MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD November 9, 2020
AT 4:00 PM Commission Chambers
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION
Mayor Michael J. Meier
Vice Mayor Eula R. Clarke
Commissioner Becky Bruner
Commissioner Merritt Matheson (Late)
Commissioner Troy McDonald

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

4:00 PM ROLL CALL

Present: Mayor Meier, Vice Mayor Clarke, Commissioner Bruner, Commissioner McDonald
Late: Commissioner Matheson 4:14 PM

PLEDGE OF ALLEGIANCE

1. ARTS MOMENT - RECORDING OF LOCAL SAXAPHONIST, MR. DANIEL LEE.

Jim Chrulski, Community Services Director, introduced the video presentation by local saxophonist Mr. Daniel Lee where he performed "Mr. Magic." Mr. Lee was not available in person to accept his Certificate of Appreciation.

PROCLAMATIONS

2. FLORIDA RECYCLES WEEK - NOVEMBER 9-15, 2020

Anne Ellig, Program Manager, Utilities & Engineering Dept., accepted the Proclamation and announced a reminder to residents about the E-waste drop off and encouraged them to get back to the basics of recycling. She reviewed a few helpful reminders to determine if items could be recycled. "When in doubt, throw it out" to reduce contamination.

3. FARM CITY WEEK - NOVEMBER 18-25, 2020

President of the Martin County Farm Bureau, David Hafner accepted the Proclamation via Zoom, he thanked the City and announced the resources in Martin County, such as growninmartin.com, UF IFAS, and Martin County Farm Bureau. He encouraged the public to visit those resources and ask questions.

4:14 PM Commissioner Matheson arrived.

4. SMALL BUSINESS SATURDAY - NOVEMBER 28, 2020

Recipients Candace Callahan, Stuart Main Street and Mark Carbone, Vine and Barley, accepted the Proclamation on behalf of Downtown Business Association (DBA).

PRESENTATIONS

5. SERVICE AWARDS - NOVEMBER 2020

H. Bobby Kindel	**Utilities & Engineering**	**30 years**
Donald Lesko	**Fire Rescue**	**25 years**
James Allen	**Utilities & Engineering**	**5 years**
Pinal Gandhi-Savdas	**Development**	**5 years**
LeeAnn Jones	**Utilities & Engineering**	**5 years**

4:26 PM 6. EMPLOYEE OF THE MONTH - NOVEMBER 2020

GIS Analyst, Michele Jett was recognized by Development Director, Kevin Freeman, for her efforts in taking the City's Geographic Information Services to the next level.

7. PRESENT CERTIFICATES OF APPRECIATION TO THE SUSTAINABILITY COMMITTEE MEMBERS

Certificates of Appreciation were awarded to the following Sustainability Committee Members: Mechelle Arbuzow, Bruce Duncan, Anne Ellig, Ben Hogarth, Michele Jett, Mary Kindel, John LaPadula, Stephen Mayer, Dave Peters and Christina Weinman.

8. PRESENT THE HISTORIC MARKER TO JOHN EDGAR AND PATRICIA SHERRARD, OWNER OF THE HISTORIC BUILDING

Pinal Gandhi-Savdas, CRA Administrator displayed a map showing the historic building and introduced Julie Priest who came forward and read a historical description of the 1913 Hull home at Woodlawn Park.

Historic Markers were presented to John Sherrard. He thanked the City for recognizing historic properties, he hopes his son keeps the historic property in the family.

4:48 PM 9. PRESENTATION OF USES ALLOWED IN EACH ZONING DISTRICT

Kev Freeman, Development Director provided a brief presentation on the zoning districts allocated by the City of a specific PUD Agreement, representing residential, commercial, and recreational uses.

4:57 PM 10. SHEPARD PARK BUFFERED SHORELINE DEMONSTRATION PROJECT

Tim Voelker opened the presentation and introduced Beth Falls, Ph.D. Research Scientist with ORCA who presented a brief PowerPoint on the Buffered Shoreline Demonstration Project via Zoom. She explained this project would take the science and turn it into conservation action.

