**A G E N D A**
**SPECIAL MEETING OF THE STUART CITY COMMISSION**
**TO BE HELD May 26, 2017**
**AT 9:00 AM Commission Chambers**
**121 S.W. FLAGLER AVE.**
**STUART, FLORIDA 34994**

## CITY COMMISSION

**Vice Mayor Troy A. McDonald**
**Commissioner Kelli Glass Leighton**
**Commissioner Jeffrey A. Krauskopf**
**Commissioner Eula R. Clarke**
**Commissioner Tom Campenni**

## ADMINISTRATIVE

**City Manager, Paul J. Nicoletti**
**City Attorney, Michael J. Mortell**
**City Clerk, Cheryl White**

Agenda items are available on our website at http://www.cityofstuart.us
Phone: (772) 288-5306 .Fax: (772) 288-5305 .E-mail: cwhite@ci.stuart.fl.us

Special Needs: Participants with special needs can be accommodated by calling the City Clerk at least 5 working days prior to the Meeting excluding Saturday and Sunday. We can be reached by phone at (772)288-5306, by fax at (772)288-5305, or by email at cwhite@ci.stuart.fl.us. If you are hearing impaired, please contact us using the Florida Relay Service, Customer Service: Dial 711 or English: (V) 800-682-8706, (TTY) 800-682-8786 Spanish: (V, TTY) 1-800-855-2886 If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

(RC) next to an item denotes there is a City Code requirement for a Roll Call vote.
(QJ) next to an item denotes that it is a quasi-judicial matter or public hearing.

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**PRESENTATIONS**

**COMMENTS BY CITY COMMISSIONERS**

**COMMENTS BY CITY MANAGER**

**APPROVAL OF AGENDA**

**COMMENTS FROM THE PUBLIC (5 min. max)**

**WHAT IS CIVILITY?:** ***Civility is caring about one's identity, needs and beliefs without degrading someone else's in the process. Civility is more than merely being polite. Civility requires staying "present" even with those persons with whom we have deep-rooted and perhaps strong disagreements. It is about constantly being open to hear, learn, teach and change. It seeks common ground as a beginning point for dialogue. It is patience, grace, and strength of character. Civility is practiced in our City Hall.***

**PUBLIC COMMENT:** ***If a member of the public wishes to comment upon ANY subject matter, including quasi-judicial matters, please submit a Request to Speak form. These forms are available in the back of the Commission Chambers, and should be given to the City Clerk prior to introduction of the item number you would like to address.***

**QUASI-JUDICIAL HEARINGS:** ***Some of the matters on the Agenda may be "quasi-judicial" in nature. City Commissioners will disclose all ex-parte communications, and may be subject to voir dire by any interested party regarding those communications. All witnesses testifying will be "sworn" prior to their testimony. However, the public is permitted to comment without being sworn. Unsworn testimony will be given appropriate weight and credibility by the City Commission.***

**CONSENT CALENDAR:** ***Those matters included under the Consent Calendar are self-explanatory, non-controversial, and are not expected to require review or discussion. All items will be enacted by one motion. If discussion on an item is desired by any City Commissioner that item may be removed by a City Commissioner from the Consent Calendar and considered separately. If an item is quasi-judicial it may be removed by a Commissioner or any member of the public from the Consent Calendar and considered separately.***

**CONSENT CALENDAR**

**1.** Minutes of 5/22/2017 Regular Commission Meeting for approval. (RC)

**END OF CONSENT CALENDAR**

**COMMISSION ACTION**

**2.** At the Regular City Commission meeting on May 22, 2017, Commissioner Glass-Leighton Motioned the Commission to specially set a meeting to address the reorganization of the City Commission in light of allegations against the current Mayor related to age discrimination arising during the search for City Manager. After discussion, the City Commission unanimously voted (4-0) to schedule the meeting (Commissioner Campenni was absent).
Reorganization of the:
City Commission
Mayor - Vice Mayor
Various Board Appointments (RC)

3. On May 18, 2017 an employee submitted a written complaint against Thomas Campenni, Mayor of the City of Stuart. In the complaint, the employee alleged that the Mayor discouraged him from submitting an application for the City Manager vacancy because he desired a "younger guy with fresh ideas." An investigation was performed by the Human Resources Department with consultation with outside employment counsel. The investigation was completed on May 22, 2017. The report recommends that Mayor Campenni remove himself from the entire selection process unless the Commission takes action otherwise. In addition, the executive search firm should be apprised of this matter to ensure an impartial City Manager selection process. (RC)

