

MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
JUNE 12, 2023
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

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

ROLL CALL

4:00 PM

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

INVOCATION - PASTOR JIM BROCIOS, STUART ALLIANCE CHURCH

Pastor Jim Brocios, Stuart Alliance Church, was unavailable. A moment of silence replaced the invocation.

PLEDGE OF ALLEGIANCE

****4:01 PM CCM Recessed to call CRA Meeting to Order****

****4:03 PM CRA Adjourned and CCM Reconvened****

1. ARTS MOMENT - ISABELLA HODGES SINGING "SOMEWHERE OVER THE RAINBOW"

Miss Hodges sang beautifully and accepted the Certificate of Appreciation and took a photo with Mayor McDonald.

PROCLAMATIONS

2. JUNETEENTH FREEDOM DAY - JUNE 19, 2023

No one present to accept Proclamation. It will be mailed to recipient.

PRESENTATIONS

3. SERVICE AWARDS - JUNE 2023

- | | | |
|---------------------|--------------------|----------|
| • Vincent Felicione | Fire Rescue | 25 years |
| • James Farley | Public Works | 15 years |
| • Monica Sands | 10th Street Center | 10 years |
| • Matthew Reuther | Fire Rescue | 10 years |
| • Carlos Morales | Public Works | 5 years |

Each employee commented on their years of service and thanked the City.

4. BUSINESS DEVELOPMENT BOARD OF MARTIN COUNTY UPDATE

Joan Goodrich, Executive Director of the Business Development Board (BDB), presented on the BDB leadership team, their community impact, the FY22 financial overview, and future plans. Will send the Commission a link to their video promotional message and requested feedback. In addition, the prospects by industry were reviewed to include Aviation-Aerospace, Marine, Clean-Green Tech, Agribusiness Equestrian, Healthcare-Medical, and IT. Reported on the success story of Grind Hard Ammunition and business development in the board's Pulse Report and Strategic Plan. Invited the Commissioner and public to attend the BDB Meetings. Reported that she can narrow down the Pulse Report to just the City of Stuart if requested.

Commissioners participated in a question/answer period with Ms. Goodrich.

5. STUART MAIN STREET UPDATE

4:45 PM

Candace Callahan, Director of Stuart Main Street (SMS), presented the SMS update, introduced some past board members present in the audience, and reviewed their board objective, accomplishments, the economic impact cumulative since working with the City, and their events. She went over what is new, with SMS, including their website, events, art mural project, and a district expansion, as well as reviewed their mission, accomplishments and economic impact. Encouraged all to support the downtown businesses as the construction has made it difficult for them.

Commissioner Clarke asked questions:

- Stated that there used to be two Main Streets and have since lost the East Stuart Main Street and would like to work on getting East Stuart involved again.

- Made a comment to Interim City Manager Mortell regarding another agenda item about a City building lease. Stuart Main Street uses Flagler Center; has there been any consideration for them to raise funds to have an outdoor structure for future events.
- Asked for parking and July 4th plans.

Candance responded, noted that she is aware of the history of the East Stuart Main Street and that was a separate program from SMS but they have helped them in the past as they are a neighbor to SMS. The short-term lease prevents them from building any outdoor structures. The 4th of July deferred to Jim Chrulski, Community Services Director. Jim provided a brief update on the 4th of July plans.

6. 2023 FLORIDA LEGISLATIVE SESSION RECAP

Ben Hogarth, Community Affairs Liaison, provided an overview of legislative bills and the effect they may have on the City of Stuart.

