



AGENDA

REGULAR MEETING OF THE STUART CITY COMMISSION

APRIL 14, 2025

AT 4:00 PM

COMMISSION CHAMBERS

121 SW FLAGLER AVE.

STUART, FLORIDA 34994

CITY COMMISSION

Mayor Campbell Rich

Vice Mayor Christopher Collins

Commissioner Eula R. Clarke

Commissioner Laura Giobbi

Commissioner Sean Reed

ADMINISTRATIVE

City Manager, Michael J. Mortell

City Attorney, Lee J. Baggett

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

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.

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

1. ARTS MOMENT - CHILDREN OF GERTRUDE WALDEN CHILDCARE CENTER SINGING A SONG

PROCLAMATIONS

2. PUBLIC SAFETY TELECOMMUNICATORS WEEK - APRIL 13–19, 2025
3. SEXUAL ASSAULT AWARENESS MONTH - APRIL 2025
4. CHILD ABUSE PREVENTION MONTH - APRIL 2025
5. STAMP OUT HUNGER DAY - MAY 10, 2025

PRESENTATIONS

6. SERVICE AWARDS - APRIL 2025
7. LEGISLATIVE UPDATE - 2025 FLORIDA LEGISLATIVE SESSION

COMMENTS BY CITY COMMISSIONERS

COMMENTS BY CITY MANAGER

APPROVAL OF AGENDA

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

CONSENT CALENDAR

8. APPROVAL OF 03/20/2025 SCM EAST STUART ZONING AND 03/24/2025 CCM MINUTES (RC)
9. SUPPORT OF MUNICIPAL CLERK'S PUBLIC RECORDS EXEMPTION (RC):

RESOLUTION No. 28-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA URGING THE FLORIDA STATE LEGISLATURE TO ENACT LEGISLATION TO PROVIDE A PUBLIC RECORDS EXEMPTION FOR MUNICIPAL CLERKS AND EMPLOYEES WHO PERFORM MUNICIPAL ELECTIONS WORK OR HAVE ANY PART IN CODE ENFORCEMENT FUNCTIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

COMMISSION ACTION

10. RATIFICATION OF EAST STUART HISTORICAL ADVISORY COMMITTEE MEMBER (RC):

RESOLUTION No. 43-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPOINTING THE ADVISORY BOARD MEMBER, PEARLIE CLARK, FOR THE VACANT POSITION OF THE EAST STUART HISTORICAL ADVISORY COMMITTEE AND ADOPTING THE MEMBER TERM FOR

THE REMAINING 2025 CALENDAR YEAR; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE SECOND READING

ORDINANCE FIRST READING

DISCUSSION AND DELIBERATION

11. DISCUSSION AND DELIBERATION OF SOUND ORDINANCE

ADJOURNMENT

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.

INVOCATION: Any invocation that may be offered at the opening of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission, and the Commission is not allowed by law to endorse the religious beliefs or views of this, or any other speaker.

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 4/14/2025

Prepared by: Nina Mullin

Title of Item:

ARTS MOMENT - CHILDREN OF GERTRUDE WALDEN CHILDCARE CENTER SINGING A SONG

Summary Explanation/Background Information on Agenda Request:

N/A

Funding Source:

N/A

Recommended Action:

Approve Item.

ATTACHMENTS:

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 4/14/2025

Prepared by: Susej Meleqi

Title of Item:

PUBLIC SAFETY TELECOMMUNICATORS WEEK - APRIL 13–19, 2025

Summary Explanation/Background Information on Agenda Request:

Every year during the second week of April, the telecommunications personnel in the public safety community are honored. National Public Safety Telecommunicators Week celebrates and thanks those who dedicate their lives to serving the public.

Funding Source:

N/A

Recommended Action:

Issue Proclamation.

ATTACHMENTS:

1. Public Safety Telecommunicators Week - April

PROCLAMATION

PUBLIC SAFETY TELECOMMUNICATORS WEEK

April 13 – 19, 2025

WHEREAS, emergencies can occur at any time that require police, fire, or emergency medical services. When an emergency occurs the prompt response of police officers, firefighters, and paramedics is critical to the protection of life and preservation of property; and

WHEREAS, the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the City of Stuart's emergency communications center; and

WHEREAS, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services. Public Safety Telecommunicators are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information, and ensuring their safety; and

WHEREAS, Public Safety Telecommunicators of the City of Stuart have contributed substantially to the apprehension of criminals, suppression of fires, and treatment of patients; and each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year.

NOW, THEREFORE I, CAMPBELL RICH, Mayor of the City of Stuart, Florida, do hereby proclaim the week of April 13 – 19, 2025 in the City of Stuart, Florida as:

PUBLIC SAFETY TELECOMMUNICATORS WEEK

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Stuart to be affixed this 14th day of April, 2025.

CAMPBELL RICH
MAYOR

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 4/14/2025

Prepared by: Susej Meleqi

Title of Item:

SEXUAL ASSAULT AWARENESS MONTH - APRIL 2025

Summary Explanation/Background Information on Agenda Request:

The Inner Truth Project is a not-for-profit organization committed to changing the conversation and eliminating the shame and secrecy of sexual abuse, violence or rape. The Inner Truth Project offers different programs for those in need with compassion, dignity, education, empowerment, and more.

Funding Source:

N/A

Recommended Action:

Issue Proclamation.

ATTACHMENTS:

1. Sexual Assault Awareness Month - April

PROCLAMATION

SEXUAL ASSAULT AWARENESS MONTH APRIL 2025

- WHEREAS,** sexual assault remains a serious and pervasive issue that affects individuals of all ages, genders, races, and backgrounds; and
- WHEREAS,** raising awareness about the prevalence of sexual assault and the need for prevention is essential to fostering a safer and more supportive society for all; and
- WHEREAS,** Sexual Assault Awareness Month serves as an opportunity to educate communities about the impact of sexual violence, as well as to empower survivors by providing resources, support, and encouragement for healing; and
- WHEREAS,** it is crucial to continue advocating for policies and programs that prevent sexual assault, support survivors, and hold perpetrators accountable to ensure the safety and dignity of every individual.

NOW, THEREFORE, I, CAMPBELL RICH, Mayor of the City of Stuart, Florida, do hereby proclaim April 2025 in the City of Stuart, Florida as:

SEXUAL ASSAULT AWARENESS MONTH

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Stuart to be affixed this 14th day of April, 2025.

