



City of Stuart

## **AGENDA**

### **REGULAR MEETING OF THE STUART CITY COMMISSION**

**DECEMBER 12, 2022**

**AT 4:00 PM**

**COMMISSION CHAMBERS**

**121 SW FLAGLER AVE.**

**STUART, FLORIDA 34994**

#### **CITY COMMISSION**

**Mayor Troy McDonald  
Commissioner Becky Bruner  
Commissioner Eula R. Clarke  
Commissioner Christopher Collins  
Commissioner Campbell Rich**

#### **ADMINISTRATIVE**

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

Agenda items are available on our website at <http://www.cityofstuart.us>  
Phone: (772) 288-5306. Fax: (772) 288-5305. E-mail: [mkindel@ci.stuart.fl.us](mailto:mkindel@ci.stuart.fl.us)

In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation to attend this meeting should contact the City's ADA coordinator at 772-288-5306 at least 48 hours in advance of the meeting, excluding Saturday and Sunday.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**(RC)** next to an item denotes there is a City Code requirement for a Roll Call vote.

**(QJ)** next to an item denotes that it is a quasi-judicial matter or public hearing.

**WHAT IS CIVILITY?** Civility is caring about one's identity, needs and beliefs without degrading someone else's in the process. Civility is more than merely being polite. Civility requires staying "present" even with those persons with whom we have deep-rooted and perhaps strong disagreements. It is about constantly being open to hear, learn, teach and change. It seeks common ground as a beginning point for dialogue. It is patience, grace, and strength of character. Civility is practiced in our City Hall.

**PUBLIC COMMENT:** If a member of the public wishes to comment upon ANY subject matter, including quasi-judicial matters, please submit a Request to Speak form. These forms are available in the back of the Commission Chambers, and should be given to the City Clerk prior to introduction of the item number you would like to address.

**CONSENT CALENDAR:** Those matters included under the Consent Calendar are self-explanatory, non-controversial, and are not expected to require review or discussion. All items will be enacted by one motion. If discussion on an item is desired by any City Commissioner that item may be removed by a City Commissioner from the Consent Calendar and considered separately. If an item is quasi-judicial it may be removed by a Commissioner or any member of the public from the Consent Calendar and considered separately.

**QUASI-JUDICIAL HEARINGS:** Some of the matters on the Agenda may be "quasi-judicial" in nature. City Commissioners will disclose all ex-parte communications, and may be subject to voir dire by any interested party regarding those communications. All witnesses testifying will be "sworn" prior to their testimony. However, the public is permitted to comment without being sworn. Unsworn testimony will be given appropriate weight and credibility by the City Commission.

## **ROLL CALL**

## **PLEDGE OF ALLEGIANCE**

1. ARTS MOMENT - HOLIDAY SONG BY SAMARA LEWIS
2. SELECTION OF MAYOR AND VICE MAYOR

## **PROCLAMATIONS**

## **PRESENTATIONS**

3. SERVICE AWARDS - DECEMBER 2022
4. COMMERCIAL & INDUSTRIAL ZONING BY KEVIN CROWDER WITH BUSINESSFLARE
5. 2023 CALENDAR PHOTO CONTEST WINNERS

## **COMMENTS BY CITY COMMISSIONERS**

## **COMMENTS BY CITY MANAGER**

## **APPROVAL OF AGENDA**

## **COMMENTS FROM THE PUBLIC (3 Minutes Max.)**

## **CONSENT CALENDAR**

6. APPROVAL OF 11/14/2022 CCM AND 11/28/2022 CCM MINUTES (RC)
7. APPROVAL OF 2023 MEETING CALENDAR (RC)

8. AWARD OF ITB #2023-100: CITY OF STUART REVERSE OSMOSIS CONCENTRATE PIPELINE PROJECT (RC):

RESOLUTION No. 121-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVES THE AWARD OF ITB #2023-100, CITY OF STUART REVERSE OSMOSIS CONCENTRATE PIPELINE PROJECT TO THE LOWEST, RESPONSIVE, AND RESPONSIBLE BIDDER WITH A TOTAL UNIT PRICE OF \$900,000.00 TO UNDERGROUND CONSTRUCTION MANAGEMENT OF STUART, FLORIDA PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

9. UPDATE EMPLOYEE HANDBOOK POLICY, CHAPTER VIII (APPEARANCE, UNIFORMS, EQUIPMENT, VEHICLES, AND TOOLS) (RC):

RESOLUTION No. 123-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA UPDATING CHAPTER 8 (APPEARANCE, UNIFORMS, EQUIPMENT, VEHICLES, AND TOOLS) OF THE CITY EMPLOYEE HANDBOOK, EFFECTIVE OCTOBER 1, 2022; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

#### **END OF CONSENT CALENDAR**

#### **COMMISSION ACTION**

10. CONTRACTUAL AGREEMENT WITH ST. JOSEPH'S SCHOOL FOR A STUART POLICE SCHOOL RESOURCE OFFICER (RC):

RESOLUTION No. 116-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING A THREE-YEAR CONTRACTUAL AGREEMENT BOTH OPERATIONALLY AND FINANCIALLY WITH ST. JOSEPHS CHURCH/ST. JOSEPHS SCHOOL AUTHORIZING A FULL TIME EMPLOYEE FOR THE PURPOSES OF PROVIDING A SCHOOL RESOURCE OFFICER AT THE ST. JOSEPHS SCHOOL; AND BUDGET AMENDMENT NUMBER 3 TO THE 2023 OPERATING BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