4. RESOLUTION No. 50-2017; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, CREATING A CODE OF CONDUCT FOR CITY COMMISSIONERS; PROVIDING FOR CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE. (RC)

**ORDINANCE FIRST READING**

**ORDINANCE SECOND READING**

**DISCUSSION AND DELIBERATION**

**ADJOURNMENT:**

# CITY OF STUART, FLORIDA
# AGENDA ITEM REQUEST
# CITY COMMISSION

**Meeting Date:** 5/26/2017 **Prepared by:** C White

**Title of Item:**
Minutes of 5/22/2017 Regular Commission Meeting for approval. (RC)
**Summary Explanation/Background Information on Agenda Request:**

**Funding Source:**
n/a
**Recommended Action:**
Approve Minutes

**ATTACHMENTS:**

| | Description | Upload Date | Type |
|---|---|---|---|
| | Minutes 5/22/2017 CCM | 5/23/2017 | Backup Material |

**MINUTES**
**REGULAR MEETING OF THE STUART CITY COMMISSION**
**May 22, 2017**
**AT 5:30 PM Commission Chambers**
**121 SW FLAGLER AVE.**
**STUART, FLORIDA 34994**

## CITY COMMISSION
## Mayor Tom Campenni (Absent)
## Vice Mayor Troy A. McDonald
## Commissioner Kelli Glass Leighton
## Commissioner Jeffrey A. Krauskopf
## Commissioner Eula R. Clarke

## ADMINISTRATIVE
## City Manager, Paul J. Nicoletti
## City Attorney, Michael J. Mortell
## City Clerk, Cheryl White (Absent)
## Deputy City Clerk Mary Kindel

**ROLL CALL**

**5:31 PM Roll Call.**
**Present: Vice Mayor McDonald, Commissioner Clarke, Commissioner Krauskopf, Commissioner Glass Leighton.**
**Absent: Mayor Campenni.**

**5:31 PM PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS**

**5:31 PM 1.** Garden Week June 4-11, 2017

**President Garden Club Sandy Decker came forward and graciously accepted the Proclamation and presented the City with a beautiful Orchid plant.**

**5:33 PM 2.** National Public Works Week May 21-May 27, 2017

**Frank Knott graciously accepted the proclamation and thanked the City.**

**PRESENTATIONS**

**5:35 PM 3.** May Service Awards

**Frank Lagolbo of the Stuart Police Department came forward to accept his 30 Year Service Award Certificate.**

**5:35 PM 4.** May 2017, Employee of the Month - Development

**Grace Alvardo proudly accepted her award and thanked the City.**

**5:38 PM 5.** PRESENTATION AND UPDATE OF THE CITY OF STUART COMPETITIVE FLORIDA PARTNERSHIP PROGRAM.

**Teresa Lamar-Sarno gave a brief visual presentation explaining the program and the stakeholder engagement, economic development, and community conversations. Four Goals make up a Draft Economic Development Plan. Goals and objectives have been identified and an action plan being developed.**

**Commissioner Clarke explained she was happy with the DEP plan.**

**City Manager Nicoletti commented on the plan that the City is working thru the process but explained it is starting backwards because no data exist. He also said that Stuart is unique because everything is being done in-house.**

**5:55 PM COMMENTS BY CITY COMMISSIONERS**

**Commissioner Glass Leighton stated that it was brought to the Commissions attention that a written formal complaint was filed by a City Employee against Mayor Campenni last week. She said unfortuanatly Mayor Campenni is not present for us to discuss this. She made the following motion:**

**5:55 PM Motion: "Schedule a Special Emergency Commission Meeting to discuss two things; First the Re-Organization of this City Commission where we appoint a new Mayor and new Vice Mayor, and reassign all various Board Appointments. Secondly; Open a Human Resource investigation regarding the written formal complaint filed against Mayor Campenni." Action: Approve, Moved by Commissioner Glass Leighton, Seconded by Commissioner Clarke.**

**Commissioner Krauskopf clarified the two items for the agenda as; Scheduling a meeting and the meeting has two objectives.**

**Commissioner Glass Leighton affirmed the meeting items..**

**Commissioner Glass Leighton mentioned. "I personally only see one reason not to move forward with this meeting, and that is if the Mayor steps down from his position and resigns as a Commissioner."**

