

MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD October 12, 2020
AT 4:00 PM Commission Chambers
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION

Mayor Michael J. Meier
Vice Mayor Eula R. Clarke
Commissioner Becky Bruner
Commissioner Merritt Matheson
Commissioner Troy McDonald

ADMINISTRATIVE

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



4:00 PM ROLL CALL

Present: Mayor Meier, Vice Mayor Clarke, Commissioner Bruner, Commissioner Matheson, Commissioner McDonald

*** Clerk's Note: Per Ordinance No. 2450-2020 Attachment A to the Code of Ordinances Amendment adopted on 9/28/2020, Section 2-48. Meetings was updated to reflect the second Monday of each month, the Commission Meetings will begin at 4:00 p.m. at which time, proclamations, presentations, and employee appreciations will occur with a time certain of 5:30 p.m. for the remainder of the meeting.**

THIS MEETING IS A HYBRID IN PERSON/REMOTE MEETING.

Mayor Meier recognized Columbus Day and Indigenous People's Day. He acknowledged we were on the homelands of the Ais, Jove, and Seminole People.

PLEDGE OF ALLEGIANCE

1. ARTS MOMENT

Stephen Mayer provided a brief overview of his involvement in theater and explained the new approach called Zoom Theater. He introduced The Proposal, an upcoming Zoom self-directed play.

PROCLAMATIONS

2. IMAGINE A DAY WITHOUT WATER - OCTOBER 21, 2020

Anne Ellig, Program Manager, accepted the proclamation and spoke on the importance of water, inviting all to imagine a day without water on October 21st.

3. FLORIDA CITY GOVERNMENT WEEK - OCTOBER 19-25, 2020

City Manager, David Dyess complimented staff, especially Mary Kindel, City Clerk and Paul Sandstrom of Community Services who put together a video using the Florida League of Cities book "The City That Talks" which will be sent to local elementary schools during City Government Week. The video was shown to the Commission and staff came forward for a photo.

4. HOSPICE AND PALLIATIVE CARE MONTH - NOVEMBER 2020

Jackie Kendrick, CEO and Scott Hoffman, Board Member of Treasure Coast Hospice accepted the proclamation, thanking the City on behalf of the employees, volunteers and board.

PRESENTATIONS

4:22 PM 5. SERVICE AWARDS - OCTOBER 2020

Rosamond Johnson, Human Resources - 10 years

Bradley Howard, Public Works - 10 years

Anne Ellig, Public Works - 5 years

Edith Rodriguez, Finance - 5 years

***The following employees were recognized for their years of service as they were unable to attend Commission Meetings in person to accept their service awards due to COVID-19:**

Stefano Nicolosi, Development, 5 Years

Matthew Cernuto, Police, 15 Years


Bruce Beland, Development, 15 Years

Grace Alvarado, Development, 15 Years

6. EMPLOYEE OF THE MONTH - OCTOBER 2020

Dave Peters, Public Works Director, presented an overview of Anne Ellig's accomplishments and achievements, especially in recognition for her efforts in putting together the Sustainability Plan.

Anne Ellig, Program Manager, accepted her Employee of the Month Award and thanked her fellow committee members as well as Dave Peters for his support and encouragement on the Sustainability Plan.

 4:33 PM City Manager Dyess requested a brief discussion on Lake Okeechobee releases. City Attorney Mortell agreed but recommended that during the 5:30 p.m. public comment (or Commissioner Comments) to state that he has communicated with Col. Polk and provide the discussed items, but this would give them the time to discuss the topic more at length.

Commissioner Matheson opened discussion with a brief update on the Lake Okeechobee discharge, releases, pollutions & blue green algae. He presented a LORS slide explaining the establishment of allowable Lake Okeechobee Releases to tide (estuaries). He asked if the City Manager would set up a meeting with Mr. Mack Stuckey to find out what he would like to do and have Ben Hogarth be prepared to present as well.

City Manager noted that he has communicated with Mr. Stuckey and he could come to give a presentation at the 4:00 p.m. November 9th Commission Meeting. Mr. Hogarth could prepare a response for a follow-up meeting.

Ben Hogarth, City's Communications Liaison, provided the Commission input.

Commissioner McDonald commented on inviting the Army Corp of Engineers to attend the meeting with Mr. Stuckey's presentation. Matheson and Meier feel it is not necessary for both to take place at the same meeting.