CAMPBELL RICH
MAYOR

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 4/14/2025

Prepared by: Susej Meleqi

Title of Item:

CHILD ABUSE PREVENTION MONTH - APRIL 2025

Summary Explanation/Background Information on Agenda Request:

Helping People Succeed provides services to the community through effective programs. All must work together as a community to increase awareness about child abuse and contribute to promoting the social and emotional well-being of children and families in a safe, stable, and nurturing environment.

Funding Source:

N/A

Recommended Action:

Issue Proclamation.

ATTACHMENTS:

1. Child Abuse Prevention Month - April

PROCLAMATION

CHILD ABUSE PREVENTION MONTH APRIL 2025

- WHEREAS,** 3.1 million reports were made to child protective services. Child abuse and neglect is a serious problem affecting every segment of our community. Our children are our most valuable resources and will shape the future; and
- WHEREAS,** child abuse can have long-term psychological, emotional, and physical effects that have lasting consequences for victims of abuse. Effective child abuse prevention activities succeed because of the partnerships created between various organizations and families; and
- WHEREAS,** communities must make every effort to promote programs and activities that create strong and thriving children and families. Healthy Families, an abuse prevention program of Helping People Succeed, serving approximately 400 families in Martin County, is an evidence-based, voluntary family support and coaching program proven to help parents provide the safe and stable environments children need for healthy growth and development; and
- WHEREAS,** Helping People Succeed has been providing services to the community for over 6 decades. We acknowledge that we must work together as a community to increase awareness about child abuse.

NOW, THEREFORE, I, CAMPBELL RICH, Mayor of the City of Stuart, Florida, do hereby proclaim April 2025 in the City of Stuart, Florida as:

CHILD ABUSE PREVENTION MONTH

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Stuart to be affixed this 14th day of April, 2025.

CAMPBELL RICH
MAYOR

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 4/14/2025

Prepared by: Susej Meleqi

Title of Item:

STAMP OUT HUNGER DAY - MAY 10, 2025

Summary Explanation/Background Information on Agenda Request:

The Stamp Out Hunger Food Drive is a charitable initiative conducted by the United States Postal Service, National Rural Letter Carriers' Association & National Association of letter carriers in the United States to make significant donations of food to organizations serving needy people. To donate, just place a box or can of non-perishable food next to your mailbox before your letter carrier delivers mail on the second Saturday in May.

Funding Source:

N/A

Recommended Action:

Issue Proclamation.

ATTACHMENTS:

1. Stamp Out Hunger Day - April

PROCLAMATION

STAMP OUT HUNGER DAY MAY 10, 2025

WHEREAS, every year on the second Saturday in May, letter carriers across the country collect non-perishable food as part of the nation's largest one day food drive, distributing the donations to local food banks; and

WHEREAS, the Letter Carriers' Stamp Out Food Hunger Drive is just one example of how letter carriers work to make a difference in the lives of those they serve. Since the pilot drive was held in 1991, more than a billion pounds of food have been collected; and

WHEREAS, food collected during the Stamp Out Hunger food drive provides a critical supply for House of Hope and partnering local agencies who strive to empower Martin County residents to overcome hunger and hardship. Collected food items supply the four Client Choice pantry services in Martin County and expanding nutrition initiatives designed to combat the rising levels of obesity-related illnesses in lower income households; and

WHEREAS, we would like to recognize all letter carriers for their hard work and their commitment to their communities. All food collected in our community stays in our community and we support carriers' efforts to help those in need in our community.

NOW, THEREFORE, I, CAMPBELL RICH, Mayor of the City of Stuart, Florida, do hereby proclaim May 10, 2025 in the City of Stuart, Florida as:

STAMP OUT HUNGER DAY

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Stuart to be affixed this 14th day of April, 2025.

CAMPBELL RICH
MAYOR

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 4/14/2025

Prepared by: Kathy Martin

Title of Item:

SERVICE AWARDS - APRIL 2025

Summary Explanation/Background Information on Agenda Request:

Drew Edwards Fire Department 5 years

Funding Source:

General Fund

Recommended Action:

Present Award

ATTACHMENTS:

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 4/14/2025

Prepared by: Ben Hogarth

Title of Item:

LEGISLATIVE UPDATE - 2025 FLORIDA LEGISLATIVE SESSION

Summary Explanation/Background Information on Agenda Request:

Update by Ben Hogarth on the 2025 Florida Legislative Session

Funding Source:

N/A

Recommended Action:

N/A

ATTACHMENTS:

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 4/14/2025

Prepared by: Nina Mullin

Title of Item:

APPROVAL OF 03/20/2025 SCM EAST STUART ZONING AND 03/24/2025 CCM MINUTES (RC)

Summary Explanation/Background Information on Agenda Request:

N/A

Funding Source:

N/A

Recommended Action:

Approve Item.

ATTACHMENTS:

1. 03/20/2025 SCM East Stuart Zoning Minutes
2. 03/24/2025 CCM Minutes

**MINUTES
SPECIAL MEETING OF THE STUART CITY COMMISSION
EAST STUART ZONING
MARCH 20, 2025
AT 5:00 PM
EAST STUART COMMUNITY CENTER
724 SE 10TH STREET
STUART, FLORIDA 34994**

CITY COMMISSION

**Mayor Campbell Rich
Vice Mayor Christopher Collins
Commissioner Eula R. Clarke
Commissioner Laura Giobbi
Commissioner Sean Reed**

ADMINISTRATIVE

**City Manager, Michael J. Mortell
City Attorney, Lee J. Baggett
City Clerk, Mary R. Kindel**

ROLL CALL

5:01 PM

PRESENT: Mayor Rich, Vice Mayor Collins, Commissioner Clarke, Commissioner Giobbi, and Commissioner Reed

Before the Pledge of Allegiance, Father Christian of St. Mary's Episcopal Church gave an Invocation.

PLEDGE OF ALLEGIANCE

COMMENTS BY CITY COMMISSIONERS

Commissioner Reed

- Commented that he has met with East Stuart residents and looks forward to healthy conversation.

Commissioner Giobbi

- Announced and confirmed the decision made by the Commission at the last meeting to increase public comment to 4 minutes instead of 3, and that the public could speak more than one time on the same subject.

5:08 PM MOTION: That questions can be asked and can be answered.

