MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD June 22, 2020
AT 5:30 PM Commission Chambers & ZOOM
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION
Mayor Michael J. Meier
Vice Mayor Eula R. Clarke
Commissioner Becky Bruner
Commissioner Merritt Matheson
Commissioner - VACANT

ADMINISTRATIVE
City Manager, David Dyess
City Attorney, Michael J. Mortell
City Clerk, Mary R. Kindel

5:33 PM ROLL CALL – Meeting Called to Order

THIS MEETING IS A HYBRID IN PERSON/REMOTE MEETING.

Statement by City Manager Dyess:
Pursuant to Executive Order 20-69 issued by the Office of Governor Ron DeSantis on March 20, 2020, due to COVID-19, municipalities may conduct meetings of their governing boards without having a quorum of its members present physically or at any specific location and utilize communications media such as telephonic or video conferencing as provided by Florida Statute 120.54. Procedures for public comment by device; if you wish to speak during public comment, click raise hand at the bottom of the participant window. Your microphone will be unmuted when you are called on to speak. The public may choose to activate their camera if they wish. Both will be deactivated once their public comment time is completed. If attending by phone, press *9 to raise your hand, you will be called by the last three digits of your phone number. All are asked to state their name and address clearly for the record.

During Roll Call, for the record, Dyess requested the board state whether they are present in person or attending the meeting virtually.

5:35 PM Roll Call
Present: Mayor Meier, Vice Mayor Clarke, Commissioner Bruner, Commissioner Matheson (all board members in person)

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

1. JUNETEENTH FREEDOM DAY - JUNE 19, 2020

Recipient, Alishia N. Harriel came forward giving thanks to the City and announcing her appreciation to the residents of Stuart for their support.

2. PRIDE MONTH - JUNE 2020

Via Zoom, Barbara and Gary Silver of PFLAG Stuart thanked the City and reported on what their organization is about.

3. PARK AND RECREATION MONTH - JULY 2020

Via Zoom, Jessica Tharp, Recreation Programs Coordinator, accepted the Proclamation and announced the benefits of Parks and Recreation to a community.

PRESENTATIONS

4. SERVICE AWARD - JUNE 2020

Sergio Pecori, Public Works, 20 Years; Not in attendance to accept award.

5. EMPLOYEE OF THE MONTH - JUNE 2020

Lisa Scott, Executive Assistant to the Police Chief; Ms. Scott came forward and thanked the Chief, City Manager and Commission for the recognition.

5:55 PM 6. DEPARTMENT OF HEALTH UPDATE

Carol Ann Vitani, Florida Department of Health provided an update on the Coronavirus stating 1,582 positive current cases and 20 deaths in Martin County. The median age has gone down and is now 38 years old and in the last 10 days, 541 positive cases. Asks that people refrain from gatherings of more than 50 people, encourage proper hygiene and preventative measures. Vitani announced testing locations and provided a hotline (772-221-4000) for questions.

COMMENTS BY CITY COMMISSIONERS

Commissioner Bruner

- **No comments.**

Commissioner Matheson

- **Commented on the rainy season and that Lake Okeechobee increased 1 inch in 24 hours, so far, zero discharges.**
- **Encouraged all to treat everyone with respect and dignity, especially on social media.**

Vice Mayor Clarke

- **Commented that she came to Martin County as Transportation Planner and is sad about the Roosevelt Bridge failure but hoping the DOT can work with it to have the bridge back up and running soon.**
- **Thankful for the JUNETEENTH Proclamation; asked all to add June 19th, Juneteenth to their calendars so all can learn about it and expressed her appreciation for the NAACP event and all they and the Police did.**
- **Complimented Police Chief Tumminelli for his efforts at the Civic Center last week and stated that he was very good for our community, has high hopes for moving forward.**
- **Commented on her personal Facebook page posting that included 3 Things You Can Do to Stop Racism, stated it was with no intention to cause harm and she pulled it down. Apologized if people were offended. For those who were hurt, would like us all to talk to each other, move forward, and find legal justice and asks that we work together.**

Mayor Meier

- **Reported on the Public Comment, stating he plans to follow the rules more strictly, insist that comments happen under items intended. General comments will be for non-agenda items only.**

COMMENTS BY CITY MANAGER

No comments.

APPROVAL OF AGENDA

6:21 PM MOTION: Discuss and move Item #17 directly after the Consent Calendar and the motion would also include adding the addendum to the agenda.
Moved by: Commissioner Matheson
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

COMMENTS FROM THE PUBLIC (5 Minutes Max.)