Commissioner McDonald asked about whether this could undermine the seawall, City Engineer, Tim Voelker replied that it would not.

Vice Mayor Clarke asked Dr. Beth Falls about the muck depth and Tim Voelker about the history of flooding in the area. Dr. Falls responded with a scheduled comprehensive study and mapping. Tim Voelker responded with the history of the King Tides and seawall breaches.

Commissioner Matheson complimented this project but asked about working with ORCA on grants for individual homeowners. Dr. Falls responded in favor of working with the City and noted that they do have a matching grant but would be in favor of setting a goal.

Mayor Meier was in favor of informational signage and asked about the Kilroy monitoring station location.

City Attorney Mortell noted that according to the ORCA website monitoring mapping station, there is a Kilroy monitoring station located near the Roosevelt Bridge.

5:17 PM 11. ST. LUCIE RIVER PRESENTATION BY MAC STUCKEY

Mr. Mac Stuckey distributed an additional handout to the Commission and Clerk then began his presentation by announcing his long-time relationships with the members of the Commission, City Attorney, and City Manager. He mentioned how we are all a family in Stuart but felt we were facing a crisis. He stated we need the Environmental

Protection Department to have one goal to stop discharge and restore the St. Lucie River. The only acceptable solution for Stuart is to stop all discharges and suggests the City needs an experienced environmental litigator. Mr. Stuckey displayed a graphic board stating the St. Lucie River is being used as a septic tank from the discharges. Mr. Stuckey read from his report and concluded his presentation by summarizing his plan to permanently stop the discharges:

- **Create a series of Ordinances designed to prevent discharges and pollutants from any source into the St. Lucie River and its adjacent creeks and wetlands.**
- **Create a City of Stuart Environmental Protection Department headed by an Environmental Attorney.**
- **Research every state and federal agency with jurisdiction and power to regulate discharges into the river.**
- **Investigate private sources of pollution and seek money damages and have an injunction that requires pollution be stopped.**
- **Create an action strategy to file all administrative complaints within the state and federal agencies.**
- **If administrative applications fail, or solutions are inadequate file federal lawsuit for permanent injunction requiring the cleanup of the river and restore seagrass.**
- **Once restoration is underway, monitor and protect from other sources of pollution.**

In conclusion, Mr. Stuckey commented that once the City does what was presented, the property values will go up and health and quality of life will increase. He recommends the City hire a person that this would be their sole responsibility.

Commissioner Matheson commented that he supports anything that favors the St. Lucie River and announced that he spoke to Col. Polk today, reviewed the telephone call and expressed interest in creating funding in the future for this process and would like staff to bring back thoughts on Mr. Stuckey's presentation.

5:52 PM COMMENTS BY CITY COMMISSIONERS

Commissioner Bruner

- **Commented on Mr. Stuckey's presentation and apologized for the rain during the Air Show.**

Commissioner Matheson

- **Commented on the Election and congratulated local representatives Congressman Brian Mast, state Senator Gayle Harrel, and State Representative Toby Overdorf and looked forward to working with them on their leadership on improving water quality and initiatives for state funding.**
- **Provided MPO update on Kanner Hwy. and US1 to Jensen Beach Blvd., resurfacing project. Requested from FDOT a sidewalk on Kanner Hwy to incorporate the stamped brick paver section and removal of power poles.**

Also, from the stretch on US1, requested audible crosswalks, Kanner to US1, three left turn lanes and a straight lane onto Colorado Ave. They were asked to work with the City in regards for a commercial Corridor Study on US1 and coordinate limiting resurfacing during the holidays. He mentioned Vice Mayor Clarke and he serve on that board together.

- **Commented on an additional task Michele Jett was instrumental in helping him with South Florida Water Management District while helping locate western Martin County projects, such as Allapattah Flats and locating them on a map.**

Mayor Meier commented that he is willing to provide an MPO letter of support if needed. The Commission discussed the intersection improvement and Willoughby extension projects to be brought back at the next meeting to prioritize for the MPO Board.

