MINUTES

REGULAR MEETING OF THE STUART CITY COMMISSION TENTATIVE MILLAGE & TENTATIVE BUDGET

HELD September 13, 2021 AT 4:00 PM Commission Chambers 121 SW FLAGLER AVE. STUART, FLORIDA 34994

CITY COMMISSION
Mayor Eula R. Clarke
Vice Mayor Merritt Matheson
Commissioner Becky Bruner
Commissioner Troy McDonald
Commissioner Mike Meier (ABSENT)

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

SERGEANT AT ARMS: Police Chief Joseph Tumminelli



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

McDonald

Absent: Commissioner Meier

PLEDGE OF ALLEGIANCE

1. ARTS MOMENT - LILLIE SHAFF PERFORMING A SONG "AS IF WE NEVER SAID GOODBYE" BY SUNSET BLVD.



PROCLAMATIONS

2. CONSTITUTION WEEK - SEPTEMBER 17 - 23, 2021

Susan Earle and Donna DuBois of the two local chapters of the Daughters of the American Revolution accepted their Proclamations individually and thanked the City for their support.

3. INTERNATIONAL COASTAL CLEANUP DAY IN STUART - SEPTEMBER 18, 2021

Keep Martin Beautiful Board Member, Rachel Delekta and Anne Ellig, City of Stuart Programs Manager accepted the Proclamation; Rachel announced the local cleanup information and thanked the Commission.

4. 2-1-1 HELPLINE CELEBRATING 50 YEARS OF SERVICE AND SUICIDE PREVENTION

Karen Bailey, of the Treasure Coast 2-1-1 received the Proclamation and thanked the Stuart Commission for their support.

5. SUICIDE PREVENTION AWARENESS MONTH - SEPTEMBER 2021

Casey Wood, New Horizons of the Treasure Coast accepted and thanked the City of Stuart.

6. 4-H WEEK - OCTOBER 3 - 9, 2021

Kathy Massey, 4-H Leader for UF/IFAS Extension of Martin County accepted and noted some of the activities 4-H has been participating in the community.

4:30 PM

PRESENTATIONS

7. SERVICE AWARDS - SEPTEMBER 2021

Angel DeLeon – Sanitation Department – 20 Years of Service

Angel accepted his certificate and commented on how he enjoys his job and some of the additional things he and his co-workers are a part of while in the field; looks forward to the next 10 years.

8. EMPLOYEE SPOTLIGHT - SEPTEMBER 2021

Cody Zonkoski of Vehicle Maintenance was introduced by Milton Leggett, Public Works Director, and a photo with the Mayor was taken.

9. PRESENTATION OF CERTIFICATE OF APPRECIATION TO ARTIST, MIKE HART

Presentation postponed to October 11, 2021, Mr. Hart unable to attend.

10. CITY WELLNESS PROGRAM UPDATE AND AWARDS

Roz Johnson, Human Resources Director, presented briefly on the WOW Program, now approaching its 10-year anniversary, reviewed the programs, incentives, events, classes, and various awards the program has received. Wellness Ambassadors recognized were: Matt Cawley, Karen Chambers-Cuffy, Jan Foselli, Nicole Johnson, Chad Herzog, Marriam Marrero, Jessica Tharp, Christina Weinman, and Michele Jett. Ambassadors came forward while Johnson presented the Florida State Council Award to City Manager, David Dyess. In turn, Mr. Dyess announced that Roz Johnson was also a Wellness Ambassador and presented her with a Certificate of Appreciation as well. All gathered for a group photo.

4:58 PM

11. BUSINESS DEVELOPMENT BOARD OF MARTIN COUNTY QUARTERLY REPORT

Joan Goodrich of the Business Development Board provided the 4th Quarter/End of the Year Report.

5:14 PM

COMMENTS BY CITY COMMISSIONERS

Commissioner McDonald

- Complimented Jim Chrulski and Milton Leggett on the Shepard Park project, witnessed the new giant trees being installed and was very impressed, looking forward to the upcoming Ribbon Cutting Ceremony.
- Commented on the lawsuits against the Army Corp of Engineers, suggested the City Attorney contact the Corp and see if there is something we can do to work with the Corp or offer support and bring back the information to the Commission.

5:17 PM ** Commissioner Comments On-Hold **

Moved to Commission Action for advertised time certain of 5:15 PM

TENTITIVE MILLAGE & TENTATIVE BUDGET

See Agenda Item's 18, 19, and 20.