**Commissioner Clarke noted that she seconded the original motion and noted she reported earlier she would not be in town after May 29 through June 14, 2017. will not be available for meetings May 29th thru June 14th**

**City Manager Nicoletti said that Friday May 26, 2017 9:00 am would be a good meeting date.**

**The Commission confirmed.**

**Deputy Clerk Kindel clarified the meeting motion.**

**Commissioner Clarke asked the City Manager to clarify the policy of the absence of a City Commissioner from public meetings.**

**The original motion was clarified by Commissioner Glass Leighton.**

**City Attorney Mortell stated that a report was completed by the Human Resources Department today regarding the formal written complaint. He said that can be addressed as an agenda item and a copy was provided to the Commission tonight.**

**Vice Mayor McDonald stated he was deeply disappointed and he can't believe we are here again.**

**Public Comment: Armond Pasquale asked for clarification of the complaint.**

**Attorney Mortell read the formal complaint into the record.**

**Gail …. Thanked the Commission for their action regarding the complaint.**

**…Brinkley came forward and asked about the Friday meeting and if it were open to the public. She also asked if the Human Resource report will be discussed today or Friday.**

**The Commission clarified for Miss Brinkley the meeting will be open to the public and the HR report will be discussed at that public meeting.**

**Commissioner Clarke stated in response to Armond Pasquale comment "is that all there is" she explained the matter and asked the City Attorney if the complaint involves Federal issues?**

**City Attorney Mortell explained the law regarding protected class including race, sex, religion, age. "In this particular case the protected class that was raised by the employee was that they were being treated differently because of their age, and as a result that would violate the state and federal laws for equal protection."**

**Commissioner Glass Leighton reminder all that Hurricane Season begins next week.**

**6:04 PM**

**Roll Call from the original motion made at 5:55 PM**

**4/1 Campenni absent**

**6:05 PM Commissioner Comments continued**

**Commissioner Glass Leighton reminded the public that Hurricane Season starts next week.**

**Commissioner Clarke asked the City to provide public announcement for Hurricane Season.**

**City Manager Nicoletti stated the City now does hurricane planning and protection year round. The City staff is actively working on this coming year.**

**6:06 PM Commissioner Clarke reported that she attended the First Annual Mayor's Ball and explained the event was a fund raiser for the upcoming Memorial Day to install a new Memorial Art sculpture designed by Mr. Ed Water Gomez. She invited the public to attend the upcoming Memorial Day event on Monday May 29, 2017 at Memorial Park. She was also glad that Commissioner Glass Leighton brought up and acted on the matter involving the employee complaint against Mayor Campenni. She also appreciates the efforts of the City Manager and City Attorney. She also personally thanked the City permitting Department for their hard work and efforts.**

**Commissioner Krauskopf commented that while he was away, some City owned properties were put up for lease or sale and he would like to schedule a Deliberation and Discussion on that topic. He asked that it be set for June 12, 2017.**

**Commissioner Clarke asked if it could be done on June 19th?**

**Commissioner Krauskopf asked to discuss the matter on June 19, 2017 Special Commission Meeting or possibly the June 26, 2017 meeting if the 19th was too full.**

**Vice Mayor McDonald commented on Haney Creek project. Tim Voelker, City Engineer came forward and reported the project cost and progress.**

**McDonald suggests a ribbon cutting ceremony when the project is complete.**

## 6:14 PM COMMENTS BY CITY MANAGER

**City Manager Nicoletti, noted the following Item #8 has a typo, the item should read the authorizing the installation of the storage building not the Mayor supporting the installation. Also, Item #17, funds tendered, has been confirmed by Terry O'Neil. He also noted the distributed items to the Commission regarding the formal Complaint letter by the City Employee, The Investigative Report summary by Human Resources and a letter from Mayor Campenni explaining his situation. Those items will be discussed on Friday at the public meeting at 9:00 am.**

**He also announced an email and schedule from Colin Baenziger regarding the contract for adoption tonight as item 13. According to the schedule it works well with a start date of September 1, 2017 for a new City Manager.**

## 6:16 PM APPROVAL OF AGENDA

**Motion: Agenda amending item 8 as discussed by City Manager Nicoletti under his comments and removing item 10 from the consent. , Action: Approve, Moved by Commissioner Krauskopf, Seconded by Commissioner Glass Leighton.**
**Absent Campenni**

