

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

ROLL CALL

4:00 PM

PRESENT: Mayor McDonald, Commissioner Bruner, Commissioner Clarke, Commissioner Collins, and Commissioner Rich.

* CLERK'S NOTE: Meeting Minutes reflect the actual order of agenda items presented to the Commission.

PLEDGE OF ALLEGIANCE

Mayor McDonald commented in on Remembrance of September 11th and asked all to rise. The Honor Guard conducted a ceremonial entrance with the American Flag and the Florida Flag. The National Anthem was sung by Alexa Soriano.

1. OATH OF OFFICE - GROUP I, CAMPBELL RICH, GROUP II, CHRISTOPHER COLLINS AND GROUP V, EULA R. CLARKE.

Judge Michael McNicholas administered the Oath of Office to Campbell Rich, Christopher Collins, and Eula Clarke.

Commissioner Rich thanked his opponent, Mark Brechbill and is looking forward to expressing what he learned by going door to door speaking with the voters/super voters of Stuart, commented on the community growth and how the residents wanted to talk about

it, which he feels created an opportunity. Looks forward to future conversations to communicate on the issue.

Commissioner Collins thanked God and all those who helped and kept the City, himself, and his family in their prayers. He commented on his communications with the residents and their feelings, would like to have a discussion added to a meeting in October on the zoning in progress to slow down and review the codes and reevaluate what got us here.

Commissioner Clarke thanked the voters for their support, thankful for the new people and is looking forward to continued communication and to do what is needed to keep Stuart a wonderful hometown.

PROCLAMATIONS

4:20 PM

2. HUNGER ACTION MONTH - SEPTEMBER 2022

Ruby Aguirre, Client Service Manager of Treasure Coast Food Bank, accepted the Proclamation. Ms. Aguirre spoke about Hunger Action month and thanked the Commission for the Proclamation and their support.

5. SUICIDE PREVENTION AWARENESS MONTH (2-1-1 HELPLINE) - SEPTEMBER 2022

Chad Adcock, Community Outreach Representative of 2-1-1 Palm Beach and Treasure Coast, accepted the Proclamation and spoke on the 2-1-1 helpline and their services; thanked the Commission for the Proclamation and their support.

4. SUICIDE PREVENTION AWARENESS MONTH - SEPTEMBER 2022

Mary Baysinger, Board Director of New Horizons of the Treasure Coast & Okeechobee, accepted the Proclamation. Ms. Baysinger provided statistics on suicide and passed out a flyer to the public.

3. CONSTITUTION WEEK - SEPTEMBER 17-23, 2022

This Proclamation was read a second time and presented to Amy Pinder, Regent of Halpatiokee Chapter of the National Society Daughters of the American Revolution as they arrived at 4:37 PM. She thanked the City for recognizing Constitution Day and Week.

6. DECLARING MARTIN BEAUTIFUL INTERNATIONAL COASTAL CLEANUP DAY IN STUART, FLORIDA

Anne Ellig, City of Stuart Program Manager & Keep Martin Beautiful Board Secretary, accepted the Proclamation, thanked the Commission for their continued support, and hopes to see them at the cleanup on Saturday during the event.

PRESENTATIONS

4:41 PM

7. VOLUNTEERS IN MEDICINE BY KIMBERLY OUELLETTE, MSW AND LISA BAXTER.

Kimberly Ouellette, Case Manager, spoke about the clinic and the services they offer. Lisa Baxter, Community & Donor Relations Manager, thanked the Commission and provided background information about the clinic and statistics of patients that go to their clinic.

8. CITY GRANTS OVERVIEW - FUNDS APPLIED FOR AND RECEIVED

Jacqui May, Ph.D., City of Stuart Grant Administrator, presented a brief PowerPoint on grants, what they are, their purpose, and why they are important for City needs. She reviewed some of the current and pending grant funding as well as future planning. She stated that there would be a session called "Grants 101" that would review grant information.

9. UPDATE ON SW OSCEOLA STREET PHASE 2 UNDERGROUNDING

Pinal Gandhi-Savdas, CRA Executive Director, briefly explained the two phases of the projects.

Kevin Shannon, Kimley-Horn Engineering presented the types of underground equipment, proposed significant equipment locations, street lighting, what to expect during construction, and current schedule.

