

MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
SEPTEMBER 25, 2023
AT 5:30 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION

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

ADMINISTRATIVE

City Manager, Michael J. Mortell
Interim City Attorney, Paul J. Nicoletti
City Clerk, Mary R. Kindel

ROLL CALL

5:54 PM

PRESENT: Mayor McDonald, Vice Mayor Bruner, Commissioner Clarke, Commissioner Collins, Commissioner Rich

INVOCATION

Pastor Jim Harp of Stuart Alliance Church led the Commission and the audience in the Invocation.

PLEDGE OF ALLEGIANCE

COMMENTS BY CITY COMMISSIONERS

Commissioner Collins

- Commented that today is Yom Kippur and wished blessings to all.

Commissioner Clarke

- Commented on positive development, noting area along MLK Blvd. along Central to Church Street, three homes are being done.
- Commented on a future conversation about the relocation of the City Garage and the moving of the small building on the current site to Smith Turner Park.

Vice Mayor Bruner

- Reported that she used to be on the Tourism Board that Commissioner Collins currently serves on, and would like to participate on that board again.

Mayor McDonald

- Commented on he and the City Manager's recent historic Brightline inaugural trip to Orlando and is glad to have a working relationship with Brightline; worked together on the Florida Street intersection and bridge schedule agreements.

COMMENTS BY CITY MANAGER

City Manager Mortell

- Commented on the Brightline feedback received, thanked the employees and Commissioners who stood outside in support of the train as it went by; the train is coming through our community, the City may as well focus on getting a station to receive the benefits of it.

APPROVAL OF AGENDA

6:05 PM MOTION: Approve.

MOVED BY: Eula Clarke

SECONDED BY: Christopher Collins

Motion approved unanimously.

COMMENTS FROM THE PUBLIC (Non-Agenda Related) (3 Minutes Max.)

1. Jimmy Smith - Apache Ave.; Told the Commission they are doing a great job and reported on the relationship between the City and the NAACP. Invited all to a Movie Night on October 13th. There is another NAACP event on Oct. 14th, a 5k/10k Run with fun for the community afterwards.
2. Althea Wiley - Diana St.; Announced that there is a new film coming out on Mr. Willie Gary's life, and there will be a free showing of the movie in Memorial Park on Oct. 13th and all are invited. The Burial, is coming out in theaters, and the movie will be shown locally at Memorial Park on Oct. 13th.
3. Caryn Hall Yost Rudge - Palm City Rd.; Thanked Commissioner Collins for acknowledging Yom Kippur and read a prayer.

CONSENT CALENDAR

Commissioner Collins requested to pull Item #3 from the Consent Calendar.

1. APPROVAL OF 09/07/2023 SCM - CITY ATTORNEY INTERVIEWS, 09/11/2023 SCM - TENTATIVE BUDGET & TENTATIVE MILLAGE, AND 09/11/2023 CCM MINUTES (RC)

2. UPDATE EMPLOYEE HANDBOOK, CHAPTER 11 (EMPLOYEE RECOGNITION) AND CHAPTER 13 (LEAVE TIME AND LEAVES OF ABSENCE) (RC):

RESOLUTION No. 69-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA UPDATING CHAPTER 11 (EMPLOYEE RECOGNITION) AND CHAPTER 13 (LEAVE TIME AND LEAVES OF ABSENCE) OF THE CITY EMPLOYEE POLICY HANDBOOK, EFFECTIVE SEPTEMBER 1, 2023; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

*** PULLED ***

3. MEMORANDUM OF UNDERSTANDING WITH UF-IFAS (RC):

RESOLUTION No. 79-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MEMORANDUM OF UNDERSTANDING WITH THE UF/IFAS EXTENSION 'FLORIDA FRIENDLY LANDSCAPING' (FFL) PROGRAMS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

4. STUART CHRISTMAS PARADE ROAD CLOSURE (RC):

RESOLUTION No. 85-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING A ROAD CLOSURE FOR THE ANNUAL VISITING NURSE ASSOCIATION'S STUART CHRISTMAS PARADE ON FRIDAY, DECEMBER 1, 2023, BEGINNING AT S. E. MONTEREY ROAD TRAVELING WEST ON S.E. OCEAN BLVD. TO CONFUSION CORNER INTERSECTION; AUTHORIZING THE CITY MANAGER OF THE CITY OF STUART TO SIGN THE FLORIDA DEPARTMENT OF TRANSPORTATION PERMIT FOR THE TEMPORARY CLOSING OF A STATE ROAD; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

5. AWARD OF ITB #2023-111: CONVERSION OF FRONT LOAD TRUCK TO ROLL OFF TRUCK (RC):

RESOLUTION No. 88-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVES THE AWARD OF ITB #2023-111, CONVERSION OF FRONT LOAD TRUCK TO ROLL OFF TRUCK TO THE LOWEST, RESPONSIVE, AND RESPONSIBLE BIDDER WITH A TOTAL UNIT PRICE OF \$80,800.00 TO SUNBELT WASTE EQUIPMENT, INC., OF POMPANO, FLORIDA PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

6. RATIFY COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND PALM BEACH COUNTY POLICE BENEVOLENT ASSOCIATION, INC. (RC):

RESOLUTION No. 91-2023; A RESOLUTION OF THE CITY COMMISSION OF

THE CITY OF STUART, FLORIDA RATIFYING THE THIRD-YEAR REOPENERS OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND PALM BEACH COUNTY POLICE BENEVOLENT ASSOCIATION, INC. (PBA), EFFECTIVE OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2024; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

7. RATIFY COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE PROFESSIONAL FIREFIGHTERS OF STUART, LOCAL #2411 (RC):

RESOLUTION No. 92-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA RATIFYING THE THIRD-YEAR REOPENERS OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE PROFESSIONAL FIREFIGHTERS OF STUART, LOCAL #2411 (IAFF), EFFECTIVE OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2024; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

6:15 PM MOTION: Approval of Consent Calendar, pulling Item #3.