5:18 PM Budget Hearing – Tentative Millage & Tentative Budget

18. THIS ITEM SET FOR TIME CERTAIN OF 5:15 PM - TENTATIVE MILLAGE FOR FY 2022:

RESOLUTION No. 94-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING THE TENTATIVE MILLAGE RATE FOR FISCAL YEAR 2022; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Manager Dyess reported that by Florida law, two public hearings must be held to adopt the millage rates and final budget. Public comments must be heard on the millage rate, noted the workshops that have been held, requested any questions from the Commissioners, and stated the rollback rate for Fiscal Year 2022 is 4.8201 mills, City is proposing a millage rate that exceeds the rollback rate by 3.73%. The City is proposing a mileage rate of 5.000 mills, same millage rate as the current Fiscal year, the purpose of the increase is to fund current operations and accommodate normal increases and the cost for those operations.

Public Comment:

- 1) Armond Pasquale Seminole Street; commented on his opposition to the increase in taxes.
- 2) Andrew Karacsonyi 14th Street; Commented on his opposition to the increase in water and garbage increases and feels people are misled.

5:24 PM MOTION: Move for approval. MOVED BY: Commissioner McDonald SECONDED BY: Vice Mayor Matheson Motion approved unanimously.

19. THIS ITEM SET FOR TIME CERTAIN OF 5:15 PM - FIRE ASSESSMENT FOR FY 2022:

RESOLUTION No. 95-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING THE FISCAL YEAR 2021-22 NON-AD VALOREM ASSESSMENT ROLL FOR FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS; DIRECTING CERTIFICATION OF THE ASSESSMENT ROLL TO THE MARTIN COUNTY TAX COLLECTOR; AND PROVIDING AN EFFECTIVE DATE.

5:25 PM MOTION: Move for approval. MOVED BY: Commissioner McDonald SECONDED BY: Vice Mayor Matheson Motion approved unanimously.

20. THIS ITEM SET FOR TIME CERTAIN OF 5:15 PM -TENTATIVE BUDGET FOR FY 2022:

RESOLUTION No. 96-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING THE TENTATIVE BUDGETS OF THE CITY OF STUART, FLORIDA, FOR FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

5:26 PM MOTION: Move for approval. MOVED BY: Commissioner McDonald SECONDED BY: Vice Mayor Matheson Motion approved unanimously.

Dyess announced the Final Adoption of the FY 2022 Budget is scheduled on September 27, 2021 at 5:15 p.m. at City Hall. Mayor Clarke confirmed advertisement of the Final Budget Meeting.

5:28 PM Resumed Commissioner Comments from Budget Hearing

Commissioner Matheson

- Commented on 9/11, the 20 Year Anniversary, noting he will never forget and that he donated blood.
- At Shepard Park over past few weeks, glad to see the project come to fruition, thanked Time Voelker, Milton Leggett, and Jim Chrulski for their work on the project as well as ORCA for their work on the buffered shoreline.
- Encouraged participation in the upcoming International Waterway Cleanup.
- Provided Lake Okeechobee update and commented on the Army Corp lawsuit.

Vice Mayor Matheson made a Motion for a river fund. A brief discussion led to an amended Motion and eventually a withdraw of the Motion. Motion noted below:

5:37 PM MOTION: At the end of this fiscal year and future fiscal years, to transfer the remaining balance from fund 1150.531 Professional Services into a river defense fund, the uses of the fund shall pertain to research litigation, advocacy, lobbying, and education on behalf of the St. Lucie River and our residence. Commission approval would be required for withdraw from this fund.

AMENDED MOTION: Amend to have staff bring back a Resolution as described.

MOVED BY: Vice Mayor Matheson

SECONDED BY: Commissioner McDonald

Motion withdrawn.

Mayor Clarke

- Announced the upcoming Legislative Delegation Meeting on Thursday at the Wolf Technology Center, public is invited.
- Commented on a recent death in her family and noted the funeral that was held recently in Memorial Park, expressed her appreciation to all who helped put the extraordinary event together, especially thanked Michelle Arbuzow for her coordination.
- In response to the presentation of the Business Development Board, proud of the community and what is happening.

COMMENTS BY CITY MANAGER

No comments.

APPROVAL OF AGENDA

5:50 PM MOTION: Motion to approve the Agenda.

MOVED BY: Commissioner McDonald SECONDED BY: Vice Mayor Matheson

Motion approved unanimously.

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

- 1) Steve Leighton Commented on an article pertaining to navigation issues in which Congressman Mast was invited to and did not attend, clarified, and confirmed that no invitation was received.
- 2) Betty Brinkley Nassau Avenue; Commented on affordable housing and sidewalks, feels there is a plan for East Stuart and no action; police activity in July.