 5:11 PM RECESS CALLED BY MAYOR MEIER

 5:30 PM MEETING RECONVENED

COMMENTS BY CITY COMMISSIONERS

Commissioner Bruner

- Commented on being grateful for her job and the great job staff does.

Commissioner Matheson

- Thanked Michele Jett, staff, and City Manager Dyess for the City's new mapping system on the website.
- Thanked Helen McBride for pointing out the tree's sudden removal on Monterey Rd.
- Thanked TDC Award for a Great Place.
- Announced a Demand Clean Water Rally at Stuart Causeway Bridge, Sunday at 10 am, encouraged everyone to attend.
- Requested to pull Item #8 from the Consent Agenda.

Commissioner McDonald

- Commented on the "Great Place to Live Award".
- Spoke about the excessive rain and flooding and his tour around the City. Thanked Milton and The Public Works Department for doing a great job and their Storm Water Master Plan.
- Attended a training with the Police Department that involved many of the operations they train for such as qualifying, firearms, identifying criminals, special firearms training, encourages others to attend their training and complimented the Police Department on doing a great job.

Vice Mayor Clarke

- Thanked Anne Ellig for her work on the sustainability project, complimented the City Manager and staff for the presentation of "The City That Talks", misses going to the schools for presentations.
- Inquired about looking into more of a direct relationship with the County on flooding and drainage control.
- Addressed City Manager and employees on the amazing job they have done during COVID. She requested recognizing the City employees for their work keeping the City going during COVID to let them know we trust and appreciate them.
- Mentioned residents requesting a moratorium in the City. She felt the City is balanced and developed well.
- Requested a status on the Diversity Committee. She had concerns of the upcoming election and questioned if there were any plans in place on keeping the City safe.
- Suggested working with the Development Department on a neighborhood plan with a discussion including a survey on what residents felt was happening or not happening within the City.
- Mentioned public/private relationships and how the Kiwanis Club has done so many good things in our City.
- Requested to pull Items #9 and #10 from the Consent Agenda.

Per the East Stuart zoning discussion, Kev Freeman, Development Director, responded to explain the past solicitation and there was a lack of commitment by the Commission; therefore, he would like his staff to come back with a status update and find out how the Commission feels about that, then revisit with the community, but they would prefer a good direction from the commission before moving forward.

City Attorney suggested Mr. Freeman return with a history presentation, and from that, the Commission decide where to go from there. He feels they spent a lot of time communicating with the community and would not like to see that work wasted.

Mayor Meier suggested this may be beyond a D&D item but more of a Workshop.

Mayor Meier

- Attended via Zoom, the County Commission Meeting on their Climate Vulnerability Assessment Presentation focusing on the economic impact of climate change and stated he is proud of the City's Sustainability Plan and looked forward to continuing to lead.
- Mentioned other local government's discussions on what steps to take to ensure public safety into the November elections.


Chief Tumminelli updated the Commission, stating there is an action plan that included monitoring six (6) sites including the Supervisor of Elections Office.

- Mentioned the Joint City School Board Meeting October 21, 2020 at 9:00 AM.

COMMENTS BY CITY MANAGER

City Manager Dyess responded to Commissioner Matheson on the trees along the Walgreens was a development order and staff will contact about tree replacement. He also provided a brief update on the Race Relations Board stating they have meet approximately 4 times and gone through the Police Department use of force, Police Chief presented on policies, and various recommendations have been made and some implemented. Human Resources is the topic at the next meeting.

APPROVAL OF AGENDA

 6:04 PM MOTION: So moved. [Motion to approve Agenda with Items #8, #9, and #10 pulled.]

MOVED BY: Commissioner McDonald

SECONDED BY: Vice Mayor Clarke

Motion passed unanimously.

COMMENTS FROM THE PUBLIC

- 1.) Caryn Hall Yost-Rudge - Palm City Road; She supported the three (3) minute public comment time limit but encouraged not to go less than three (3) minutes in the future. She did not agree with moving the Commission Meeting time. She requested a new population number with the new developments and how it would change.
- 2.) Tom Campenni - St Lucie Crescent; Invited the Commission to volunteer at the Thanksgiving Feed with Gertrude Walden on November 19th to hand out Thanksgiving meals.
- 3.) Joselia Powell - Florida St; asked a question on annexation in the City and the process and clarification on the City limits.

City Attorney Mortell explained the process.