MOVED BY: Becky Bruner

SECONDED BY: Eula Clarke

Motion approved unanimously.

*****PULLED FROM CONSENT CALENDAR*****

3. MEMORANDUM OF UNDERSTANDING WITH UF-IFAS (RC):

RESOLUTION No. 79-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MEMORANDUM OF UNDERSTANDING WITH THE UF/IFAS EXTENSION FLORIDA FRIENDLY LANDSCAPING' (FFL) PROGRAMS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Manager Mortell recognized that the funding appeared to be an additional contribution from the City, but he will contact IFAS to get the list of services provided and get back to the Commission. Mayor McDonald stated they have been a good partner. Interim City Attorney Nicoletti announced the deliverables that are included in the MOU. Commissioner Collins noted that he would like to see more community garden work included.

Public Works Director, Milton Leggett came forward and reported that the joint agreement with IFAS is part of the Stormwater requirements, and the City has partnered with them each year on various turf and grounds needs. The School Board and County contribute each year as well.

6:21 PM MOTION: Approve.

MOVED BY: Christopher Collins

SECONDED BY: Eula Clarke

Motion approved unanimously.

COMMISSION ACTION

8. CONFIRMING THE APPOINTMENT OF LEE J. BAGGETT AS CITY ATTORNEY AND AUTHORIZING AN EMPLOYMENT CONTRACT WITH THE CITY ATTORNEY (RC):

RESOLUTION No. 93-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA CONFIRMING THE APPOINTMENT OF LEE J. BAGGETT AS CITY ATTORNEY AND AUTHORIZING AN EMPLOYMENT CONTRACT WITH THE CITY ATTORNEY; AND PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Interim City Attorney Nicoletti stated the City Attorney contract needs a date certain and suggested it be on Monday, Oct. 9th.

Commissioner Clarke motioned to approve the Resolution and added that in the future, she would like to extend the Interim City Attorney's contract to assist Mr. Baggett as he gets settled. Commissioner Collins seconded the motion just for the approval of the Resolution; not to include her comment on the interim contract.

Commissioner Rich commented that he would like to see language added to Mr. Baggett's contract that states he must report to the City, any outside professional assignments, travel, etc. The discussion concluded with an explanation that he must report such information as an employee already.

Mayor McDonald noted that he would like to bring back the topic of an extended Interim Attorney contract for Paul Nicoletti as an agenda item to a future meeting.

6:23 PM MOTION: Approve Resolution No. 93-2023.

MOVED BY: Eula Clarke

SECONDED BY: Christopher Collins

Motion approved unanimously.

ORDINANCE SECOND READING

9. WOJNAR - ABANDONMENT OF S.E. OCEAN AVENUE (RC):

ORDINANCE No. 2521-2023; 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 CERTAIN 30-FOOT RIGHT-OF-WAY, AS SET FORTH ON THE PLAT BROADWAY SECTION OF ST. LUCIE ESTATES SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 4, MARTIN COUNTY, FLORIDA PUBLIC RECORDS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO; REQUESTING THE PRIVILEGE FEE FOR ABANDONING PUBLIC PROPERTY BE WAIVED IN ITS ENTIRETY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE: AND FOR OTHER PURPOSES.

6:30 PM MOTION: Approve.
MOVED BY: Eula Clarke
SECONDED BY: Christopher Collins
Motion approved unanimously.

10. AMENDING CHAPTER 22, FIRE PREVENTION, OF CODE OF ORDINANCES, ADDING A NEW SECTION (RC):

ORDINANCE No. 2522-2023; AN ORDINANCE OF THE CITY OF STUART AMENDING CHAPTER 22; FIRE PREVENTION; OF THE CODE OF ORDINANCES; ADDING A NEW SECTION 22-63; TO REQUIRE ELECTRONIC REPORTING OF ALL FIRE PROTECTION SYSTEM INSPECTION REPORTS; PROVIDING FOR A SEVERABILITY CLAUSE AND A CONFLICTS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

6:31 PM MOTION: Approve.
MOVED BY: Christopher Collins
SECONDED BY: Becky Bruner
Motion approved unanimously.

11. AMENDING CHAPTER 26, LAW ENFORCEMENT. ARTICLE II AND CHAPTER 28, OFFENSES, ARTICLE 1, OF CODE OF ORDINANCES, ADDING A NEW SECTION (RC):

ORDINANCE No. 2523-2023; AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING THE STUART CITY CODE AT SECTION 26-30 SCHEDULE OF FINES; AND BY AMENDING SECTION 28-30 RESERVED, ADDING A NEW SECTION PROHIBITING DESTRUCTION OF PUBLIC PROPERTY AND SETTING A FINE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Commissioner Rich asked what prompted the addition to the fine. Mortell responded ...


6:33 PM MOTION: Approve.
MOVED BY: Christopher Collins
SECONDED BY: Becky Bruner
Motion approved unanimously.


ORDINANCE FIRST READING

DISCUSSION AND DELIBERATION

ADJOURNMENT

6:34 PM


Mary R. Kindel, City Clerk 10/17/23


Troy McDonald, Mayor

Minutes to be approved at the Regular Commission Meeting this 9th day of October, 2023.