Moved by: Laura Giobbi

Seconded: Christopher Collins

Motion passed unanimously.

Commissioner Clarke

- Looking forward to public participation.

Vice Mayor Collins

- Commented that he was thankful for everybody in attendance.
- Commented that the topic and what they are trying to do is contentious and sometimes gets politicized, but his goal is to bring clarity and discuss the zoning today and what is being proposed, which is to limit type of uses in East Stuart and that the conditional use process would be an avenue by which development is more intensive, and also discuss information on how East Stuart is currently zoned.
- Stated that all Commissioners are trying to do what is best for the community and their goal is to review the facts and the residents decide the best course of action.

Mayor Rich

- Addressed the two elements being discussed: (1) proposed zoning changes and (2) the last element of the Zoning In Progress text amendments, that was reviewed and pulled from the Ordinance at the last meeting and all are subject to conditional use.
- Commented he was upset that it seemed this community was being treated differently than the rest of Stuart. Mr. Christie urged us to make a decision for ourselves, vote for the people and the changes you'd like to see. Encouraged the residents to make their own decisions.

COMMENTS BY CITY MANAGER

None.

APPROVAL OF AGENDA

5:21 PM MOTION: Approve

MOVED BY: Christopher Collins

SECONDED BY: Eula Clarke

Motion approved unanimously.

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

1. Betty Brinkley - Stuart; Thanked City Manager Mortell for his help with her water bill, commented on the fees and cost of water.
2. Rudie Jamison - Stuart; Community Block Grant difficulty, spoke with Julie in downtown, requested all the paperwork on his family, and will speak with his VA counselor; grant

not for him.

ORDINANCE SECOND READING

1. ZONING IN PROGRESS LAND DEVELOPMENT CODE TEXT AMENDMENTS IMPLEMENTATION (LEGISLATIVE) (RC):

ORDINANCE No. 2539-2025; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING AND RESTATING THE CITY'S LAND DEVELOPMENT CODE CHAPTER II ZONING DISTRICTS USES ALLOWED, DENSITY, INTENSITY, CHAPTER III SPECIAL ZONING CODES, CHAPTER V RESOURCE PROTECTION RELATED DEVELOPMENT STANDARDS, AND CHAPTER VI ON-SITE AND OFF-SITE DEVELOPMENT STANDARDS WHICH WERE DETERMINED DURING THE "ZONING IN PROGRESS" UNDER SECTION 1.04.04, STUART LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Attorney Baggett reviewed the approval of the Ordinance and the section pulled for discussion for a vote tonight.

Jodi Kugler, Development Director, presented the East Stuart Neighborhood zoning and provided the history beginning with 1956, and reviewed the zoning from a map in 1978 and noted that East Stuart was primarily zoned R3 (Residential), P (Public), B1 (Business) and continued on with East Stuart in the early 90's. Ms. Kugler continued about further adopted plans, the East Stuart Charrette, and the details of the Form Base Code process. She explained the different types of businesses and whether they are conditional use or permitted by right.

Commissioners commented and provided clarification.

Commissioner Clarke asked about Figure ESN08; is it true that hotels and such are not allowed? Ms. Kugler commented on the allowances.

Vice Mayor Collins reviewed the past Charrette documents referencing the goal for a new name for East Stuart.

City Manager Mortell clarified that at no time was a new name asked for, and what was read by Vice Mayor Collins was correct at the time of the Charrette. They wanted to rejuvenate growth and businesses, and a discussion was about a new name in 2002, and it was followed up in 2003 and 2004, and it was determined that East Stuart did not want a new name and has not come up since.

PUBLIC COMMENT:

1. Lucille Hall Smith - Stuart; Commented on how Cherokee was torn down because they were trying to have the black residents move out, want City to put some money from taxes

to build homes.

2. Darcy Weir - Stuart; - Asked by Reverend James to speak as their churches have worked together and care about each other; East Stuart has a bond and unique culture; ask that the plans continue to have their by-right privileges.

3. Johnnie Bell - Resident and business owner in East Stuart; stated there was a code called the East Stuart Urban Code done in 2003 and it spelled out what the residents wanted. (City Manager Mortell clarified that code is including MLK from A1A to Tarpon, rolled back the Form Base Code and explained the process of adopting the Form Base Code and that nothing really changed, he also noted the choices, to have the property by-right or to have developers have to request a conditional use and go through the approval process). Mr. Bell stated they did not want the Form Base Code. (City Manager Mortell reviewed the proposed and existing regulating plan).

4. Sandra Newman - Stuart; Provided handout but has received clarification since writing the memo, but commented that the map is difficult to identify streets and it needs to be looked at more closely; loves East Stuart and plans to stay; expressed concerns and wants to sit down together and go street by street to review.

5. Walter Oden - Stuart; Commented on his past in East Stuart and owns land and is challenged by the City telling them what they can and cannot build in their own community, opposed to single-family homes only. (Mayor Rich asked Oden about building on his property. Commissioner Clarke inquired on whether he would support the City working with the community on an investment pool, discussion on Habitat Homes.)

***** 6:58 PM Recess *****
***** 7:11 PM Reconvened *****

6. David Hall - Property owner in East Stuart; requested clarification on the density and water meters per dwelling unit. (City Manager Mortell clarified.)

7. Paul Skyers - Stuart; Commented on parking requirements, City Place information is a rumor and lies. Represents the Taylor Property and noted the nonsense needs to be stopped, under the guide that you are helping us. (Vice Mayor Collins, Commissioner Giobbi and Mr. Skyers corresponded.)

8. Helen McBride - Stuart; Resident since 1983 and has been friends with many in the community; Mr. Bell told the truth, the neighborhood takes care of each other, and many times the Commission has listened to East Stuart but then did what they want.

9. Bernice Simpson - Owner of Taylor Property; Commented that it was torn down so they can build again.

10. Rod Peterson - Stuart; Commented that this is confusing, this County always took care of each other, how many acres and blocks are identified on the proposed plan; where is the love and understanding. Stuart is a small town with big taxes coming.

11. Albert Brinkley - Stuart; Commented on how the Commissioners did not understand what Form Base Code was, and combined the Creek District and East Stuart, felt it was

gentrification.

