangerous.
- 2) Ron Aussner – Palm Lake Park resident, issues with dumpsters, ie; smell, rodents, grease trap. Poor planning in consideration for the neighborhood. Suggests an exit on to 13th and sign that states US1 only.
- 3) Mike Kruse – Palm Lake Park resident, not opposed to the project but lives on the corner, and he requested clarification of the number of parking spaces. Why grease traps? Why does the exit need to come out at Palm Lake Park?


Mr. Currie confirmed that the dumpster plans detail. Should not include a grease trap, will be cleared up before 2nd Reading. Reason for exit on Palm Park is to avoid a dead end parking lot.

Hearing closed.

 **7:44 PM Motion: Approve Ordinance 2381-2018 as written., Action: Approve, Moved by Commissioner Clarke, Seconded by Commissioner Matheson. Motion passed unanimously.**


Commissioner Matheson requested commissioner's thoughts on a directional sign steering traffic to US1. The sign would have to be on the applicants property.


14. ORDINANCE No. 2382-2018; (QUASI-JUDICIAL) AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE COMPREHENSIVE PLAN USE PLAN OF THE CITY OF STUART TO "COMMERCIAL," PURSUANT TO THE COMPREHENSIVE LAND USE AMENDMENT LAWS OF THE STATE OF FLORIDA FOR PARCEL OF LAND FRONTING N.W. FEDERAL HIGHWAY (U.S. HIGHWAY 1), CONSISTING OF 0.80 ACRES OWNED BY BAKER ROAD, LLC.; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; SAID LAND TO BE CONCURRENTLY DESIGNATED AS A COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) ZONING DISTRICT ON THE CITY OF STUART OFFICIAL ZONING MAP; ADOPTING A FINAL SITE PLAN; PROVIDING FOR A TIMETABLE FOR DEVELOPMENT; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (QJ)(RC)

 **7:48 PM Motion: Regarding Ordinance No. 2382-2018, I move approval and again reiterate my comments during the discussion of Item #13 with regard to the contiguous compact no enclave and the idea of the future land use map, well that was for the fact it would be annexation. I think some of those things play a part as to why it justifies change on the future land use map from commercial planned unit development so I would ask that the board consider seconding my motion to approve**


**Ordinance #2382-2018., Action: Approve, Moved by Commissioner Clarke, Seconded by Vice Mayor Bruner.
Motion passed unanimously.**

ORDINANCE SECOND READING

 **7:50 PM 15.** ORDINANCE No. 2375-2018; AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING CHAPTER 3, SECTION 3.01.08 -- "PUBLIC ART" OF THE CITY'S LAND DEVELOPMENT CODE THEREBY PROVIDING OPTIONS TO DEVELOPERS OF PROJECTS IN THE URBAN CODE DISTRICT TO CONTRIBUTE 100% OF THE PUBLIC ART FEE TO THE CITY'S PUBLIC ART TRUST FUND OR PROVIDE ON-SITE PUBLIC ARTWORK OR PAY A PORTION OF THE PUBLIC ART FEE AMOUNT TO PROVIDE ON-SITE PUBLIC ARTWORK AND THE REMAINDER TO THE CITY'S PUBLIC ART TRUST FUND; PROVIDING FOR AN EFFECTIVE DATE; CODIFICATION; AND FOR OTHER PURPOSES.

 **7:51 PM Motion: Action: Approve, Moved by Commissioner Meier, Seconded by Commissioner Clarke.
Motion passed unanimously.**

DISCUSSION AND DELIBERATION

 **7:51 PM 16.** Discussion and Deliberation regarding issues requested by the City Commission at the September 10, 2018 Regular City Commission Meeting.

Water Quality Issues:

- **\$100,000.00 request to set aside for river related issues. A one-time non-reoccurring fund from the Stormwater fund for such projects. All items would come before commission before the expenditure of these funds.**
- **David Peters announced alternative, environmentally friendly products to replace the City's use of Round-Up. The estimated costs will increase by a minimum of \$8,000.**

Commissioner Clarke commented on the mulching process from debris collected and if the City could use this more or something other than the grass areas that need to be chemically treated with these products.

Commissioner Bruner read notes on her thoughts related to these issues.

Commissioner Meier asked David Peters which alternative products were researched.

Mayor Glass Leighton called to table this discussion and David Peters, Public Works Director, will bring back alternatives.

- **The Toxic Puzzle – The County attended the meeting in which this was discussed and has moved forward to fund this project. It is set for Thursday, November 1st from 6:00 - 7:30 p.m. and Friday, November 2nd from 2:00 – 3:30**

p.m. at the Blake Library. City Manager David Dyess will send an email to Commission and staff.

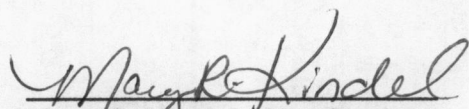
- Toxicology Report on the death of a dog related to river issues. Ben Hogarth, Communication and Special Events Coordinator, Community Services Department, spoke about the dog, Finn and the report. An alert went out to all City and County residents to keep their animals away from the river.

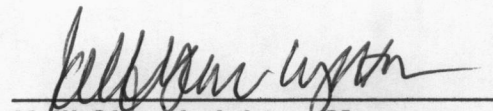
A video was shown on what action the City has and is taking to protect the river. It will be released on social media.

- Tree Fund – Kevin Freeman presented briefly that there is currently \$425,000 in the fund. Looking into producing a Guide for Developers.

Commissioner Clarke commented on the City's need to develop it's messaging to better engage people and encourage involvement.

 8:17 PM ADJOURNMENT


Mary R. Kindel, City Clerk


Kelli Glass Leighton, Mayor

Minutes to be approved at the Regular Commission Meeting this 8th day of October, 2018.