David Dyess, City Manager, asked how long do they expect road closures to happen.

Mr. Shannon stated he sees impacts daily but stated that it will be rolling closures and traffic will continue to happen, one way. He does not anticipate a full road closure, just intermittent.

After the Osceola Street Undergrounding presentation, Commissioner Clarke took a few minutes and presented Emancipation Day plaques from May 20, 2022 to Brenda Matheny, Bobby Scott, Lisa Matheny, and Thelma Washington.

***** TIME CERTAIN: 5:15 PM TENTATIVE BUDGET HEARING *****

COMMISSION ACTION

14. THIS ITEM SET FOR TIME CERTAIN OF 5:15 PM - TENTATIVE MILLAGE FOR FY 2023 (RC):

RESOLUTION No. 79-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING THE TENTATIVE MILLAGE RATE FOR FISCAL YEAR 2023; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

5:14 PM

Joly Boglioli, Finance Director, presented the millage information reviewing the taxable value, the half cent sales tax, appropriations, FRS increases, and general funds.

City Manager Dyess reviewed the various percentage increases and decreases for the Commission. Specified the increases, stating the detail is not typical at this stage but due to two new commissioners, provided additional information for their benefit.

Commissioner Rich commented on inadequate drainage being one of the main complaints being what he heard from residents. City Manager Dyess noted the City will be working with legislators for stormwater management future needs.

PUBLIC COMMENT:

1) Mark Brechbill - SE Osceola St; Stated he was concerned we are building all this infrastructure with cash vs debt and stated he was surprised that there is a number of septic systems still in place and thinks we should budget to get those out and get them replaced.

5:36 PM MOTION: Approve the Millage rate at 5.000% for FY 22(23).

MOVED BY: Eula Clarke

SECONDED BY: Becky Bruner

Motion approved unanimously.

15. THIS ITEM SET FOR TIME CERTAIN OF 5:15 PM - FIRE ASSESSMENT FOR FY 2023 (RC):

RESOLUTION No. 80-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING THE FISCAL YEAR 2022-23 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.

PUBLIC COMMENT:

1) Jeff Krauskopf - St Lucie Blvd.; Asked if there has been an analysis on the Fire Assessment since its original adoption and asked if the stormwater tax assessment has been looked at.

Mr. Boglioli responded to both questions.

5:39 PM MOTION: Approve.

MOVED BY: Eula Clarke

SECONDED BY: Becky Bruner

Motion approved unanimously.

16. THIS ITEM SET FOR TIME CERTAIN OF 5:15 PM - TENTATIVE BUDGET FOR FY 2023 (RC):

RESOLUTION No. 81-2022; 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, 2022 AND ENDING SEPTEMBER 30, 2023; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Manager Dyess announced the Final Millage and Final Budget Hearing date, Monday, September 26, 2022 at 5:15 PM.

5:44 PM MOTION: Approve.
MOVED BY: Becky Bruner
SECONDED BY: Eula Clarke
Motion approved unanimously.

10. BRIEF HISTORY OF THE KANNER LLC APPROVAL PROCESS.

5:46 PM

Mike Mortell, City Attorney, presented the Kanner LLC case and briefly showed a powerpoint describing the history of the land, the timeline of the Commission Meetings, approvals, hearings, and the expectation of the results. Discussion on the filing of only the specific issue of land use and the cabinet will rule based on our appeal in August. Attorney Mortell expects to hear back in December or at the next Cabinet meeting.

COMMENTS BY CITY COMMISSIONERS

6:17 PM

Commissioner Collins

- Commented that he would like to request a discussion for a future meeting in October on zoning in progress; stated he wants to take a break on new applications for development, review the implications of what is current, tighten up existing codes, and talk about what he has experienced in communicating with the residents about having development slow down.

Commissioner Clarke

- Thanked Police and Fire Departments for the Honor Guard and stated that it was very special and respectful in remembrance of 9/11.
- Announced the Reading of the Constitution on September 20th at 3:30 p.m. at the East 10th Street Community Center and invited all to join by participating or to come and watch.
- Complimented Mr. William Laughlin on a well-run campaign and thanked him for a job well done.
- Announced upcoming events: Memorial event in Pahoke on Thursday, the 16th (15th) to honor those that lost their lives during the hurricane of 1928 and a Walk for Gang Awareness in East Stuart on September 19th at 4:00 PM.