12. Joseph Cooper - Stuart; Commented on the rights of citizens of America, defined by right and when you relinquish that right, you give up your rights, and feels all properties should be through conditional use. When developing, you have to consider cost, and it doesn't make sense that someone would come in and buy up properties - conditional use should be over the entire City, people of East Stuart can protect themselves, need less government.

13. Carolyn Brown - Stuart; Did not speak.

14. Charles Jones - Port St. Lucie; Grew up in East Stuart and has common sense, does not accept what is put in front of him; feels the changes are a money issue and the community will not be here in 10 years; would like to maintain growth, used to be called colored town; asked that the vote be tabled.

15. Aaron Hawkins - Stuart; Commented if affordable housing is the goal, Form Base Code is needed and options are needed by right. Understands the concern of gentrification, but the idea of the area becoming Abacoa is ridiculous; wants the zoning to be left alone. Proposed there is a special taxing district that allows people on fixed incomes to stay in their homes.

16. Frank McChrystal - Stuart; Commented on the map, noted that yellow is residential only, and other areas are residential but can do more; and the people of East Stuart want to; in favor of conditional use.

17. Nikki Hawkins - Stuart; Vice President of NAACP; regardless of what happens, they plan to move forward and have developed a committee called Jump Start.

18. Dahlia Hall - Stuart; Did not speak.

19. AAliyah Hall - Stuart; Commented in the book of Judges in the Bible, have the strength of the Lord and must not lean on others, and asked Vice Mayor Collins where would funding come from.

20. Jill - Stuart; Did not speak.

21. Samantha Bryce - Port St. Lucie; Recently opened a new business and thanked all who were here today and commented that the companies coming into the community should ask if the community wanted these changes, would like there to be more of these meetings and not to vote on this tonight; feels the community needs more time to understand this.

22. Michelle McFadden - Hobe Sound; Born in Stuart, lives in Hobe Sound Habitat Home, reported on a news story she heard about Delray Beach and housing, in favor of property owners being able to open a business.

23. Lewis Leonard - Stuart; Commented that the City Development Department made him tear down a building of 3 units that he built because it was too close to the pond; felt he was treated unfairly. Property was at 433 SE Lake Street and is depressed that he was

told it had to be torn down.

24. Althea Wiley - Stuart; What is the fear pertaining to Brightline? Her biggest concern is the intersection, but we must grow with the times and be a part of making the community better, but why the fear, don't scar the community into moving forward; complimented Commissioner Clarke as she tried to tell the community years ago about what was coming. (Commissioner Clarke commented on an African American Heritage District Plan.)

25. Aaron Hawkins - Stuart; Commented on the financing, they have the resources and have been talking about affordable housing, needs their help. (Commissioner Clarke commented on the funds that are allotted for the Environmental Attorney and may be better used for affordable housing in East Stuart.)(Vice Mayor Collins commented that we need to leave the neighborhood alone.)

26. Jimmy Wilson - Stuart; Attending meetings for over 20 years, as a resident of East Stuart, he admires and respects his elders and the community, but sees that the residents want to do something with their property, need unity. If nothing is going to change, why are we having this meeting?

27. Betty Brinkley - Stuart; Expects better from the commissioners, was a part of the Charrette and voiced their opinion. All are equal but feel they are not treated equally.

28. Kianza Smith - Stuart; Advocate for youth; wants to invest in the community the right way and the young people were left to be adults before their time, which caused a high rate of crime, which was the loss of investment in the community; has to pay to run youth programs that benefit the community.

29. Jimmy Smith - Stuart; Thanked the community and noted this is a historic meeting, holding a meeting in East Stuart in conjunction with a NAACP Meeting. Requested the City check back into supporting local sports. Asked the Commission not to vote tonight.

6:09 PM Motion: Approve Ordinance No. 2539-2025 for discussion.

MOVED BY: Christopher Collins

SECONDED BY: Laura Giobbi

MOTION WITHDRAWN BY: Christopher Collins 10:16 PM.

Vice Mayor Collins commented he would like a 4th reading.

City Manager Mortell recommended the Clerk be instructed to record the Ordinance as written without the East Stuart segment, then go back with a new Ordinance number just for the East Stuart Zoning.

Commissioners consensus to move Ordinance No. 2539-2025 to a 4th reading.

10:20 PM Motion: Approve to table Ordinance No. 2539-2025.

MOVED BY: Christopher Collins

SECONDED BY: Eula Clarke

Motion approved unanimously.

DISCUSSION AND DELIBERATION

2. DISCUSSION REGARDING PROPOSED ZONING MAP CHANGES FOR EAST STUART

Item #2 cancelled.

ADJOURNMENT

10:21 PM

Mary R. Kindel, City Clerk

Campbell Rich, Mayor

**Minutes to be approved at the Regular Commission
Meeting this 14th day of April, 2025.**

MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
MARCH 24, 2025
AT 5:30 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION

Mayor Campbell Rich
Vice Mayor Christopher Collins
Commissioner Eula R. Clarke
Commissioner Laura Giobbi
Commissioner Sean Reed

ADMINISTRATIVE

City Manager, Michael J. Mortell
City Attorney, Lee J. Baggett
City Clerk, Mary R. Kindel

ROLL CALL

6:00 PM

PRESENT: Mayor Rich, Vice Mayor Collins, Commissioner Clarke, Commissioner Giobbi

ABSENT: Commissioner Reed

INVOCATION

Pastor Jim Brocious of Stuart Alliance Church gave the Invocation.

PLEDGE OF ALLEGIANCE

COMMENTS BY CITY COMMISSIONERS

Commissioner Clarke

- Reminder that there will be a movie for the public called Passing shown at the East Stuart Community Center on March 28th at 5:30 p.m.
- Announced the coordination with Martin County's 100-Year celebration, doing an Emancipation Day event on May 28th.
- Complimented the staff at 10th Street Community Center for their assistance with the March 20th Special Commission Meeting; felt there was good participation.

Mayor Rich

- Reiterated Commissioner Clarke's comments per the Special Commission Meeting and thanked the staff.

COMMENTS BY CITY MANAGER

City Manager Mortell

- Reported on remote meetings outside City Hall and the logistics difficulties; working on how to make the recording public as closed captioning is an issue for ADA compliance; but requested to schedule the next 10th Street Special Meeting. The board's consensus is Wednesday, April 16th at 5 p.m.
- Commented that he and the Development Director determined the next presentation for East Stuart Zoning would be a more focused map, breaking down maps with street names, and uses available and proposed.

