MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD January 25, 2021
AT 5:30 PM Commission Chambers
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION
Mayor Eula R. Clarke
Vice Mayor Merritt Matheson
Commissioner Becky Bruner
Commissioner Troy McDonald
Commissioner Mike Meier

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

5:32 PM ROLL CALL

Present: Mayor Clarke, Vice Mayor Matheson, Commissioner Bruner, Commissioner McDonald, Commissioner Meier

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

5:33 PM Mayor Clarke announced she would attend and present a proclamation to Ms. E. Thelma Waters of Indiantown for her Woman of Distinction Award celebration on Jan. 28th.

PRESENTATIONS

5:35 PM COMMENTS BY CITY COMMISSIONERS

Commissioner Bruner

- **Commented that she would like to add an item to Discussion and Deliberation (D & D) regarding the Green Market Lease to tonight's meeting.**

- **Recently viewed a live Facebook meeting hosted by Eve Samples on the Friends of the Everglades with guests discussing the algae blooms; she would like the commission to have a future discussion concerning this issue to keep it in the forefront and thanked Vice Mayor Matheson for all his efforts.**

Commissioner McDonald

- **Attended MPO Meeting today and good to see the many City projects being funded, noted a discussion on the three lanes turning left from Kanner Hwy. onto US1 and that it is not practical. Feels that intersection to Palm City Rd. and the hot right needs to be reviewed, hoping this will be an MPO priority within the next year.**
- **Commented that he's been in contact with Mike Roberts pertaining to the condition of the Road to Victory Museum. Mr. Roberts is not in charge of the museum any longer and commented that more homeless people are using Memorial Park, causing people to not use the park. Requested reaching out to programs to help provide them with assistance. Thanked the Police Department.**

Commissioner Meier

- **Provided an update as the Vice President of the League of Cities, bills are being filed by legislators, Representative Overdorf has filed HB 2057, an appropriation request for the Alternative Water Supply, nice to have his support.**
- **Requested D & D Item to the Agenda to review the single use plastics Ordinance to ensure we are enforcing the Ordinances and rules we do have in place.**
- **Request to pull Item #2 from Consent Calendar.**
- **Thanked Vice Mayor Matheson on a great job with the boat tour on the river.**
- **Commented on the Mayor's Goals Meetings, interested in addressing the discussed items and would like to have a workshop in the future to discuss homelessness, housing, and possible federal resources.**

Vice Mayor Matheson

- **Commented in favor of the Allapattah Flats Ribbon Cutting and wetland restoration of over 6,700 acres by the South Florida Water Management District and Martin County. Noted its importance and was sorry to miss the ceremony, but one the same day, was happy to host a Miami Commissioner, Ken Russell's visit to discuss water quality issues in Stuart and Biscayne Bay.**
- **Commented on The Toxic Puzzle as mentioned by Commissioner Bruner, noting the dangers of toxic algae and agrees that it must remain a "hot topic".**
- **Provided Lake Okeechobee levels, stated we are still in a scary position.**
- **Commented on the MPO projects, provided additional comments pertaining to the Kanner Highway and US1 turn, reviewed various upcoming MPO project plans, including the continuation of the East Coast Greenway over the old Roosevelt Bridge.**

Mayor Clarke

- **Wished Vice Mayor Matheson a Happy Birthday and thanked him for coordinating the river boat trip for the Commissioner from Miami.**
- **Commented that the Martin Luther King Celebration in East Stuart went well and appreciates the coordinators and the participants who made it special.**
- **Attended the River House opening by artist, Geoffrey Smith and appreciated the artwork and being invited.**
- **Requested to pull Items #3 and 4 from Consent Calendar to pull things together for her vision.**
- **Announced that she met the new School Board Superintendent at the Martin Luther King Jr. event and will be meeting with him on February 2nd.**

Commissioner Bruner requested to make an additional comment.