CONSENT CALENDAR

7. APPROVAL OF 09/14/2020 CCM, 09/21/2020 SCM, 09/28/2020 SCM, AND 09/28/2020 CCM MINUTES

8. **(PULLED)** INTER-LOCAL AGREEMENT WITH TREASURE COAST PLANNING COUNCIL:

RESOLUTION No. 120-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE AN INTER-LOCAL AGREEMENT BETWEEN THE CITY OF STUART AND TREASURE COAST REGIONAL PLANNING COUNCIL FOR THE PROVISION OF CONDUCTING AN ANALYSIS OF THE FEDERAL HIGHWAY CORRIDOR IN CONNECTION WITH A DEPARTMENT OF ECONOMIC ACTIVITY GRANT AWARD. PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

9. (PULLED) AUTHORIZE COMMUNITY SERVICES DEPT. TO APPLY FOR A FRDAP GRANT FOR KIWANIS PARK PLAYGROUND EQUIPMENT:

RESOLUTION No. 121-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE COMMUNITY SERVICES DEPARTMENT TO APPLY FOR A GRANT THROUGH THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) AND IF APPROVED, AUTHORIZE THE ACCEPTANCE AND EXPENDITURE OF GRANT FUNDS FOR THE PURPOSE OF MAKING IMPROVEMENTS TO KIWANIS PARK; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

10. (PULLED) UPDATING CIP TO INCLUDE KIWANIS PARK PLAYGROUND:

RESOLUTION No. 122-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE ADOPTED 2021 5-YEAR CAPITAL IMPROVEMENT PLAN (CIP) TO INCLUDE IMPROVEMENTS TO KIWANIS PARK; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

11. ACQUIRE FDOT POND:

RESOLUTION No. 123-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY MANAGER TO ACQUIRE THE FDOT POND LOCATED ON STATE ROAD NO 5 (US 1) TO ENHANCE THE PROPERTY LOCATED WITHIN THE STUART COMMUNITY REDEVELOPMENT AREA AND AUTHORIZING THE MAYOR TO EXECUTE A RESOLUTION PROVIDING AN EASMENT OVER THE PROPERTY TO FDOT, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

12. PLAT OF "OCEAN COVE":

RESOLUTION No. 124-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE A PLAT TITLED "OCEAN COVE", (F.K.A. STUART OCEAN) WITH LANDS SITUATED IN SECTION 2, TOWNSHIP 38 SOUTH, RANGE 41 EAST, CONTAINING 11.045 ACRES, PREPARED BY RONNIE L. FURNISS OF CAULFIELD AND WHEELER, INC., A FLORIDA REGISTERED LAND SURVEYOR AND MAPPER NO. 6272, PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR



6:15 PM MOTION: Move for approval less Items 8, 9 and 10.
MOVED BY: Vice Mayor Clarke
SECONDED BY: Commissioner Matheson
Motion passed unanimously.

8. INTER-LOCAL AGREEMENT WITH TREASURE COAST PLANNING COUNCIL:

RESOLUTION No. 120-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE AN INTER-LOCAL AGREEMENT BETWEEN THE CITY OF STUART AND TREASURE COAST REGIONAL PLANNING COUNCIL FOR THE PROVISION OF CONDUCTING AN ANALYSIS OF THE FEDERAL HIGHWAY CORRIDOR IN CONNECTION WITH A DEPARTMENT OF ECONOMIC ACTIVITY GRANT AWARD. PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Kim Delaney, Treasure Coast Regional Planning Council, provided a brief overview of the project scope and grant requirements.



6:24 PM MOTION: Move for approval.
MOVED BY: Commissioner Matheson
SECONDED BY: Vice Mayor Clarke
Motion passed unanimously.

9. AUTHORIZE COMMUNITY SERVICES DEPT. TO APPLY FOR A FRDAP GRANT FOR KIWANIS PARK PLAYGROUND EQUIPMENT:

RESOLUTION No. 121-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE COMMUNITY SERVICES DEPARTMENT TO APPLY FOR A GRANT THROUGH THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) AND IF APPROVED, AUTHORIZE THE ACCEPTANCE AND EXPENDITURE OF GRANT FUNDS FOR THE PURPOSE OF MAKING IMPROVEMENTS TO KIWANIS PARK; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Manager Dyess provided an overview of the grant application for the improvement of Kiwanis Park.

Sherry Fisher of Kiwanis provided an overview of fundraisers and the phases of the park improvements.