COMMENTS BY CITY COMMISSIONERS

Commissioner Collins

- Commented on the Senate not asking Jacqui Thurlow-Lippish back to the South Florida Water Management Board, and wanted to remind the board that they are representatives of those in Port Saint Lucie as well as Stuart. He sees SB 102 as a bill that robs residential and industrial land; a war on conservative values and what makes our area great. City appropriations for the stormwater event could not be found for Stuart, and he finds the reason to be punishment for speaking out. A similar situation is happening to Jacqui Thurlow-Lippish, and he feels she deserved to get the approval from the Florida Senate. Respectfully asked Gayle Harrell and Kathleen Passidomo, Representatives of the Florida Senate, for the quality of life of those who live in Stuart, to reinstate Jacqui Thurlow-Lippish back into the SFWMD Board.

Commissioner Clarke

- Commented that she appreciated the BDB and Main Street reports/presentations.
- Stated someone saw a sign outside the Stuart City garage that reads "No Parking From 11 PM to 5 AM" . Commissioner Clarker would like Interim City Manager Mortell to look into this and visit the area.
- Commented on the statements of the public from the last CCM, pertaining to defraying housing costs, and requested City Manager Mortell bring back information on using excess funds to assist families in needs in the community.
- Announced the Joint City/County/School Board Meeting on Thursday, June 15th at 9 a.m. and encouraged all to attend.

City Manager Mortell responded to Clarke's comment on the overnight parking signs and stated the signs read "No Parking From 10 PM to 5 AM" and is located directly across the street from L's Lounge. The City did receive an application from Family Promise and once the application is complete, with direction from the Commission, would like it placed on the June 26th agenda.

Vice Mayor Bruner

- Commented on the algae blooms in Lake Okeechobee and expressed her frustration at being a Commissioner and not having the power to change it. Supports Jacqui Thurlow-Lippish and stated that she is a very positive and influential person; the most important thing is our health, safety and the river.

Mayor McDonald

- Commented on his visit with the Vista Pines residents and that the members were very positive and he received good feedback.
- Stated that in the past, when there were land use changes, Ordinances were approved with land use separate from zoning. Having spoken to City Manager Mortell, he would like it to be one item but two separate aspects, separated clearly in the Ordinance.

City Manager Mortell explained and stated it was the preference of the Board.

COMMENTS BY CITY MANAGER

City Manager Mortell

- Announced that Confusion Corner will reopen on June 14, 2023.
- Stated that the PFAS Multi-District Litigation Case is still ongoing, he spoke to our Attorney today and there are still discussions with 3M and working toward a resolution.
- Commented that the Coast Guard adopted a new railroad bridge rule, stating 50/50 marine and railroad, broken down in 15 minute intervals. The Dixie Drawbridge has conflicts, requested updates and expects to hear more in the near future. Hopes to have additional information at the City Commission Meeting on June 26th.
- Budget projections sneak peek is expected at the June 26th City Commission Meeting.

APPROVAL OF AGENDA

6:03 PM MOTION: Approve.

MOVED BY: Eula Clarke

SECONDED BY: Christopher Collins

Motion approved unanimously.

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

1. Helen McBride - SE Flamingo Ave; Clarification on Discussion and Deliberation part of the meeting. The Mayor stated at last meeting that the Discussion and Deliberation is only meant for the members of the Board. Ms. McBride stated she is a taxpayer and the public should have some input and asked that the Attorney look into this.

CONSENT CALENDAR

7. APPROVAL OF 05/22/2023 CCM MINUTES (RC)

8. AUTHORIZATION FOR COMMUNITY SERVICES TO APPLY FOR A GRANT WITH THE CHILDREN SERVICES COUNCIL OF MARTIN COUNTY FOR THE EAST STUART YOUTH INITIATIVE GRANT (RC):

RESOLUTION No. 41-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING AN APPLICATION TO THE CHILDREN'S SERVICES COUNCIL OF MARTIN COUNTY FOR THE EAST STUART YOUTH INITIATIVE GRANT; AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF THE CHILDREN'S SERVICES COUNCIL GRANT, COLA, AND EMERGENCY FUNDING; IF APPROVED, AUTHORIZING THE EXECUTION OF CONTRACTS BETWEEN THE CITY OF STUART AND CHILDREN'S SERVICES COUNCIL OF MARTIN COUNTY FOR GRANT ADMINISTRATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