1) **Helen McBride – Flamingo Ave.; Commented about the Martin County Meeting in which a gentleman during public comment stated all the COVID cases were in the City and Indiantown, tired of the County throwing rocks at the City and is thankful the Health Department clarified the information.**

CONSENT CALENDAR

7. APPOINTMENT OF COMMUNITY REDEVELOPMENT BOARD (CRB) MEMBER, TOM CAMPENNI TO SERVE ON THE COMMUNITY REDEVELOPMENT AGENCY (CRA)

8. UTILITY SERVICE AGREEMENT IOANNA LAS, LLC.:

RESOLUTION No. 59-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A UTILITY SERVICE AGREEMENT BETWEEN THE CITY OF STUART AND IOANNA LAS, LLC, TO PROVIDE WATER AND SEWER SERVICE TO NINETEEN INVIVIDUAL APARTMENTS AT 603 SE FEDERAL HIGHWAY, IN THE CITY OF STUART; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

9. AWARD OF RFP 2020-102: PROFESSIONAL ARCHITECTURAL, ENGINEERING AND RELATED SERVICES FOR THE PUBLIC WORKS COMPLEX:

RESOLUTION No. 72-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE THE AWARD OF RFP #2020-102, PROFESSIONAL ARCHITECTURAL, ENGINEERING AND RELATED SERVICES FOR THE PUBLIC WORKS COMPLEX TO THE TOP RANKED FIRM, CAPTEC ENGINEERING, INC., OF STUART, FLORIDA, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

10. AWARD RFP #2020-104: CDBG-MITIGATION:

RESOLUTION No. 73-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE THE AWARD OF RFP #2020-104, COMMUNITY DEVELOPMENT BLOCK GRANT-MITIGATION (CDBG-MIT) PROGRAM MANAGEMENT SERVICES TO THE TOP RANKED FIRM, GUARDIAN COMMUNITY RESOURCE MANAGEMENT, INC., OF DADE CITY, FLORIDA, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

11. GRANT FOR EXPANDED SUMMER CAMPS FROM CSCMC:

RESOLUTION No. 74-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING A BUDGET AMENDMENT NO. 06-2020 TO ACCEPT, APPROPRIATE AND AUTHORIZE EXPENDITURES FOR AN AMOUNT NOT TO EXCEED $57,807.00 FROM THE CHILDREN'S SERVICES COUNCIL OF MARTIN

COUNTY; PROVIDING FOR READING EDUCATION; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

12. GRANT FOR SAILFISH BALL FIELD BALL PARK TO HOST CAL RIPKEN WORLD SERIES:

RESOLUTION No. 75-2020; BA #07-2020, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING A BUDGET AMENDMENT NO. 07-2020 TO ACCEPT, APPROPRIATE AND AUTHORIZE EXPENDITURES FOR AN AMOUNT NOT TO EXCEED $17,525.00 FROM THE TREASURE COAST SPORTS COMMISSION; PROVIDING FOR READING EDUCATION; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

13. BUDGET AMENDMENT NO. 08 TO FY 2020 BUDGET FOR PROPRTY ACQUISITION:

RESOLUTION No. 80-2020; A RESOLUTION OF THE BOARD OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT #8 TO THE FY 2020 BUDGET TO TRANSFER FUNDS FROM THE LEASED PROPERTY FUND OF $1,000,000 TO GENERAL FUND AND TO RECOGNIZE DEBT PROCEEDS OF $5,000,000 FOR THE PURCHASE AND ACQUISITION OF A PROPERTY AT OCEAN BOULEVARD AND OSCEOLA STREET KNOWN AS THE “WELLS BUILDING” IN THE AMOUNT OF $6,000,000 FOR THE REDEVELOPMENT OF THE PROPERTIES; PROVIDING FOR CONFLICTS; SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

Public Comment:

1. **Armond Pasquale – Commented on Item #13, doesn’t feel the City needs a new building at a time when taxes should lower, and people are in need; opposes the purchase.**

6:25 PM MOTION: Motion approval of the Consent Calendar Items # 7, 8, 9 10, 11, 12, and 13.
Moved by: Vice Mayor Clarke
Seconded by: Commissioner Matheson
Motion passed unanimously.

DISCUSSION AND DELIBERATION

17. COMMUNITY RELATIONS BOARD

City Manager Dyess Recommendations:

Citizen initiated "Community Relations Board or Committee" made up of a City Commissioner, representatives of NAACP, ACES, Concerned Citizens of East Stuart, a Hispanic Organization, Ministerial Alliance, and two At Large positions. He as City Manager would personally facilitate the meetings and have staff present to address the meeting topic. Feels that the community distrusts the government and it would be best as a community board/ committee to meet and discuss topics.