Jim Chrulski, Director of Community Services, provided an overview of how the City was able to qualify for the grant.



6:30 PM MOTION: Move for approval.
MOVED BY: Vice Mayor Clarke
SECONDED BY: Commissioner McDonald
Motion passed unanimously.

10. UPDATING CIP TO INCLUDE KIWANIS PARK PLAYGROUND:
RESOLUTION No. 122-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE ADOPTED 2021 5-YEAR CAPITAL IMPROVEMENT PLAN (CIP) TO INCLUDE IMPROVEMENTS TO KIWANIS PARK; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Vice Mayor Clarke pulled Item #10 just to make the public aware that when these changes are made to the CIP, what the efforts are from the City and private partners.



6:31 MOTION: Move for Item #10 to be accepted and approved.

MOVED BY: Vice Mayor Clarke

SECONDED BY: Commissioner McDonald

Motion passed unanimously.

COMMISSION ACTION

Commission moved forward with the Second Reading Item first, Item #14, Ordinance No. 2433-2020 to match the online agenda.

***Mayor Meier noted that per Ordinance No. 2450-2020 Attachment A to the Code of Ordinances Amendment adopted on 9/28/2020, Section 2-48, Second Readings will now be discussed before First Readings on the Agenda and this order simply did not get adjusted on this agenda.**

ORDINANCE SECOND READING

14. ESTABLISHMENT OF REGULATIONS FOR MOORE'S CEMETERY:

(Continued from August 10, 2020 CCM)


ORDINANCE No. 2433-2020; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, CREATING CHAPTER 13, CEMETERIES, IN THE CITY'S CODE OF ORDINANCES TO ESTABLISH A UNIFORM SET OF REGULATIONS FOR THE PURCHASE, SALE, USE, AND MAINTENANCE OF CEMETERY SPACES IN THE CITY'S MOORE'S CEMETERY, AND TO PRESCRIBE PROCEDURES FOR THE ADMINISTRATION OF THE CEMETERY, PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.


Vice Mayor Clarke questioned some of the language in the final ordinance to include Workman's Compensation, domicile, and requirements.

A brief discussion took place to include maintenance, funding, eligibility for use and domicile language.

Public Comment:

- 1.) Gwendolyn Hall-Brinkley - SW Majorca Ave, PSL; Commented that she did not agree with the domicile requirement for short-term residents' ability to purchase a plot. She supported the five (5) year requirement.
- 2.) Joselia Powell - SE Florida St; questioned how residency would be determined.
- 3.) Helen McBride - Flamingo; questioned ownership and the ability to sell the lot.

 6:33 PM MOTION: Move for approval.

 6:52 PM Motion amended to include: Defining domicile as residing in Stuart for five (5) years or currently as distinguished from his temporary or transient.

MOVED BY: Commissioner McDonald


SECONDED BY: Vice Mayor Clarke

Motion passed unanimously.

ORDINANCE FIRST READING

13. AMENDMENT TO CITY CHARTER CORPORATE BOUNDARY:

ORDINANCE No. 2455-2020; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO AMEND THE CORPORATE BOUNDARY OF THE CITY AND REDEFINE THE BOUNDARY OF THE CITY AS SET FORTH IN APPENDIX "A" OF THE CITY CHARTER AS ADOPTED BY ORDINANCE NO. 2028-05 ON APRIL 11, 2005, AS AMENDED; REDEFINING THE CORPORATE BOUNDARY TO INCLUDE ALL LANDS ANNEXED TO THE CITY THROUGH THE EFFECTIVE DATE HEREOF; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

 7:06 PM MOTION: Move for approval.

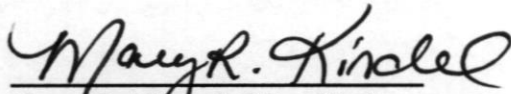
MOVED BY: Commissioner Bruner

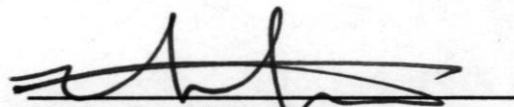
SECONDED BY: Commissioner McDonald

Motion passed unanimously.

DISCUSSION AND DELIBERATION

 7:07 PM ADJOURNMENT


Mary R. Kirdel, City Clerk


Michael J. Meier, Mayor

Minutes to be approved at the Regular Commission Meeting this 9th day of November, 2020.