Mayor McDonald

- Congratulated and welcomed the two new Commissioners.
- Addressed the meeting on zoning that Commissioner Collins requested and suggested it be a special workshop in early November because of the new Development Director

coming aboard soon, giving them time to settle in. He (McDonald) would like to include some issues based on his Commissioner goals of the commercial/industrial properties inventory for economic development.

- Reported on his attendance at the 9/11 Memorial and thanked all the first responders.

Commissioner Collins commented in response to Mayor McDonalds comment on the zoning meeting. He mentioned that he prefers to begin the discussion in October as requested. City Manager Dyess noted that he could add a Discussion & Deliberation (D&D) to the first meeting in October on what a Zoning in Progress is and get the legality input, then schedule a workshop for November.

COMMENTS BY CITY MANAGER

City Manager David Dyess

- Request to continue Item #18 to 9/26/22 CCM.
- Announced that per the Charter, the Vice Mayor is to serve as Mayor until the annual reorganization meeting of the Commission. City Attorney, Mike Moretti read directly from the Charter, Section 7.09.(c). Dyess noted that in the event the Mayor is absent or if the Mayor must excuse himself, the gavel is to be passed to Commissioner Clarke based on seniority.
- Expressed his appreciation from himself and staff to Merritt Matheson for his tenure with the City as a Commissioner, he will be recognized with a tree in Mayor's Park and a ceremonial gavel gift.
- Announce the upcoming Utility Workshop for Wednesday at 5:00 PM, the agenda will be published first thing in the morning.
- Reported that the Finance Director, Joly Boglioli, looked up the new construction ad valorem and reported on the answer to Commissioner Rich.
- Reviewed the Commissioner Appointed Boards so the new Commissioners are clear on the community boards they are a part of.
- Commented on the City's internal board vacancies on the CRB, LPA, and CRA. Asks the Commissioners to review applications and consider moving forward to fill the vacancies.

APPROVAL OF AGENDA

6:36 PM MOTION: Approve.

MOVED BY: Becky Bruner

SECONDED BY: Campbell Rich

Motion approved unanimously.

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

None.

CONSENT CALENDAR

11. APPROVAL OF 08/22/2022 CCM MINUTES (RC)

12. SR-5/US-1 SE CONTRACTORS WAY TO N. JENSEN BEACH BLVD - FDOT AGREEMENT (RC):

RESOLUTION No. 72-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION UTILITY WORK BY HIGHWAY CONTRACTOR AGREEMENT (AT UTILITY EXPENSE) FOR THE ADJUSTMENT OF CITY OF STUART'S UTILITY FACILITIES FOR THE SR-5/US-1 FROM SE CONTRACTORS WAY TO N. JENSEN BEACH BLVD. PROJECT; DESIGNATING AUTHORIZED REPRESENTATIVE; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

13. OFFICIAL RESULTS OF THE 2022 PRIMARY ELECTION (RC):

RESOLUTION No. 75-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA CONFIRMING THE RESULTS OF THE 2022 REGULAR PRIMARY MUNICIPAL ELECTION FOR THE CITY COMMISSION GROUP I, GROUP III, AND GROUP V; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

6:37 PM MOTION: Approve.

MOVED BY: Eula Clarke

SECONDED BY: Campbell Rich

Motion approved unanimously.

COMMISSION ACTION

17. SOUTH FLORIDA PAIN MANAGEMENT, LLC CONDITIONAL USE (RC):

RESOLUTION No. 74-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, CONSIDERING CONDITIONAL USE APPROVAL TO SOUTH FLORIDA PAIN MANAGEMENT, LLC (TENANT) FOR THE PROPERTY LOCATED AT 715 SE 5TH STREET, CONSISTING OF APPROXIMATELY 0.28 ACRES; TO ALLOW THE USE OF A PAIN MANAGEMENT CLINIC; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

6:38 PM

Erin Wohlitka, Acting Development Director, introduced Bonnie Landry, Planning

Consultant, who presented on the Conditional Use for South Florida Pain Management, LLC.

Dr. Andrea Zatoves, came forward and presented to the Commission the background of her clinic.