- **Commissioner Matheson requested City Attorney Mortell to summarize the proceedings Judge Middlebrook presided over regarding the Center for Biological Diversity and the Core.**

Commissioner McDonald

- **Commented the rain has caused a lot of flooding. He was happy to see the County doing a lot of work near the YMCA building and other areas, hopeful it will all work.**
- **Heard from the public there was some displeasure in the cancellation of the annual Christmas Parade but was excited about a socially distanced Christmas event taking place in Memorial Park on December 12th.**

Vice Mayor Clarke

- **Thankful that the meeting time has been changed to 4 p.m., mentioned it was working out. She thanked the City for keeping the Arts Moment on the agenda.**
- **Echoes the flooding sentiments by the Commissioners.**
- **Complimented the Sustainability Committee and Plan and as she says the "S" in Stuart is not only for Stuart but also for Sustainability.**
- **Complimented Michele Jett under Kev Freeman's leadership and looks forward to meeting with Kevin on future projects.**
- **Hope all are feeling safe as a result of the national election.**

Mayor Meier

- **Commented on the national and local election; per the local delegation election, he would like to send letter of congratulations to local representatives Congressman Brian Mast, Senator Gayle Harrell, Toby Overdorf and District 82 State Representative John Snyder.**

Commissioners agreed and letters will be drafted for signature of all five Commissioners.

- **Announced his attendance at the upcoming Florida League of Cities Legislative Conference as the Regional representative and plans to report back on the legislative priorities for the upcoming year.**

6:20 PM COMMENTS BY CITY MANAGER

City Manager Dyess

- **Added a compliment to Employee of the Month, Michele Jett by explaining that he had seen a helpful Capital Improvement Project GIS Map on a South Carolina website and asked her about it. Michele explained that she used to live there, reached out, and now the City of Stuart offers the same feature.**
- **Announced that Item #14 has an amendment that was emailed to the Commissioners and City Clerk for the record.**

City Attorney Mortell summarized lawsuit; US District Court Southern District, Center for Biological Diversity, Calusa Water Keeper, Water Keeper Alliance vs. The US Army Corp. of Engineers. Mortell reviewed the Order to determine the effects of LURES operation on blue-green algae and red tide and the effects on specific species.

Ben Hogarth, Community Services Communications Liaison, came forward and added input and noted that this is a favorable outcome for all of us.

Commissioner Matheson requested that Attorney Mortell reach out to the Attorney to offer any technical assistance on behalf of the City. Mortell agreed to call.

APPROVAL OF AGENDA

Prior to approval, Mayor Meier requested to pull Item #12 on the Consent Calendar, specifically the 10/12/2020 CCM Minutes for a spelling correction.

6:29 PM MOTION: Move approval of the Agenda, pulling Item #12.
MOVED BY: Vice Mayor Clarke
SECONDED BY: Commissioner McDonald
Motion passed unanimously.

6:30 PM COMMENTS FROM THE PUBLIC (3 Minutes Max.)

1) **Julie Bjornson - Riverboat Dr.; Thanked the commission for knowing the boundaries and expressed concerns about the Shoreline Project and the ban/use of the Round-Up product. Invited all to the Bible Reading Marathon.**
2) **Helen McBride – Flamingo Avenue; Thanked the City Fire Department for the smoke detector give away, commented on the nice quality of the detectors provided.**
3) **Mark Perry – via Zoom; Commented in appreciation on the summarization by City Attorney Mortell and attested to Mac Stuckey's presentation and the deterioration of the St. Lucie River, in favor of the potential lawsuit.**

4) **Caryn Hall Yost-Rudge – via Zoom; Commented on the left turn lane and feels that the speed limit of 40 mph should be addressed for those who ride bikes through that intersection of Kanner Hwy.**
5) **Michael Conner – via Zoom; Commented on Mac Stuckey's presentation and stated he has never seen the river look worse, feels lawsuits work, encourages the Commission to look at Mr. Stuckey's recommendation.**