9. KIWANIS PARK IMPROVEMENTS - BUDGET AMENDMENT #11 (RC):

RESOLUTION No. 45-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET ADMENDMENT NO. 11 TO THE 2022-2023 BUDGET; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS TO ACCOUNT FOR ADDITIONAL REVENUES FROM DONATIONS AND FUND BALANCE AND APPROPRIATIONS IDENTIFIED FOR IMPROVEMENTS TO KIWANIS PARK; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

10. SUPPORT REAPPOINTMENT OF JACQUI THURLOW- LIPPISH TO THE SOUTH FLORIDA WATER MANAGEMENT BOARD (RC):

RESOLUTION No. 47-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, SUPPORTING AND ENCOURAGING REAPPOINTMENT OF JACQUI THURLOW- LIPPISH TO THE SOUTH FLORIDA WATER MANAGEMENT BOARD; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

6:04 PM MOTION: Approve
MOVED BY: Eula Clarke
SECONDED BY: Campbell Rich
Motion approved unanimously.

COMMISSION ACTION

None.

ORDINANCE SECOND READING

None.

ORDINANCE FIRST READING

None.

DISCUSSION AND DELIBERATION

11. DISCUSSION AND DELIBERATION INCLUDING POSSIBLE AUTHORIZATION TO PROCEED WITH FUNDING THE REIMBURSEMENT OF TENANT IMPROVEMENTS (WATERFRONT RESTAURANT) FOR EXPENSES RELATED TO STRUCTURAL RENOVATION OF PROPERTY OWNED BY THE CITY OF STUART

City Manager Mortell reviewed the history of the Mulligans/Waterfront Restaurant and under Mr. David Dyess' management, it was agreed upon for the City to pay a portion of the costs for improvements. Recommended the Commission provide direction.

Mayor McDonald commented that he met with the owners of Waterfront Restaurant and he was impressed with the property improvements, but reviewed the expenditures line by line, and does not believe we owe what they are asking (\$700,000) but perhaps a portion. Recommend the City staff review the numbers and come up with a number to bring to the CRA for approval. Funds can be taken from CRA.

Commissioner Collins requested information on the original agreement, and wants to make sure the initial agreement is honored. City Manager Mortell reported that he didn't believe it was detailed, but when it was brought to his attention, he suggested an engineer look at the structural and foundation deficiencies. Commissioner Collins asked if there is a report from the building inspector or engineer and agreed with staff looking into this and returning to the Commission with further information.

Commissioner Bruner commented that the property is beautiful and this could be decided sooner instead of making the owner wait. The upstairs is not complete and he needs this money to complete it. She recommends we pay and move forward so he can complete this project.

Commissioner Rich reviewed past email correspondence about the lease and the City's responsibility, agreed that the topic should be brought back to the CRA for discussion and review.

James Corrigan, Owner of Waterfront Restaurant, came forward and commented that they wanted to do things right. He stated he was planning on the expenses but then finding structural and safety deficiencies once into renovation, was not expected to be incurred. Noted that they are residents of this town and are here for good and are happy to invest in the building, but all the problems that were discovered would not have been approved and permitted, had they not come into compliance. Thanked Mortell for his generosity with his time and stated that all the reimbursements requested are not related to aesthetics, but to structure.

Commissioner Clarke commented that she feels what Commissioner Rich is truly stating is that the City needs to make sure their structures are in good condition prior to leasing agreements. That we need to get our leasing agreements in order.

City Manager Mortell clarified the City signed a lease with Mulligans and made updates.

Without the City being a party, Mulligans and Waterfront made a deal and the reassignment of the lease was approved by the Commission. Mr. Corrigan welcomes the City to do an audit.

The staff will bring the Waterfront expenditures back to the CRA for review.