Commissioner Rich asked Dr. Zatoves why she needs a new clinic and why a patient chooses a pain management facility instead of other doctors' offices.

Commissioner Collins commented on people having issues with Phenterol, acknowledging that her clinic is not related to, but concerned with the drug, asked what safety protocols or safeguards are in place to stop people from dropping off and going towards other drugs.

Dr. Zatoves discussed the safe fentanyl patches and takes exception to very good safe medication to be put into her work.

PUBLIC COMMENT:

- 1) Gaily Goldy - 14th Terrace.; Stated that we should consider that the state has a compliance board to review her records for licensing, to ensure she is in compliance.
- 2) Sean Reed - Asked a question about the background check and if the applicant did it or is it a state requirement and wanted more information on the shared parking space.

6:49 PM MOTION: Approve.
MOVED BY: Becky Bruner
SECONDED BY: Eula Clarke
Motion approved 4/1.
Collins - NO.

18. DOGSWORLD URBAN CODE CONDITIONAL USE (QUASI-JUDICIAL)(RC):

RESOLUTION No. 73-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, CONSIDERING A MAJOR URBAN CODE CONDITIONAL USE APPROVAL TO JUSTIN PHILLIPS, (CONTRACT PURCHASER) FOR THE PROPERTY LOCATED AT 400 SW 7TH STREET, CONSISTING OF APPROXIMATELY 1.62 ACRES; TO ALLOW THE USE OF KENNELS FOR DOGSWORLD; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A TIMETABLE OF DEVELOPMENT; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

*** PULLED * ITEM TO BE CONTINUED TO 9/26/2022 CCM.**

7:03 PM MOTION: Approved to move and be continued until 9/26/2022.
MOVED BY: Eula Clarke
SECONDED BY: Christopher Collins
Motion approved unanimously.

ORDINANCE SECOND READING

19. REPEAL & REESTABLISH CHAPTER 36, ARTICLE V, CODE OF ORDINANCES (RC):

ORDINANCE No. 2488-2022; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, REPEALING AND REESTABLISHING CHAPTER 36, ARTICLE V, COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS OF WAY, OF THE CITY OF STUART CODE OF ORDINANCES; PROVIDING INTENT AND PURPOSE, APPLICABILITY AND AUTHORITY TO IMPLEMENT; PROVIDING DEFINITIONS; PROVIDING FOR NOTICE OF TRANSFER, SALE, OR ASSIGNMENT OF ASSETS; PROVIDING FOR REGISTRATION FOR PLACING OR MAINTAINING COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY; PROVIDING THE REQUIREMENT OF A PERMIT; PROVIDING FOR APPLICATION REQUIREMENTS AND REVIEW PROCEDURES; PROVIDING FOR CONSTRUCTION METHODS FOR PLACING OR MAINTAINING FACILITIES IN PUBLIC RIGHTS-OF-WAY; PROVIDING DEVELOPMENT AND OBJECTIVE DESIGN STANDARDS; PROVIDING FOR INSURANCE AND INDEMNIFICATION; PROVIDING FOR FEES AND TAXES; PROVIDING FOR A RESERVATION OF RIGHTS AND REMEDIES; PROVIDING ENFORCEMENT AUTHORITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITIES; PROVIDING FOR AN EFFECTIVE DATE.

Attorney Mortell provided the background and reviewed his recommendation related to an existing state statute. Attorney Mortell stated that the City must comply with the State Statute and he believes the Ordinance put together in the agenda meets the state statute.

Janna Lhota, Attorney from Holland & Knight, representing Verizon Wireless came forward and stated her comments that she believes are violations of State Law in the Ordinance.

Commissioners continued discussion of the Ordinance.

Attorney Mortell noted the differences between the City and Jupiter Island's Ordinance.

City Manager Dyess noted that this has been going on for years and feels this is simply a delay tactic by the Wireless companies.

7:45 PM MOTION: Approve
MOVED BY: Christopher Collins
SECONDED BY: Becky Bruner
Motion approved unanimously.

ORDINANCE FIRST READING

None.

DISCUSSION AND DELIBERATION

ADJOURNMENT

7:46 PM

Mary R. Kindel, City Clerk

Troy McDonald, Mayor

**Minutes to be approved at the Regular Commission
Meeting this 26th day of September, 2022.**