6:44 PM CONSENT CALENDAR

12. APPROVAL OF 10/12/2020 CCM AND 10/26/2020 CCM MINUTES

13. SHEPARD PARK BUFFERED SHORELINE MOU:

RESOLUTION No. 134-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE OCEAN RESEARCH & CONSERVATION ASSOCIATION, INC. FOR THE SHEPARD PARK BUFFERED SHORELINE DEMONSTRATION PROJECT; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

14. IAFF COLLECTIVE BARGAINING AGREEMENT 2020-2023:

RESOLUTION No. 137-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA RATIFYING THE THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE PROFESSIONAL FIREFIGHTERS OF STUART, LOCAL 2411 (IAFF), EFFECTIVE OCTOBER 1, 2020 THROUGH SEPTEMBER 30, 2023; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

6:44 PM MOTION: Move to approve the Consent Agenda including the Minutes from October 12th and the correction by Mayor Meier.
MOVED BY: Commissioner McDonald
SECONDED BY: Commissioner Matheson
Motion VOIDED; Item #12 pulled from Consent Calendar and must be voted on separately.

6:45 PM MOTION: Move Item #12 for approval with the edits as requested by the Mayor.
MOVED BY: Commissioner McDonald
SECONDED BY: Vice Mayor Clarke
Motion passed unanimously.

6:45 PM MOTION: Move the rest of the Consent Agenda with the edits of Item #14, Exhibit A.
MOVED BY: Commissioner McDonald
SECONDED BY: Commissioner Bruner
Motion passed unanimously.

COMMISSION ACTION

15. ADOPTION AND INCORPORATION OF REVISED BY-LAWS OF THE VARIOUS BOARDS FOR THE CITY OF STUART:

RESOLUTION No. 126-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, ADOPTING AND INCORPORATING THE REVISED BY-LAWS OF THE VARIOUS BOARDS FOR THE CITY OF STUART, FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

6:47 PM MOTION: Move for approval.
MOVED BY: Commissioner McDonald
SECONDED BY: Vice Mayor Clarke
Motion passed unanimously.

6:48 PM 16. AUTHORIZING PACE PROGRAMS:

RESOLUTION No. 132-2020; A RESOLUTION OF THE CITY OF STUART, FLORIDA, PERMITTING PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAMS WITHIN THE CORPORATE LIMITS OF THE CITY OF STUART; APPROVING AGREEMENTS WITH THE FLORIDA GREEN FINANCE AUTHORITY, THE FLORIDA RESILIENCY AND ENERGY DISTRICT AND THE FLORIDA PACE FUNDING AGENCY AND THE GREEN CORRIDOR PACE DISTRICT; UTILIZING VOLUNTARY NON-AD VALOREM ASSESSMENTS TO FINANCE QUALIFYING IMPROVEMENTS; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE SAID AGREEMENTS; AND PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS, SCRIVENER'S ERRORS, CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

Kevin Freeman, Development Director, provided a brief presentation of the PACE Program (Process of Clean Energy), which allows a property owner to finance energy efficient or wind resistance improvements. The Commission invited applicant, Mr. Devesh Nirmul of Counterpoint forward to present more on PACE.

Mr. Devesh Nirmul presented on PACE programs nationally, covering the key facts and figures, types of properties and various frequently asked questions.

6:50 PM MOTION: Move for approval.
MOVED BY: Commissioner McDonald
SECONDED BY: Commissioner Matheson
Motion passed unanimously.

7:01 PM 17. ADOPTING A SUSTAINABILITY ACTION PLAN FOR THE CITY OF STUART:

RESOLUTION No. 135-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING A SUSTAINABILITY ACTION PLAN (SAP); CREATING A GREEN TASK FORCE COMPRISED OF STAFF MEMBERS TO PRIMARILY ASSESS THE PROGRESS OF PLAN IMPLEMENTATION; AUTHORIZING THE CITY MANAGER IN COLLABORATION WITH THE GREEN TASK FORCE AND COMMUNITY PARTNERS TO PURSUE POLICIES, PROGRAMS, AND PROJECTS FURTHERING PLAN GOALS AND OBJECTIVES; PROVIDING FOR A COMPREHENSIVE REVIEW WITHIN 5 YEARS OF PLAN ADOPTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Mayor Meier recommended one update in Natural Resources, specifically in the statement of offering educational programing, feels it should be clarified that the City will not be offering the educational programing but that we partner and promote the existing educational programs that we support.

