

MINUTES
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
Vice Mayor 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

4:03 PM

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

PLEDGE OF ALLEGIANCE

1. ARTS MOMENT - HOLIDAY SONG BY SAMARA LEWIS

Samara Lewis sang "Have Yourself a Merry Little Christmas" for all to enjoy.

2. SELECTION OF MAYOR AND VICE MAYOR

PUBLIC COMMENT:

- 1.) Caryn Yost Rudge- SW Palm City Rd; Stated she feels Troy McDonald is unfit for the Mayor's title.
- 2.) Joseph Cooper - SE 9th St; Supports Troy McDonald to be Mayor.
- 3.) William Rudge - SW Palm City Rd; Questioned the Commission about their choices in the past and is not in favor of Troy McDonald being Mayor.
- 4.) Jerry Gore - Lake St; Stated he thinks Troy McDonald is a great choice for Mayor and is in favor of the motion.
- 5.) Walter Loyd - SW Cabana Pt Cir; Not in favor of Troy McDonald being Mayor.

4:10 PM MOTION: Have our current interim Mayor Troy McDonald to serve as the Mayor for the City of Stuart for 2022-2023.

MOVED BY: Eula Clarke

SECONDED BY: Becky Bruner

Motion approved unanimously.

PUBLIC COMMENT:

1.) Caryn Yost Rudge - SW Palm City Rd; Is not in favor of Becky Bruner being Vice Mayor.

2.) Walter Loyd - SW Cabana Pt Cir; Is not in favor of Becky Bruner being Vice Mayor.

3.) Joseph Cooper - SE 9th St; In favor of Becky Bruner being Vice Mayor.

Mayor McDonald thanked the Commissioners and Community for their support and is looking forward to the new year and all the great things that can be done.

Vice Mayor Bruner stated she was honored to be sitting in her seat and to serve her community. She also thanked the staff of the City and stated she was grateful for all staff.

4:13 PM MOTION: We select Commissioner Rebecca Bruner as Vice Mayor for the City of Stuart for 2022-2023.

MOVED BY: Eula Clarke

SECONDED BY: Christopher Collins

Motion approved unanimously.

PROCLAMATIONS

PRESENTATIONS

3. SERVICE AWARDS - DECEMBER 2022

Lucas Brown - Fire Rescue Department - 5 Years

5. 2023 CALENDAR PHOTO CONTEST WINNERS

LeeAnn Jones, Administrative Assistant, and Anne Ellig of the Utilities and Engineering Department presented the 2023 Stormwater Calendar and provided a brief history of the calendar and its environmental educational purposes. The residents that submitted photos for the calendar were recognized and awarded certificates and calendars. A group photo with the Mayor was taken.

4. COMMERCIAL & INDUSTRIAL ZONING BY KEVIN CROWDER WITH BUSINESSFLARE

4:28 PM

Kevin Crowder, Owner of BusinessFlare, Economic Development Urban Design Firm, presented the status of the current economy and opportunity sites for various industries within the City.

Commissioner Clarke commented she would like the number of workers in industrial business in the City.

Commissioners discussed the companies already in Stuart and commercial and industrial vs. residential zoning and areas that could be considered hybrid, policies and regulation, and public/private partnerships.

COMMENTS BY CITY COMMISSIONERS

5:10 PM

Mayor McDonald

- Presented gifts to each Commissioner.
- Gave his condolences to Alice Luckhardt's family and announced her memorial service.
- Commented on the Christmas Parade, Shop with a Cop and Firefighter Events and wished all Happy Holidays!

Commissioner Clarke

- Commented that the community seems to be gaining the Christmas spirit, attended holiday events and the Business Development Board luncheon and stated she did not know people in the room; attributed it to the new entrepreneurs in the community and shows that people need housing.
- Stated she went to the Advent Prayer Walk last Sunday and they walked to the area of the recent shooting, promoted 'unity in the community', complimented the Stuart Police Department.
- Commented on Alice Luckhardt's impact on Stuart, she asked that our City work to honor her publicly. (Discussion included planting a tree in her honor.)
- Commented on the expansion of 10th St. park, stated she was looking to see if there is a way to add a separate building for rentals.

Vice Mayor Bruner

- Requested an update from City Manager Dyess on the Railroad Crossing (Dyess provided an update.)
- Commented on the Christmas lights throughout the City, encouraged the public to go out and see them.
- Complimented staff on the job well done this past year, the changes on the board, and looks forward to 2023 being a good year.

Commissioner Collins

- Commented on clean water, septic to sewer program and stated that his goal is to make the program more doable to the average person. He reached out to Jacqui Lippish about grants and communicated with the City's Grants Administrator, Jacqui May. He is interested in discussing the establishment of an environmental attorney, someone that is 1/3 higher charter position. Stated that LOSOM starting again early next year, spoke on lake restoration, heavy storms, and the path to zero discharge.

Commissioner Rich

- Commented on the Legislative action, read an article in the Tallahassee Democrat on water standards in Florida.

COMMENTS BY CITY MANAGER

City Manager Dyess

- The Legislative delegation is set for January 13, 2023 at 8:30 AM at the Chastain Wolf Center, Mayor McDonald will be the presenter.
- Stated there will be an item coming forward in the coming months of a two reading item, designating the old landfill as a green reuse.
- Shared a story about Alice Luckhardt.

APPROVAL OF AGENDA

5:40 PM MOTION: Approve swapping items #4 and #5 in presentation section.

MOVED BY: Eula Clarke

SECONDED BY: Christopher Collins

Motion approved unanimously.