A Commission discussion included various topics and suggestions in presenting the zoning information.

- Announced awards the Finance Department received, and Finance Director, Louis "Joly" Boglioli, came forward and reported on them being from the Government Finance Officers Association, which includes 125 countries.
- Provided an update on 10th Street and Palm Beach Road traffic counts and the upcoming implementation of Kid Alert warning signs for the area; addressing ideas that will be brought back before the Commission.
- Commented that the sound ordinance will be coming back before the board.
- Commented once again on remote meetings and that City Hall is accessible to the public and all neighborhoods; concerned with setting a precedence in traveling to neighborhoods for meetings. Our public meetings are to be held at City Hall.

Commissioner Clarke inquired about Palm Beach Road and MLK Boulevard. City Manager Mortell responded that it had been monitored and a total of 4 students crossed the road between 4:15 p.m. and 5:00 p.m.

Commissioner Giobbi announced that she felt it was important that they held the meeting in East Stuart; stated that it is about perception.

APPROVAL OF AGENDA

6:03 PM MOTION: Approve.

MOVED BY: Christopher Collins

SECONDED BY: Eula Clarke

Motion approved unanimously.

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

1. Kiana Kelly - Stuart; Martin Reads Coordinator of Children's Services Council, thanked Commissioners for past Proclamations and reminded them summer is coming and that is when many learners slip behind, noted that there are various programs available to the community.
2. Nelson Solano - Stuart; He and his neighborhood encourage the City to cooperate with the County for the Brightline station and would like to have access to the train, in favor of a Brightline station.

CONSENT CALENDAR

1. APPROVAL OF 03/10/2025 CCM MINUTES (RC)

2. PORTION OF S.E. STYPMANN RIGHT-OF-WAY ABANDONMENT (RC):

RESOLUTION No. 15-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA PURSUANT TO CHAPTER 36 OF THE CODE OF ORDINANCES OF THE CITY OF STUART, FLORIDA, DECLARING THE INTENTION OF THE CITY COMMISSION TO ABANDON AND TO SCHEDULE PUBLIC HEARINGS BEFORE THE CITY COMMISSION TO CONSIDER THE ABANDONMENT OF A 15-FOOT WIDE PUBLIC RIGHT-OF-WAY WITHIN THE CITY OF STUART, BEING THE PORTION OF S.E. STYPMANN BOULEVARD BETWEEN S.E. CORTEZ AND S.E. LAKE CLARE PLACE, AND MORE CLEARLY DESCRIBED IN EXHIBIT "A" ATTACHED; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

3. MOU MUTUAL AID OPERATIONAL ASSISTANCE VOLUNTARY COOPERATION COMBINED COUNTY WIDE AGREEMENT (RC):

RESOLUTION No. 23-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MOU COMBINED COUNTYWIDE COOPERATION MUTUAL AID AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

6:48 PM MOTION: Approve.
MOVED BY: Christopher Collins
SECONDED BY: Eula Clarke
Motion approved unanimously.

COMMISSION ACTION

4. RELEASE OF UNITY OF TITLE - 505 SW FEDERAL HIGHWAY (RC):

RESOLUTION No. 41-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, RELEASING A UNITY OF TITLE FOR PROPERTY LOCATED AT 505 SW FEDERAL HIGHWAY, STUART, FLORIDA 34994, LEGAL PARCEL ID NUMBER 05-38-41-000-000-00170-1; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Manager Mortell provided clarification on this item, reporting that this property is for the Polk Hotels that was previously before the board. Authorization to restore the property to the three separate parcels as it was before their application.

6:51 PM MOTION: Approve.
MOVED BY: Christopher Collins
SECONDED BY: Laura Giobbi
Motion approved unanimously.

ORDINANCE SECOND READING

5. CODE AMENDMENT TO MERGE BOARD OF ADJUSTMENT DUTIES TO THE LOCAL PLANNING AGENCY (RC):

ORDINANCE No. 2540-2025; AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING PART II, CHAPTER 2 (ADMINISTRATION), ARTICLE III (BOARDS, COMMITTEES, AND COMMISSIONS), DIVISION 1 AND DIVISION 3 OF THE CITY OF STUART'S CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF PRIOR ORDINANCES AND RESOLUTIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Attorney, Lee Baggett, briefly reviewed the Ordinance.

6:53 PM MOTION: Approve.
MOVED BY: Laura Giobbi
SECONDED BY: Eula Clarke
Motion approved unanimously.

ORDINANCE FIRST READING

DISCUSSION AND DELIBERATION

6. ENVIRONMENTAL ATTORNEY DISCUSSION

Human Resource Director, Roz Johnson Strong, reviewed the sections and directions of the Environmental Attorney Screening Committee, identified the interview process, the binder of information provided to each Commissioner, and the 7 selected short-listed candidates. Discussion included:

- City Hall interviews of all 7 applicants by Commissioners, with the City Manager and City Attorney as placeholders, and Ryanne Cavo as an interviewer, beginning

at 9 a.m.

- Commissioners have a consensus that interviews are required in person with the exception of the two out-of-state applicants, and they may interview via Zoom.
- Commissioners come together at 4 p.m.
- Lunch for Commissioners is to be provided by the City.

Commissioners' consensus was to move forward with the process presented; agreed to one day for interviews on April 22nd, beginning at 9 a.m.

City Attorney Baggett confirmed the consensus of the Commissioners to move forward with the 7 applicants proposed by the Committee.

ADJOURNMENT

7:06 PM

Mary R. Kindel, City Clerk

Campbell Rich, Mayor

**Minutes to be approved at the Regular Commission
Meeting this 14th day of April, 2025.**

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 4/14/2025

Prepared by: Mary Kindel

Title of Item:

SUPPORT OF MUNICIPAL CLERK'S PUBLIC RECORDS EXEMPTION (RC):

RESOLUTION No. 28-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA URGING THE FLORIDA STATE LEGISLATURE TO ENACT LEGISLATION TO PROVIDE A PUBLIC RECORDS EXEMPTION FOR MUNICIPAL CLERKS AND EMPLOYEES WHO PERFORM MUNICIPAL ELECTIONS WORK OR HAVE ANY PART IN CODE ENFORCEMENT FUNCTIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

The Florida Association of City Clerks (FACC) strongly supports public records exemption for Municipal Clerks and applicable staff. FACC asked Florida cities to take action by adopting a Resolution to urge committee members to place BH517/SB 840 (Public Records Exemption for Municipal Clerks and Staff) on a committee agenda.