Mayor Meier passed the gavel and made a Motion.

7:05 PM MOTION: To approve our Sustainability Action Plan Resolution No. 135-2020.
MOVED BY: Mayor Meier
SECONDED BY: Commissioner McDonald
Motion passed unanimously.

7:07 PM 18. CITY ATTORNEY IS REQUESTING TO SCHEDULE AN ATTORNEY-CLIENT MEETING WITH THE CITY COMMISSIONERS AND CITY MANAGER IN ACCORDANCE WITH SECTION 286.011(8), FLORIDA STATUTES.

City Attorney Mortell reported on his intention to discuss with the Commission the case of Northside Marina Venture, LLC vs. City of Stuart and PBA Union Negotiations. A court reporter is to be present and the only people permitted in the meeting are the Commissioners, City Manager, and City Attorney. Transcripts will be held confidential individually until each case is solved, then made available to the public.

7:09 PM MOTION: Move to approve Item #18. [Meeting will begin at 5 PM on November 23, 2020]
MOVED BY: Commissioner McDonald
SECONDED BY: Vice Mayor Clarke
Motion passed unanimously.

ORDINANCE SECOND READING

19. LAND DEVELOPMENT CODE TEXT AMENDMENT R2 AND R3 ZONING DISTRICTS: ORDINANCE No. 2454-2020; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING SECTION 2.04.00, OF THE LAND DEVELOPMENT CODE ENTITLED "AREA, IMPERVIOUS SURFACE, SETBACK, AND HEIGHT REQUIREMENTS" OF CHAPTER II, TABLE 5 ENTITLED “RESIDENTIAL AREA, IMPERVIOUS SURFACE COVERAGE, SETBACKS, AND HEIGHT REQUIREMENTS” AND SECTION 2.04.02 OF THE LAND DEVELOPMENT CODE ENTITLED “SUPPLEMENTAL AREA REQUIREMENTS”, IN RESPECT OF STANDARDS FOR LOT SIZE, LOT WIDTH AND BUILDING SETBACKS FOR THE R-2 AND R-3 ZONING DISTRICTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

7:11 PM MOTION: Move for approval.
MOVED BY: Commissioner McDonald
SECONDED BY: Vice Mayor Clarke
Motion passed unanimously.

ORDINANCE FIRST READING

20. *(REQUEST TO CONTINUE TO DATE CERTAIN OF NOVEMBER 23, 2020 CCM)* HANEY CREEK ANNEXATION - ANNEXATION OF CITY OW NED PROPERTY AT HANEY CREEK (QUASI-JUDICIAL):

ORDINANCE No. 2452-2020; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ANNEXING, ALLOCATING A FUTURE LAND USE OF CONSERVATION AND ALLOCATING A ZONING CATEGORY OF PUBLIC FOR FOUR (4) CITY OW NED PROPERTIES ADJACENT TO HANEY CREEK AND NW BAKER ROAD AND WHICH ARE SUBJECT TO A FLORIDA COMMUNITIES TRUST GRANT AWARD AGREEMENT AND BEING MORE FULLY DESCRIBED IN EXHIBITS A1, A2, A3 and A4 ATTACHED HERETO; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

7:13 PM MOTION: Move to continue the last item to the date requested.
MOVED BY: Commissioner McDonald
SECONDED BY: Vice Mayor Clarke
Motion passed unanimously.

DISCUSSION AND DELIBERATION

City Attorney Mortell reminded the Commission that Veteran’s Day is this Wednesday, November 11th and the City Manager’s birthday is on Thursday,

November 12th. City Manager Dyess announced a Veteran's Day Service at 11:00 a.m. at Memorial Park.

7:14 PM ADJOURNMENT

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

Minutes to be approved at the Regular Commission Meeting this 23rd day of November, 2020.