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

- 1.) Barbara Grass - SE Palermo Ct; Commented on a pothole that was reported and is still there on Kanner and Central Parkway.
- 2.) Caryn Yost Rudge - SW Palm City Rd; Provided handout of a case against the City. (Attached to the minutes)
- 3.) William Rudge - SW Palm City Rd; Commented on his history in Stuart and noted he has many unanswered questions.
- 4.) Walter Loyd - SW Cabana Point Cr; Following up on the Costco issue, conflict with the experts and feels the process was flawed; asks that the City take time to look at the data to make a decision that is responsible for the community.
- 5.) Bill Smithson - SE Ames Way; Stated he is from Humanist Organization - 501(3)(c) and stated he gives invocations with the County and School Board and states he would like the City's resolution to mimic the County and School Boards.
- 6.) Gail Goldy - NW 12th Terrace; Commented in favor of the invocation and stated that she is saddened by a Godless society.
- 7.) Jerry Gore - Lake St; Thanked the tram drivers and Police. Stated that prayers are heard and answered. He invited the new Commissioners to his church at 821 Bahama Avenue, appreciated the 2023 Storm Water Calendar and would like additional copies.

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

5:59 PM MOTION: Approve.

MOVED BY: Eula Clarke

SECONDED BY: Christopher Collins

Motion approved unanimously.

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.

Brief discussion between the Commissioners and Police Chief Tumminelli about the future of the department's staff and school safety.

Mindy Miller, Principal and Father Noel, Pastor of St. Joseph's Catholic School came forward to discuss their need for the officer and thanked the Chief and Commission for their support.

6:04 PM MOTION: Approve.
MOVED BY: Eula Clarke
SECONDED BY: Christopher Collins
Motion approved unanimously.

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.

Tim Voelker, Utilities & Engineering Director, presented a PowerPoint of the living shoreline project and the upgrades that would be done and the grants the City could apply for.

Commissioners questioned if grants would cover all of the project, our existing shoreline in Shepard's Park, and made suggestions to have a cigarette butt trash can at this project site.

6:19 PM MOTION: Approve.
MOVED BY: Eula Clarke
SECONDED BY: Christopher Collins
Motion approved unanimously.

12. APPOINTMENTS OF CITY COMMISSIONERS TO COMMUNITY BOARDS

City Manager Dyess went down the list of boards and read off the Commissioner's names. All Commissioners decided to stay on the same boards, no changes were made.

6:22 PM MOTION: Approve.
MOVED BY: Christopher Collins
SECONDED BY: Eula Clarke
Motion approved unanimously.

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

Commissioner Rich commented that as a past LPA Board member, he would like to see the boards be put to better use and have them review items that come to the City Commission and help them make their decisions.

Attorney Mortell stated that there have been other items such as, most recently, the Form-Based Code items being put forth to the LPA.

A brief discussion was held amongst Commissioners, Attorney Mortell, and City Manager Dyess.

Commissioner Clarke requested the new appointees that were present to stand.

Attorney Mortell read out the names of the appointees, those in attendance stood.

6:23 PM MOTION: Approve.
MOVED BY: Christopher Collins
SECONDED BY: Eula Clarke
Motion approved unanimously.

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.

6:29 PM MOTION: Approve Ordinance No. 2508-2022.
MOVED BY: Christopher Collins
SECONDED BY: Campbell Rich
Motion approved unanimously.

6:29 PM MOTION: Approve Resolution No. 120-2022.
MOVED BY: Christopher Collins
SECONDED BY: Campbell Rich
Motion approved unanimously.

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.

Vice Mayor Bruner stated she has heard from a lot of people who have asked not to change the way the meetings have been held by including prayer at the beginning of every meeting. She stated she would continue to pray on her own during the moment of silence, but can no longer support the invocation.

PUBLIC COMMENT:

- 1.) Robert Seymour - SE Osceola St; Not in favor of the invocation.
- 2.) Walter Loyd - SW Cabana Point Cir; In favor of the invocation but "so be it" if it is not approved.
- 3.) Mary Hutchensen - St. Lucie Crescent; Not in favor of the invocation and would like to keep the moment of silence before each meeting to not make anyone uncomfortable.
- 4.) Micah Hartowski - SE 5th Street; Is a practicing Catholic but doesn't feel it is necessary for it to be at a public meeting.
- 5.) Frank McCrystal- SE Flamingo St; In support of the invocation, stated that all types of "religion" should be allowed to come in and speak.
- 6.) Laura Giobbi - SE Ocean Ave; In support of the invocation, commented on how the world has changed since prayer has been moved out of schools and next it'll be the Pledge of Allegiance.
- 7.) Nick Gullota - Kanner Hwy; In support of the invocation and thinks the meetings are the most important place to have prayer.
- 8.) Nathaniel Joiner - SW 96th St; In support of the invocation.

Commissioner Collins announced his disappointment, noting we are out of line with Martin County and the School Board, he stated that things being offensive to a small group of people should not govern and the City's Resolution was all inclusive. He continued to share his disappointment.

Commissioner Clarke commented that she supports prayer but does not want it to be divisive within the Commission Chambers.

6:31 PM MOTION: Motion to approve.

MOVED BY: Christopher Collins

SECONDED BY: None

Died for lack of second.

Clerk's Note: The following Items were all requested to be "Continued to Date Certain of January 17, 2022 Special City Commission Meeting" and approved with one Motion: Item #16, Item #17, Item #18, Item #19, Item #20, and Item #21.

- 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.

**6:51 PM MOTION: Motion to continue all Ordinances to date certain January 17, 2023.
MOVED BY: Eula Clarke
SECONDED BY: Becky Bruner
Motion approved unanimously.**

DISCUSSION AND DELIBERATION

ADJOURNMENT

6:52 PM

Mary R. Kindel, City Clerk

Troy McDonald, Mayor

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