CONSENT CALENDAR

- 12. APPROVAL OF 08/23/2021 CCM MINUTES
- 13. ACCEPT DONATION TO POLICE DEPARTMENT:

RESOLUTION No. 77-2021, B/A #10; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT NUMBER 10 TO THE 2021 OPERATING BUDGET; AUTHORIZING RECEIPT AND APPROPRIATION OF A DONATION FROM NIKKI CROVATO LLC, AND LISA CROVATO LLC; AUTHORIZING THE EXPENDITURE OF FUNDS FOR SPECIAL RESPONSE TEAM EQUIPMENT PURCHASES; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

14. BID AWARD FOR WATER TREATMENT CHEMICALS:

RESOLUTION No. 82-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE THE AWARD OF ITB NO. 2021-113, CHEMICALS FOR WATER TREATMENT PLANT/WATER RECLAMATION FACILITY TO THE LOWEST, MOST RESPONSIVE RESPONSIBLE BIDDERS, ON AN AS NEEDED BASIS, TO THE FOLLOWING FIRMS, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

15. INTERLOCAL AGREEMENT FOR THE NW DIXIE HIGHWAY SIDEWALK EXTENSION:

RESOLUTION No. 84-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF STUART AND MARTIN

COUNTY FOR THE NW DIXIE HIGHWAY SIDEWALK EXTENSION PROJECT; PROVIDING AN EFFECTIVE DATE. AND FOR OTHER PURPOSES.

16. DEO REBUILD FLORIDA GRANT APPLICATION FOR ALTERNATIVE WATER SUPPLY:

RESOLUTION No. 88-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE UTILITIES & ENGINEERING DEPARTMENT TO SUBMIT A GRANT APPLICATION FOR THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY REBUILD FLORIDA MITIGATION GENERAL INFRASTRUCTURE GRANT PROGRAM TO PROVIDE FUNDING FOR THE CITY'S ALTERNATIVE WATER SUPPLY PHASE 1 PROJECT; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

17. MOVE NET PROCEEDS TO PROPERTY MANAGEMENT FUND:

RESOLUTION No. 92-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MOVE OF NET PROCEEDS RESULTING FROM THE SALE OF REAL PROPERTY ON THE SOUTH SIDE OF MARTIN LUTHER KING, JR. BLVD AND WEST OF DIXIE FROM STORMWATER FUND TO PROPERTY MANAGEMENT FUND, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

5:58 PM MOTION: Move Consent Calendar.

MOVED BY: Commissioner McDonald SECONDED BY: Commissioner Bruner

Motion approved unanimously.

COMMISSION ACTION

5:58 PM Commission Action continued with Agenda Item #21:

21. STATE OF FLORIDA OPIOID SETTLEMENT:

RESOLUTION No. 85-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY OF STUART, FLORIDA (HEREINAFTER REFERRED TO AS THIS "GOVERNMENTAL UNIT") TO JOIN WITH THE STATE OF FLORIDA AND OTHER LOCAL GOVERNMENTAL UNITS AS A PARTICIPANT IN THE FLORIDA MEMORANDUM OF UNDERSTANDING AND FORMAL AGREEMENTS IMPLEMENTING A UNIFIED PLAN, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Attorney Mortell reviewed the history of this Resolution with the Commission.

6:02 PM MOTION: Move for approval. MOVED BY: Commissioner McDonald SECONDED BY: Vice Mayor Matheson Motion approved unanimously.

22. AUTHORIZATION AND ACCEPTANCE OF CONSERVATION LAND FROM VISTA PROPERTIES OF VERO BEACH, INC.:

RESOLUTION No. 93-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING AND ACCEPTING THE DONATION OF 23.3261 ACRES OF CONSERVATION LAND LOCATED IN HANEY CREEK BEING CONVEYED BY VISTA PROPERTIES OF VERO BEACH, INC. TO THE CITY OF STUART, FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attorney Mortell reviewed location and noted that this property would remain as conservation land. City Manager Dyess noted that the City Attorney suggested this site be a possible gopher tortoise refuge.

6:04 PM MOTION: Motion to approve. MOVED BY: Vice Mayor Matheson

SECONDED BY: Commissioner McDonald

Motion approved unanimously.



ORDINANCE SECOND READING

23. ABANDONMENT OF A PORTION RIGHT-OF-WAY BETWEEN 26 SEMINOLE STREET AND 19 OSCEOLA STREET:

ORDINANCE No. 2470-2021; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO PROVIDE FOR THE ABANDONMENT OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY BEING THAT PORTION OF A PLATTED 12 FOOT WIDE ALLEY IN BETWEEN 26 S.E. SEMINOLE STREET AND 19 S.E. OSCEOLA STREET (LOTS 5 & 14, BLOCK 3) ACCORDING TO THE AMENDED PLAT OF CHARLES A. PORTER ADDITION, AS RECORDED IN PLAT BOOK 2, PAGE 75 PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, MORE CLEARLY DESCRIBED AND DEPICTED IN EXHIBITS "A" "B" & "C" ATTACHED HERETO; PROVIDING FOR PAYMENT OF A PRIVILEGE FEE: PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Tom Reetz, Development Senior Planner, confirmed no changes since First Reading.