PUBLIC COMMENT:

1. Tom Campenni - spoke on behalf of him as a CRA Board Member, commented about his concerns about the money being taken from CRA.

12. LIVE LOCAL ACT (SB102) STAFF PRESENTATION

6:47 PM

Jodi Nentwick, Development Director, presented on Senate Bill 102.

PUBLIC COMMENT:

1. Laura Giobbe - SE Ocean Blvd; Commented on City Manager Mortell having a conversation with Representative Snyder and asked if it could be in writing. She reiterated again that the City should have it in writing and on file.
2. Mark Brechbill - SE Osceola St; commented on the buildings and that the City should be thinking about the risks of the properties and if the zoning needs to be changed.

13. CRITERIA FOR CITY ATTORNEY POSITION

Paul Nicoletti, Interim City Attorney, suggested the Commission review and discuss the City Manager position prior to the City Attorney discussion.

Mayor McDonald suggested we direct the Interim City Attorney to negotiate a contract with the Interim City Manager and bring it back for discussion and approval. However, the City Attorney's position, was suggested by putting together a committee of local attorneys, have the HR Department advertise and screen applicants for the minimum qualifications, the committee review the applicants, and then interviews by the Commission from the dais.

Commissioner Clarke asked if there should be special language pertaining to environmental issues as a requirement.

Mayor McDonald stated that he feels a municipal attorney is desired with litigation experience and if an environmental attorney is needed, to outsource. He stated that City Manager Mortell is an excellent litigator and hopes the City will find someone with such experience.

Attorney Nicoletti stated that all government attorneys should know something about environmental law and may not necessarily be an environmental attorney.

Commissioner Rich read from an article with attorney credentials and will copy the article for the Commissioners.

Commissioners agreed to have an agenda item on a future agenda to review and discuss the option of utilizing a law firm to conduct a search.

14. WELLS FARGO BUILDING DISCUSSION

7:14 PM

Mayor McDonald reported that he requested this discussion because he was not on the Board when the decision was made and was not in favor at that time.

Commissioner Collins asked what would happen if we used Wells Fargo as an investment property.

Louis "Joly" Boglioli, Finance Director, provided a brief comment on the note that is in place and stated that the use of the building is intended as a City Hall. The City waived the payoff opportunities on the note and at present, there are eight (8) years left on the note. Joly continued to answer financial questions of the Commission.

Conversations ensued with the Commissioners and the City Manager.

City Manager Mortell explained there is a City law that prohibits the City from selling or renting waterfront property without a referendum. It is best to put forward the best idea to the public in a referendum, with a finished plan for a clear yes or no answer.

Commissioner Rich asked if we are currently over full capacity at the existing City Hall building. City Manager Mortell answered that we have three separate buildings currently housing our departments and the plan is, with the redevelopment of the Wells Fargo Building, to all fit in the one building.

Commissioner Collins requested suggestions about moving forward. City Manager Mortell suggested bringing forward old plans for the current City Hall property, and could hire a planner to provide suggestions.

Mayor McDonald requested the Development Director to go back and find past presentations, and the board review them.

Commissioner Clarke commented on the Strategic Plan session and this was not brought back. Mortell commented that the Strategic Plan information is being prepared.

PUBLIC COMMENT:

1. Laura Giobbi - SE Ocean Blvd.; Asked if suggestions from the community are accepted.
2. Helen McBride - SE Flamingo Ave.; Years ago, participated in the petition and noted that Mike Houston came up with a nice plan for the City Hall property. She will advocate to be sure that a building does not go in place of City Hall.
3. Mark Brechbill - SE Osceola St.; Commented that Helen was referring to the McCarty Plan, a great plan that connects the City to the park and makes utilization of the river and Flagler Center.

ADJOURNMENT

7:54 PM

Mary R. Kindel, City Clerk

Troy McDonald, Mayor

Minutes to be approved at the Regular Commission
Meeting this 26th day of June, 2023.