Funding Source:

N/A

Recommended Action:

N/A

ATTACHMENTS:

1. R28-2025 Municipal Clerk's Public Records Exemption Support



**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA**

RESOLUTION NUMBER 28-2025

**A RESOLUTION OF THE CITY COMMISSION OF
THE CITY OF STUART, FLORIDA URGING THE
FLORIDA STATE LEGISLATURE TO ENACT
LEGISLATION TO PROVIDE A PUBLIC RECORDS
EXEMPTION FOR MUNICIPAL CLERKS AND
EMPLOYEES WHO PERFORM MUNICIPAL
ELECTIONS WORK OR HAVE ANY PART IN CODE
ENFORCEMENT FUNCTIONS; PROVIDING AN
EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

* * * * *

WHEREAS, many municipal staff who perform duties that include, or result in, investigations into complaints regarding election fraud, legal enforcement of hearings that could lead to a criminal prosecution or code enforcement actions are exposed to threats and other acts of violence; and

WHEREAS, municipal clerks often administer elections and some election workers have been targeted for threats and violence due to the nature of materials they are responsible for; and

WHEREAS, municipal clerks are often involved in legal enforcement proceedings in actions related to violations of codes and ordinances and, occasionally, these proceedings have led to retaliation and threats by defendants; and

WHEREAS, currently public records exemptions in Florida include those for local personnel who either investigate, enforce or otherwise provide a service that can result in

contentious interactions when action is taken and municipal clerks and their staffs fall within the need for a window for greater protection; and

WHEREAS, the Florida Association of City Clerks is very concerned for the safety and well-being of the municipal clerks and their staffs who serve the public on a daily basis and are, oftentimes, the first contact of citizens with cities; and

WHEREAS, the City of Stuart, Florida has complied with all requirements and procedures of Florida law in processing and adopting this Resolution.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA that:

SECTION 1: The City Commission hereby adopts the recitals set forth in this Resolution as the legislative findings of the City of Stuart.

SECTION 2: The City Commission hereby urges and encourages the Florida State Legislature to enact legislation to provide a public records exemption for municipal clerks and employees who perform municipal elections work or have any part in code enforcement functions of a municipality.

SECTION 3: The City of Stuart City Clerk is hereby directed and authorized to send a certified copy of this Resolution to Governor Ron DeSantis, Senator Gayle Harrell and Representatives John Snyder and Toby Overdorf, the Treasure Coast Regional League of Cities, and the Florida League of Cities.

SECTION 4: This Resolution shall take effect upon its adoption.

Commissioner _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

CAMPBELL RICH, MAYOR
CHRISTOPHER COLLINS, VICE MAYOR
EULA R. CLARKE, COMMISSIONER
LAURA GIOBBI, COMMISSIONER
SEAN REED, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this ____ day of _____, 2025.

ATTEST:

MARY R. KINDEL, MMC
CITY CLERK

CAMPBELL RICH
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

LEE J. BAGGETT, ESQ
CITY ATTORNEY

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 4/14/2025

Prepared by: Mary Kindel

Title of Item:

RATIFICATION OF EAST STUART HISTORICAL ADVISORY COMMITTEE MEMBER (RC):

RESOLUTION No. 43-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPOINTING THE ADVISORY BOARD MEMBER, PEARLIE CLARK, FOR THE VACANT POSITION OF THE EAST STUART HISTORICAL ADVISORY COMMITTEE AND ADOPTING THE MEMBER TERM FOR THE REMAINING 2025 CALENDAR YEAR; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

CRA Board liaison, Mark Breckbill, recommends Pearlle Clark for the East Stuart Advisory Board Committee. Clark would fill the vacancy of past board member Charlene Thompson, who resigned on September 26, 2024.

Funding Source:

N/A

Recommended Action:

Ratify appointment of Pearlle Clark to the ESHAC board.

ATTACHMENTS:

1. R43-2025 ESHAC Advisory Board Appointment Pearlle Clark



**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA**

RESOLUTION NUMBER 43-2025

**A RESOLUTION OF THE CITY COMMISSION OF
THE CITY OF STUART, FLORIDA, RATIFYING
THE APPOINTMENT FOR PEARLIE CLARK TO
FULFILL THE VACANT POSITION OF THE EAST
STUART HISTORICAL ADVISORY COMMITTEE
AND ADOPTING THE MEMBER TERM FOR THE
REMAINING 2025 CALENDAR YEAR;
PROVIDING AN EFFECTIVE DATE; AND FOR
OTHER PURPOSES.**

* * * * *

WHEREAS, the City of Stuart created the East Stuart Historical Advisory Committee via Resolution No. 11-2023 adopted on February 13, 2023 for the purpose of making recommendations related to the history and culture of the East Stuart community located within the boundaries of the Community Redevelopment Agency (CRA); and

WHEREAS, the Code of Ordinances, Section 2-82 states that appointments to membership on standing City boards shall be made by the City Commission. Each Commissioner shall select an appointment for each board, which is to be ratified by the entire Commission; and

WHEREAS, the Community Redevelopment Agency (CRA) board member liaison, Mark Brechbill, recommends the appointment of Ms. Pearlle Clark to the East Stuart Historical Advisory Committee (ESHAC); and

WHEREAS, the term of the ESHAC Advisory Board member shall be in effect from the adoption of this Resolution through December 31, 2025.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE
CITY OF STUART, FLORIDA, that:**

SECTION 1: The City Commission hereby appoints Pearlie Clark to the East Stuart Historical Advisory Committee position.

SECTION 2: The City Clerk shall notify and provide the appointee information regarding the current provisions of the Florida Government-in-the-Sunshine and Code of Ethics for Public Officers and employees statute laws.

SECTION 3: This Resolution shall take effect upon its adoption.

Commissioner _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

CAMPBELL RICH, MAYOR
CHRISTOPHER COLLINS, VICE MAYOR
EULA R. CLARKE, COMMISSIONER
LAURA GIOBBI, COMMISSIONER
SEAN REED, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this ____ day of _____, 2025.