Attorney Mortell explained from a legal perspective, if it were to be a City board it would be subject to Sunshine Law, limited to City residents, and would restrict participation and discussion.

Commission discussion included the benefits of an independent board, board members, target community areas, the purpose of the board, City facility meeting space, commissioner participation, and overall review of the City Managers plan.

Commissioner Bruner commented on a program done in Atlanta, GA in working with children, feels mentoring the children is important and a teaching portion for children on how to communicate with Police officers should be included.

Public Comment:

1) **Amelia Fry – Hibiscus Ave.; Commented with support on Vice Mayor Clarke's Facebook post and read a letter in favor of a board designed to have open conversation about racism.**
2) **Caitlynne Palmieri – Bonita St.; Member of the community that participated in writing the letter that Ms. Fry read and feels it is a powerful way to work together.**
3) **Marrissa Mensik – Collage St.; Complimented David Dyess on his idea and recommended, as a teacher, bringing youth into the board.**
4) **Zoom – Alain Goindoo – Pine; In support of the board and asks that the board includes member of the school board.**
5) **Zoom - Kate McCormic, Candice Rasa, Nancy Polites – Representatives of National Association of Social Workers (NASW) encourages consideration of representation from NASW, a social worker and/or a mental health worker as it's important to look at individuals and the community.**
6) **Zoom – Tom Campenni – Commented on behalf of Vice Mayor Clarke, stating he feels she didn't do anything with malice.**

Commission discussion concluded in Commissioner Bruner representing the Stuart Commission on the Community Relations Board, the offer to utilize a City facility to host the meetings, and come back with a Resolution.

Public Comment:

1) **Helen McBride – Comments that she prefers the East 10th Street Community Center is not used for the meetings until the COVID-19 virus is over in order to protect the children and the elderly.**
2) **Caitlynne Palmieri – As a dues paying member of the NAACP and someone who works in East Stuart, commented that she would like to see Eula Clarke**

serve on the Board initially and thanked Commissioner Bruner for volunteering.

7:15 PM MOTION: To spend the City Managers time and City resources to furtherance the Community Relations Board and identify Commissioner Bruner as the point person to begin should the Board choose to have the Commission involved.
Moved by: Vice Mayor Clarke
Seconded by: Commissioner Matheson
Motion passed unanimously. 7:21 PM

COMMISSION ACTION

14. ON-STREET PARKING SPACES ON ALBANY AVENUE (QUASI-JUDICIAL):

(REQUESTING CONTINUANCE TO DATE CERTAIN JULY 13, 2020)
RESOLUTION No. 64-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, CONSIDERING A MAJOR URBAN CODE CONDITIONAL USE APPROVAL TO ALLOW THE DEVIATION FROM REQUIREMENTS REGARDING THE NUMBER OF PARKING SPACES REQUIRED AND ALLOW THE CONSTRUCTION OF NINE (9) NEW ON-STREET PARKING SPACES WITHIN THE URBAN HIGHWAY ZONING DISTRICT; PROVIDING FOR A REVOCABLE PERMIT; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A TIMETABLE OF DEVELOPMENT; AND FOR OTHER PURPOSES.

7:22 PM MOTION: Motion to continue item to July 13th.
Moved by: Commissioner Matheson
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

15. LICENSE AGREEMENT BETWEEN THE CITY AND COUNTY, RE: MAINTENANCE OF 18TH STREET:

RESOLUTION No. 71-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR TO ENTER INTO AND EXECUTE A LICENSE AGREEMENT BETWEEN THE CITY OF STUART (“CITY”) AND MARTIN COUNTY (“COUNTY”) TO INSTALL FENCING AND MAINTAIN THE CUL-DE-SAC ROAD KNOWN AS 18TH STREET THAT INTERSECTS SE PALM BEACH ROAD ON THE EAST SIDE OF THE FORMER SUBDIVISION KNOWN AS LAWLER GARDENS THAT IS NOW VACANT LAND; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Attorney Mortell reported briefly on his communications with Martin County on this matter and they have asked to fence the property in order to keep it secure. A chain link fence has been agreed upon around three sides and a decorative rod iron fence in the front.