- **Commented that the City's Annual Report was well done and everyone should get a copy.**
- **Announced statistics from the Harbor Branch Oceanographic Institute on algae blooms and suggested Vice Mayor Matheson contact Harbor Branch for information.**

Mayor Clarke thanked board members Chris Lewis, Tom Campenni as they we voted Chair and Vice Chair of the Community Redevelopment Board, and all board members for their volunteerism. Noted the approval of the crosswalk improvement project approved during the Joint CRA/CRB/CCM Meeting. Thanked Pinal Gandhi-Savdas, CRA Administrator for all she does.

COMMENTS BY CITY MANAGER

City Manager Dyess had no comments.

APPROVAL OF AGENDA

6:07 PM MOTION: Approve agenda pulling items 2, 3, and 4 and adding for discussion and deliberation, the Green Market Lease that's in front of us as well as our plastic Ordinance.
MOVED BY: Commissioner Matheson
SECONDED BY: Commissioner Meier
Motion passed unanimously.

6:08 PM COMMENTS FROM THE PUBLIC

1) **Michael Roberts – 14th Street; Noted that he is not currently running the Military Museum but commented that he is disappointed and has received many complaints on the current condition of the building and equipment.**

CONSENT CALENDAR

1. APPROVAL OF 01/5/2021 SCM - MAYOR'S GOALS I & II AND 01/11/2021 CCM MINUTES

(PULLED) 2. APPOINTMENT OF LOCAL PLANNING AGENCY (LPA) ADVISORY BOARD MEMBER

(PULLED) 3. RFP #2021-200; DESIGN OF GUY DAVIS PARK:

RESOLUTION No. 03-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA REQUESTS AUTHORIZATION TO NEGOTIATE FOR RFP #2021-200, DESIGN OF GUY DAVIS COMMUNITY PARK IMPROVEMENTS TO THE TOP RANKED FIRM, CALVIN, GIORDANO & ASSOCIATES, INC. OF PORT SAINT LUCIE, FLORIDA PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(PULLED) 4. 2020 UPDATED MARTIN COUNTY UNIFIED LOCAL MITIGATION STRATEGY PLAN:

RESOLUTION No. 09-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO ADOPT THE 2020 UPDATED MARTIN COUNTY UNIFIED LOCAL MITIGATION STRATEGY PLAN AS THE OFFICIAL DOCUMENT FOR INCLUSION IN THE STATEWIDE HAZARD MITIGATION STRATEGY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

5. BA #4 NEW DEVELOPMENTS - WATER METERS AND SANITATION CARTS:

RESOLUTION No. 10-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT No. 4 TO THE 2020-2021 WATER & SEWER FUND AND SANITATION FUND; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR NEW DEVELOPMENT – WATER METERS AND SANITATION CARTS; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

6. EXTENSION #10 OF THE DECLARATION OF A STATE OF LOCAL EMERGENCY PERTAINING TO COVID-19:

RESOLUTION No. 18-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, EXTENDING THE DECLARATION OF A STATE OF LOCAL EMERGENCY PERTAINING TO COVID-19; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

6:12 PM MOTION: Move approval less Items 2, 3 and 4, therefore, 1, 5, and 6.
MOVED BY: Commissioner Meier
SECONDED BY: Commissioner McDonald
Motion passed unanimously.

2. APPOINTMENT OF LOCAL PLANNING AGENCY (LPA) ADVISORY BOARD MEMBER

Commissioner Meier pulled Item #2 to say thank you to Mr. Campbell Rich and was sorry to hear that he resigned due to COVID- 19 and not being able to attend meetings in person. He is happy to appoint Jackie Vitale.

6:14 PM MOTION: Approve appointment of Ms. Jackie Vitale
MOVED BY: Commissioner Meier
SECONDED BY: Commissioner McDonald
Motion passed unanimously.