ATTEST:

MARY R. KINDEL, MMC
CITY CLERK

CAMPBELL RICH
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

LEE J. BAGGETT, ESQ
CITY ATTORNEY

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 4/14/2025

Prepared by: Lee Baggett

Title of Item:

DISCUSSION AND DELIBERATION OF SOUND ORDINANCE

Summary Explanation/Background Information on Agenda Request:

In 2015, the City Commission created a Sound Committee to evaluate various levels of sound and report back to the commission. City Staff assisted the Sound Committee by presenting various levels of sound decibels of different music styles at the Public Safety Complex. After months of deliberation, the Sound Committee made recommendations to the Commission by creating a detailed map with different zones with various decibel level limits. The City Commission decided to create one unified decibel sound level limitation for the entire city.

During the regular City Commission Meeting on March 10, 2025, the topic of the City's Sound Ordinance was discussed. The City Commissioners instructed the City Manager to place the current Sound Ordinance as a Discussion and Deliberation on the agenda of the next regular commission meeting.

Funding Source:

N/A

Recommended Action:

Review, discuss, and deliberate on the Sound Ordinance.

ATTACHMENTS:

1. ARTICLE_VI.____NOISE

ARTICLE VI. NOISE¹

Sec. 20-150. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Amplified sound venue means any facility such as a business, private club, residence, or gathering of persons, whether or not for profit, that provides electronically amplified music, or speech.

Attached business or dwelling unit means two or more businesses or dwelling units that are contiguous and share a common demising wall.

Ambient sound level means the total sound pressure in the area of interest including the noise source of interest.

Background sound level means the total sound pressure level in the area of interest excluding the noise source of interest.

Industrial use means any use or process permitted under section 2.02.05, of the Stuart Land Development Code, but not including amplified sound venues, or the use of electronically amplified sound equipment.

Motor vehicle means, for the purpose of this article, any self-propelled or towed vehicle including, but not limited to, cars, trucks, truck trailers, semi-trailers, campers, motorcycles, motor-driven cycles, mini-bikes, go-carts, golf carts, all-terrain vehicles, dune buggies, swamp buggies, air-cushion vehicles, recreational vehicles, trailers, boat trailers, boats, personal watercraft, airboats, aircraft, and drones.

Noise, as used this article, means any unwanted or unwelcome sound that causes or may cause an adverse psychological or physiological effect on human beings, regardless of its source, which is acoustically, mechanically or electronically produced. It may include, but shall not be limited to sounds emanating or originating from: amplification equipment, such as loudspeakers, sound systems, televisions, radios, and musical instruments; construction equipment, blowers, motors, engines, compressors and other machinery; full size and scale model motor vehicles; and vocalization by domesticated animals, domesticated birds, and by natural persons.

Premises means the lot, parcel, dwelling or business from which any sound originates unless the sound originates from an attached business or dwelling unit. For attached business or dwelling units, including shopping centers, duplexes and triplexes, the term Premises means the area immediately adjacent to, or between, and within the demising walls of the business or dwelling unit.

Sound means any oscillation in pressure, particle displacement, particle velocity or other physical parameter in a gaseous medium, including air, with internal forces that causes compression and rarefaction of that medium.

¹Editor's note(s)—Ord. No. 2315-2015, § 1, adopted Nov. 23, 2015, amended and restated former Art. VI, §§ 20-150—20-155, in its entirety which pertained to similar subject matter and derived from the Code of 1995, §§ 38-120—38-124; Ord. No. 2097-07, § 1, 1-22-2007. Renumbering of the provisions of Ord. No. 2315-2015 has been provided by the editor as necessary to avoid conflicts in section numbering.

State law reference(s)—Motor vehicle noise, F.S. §§ 316.293, 403.415.

Sound level for non-vehicular noise means the flat-weighted sound pressure level measured with slow response using a sound level meter

Sound level meter means a self-calibrating instrument complying with the specification for a Type 1 or Type 2 self-calibrating commercial sound level meter that meets the standards for sound level meters by the American National Standards Institute, Inc. (ANSI), or its successor bodies.

Vehicle means any device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Weekday means Sunday through Thursday (except for city recognized holidays).

Weekend means Friday, Saturday and Holidays recognized by the city; additionally, holiday eves (from 5:00 PM and later) shall be considered the same as holidays.

(Ord. No. 2315-2015, § 1, 11-23-2015)

Sec. 20-151. Sound regulation.

- (a) *Vehicles*: For all noise emanating from vehicles, including motor vehicles, the maximum permissible sound level, and all other vehicular noise regulation, shall be that prescribed in Sec. 316.293 and Sec. 403.415, Florida Statutes, as amended from time to time.
- (b) *All other sources of noise*: For all noise, except vehicle noise, the maximum permissible sound levels, at the property line from which the sound originates, shall be 80 decibels from 8:00 a.m. until 10:00 p.m., and 60 decibels from 10:00 p.m. until 8:00 a.m. at all times throughout the city.
- (c) *Use of self-calibrating sound level meter authorized*: Measurement of any sound level shall be made using a sound level meter. No court or magistrate shall require any particular user certification in the prosecution of offenses where it can be demonstrated the officer or witness using the sound level meter possesses the general knowledge and ability to accurately use the sound level meter, and the sound meter is self-calibrating, and was self-calibrated prior to its use. If the ambient sound level is less than 3 dBA higher than the background sound level, the source level cannot be derived and violation of the chapter cannot be substantiated.
- (d) *Location of measurement*: Measurement of any sound with a sound level meter shall be as follows:
 - (1) Non-vehicular noise originating from private property shall be measured at the property line of the property where the noise originates.
 - (2) Non-vehicular noise originating from a public right-of-way or public property shall be measured at a distance of 50 feet from the source of the noise.
- (e) *Exemptions*: Based upon public emergency, necessity or convenience, reasonable public custom, lack of jurisdiction, or municipal proprietary function, the following uses are exempted from the requirements of subsections (a) and (b):
 - (1) Law enforcement, fire suppression, rescue, and ambulance emergency operations.
 - (2) Holiday fireworks approved, sanctioned or sponsored by a governmental agency.
 - (3) Warning devices at railroads, airports, roadway intersections, and upon hazardous use structures; and the use of horns to warn of a dangerous condition.
 - (4) Burglar alarms and fire alarms.
 - (5) Aircraft and drones in lawful ground or aerial operations.
 - (6) Boats and other watercraft in lawful operations.