6:06 PM MOTION: Move for approval.

MOVED BY: McDonald SECONDED BY: Matheson Motion approved unanimously.

24. AMENDING CHAPTER 22 FIRE PREVENTION:

ORDINANCE No. 2471-2021; AN ORDINANCE OF THE CITY OF STUART AMENDING CHAPTER 22; FIRE PREVENTION; PROVIDING FOR A SEVERABILITY CLAUSE AND A CONFLICTS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

6:08 PM MOTION: Move approval. MOVED BY: Commissioner McDonald SECONDED BY: Matheson Motion approved unanimously.



ORDINANCE FIRST READING

25. ABANDONMENT OF A PORTION RIGHT-OF-WAY BETWEEN 16th COURT AND 18th STREET:

ORDINANCE No. 2474-2021; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE ABANDONMENT OF A CERTAIN RIGHT-OF-WAY WITHIN THE CITY LIMITS, BEING THAT PORTION OF LAND, WHICH LIES BETWEEN S.E. 16TH COURT AND S.E. 18TH STREET EA, WHICH IS MORE FULLY DEPICTED IN EXHIBIT "A" ATTACHED HERETO, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Mayor Clarke reported that she has completed a FORM 8B, noting a potential conflict due to her home address, prohibiting her from voting on this item.

Kev Freeman, Development Director, provided a brief explanation with two presentation slides which displayed the location.

Public Comment:

1) Helen McBride – Flamingo Ave.; Commented on the individual approval of the abandonment of alleyways, wondered why they could not all be approved at one time.

6:16 PM MOTION: Motion to approve Ordinance No. 2474-2021. MOVED BY: Vice Mayor Matheson

SECONDED BY: McDonald Motion approved 3/2.

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Clarke – ABSTAIN, See Form 8B.

Meier - ABSENT

26. MAJOR SITE PLAN AMENDMENT - MONTEREY MEDICAL PARKING EXPANSION (QUASI-JUDICIAL):

RESOLUTION No. 86-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE AN AMENDMENT TO A MAJOR DEVELOPMENT SITE PLAN AT 'MONTEREY MEDICAL CENTER' LOCATED AT 1050 SE MONTEREY ROAD, STUART TO EXPAND THE PARKING LOT TO PROVIDE AN ADDITIONAL 51 PARKING STALLS: PROVIDING FOR AN EFFECTIVE DATE: AND FOR OTHER PURPOSES.

Four (4) people sworn; Kev Freeman, City of Stuart Development Director, Mark Kirk, Treasure Coast Asphalt & Maintenance, Nathan Holt, Holt Engineering, Sabine Tarcks, Landscape Design Associates.

Key Freeman, Development Director, provided a brief presentation of the location, land use, identification of two past Resolutions effecting the site (Res. 110-01 and 105-09), and the proposal.

Applicant, Mark Kirk of Treasure Coast Asphalt and Maintenance presented a power point on the project. Nathaniel Holt, Holt Engineering reviewed the retention area. Landscaping expert, Ms. Tarcks reviewed the tree plans.

Communication between the Commission, staff, and the applicant included the retention area, parking availability, pervious vs. non-pervious concrete, and landscaping and trees.



7:14 PM Hearing Closed.

Public Comment:

- 1) Linda Kay Richards Cabana Point Circle; Commented on the parking problem and would like to see the green space left alone.
- 2) Robin Cartwright Hibiscus; Commented on the past deficiencies approved and asks the Commission to do better with this project.

2 7:20 PM MOTION: Motion for approval.

MOVED BY: Commissioner Bruner

SECONDED BY: ----

Motion died for lack of second.

Vice Mayor Matheson requested the item be tabled and noted the following:

- Prefers the full Commission is in attendance for this decision.
- All documents included that are missing (parking garage data and maintenance plan from the applicant)
- Both Resolutions from 2001 and 2009 included
- The Minutes of those meetings
- Further description and evaluation from Captec Engineering, present for meeting

7:23 PM Reopening the hearing; Matheson read the Captec Engineering statement into the record.

7:26 PM MOTION: Motion to table the issue (Res. 86-2021) until October 25th.

MOVED BY: Vice Mayor Matheson
SECONDED BY: Commissioner McDonald
Motion approved unanimously.

DISCUSSION AND DELIBERATION

7:33 PM ADJOURNMENT

Mary R. Kindel, City Clerk

Eula R. Clarke, Mayor

Minutes to be approved at the Regular Commission Meeting this <u>27th</u> day of <u>September</u>, <u>2021</u>.