3. RFP #2021-200; DESIGN OF GUY DAVIS PARK:

RESOLUTION No. 03-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA REQUESTS AUTHORIZATION TO NEGOTIATE FOR RFP #2021-200, DESIGN OF GUY DAVIS COMMUNITY PARK IMPROVEMENTS TO THE TOP RANKED FIRM, CALVIN, GIORDANO & ASSOCIATES, INC. OF PORT SAINT LUCIE, FLORIDA PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Mayor Clarke requested to pull Items # 3 & 4 for the City Manager to provide an explanation for budget purposes.

City Manager Dyess reported on the opportunity to negotiate with the top ranked firms to include discussions on scope, pricing, and design.

Commissioner McDonald suggested to consider cost of construction and maintenance, entry access, and a regulation track be included in the discussion.

Public Comment:

1) **Kyle Osinga – MLK Blvd; Suggested self-weight gym equipment that use your own body weight.**
2) **Helen McBride – Flamingo Avenue; Commented about the age of the 10th Street building and asked about the past talk of a gymnasium.**
3) **Gwendolyn Hall-Brinkley – Majorca Ave; Questioned whether these plans were in the old East Stuart Sharrett.**

6:21 PM MOTION: Move for approval for Item 3.
MOVED BY: Commissioner McDonald
SECONDED BY: Commissioner Meier
Motion passed unanimously.

4. 2020 UPDATED MARTIN COUNTY UNIFIED LOCAL MITIGATION STRATEGY PLAN:

RESOLUTION No. 09-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO ADOPT THE 2020 UPDATED MARTIN COUNTY UNIFIED LOCAL MITIGATION STRATEGY PLAN AS THE OFFICIAL DOCUMENT FOR INCLUSION IN THE STATEWIDE HAZARD MITIGATION STRATEGY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Mayor Clarke announced that she pulled the item for further explanation.

City Manager Dyess explained the County puts the plan together every 5 years, it is submitted to the State, and adopted by the County. It is recommended to adopt the plan as it helps the City with the Federal Grant applications.

6:31 PM MOTION: Move approval.
MOVED BY: Commissioner Meier
SECONDED BY: Commissioner McDonald
Motion passed unanimously.

COMMISSION ACTION

7. ACKNOLWEDGE FDOT FOR BRIDGE WORK:

RESOLUTION No. 17-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA THANKING THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) DISTRICT FOUR SECRETARY FOR HIS PERSONAL INVOLVEMENT IN THE ROOSEVELT BRIDGE REPAIRS; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Commissioner Meier requested this Resolution be added to the agenda and suggested we call out Representative Overdorf and Senator Harrell, staff, and public safety personnel, as they were actively involved. Noted suggested changes, City Manager agreed that the Resolution would be modified.

Brief Commission discussion commending FDOT and staff in how all handled the Roosevelt Bridge reconstruction.

6:35 PM MOTION: Move approval with suggested changes.
MOVED BY: Commissioner Meier
SECONDED BY: Commissioner McDonald
Motion passed unanimously.

ORDINANCE SECOND READING

8. AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS - RESIDENTIAL INFILL STORMWATER MANAGEMENT:

ORDINANCE No. 2453-~~2020~~ 2021; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING SECTION 6.03.00. OF THE LAND DEVELOPMENT CODE ENTITLED "STORMWATER MANAGEMENT" OF CHAPTER VI ENTITLED “ON-SITE AND OFF-SITE DEVELOPMENT STANDARDS” IN RESPECT OF STANDARDS FOR RESIDENTIAL SINGLE FAMILY AND DUPLEX INFILL DEVELOPMENT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

***Correction: Ordinance No. 2453-2021**

Kev Freeman, Development Director reviewed updates to Ordinance since First Reading.

1) **Applicability and Requirements**
2) **Standards**

6:43 PM MOTION: Move approval for discussion.
MOVED BY: Commissioner Meier
SECONDED BY: Commissioner Matheson
Motion passed unanimously.