11. SE ILLINOIS AVENUE LIVING SHORELINE DEMONSTRATION PROJECT (RC):

RESOLUTION No. 122-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE UTILITIES & ENGINEERING DEPARTMENT TO SUBMIT AN INDIAN RIVER LAGOON COUNCIL GRANT APPLICATION FOR THE SE ILLINOIS AVENUE LIVING SHORELINE DEMONSTRATION PROJECT; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

12. APPOINTMENTS OF CITY COMMISSIONERS TO COMMUNITY BOARDS

13. COMMISSION LIAISON AND AT LARGE APPOINTMENTS / RATIFICATION TO ADVISORY BOARDS OF THE CITY

#### **ORDINANCE SECOND READING**

14. IMPACT FEE UPDATES (RC):

ORDINANCE No. 2508-2022; AN ORDINANCE OF THE CITY OF STUART, AMENDING CHAPTER 32 ARTICLE III IMPACT FEES, ADJUSTING FEES AND LANGUAGE FOR COLLECTION AND NOTIFICATION PROCEDURES; PROVIDING FOR A SEVERABILITY CLAUSE AND A CONFLICT CLAUSE; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES

RESOLUTION No. 120-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING APPENDIX "A" BY AMENDING CHAPTER 32 AND CHAPTER 34 OF THE CITY'S CODE OF ORDINANCES, AND PROVIDING AN EFFECTIVE DATE.

**15. ADDING INVOCATIONS TO THE AGENDA (RC):**

ORDINANCE No. 2509-2022; AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING THE STUART CITY CODE, CHAPTER 2, ADMINISTRATION AMENDING ARTICLE II DIVISION 2; PROVIDING FOR SEVERABILITY OF THE PARTS HEREOF; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION No. 119-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING A POLICY REGARDING INVOCATIONS AT THE OPENING OF ITS MEETINGS; MAKING FINDINGS; AND PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**16. EAST STUART NEIGHBORHOOD - SMALL-SCALE FUTURE LAND USE MAP AMENDMENT (RC):**

**(THIS IS A SINGLE READING ITEM) (CONTINUED TO DATE CERTAIN JANUARY 17, 2023 SPECIAL CITY COMMISSION MEETING)**

ORDINANCE No. 2500-2023; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN THEREBY CHANGING THE FUTURE LAND USE DESIGNATION FROM "LOW DENSITY" TO "EAST STUART" FOR 8.60 ACRES OF LAND; "OFFICE-RESIDENTIAL" TO "EAST STUART" FOR 1.93 ACRES OF LAND; "MULTI-FAMILY" TO "EAST STUART" FOR 4.50 ACRES OF LAND; "PUBLIC" TO "EAST STUART" FOR .53 ACRES OF LAND; AND "EAST STUART" TO "PUBLIC" FOR 5.16 ACRES OF LAND AS DEPICTED IN EXHIBIT "A" ATTACHED; DECLARING THE PLAN TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

**17. THE CREEK DISTRICT - SMALL-SCALE FUTURE LAND USE AMENDMENT (RC):  
(THIS IS A SINGLE READING ITEM) (CONTINUED TO DATE CERTAIN JANUARY 17, 2023 SPECIAL CITY COMMISSION MEETING)**

ORDINANCE No. 2502-2023; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN THEREBY CHANGING THE FUTURE LAND DESIGNATION FROM "COMMERCIAL" TO "DOWNTOWN" FOR 20.07 ACRES OF LAND AND "DOWNTOWN" TO "RECREATION" FOR .25 ACRES OF LAND AS DEPICTED IN EXHIBIT "A" ATTACHED; DECLARING THE PLAN TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF ALL

ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

**ORDINANCE FIRST READING**

18. EAST STUART NEIGHBORHOOD - ZONING MAP AMENDMENT (RC):  
**(CONTINUED TO DATE CERTAIN JANUARY 17, 2023 SPECIAL CITY COMMISSION MEETING)**

ORDINANCE No. 2499-2023; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP TO ASSIGN "EAST STUART NEIGHBORHOOD" ZONING AND MAKE CHANGES FOR CONSISTENCY WITH FUTURE LAND USE MAP; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

19. THE CREEK DISTRICT - LAND DEVELOPMENT CODE AMENDMENT (RC):  
**(CONTINUED TO DATE CERTAIN JANUARY 17, 2023 SPECIAL CITY COMMISSION MEETING)**

ORDINANCE No. 2498-2023; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING AND RESTATING THE CITY'S LAND DEVELOPMENT CODE; MORE SPECIFICALLY AMENDING CHAPTER II ZONING DISTRICTS USES ALLOWED, DENSITY, INTENSITY; CHAPTER III SPECIAL ZONING CODES FOR "THE CREEK DISTRICT"; AND CHAPTER XII DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

20. THE CREEK DISTRICT - ZONING MAP AMENDMENT (RC):  
**(CONTINUED TO DATE CERTAIN JANUARY 17, 2023 SPECIAL CITY COMMISSION MEETING)**

ORDINANCE No. 2501-2023; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP TO ASSIGN "THE CREEK DISTRICT" ZONING AND MAKE CHANGES FOR CONSISTENCY WITH THE FUTURE LAND USE MAP; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

21. EAST STUART NEIGHBORHOOD - LAND DEVELOPMENT CODE AMENDMENT (RC):  
**(CONTINUED TO DATE CERTAIN JANUARY 17, 2023 SPECIAL CITY COMMISSION MEETING)**

ORDINANCE No. 2507-2023; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING AND RESTATING THE CITY'S LAND DEVELOPMENT CODE; MORE SPECIFICALLY AMENDING CHAPTER III SPECIAL ZONING CODES FOR THE "EAST STUART NEIGHBORHOOD"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

**DISCUSSION AND DELIBERATION**

**ADJOURNMENT**