Public Comment:

1) **Troy McDonald – Commented stating his frustration and should not have been done in the first place.**

7:28 PM MOTION: Move to approve. AMENDED MOTION: Conditional on 17th Street left to the City and not included.
Moved by: Commissioner Bruner
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

ADDENDUM

1. DECLARATION OF STATE OF LOCAL EMERGENCY:

RESOLUTION No. 81-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, DECLARING A STATE OF LOCAL EMERGENCY PERTAINING TO A HAZARDOUS CONDITION RELATED TO THE ROOSEVELT BRIDGE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Manager Dyess reported on the FDOT measures taken and planned to open one side of the bridge.

Mayor Meier announced that he and the City Manager have been participating in daily communication with FDOT; they are continuing to examine the northbound bridge and have not found evidence of structural damage and by Wednesday, may be able to provide a timetable as to an opening of the northbound bridge. Dixie Hwy. may be able to reopen but waiting for additional information.

Vice Mayor Clarke commented on the idea of creating a ferry. City Attorney Mortell reported that there is a river taxi that will be charging $5.00 to transport people between the Tide House to the City Hall Dock.

7:43 PM MOTION: Approve Resolution 81-2020.
Moved by: Commissioner Matheson
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

ORDINANCE FIRST READING

16. EVALUATION AND APPRAISAL REPORT (EAR):

ORDINANCE No. 2442-2020; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, ADOPTING THE EVALUATION AND APPRAISAL REPORT (EAR) FOR THE COMPREHENSIVE PLAN OF THE CITY OF STUART; STATING THE INTENT OF THE CITY COMMISSION TO AMEND THE COMPREHENSIVE PLAN BASED UPON RECOMMENDATIONS CONTAINED IN THE REPORT; AND APPROVING

TRANSMITAL OF THE EVALUATION AND APPRAISAL REPORT TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY AND ANY OTHER INTERESTED GOVERNMENTAL ENTITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Stephen Mayer, Development Department Senior Planner presented on the Evaluation and Appraisal Report, reviewing the process that began with staff review, public workshops, Joint LPA/Commission Meetings, now at the final stage holding a transmittal hearing for First Reading. The approved Ordinance after this reading will be transmitted to the State Department of Economic Opportunity, await their comments, then come before the Commission again for Second Reading and adoption. Mayer reviewed the areas of focus under transportation, housing, and conservation.

Mayor requested to strike word "geothermal" from Conservation Element, Gola Statement 5.A.

Clarke, noted page 5, Policy 2.A.19; wanted to ensure that the future transportation map series was the most up to date information available. Commented on a future road from Johnson Avenue for future discussions.

Mayor Meier commented on outdated names of recreation facilities/parks and requested the language be generalized. Intergovernmental should read "attainable" in place of "affordable". New definitions for workforce housing and requests another review of the definitions in the Intergovernmental section.

Commissioner Matheson commented on the Infrastructure Element, remarking on the rain events and would like to push for more water retention.

8:26 PM MOTION: Motion that this stays the way it has been, to revert to the stricken language [per Conservation Element (5) Policy 5.A5.5 Wetlands C. Buffers.]
Moved by: Commissioner Matheson
Seconded by: Vice Mayor Clarke
No Vote

8:44 PM MOTION: Approve Ordinance No. 2442-2020 on First Reading with all changes as discussed.
Moved by: Vice Mayor Clarke
Seconded by: Commissioner Matheson
Motion passed unanimously.

ORDINANCE SECOND READING

8:45 PM ADDENDUM

2. MARTIN COUNTY EMERGENCY ORDER 20-11 (FACE COVERINGS)

City Manager Dyess briefly summarized Martin County's Emergency Order 20-11.

Mayor Meier commented that he has heard from many concerned members of the public and is in support of mandating face mask be worn by all (except children according to CDC guidelines) in the City.

Commissioner Matheson commented that though he agrees, he feels the Police Dept. has a lot to contend with at this time and adding a law that cannot be logically enforced could be putting our officers unnecessarily at risk.

City Manager Dyess explained enforceability, stating when conflict is created in telling citizens they can't do something and yet an officer must act and if resistance occurs, "the fight is on." He explained that every time a law is created, additional law enforcement/citizen contact is created that puts officers in contrary interaction with citizens, causing risk.

Discussion of face masks will be brought back for further discussion at the July 13th Commission Meeting and Police Chief Tumminelli will provide some information.

 **9:02 PM ADJOURNMENT**

_____ **_____**

Mary R. Kindel, City Clerk **Michael J. Meier, Mayor**

Minutes to be approved at the Regular Commission Meeting this 13th day of July, 2020.