9. TOBACCO AND ELECTRONIC NICOTINE REGULATION:

ORDINANCE No. 2459-2021; AN ORDINANCE OF THE CITY OF STUART AMENDING ARTICLE VII; SECTION 12-163 THROUGH 12-172 RELATING TO THE SALE AND USE OF NICOTINE DELIVERY DEVICES AND TOBACCO PRODUCTS; PROVIDING FOR A SEVERABILITY CLAUSE AND A CONFLICTS CLAUSE; PROVIDING FOR AN FFECTIVE DATE AND FOR OTHER PURPOSES.

City Attorney Mortell explained upon first reading the Board was provided a redlined version and the changes have now been adopted. He received an email from Kim Nash from Quitdoc.com with a suggestion for licensing. He explained the process was more detailed.

Discussion took place on licensing and penalties.

Public Comment:

1) **Stacey Hetherington – Zoom; Martin County Commissioner; Commented that with COVID-19, there is a reported increase in tobacco product usage and stated they all have the same goal in mind, appreciates all the Commissioners and the commitment to our youth.**
2) **Kim Nash – Zoom; QuitDoc Foundation; Clarified the Tobacco Licensing Agreement reasoning. The County implemented a structure in which the license can be revoked or suspended in addition to fines and fees. Alachua County gave their rights for the checks and licensing to the County. Feels this Ordinance required more conversation.**
3) **Elise Elder – Zoom; Martin County Attorney; Extended her assistance as she was one of the Attorneys to help develop the Agreement for the County.**

4) **Tom Campenni – St. Lucie Crescent; He felt the comments made about the ordinances being passed by the County were not public comment and were a gross misjudgment and inappropriate. He agreed with Commissioner McDonald to move forward with the Ordinance and adjust later if needed.**

Commission discussion on implementation and notification for businesses.

7:22 PM MOTION: Move approval with changes to penalty section to remove the 60-days imprisonment, to have an escalating fine starting at $250.00 1st offense, 2nd offense of $500, 3rd offense of $1,000 and of course, that will not include the appearance fees, effective date upon adoption.
MOVED BY: Commissioner McDonald
SECONDED BY: Commissioner Matheson
Motion passed unanimously. 7:28 PM

ORDINANCE FIRST READING

7:28 PM DISCUSSION AND DELIBERATION

GREEN MARKET LEASE; Commissioner Bruner provided the Commissioners a copy of the Green Market Lease Agreement and noted that they have only been paying $2,000.00 per year for the past 20 years or more. There are approximately 40 tents and she asked the board to think about putting this out for proposal in the future.

Attorney Mortell commented that this lease does not expire until July 31st and pointed out some contractual language. Jim Chrulski, Community Services Director reported that he has not received obligatory reporting from Green Market Manager, Kevin Osborne as required. Discussion of location and reporting.

Public Comment:
1) **Helen McBride – Flamingo Ave; Commented that the original Green Market was in the City Hall parking lot and wondered what non-profit was getting the money.**

Commissioner Meier commented as a former Green Market vendor that he agrees that it should be in a park instead of taking up valuable downtown parking and space. Feels if the agreement is not being complied with, the City must find someone else.

2) **Jim Gallegos – Manor Dr; Commented that at the Green Market, they take the plastics Ordinance lightly, feels it could be a profit-making organization and the City was taking a loss because the market is small compared to other markets.**

7:57 PM PLASTICS; Commissioner Meier stated his concerns of non-compliance pertaining to the single use plastics Ordinance in place and address how to handle the various situations. Commissioners discussed equality among events, organizations, and resources.

Mayor Clarke commented on a possible workshop to invite businesses to notify all the Single-Use Plastics Ordinance.

Ben Hogarth, Community Services, came forward and commented on the event agreements.

Mayor Clarke commented on how staff needs to be instructed on how to comply.

City Manager Dyess reported that he will take care of the compliance issues for the Ordinance.

 **8:23 PM ADJOURNMENT**

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Mary R. Kindel, City Clerk **Eula R. Clarke, Mayor**

Minutes to be approved at the Regular Commission Meeting this 8th day of February, 2021.

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