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- (7) Chimes or bells used in permitted clock towers, schools, or places of worship or assembly.
 - (8) Amplified sound associated with special events permitted by the city, including but not limited to: cultural and sporting events; artistic performances; ceremonial or traditional activities, including outdoor markets, festivals, speeches, concerts, or shows that have been permitted, approved, sanctioned, or sponsored by the city. Notwithstanding this exemption, the city as the permitting agency, reserves the right to require the operators of such special events to lower the sound pressure or to comply with subsection (b). Nothing contained herein shall be construed as otherwise exempting amplified sound venues from complying with the requirements of subsection (b) without a special event permit.
 - (9) Portable emergency power generators, portable pumps, portable compressors, and similar portable equipment run by a motor or internal combustion engine, used to abate a bona fide emergency condition. Such equipment shall not emit more than 85 dB sound pressure, off the premises from which it is originating.
 - (10) Sanitation operations which include the unloading, emptying or collection of any waste or recyclable container, and including the cleaning of authorized grease traps. Such operations shall only be permitted between the hours of 7:00 a.m. and 7:00 p.m. daily.
 - (11) Landscape, power washing, lawn maintenance or similar temporary equipment operations, including those using truck mounted internal combustion engines, compressors or pumps. Such equipment shall not emit more than 85 dB sound pressure, off the premises from which it is originating.

(Ord. No. 2315-2015, § 1, 11-23-2015)

Sec. 20-152. Enclosure of certain machinery.

All heating, ventilating, air conditioning (HVAC) equipment, refrigeration equipment, swimming pool pumps, irrigation pumps, generators, or other electric or internal combustion engines, motors, pumps, compressors, and machinery, which emit noise in the operation thereof shall be installed and operated:

- (1) Within a primary or accessory building; or
- (2) Outside of such building and enclosed within a sound absorbing structure or cabinet with the resulting sound not exceeding the requirements of subsection (b), unless the operation of said machinery without a sound absorbing structure or cabinet otherwise meets the sound pressure levels of subsection (b).

(Ord. No. 2315-2015, § 1, 11-23-2015)

Sec. 20-153. Outdoor construction and landscape activity; loading or unloading.

As a means of assuring that unlawful noise is curtailed, the following shall be further regulated:

- (a) Outdoor construction, demolition, landscape activities, mechanical operations, and the like, that depend upon the use of mechanical, electric, internal combustion, or air driven tools, equipment and blowers, shall be prohibited between the hours of 7:00 p.m. and 7:00 a.m., except on Sundays and city recognized holidays. On Sundays and city recognized holidays, construction, demolition, landscape activities, and mechanical operations, as stated herein, shall be prohibited, except between the hours of 12:00 noon and 7:00 p.m.
- (b) Outdoor loading or unloading of bulk raw materials or finished goods, in excess of one-half cubic yard (volume) or one-half ton (weight) ("deliveries"), shall be prohibited between the hours of 7:00 p.m. and

7:00 a.m., Monday through Saturday, except on city recognized holidays. On Sundays and city recognized holidays, deliveries as stated herein, shall be prohibited except between the hours of 12:00 noon and 7:00 p.m. This prohibition shall not apply to movers of household goods at a dwelling unit, which shall be prohibited from starting work any earlier than permitted herein, but which may continue beyond 7:00 p.m., until the work is concluded.

(Ord. No. 2315-2015, § 1, 11-23-2015)

Sec. 20-154. Administrative variance for construction.

In the event of a bona fide emergency, such as a public calamity, storm event, fire, flood, or for the protection of persons and property from imminent danger or destruction, or where it is determined by the city that a certain temporary construction method is more efficient or effective, environmentally beneficial, or serves the public interest, and is preferable to a non-noisy one, the city development director may grant an administrative variance to this ordinance. Said administrative variance shall be for the shortest duration necessary to resolve the emergency or perform the construction, but may be extended or renewed by the city development director for good cause shown.

(Ord. No. 2315-2015, § 1, 11-23-2015)

Sec. 20-155. Citation; notice to appear; hearing; and local business tax.

In addition to any other penalties or procedures provided in the code of ordinances or provided by law, noise violations may be enforced by the following procedure:

- (a) In the event that any person cited or regulated by this article disputes a citation or development order issued by the city, such person shall have ten days from the written rendition of such development order or citation within which to file a notice of request for a hearing before the city magistrate challenging such development order or citation. Such notice must be in writing, filed with the city clerk or designee, and must specify the basis upon which the development order or citation is being challenged.
- (b) A hearing challenging a development order or citation shall be barred unless filed within the time prescribed in this article.
- (c) All applicants seeking to pay the local business tax within the city shall indicate if they have, or will have, amplified sound at the business. If the applicant has or will have amplified sound, they shall be provided a copy of this ordinance [article], and shall acknowledge, in writing, receipt of the ordinance.

(Ord. No. 2315-2015, § 1, 11-23-2015)

Sec. 20-155.1. Fines and penalties; contempt.

- (a) Noise is transitory in nature, and once uttered or rendered cannot be undone. Therefore, any violation of this article is determined to be irreparable or irreversible in nature, and shall be subject to the enhanced fine provisions of section 162.09, Florida Statutes.
- (b) Citations or notices of violation and notices to appear issued pursuant to this article shall be in accordance with the following schedule:
 - (1) If the violation is a first offense, a written warning shall be issued;
 - (2) If the violation is a second offense, the violator shall pay a fine of \$250.00;

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- (3) If the violation is a third offense, the violator shall pay a fine of \$500.00;
 - (4) If the violation is a fourth offense, the violator shall pay a fine of \$1,000.00.
 - (5) Any violation that is a fifth offense or more shall be subject to a mandatory hearing before the city's code enforcement magistrate, and shall be subject to a fine of not less than \$2,500.00 or more than \$5,000.00.
- (c) In addition to any fines and costs levied by the magistrate for violation of this ordinance, the magistrate may impose other reasonable sanctions, including but not limited to, restriction of hours of operation of the venue or portion thereof; and restriction of the type, location, and use of amplified sound equipment.
 - (d) Any person who fails to eliminate a noise violation when required by a police officer or code enforcement officer, or who fails to appear when compelled, may be held in contempt by a magistrate following an order to show cause, and a hearing before the issuing magistrate, and thereafter be subject to an additional fine of up to \$1,000.00, plus administrative costs.

(Ord. No. 2315-2015, § 1, 11-23-2015)