## 6:17 PM COMMENTS FROM THE PUBLIC (5 min. max)

**Former Mayor Carol Waxler came forward and attended a special meeting where ethics was addressed. She stated that the Commission supported a Commissioner Code of Conduct and with the recent events she asked the Commission to adopt the draft Code of Conduct to give guidelines and set ground rules for Commissioners.**

**Commissioner Krauskopf asked that item be added to the Special meeting of Friday May 26, 2017 at 9:00 am. Return Code of Conduct to Meeting on Friday.**

## 6:22 PM CONSENT CALENDAR

**6.** Approve Minutes of May 8, 2017 Special and Regular City Commission Meetings.

**7.** Liaison Appointment of Advisory Board Member to the Local Planning Agency Planning Advisory Board.

**8.** RESOLUTION No. 54-2017; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR TO SUPPORT THE INSTALLATION OF STORAGE BUILDING AT THE ROAD TO VICTORY MILITARY MUSEUM PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**9.** RESOLUTION No. 57-2017; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE THE AWARD OF ITB #2017-317, SHEPARD PARK RESTROOM FACILITY PROJECT TO THE LOW EST, MOST RESPONSIVE RESPONSIBLE BIDDER FOR THE LUMP SUM TOTAL OF $142,590.00 TO ONE CALL

PROPERTY SERVICES, INCORPORATED OF STUART, FLORIDA, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**10.** RESOLUTION No. 58-2017; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE A PLAT TITLED "WAWA/TD BANK OF DOW NTOWN STUART", PREPARED BY ROBERT BLOOMSTER JR., FLORIDA PROFESSIONAL SURVEYOR AND MAPPER No. 4134 PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**11.** RESOLUTION No. 60-2017; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO PRESENT DEED FROM THE CITY OF STUART TO HABITAT FOR HUMANITY OF MARTIN COUNTY, INC. FOR THE REAL PROPERTY LOCATED AT 917 S.E. BAYOU AVENUE, STUART, FLORIDA; AND PROVIDING AN EFFECTIVE DATE AND FOR OTHER MATTERS.

**12.** RESOLUTION No. 61-2017; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO PRESENT DEED FROM THE CITY OF STUART TO HABITAT FOR HUMANITY OF MARTIN COUNTY, INC. FOR THE REAL PROPERTY LOCATED AT 924 S.E. BAHAMA AVENUE, STUART, FLORIDA; AND PROVIDING AN FFECTIVE DATE AND FOR OTHER MATTERS.

**6:22 PM END OF CONSENT CALENDAR**

**6:22 PM Motion: Less Item #10, Action: Approve, Moved by Commissioner Krauskopf, Seconded by Commissioner Clarke.**
**4/1 Campenni absent**

**Item #10 was heard at this time**

10.RESOLUTION No. 58-2017; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE A PLAT TITLED "WAWA/TD BANK OF DOW NTOWN STUART", PREPARED BY ROBERT BLOOMSTER JR., FLORIDA PROFESSIONAL SURVEYOR AND MAPPER No. 4134 PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Vice Mayor McDonald asked if the City would be looking at Johnson Avenue and the traffic situation with the proposed WaWa.

Terry O'Neil Development Director explained the project is approvable at its current configuration but will keep a close eye on the project.

**Motion: Resolution 58-2017, Action: Approve, Moved by Commissioner Glass Leighton, Seconded by Commissioner Clarke.**
**4/1 Campenni absent**

**6:22 PM COMMISSION ACTION**

**6:24 PM 13.** REQUEST APPROVAL TO ENGAGE THE SERVICE OF COLING BAENZINGER & ASSOCIATES AS PROFESSIONAL CONSULTANT FOR EXECUTIVE RECRUITMENT SERVICE FOR THE CITY MANAGER POSITION.

**Commissioner Krauskopf said he would ask the City Manager to incorporate into the Aug. 24rd 2017 and August 25th 2017 for the Commissioner to meet.**

**6:25 PM Motion: , Action: Approve , Moved by Commissioner Krauskopf, Seconded by Commissioner Glass Leighton.**

**The City Manager said a reception will be held for the candidates the City Department Directors and Citizens by invitation would be included to attend.**

**4/1 Campenni absent**

**6:26 PM 14.** RESOLUTION No. 56-2017; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING BUDGET AMENDMENT #8 TO THE 2016-2017 STORMWATER UTILITY FUND; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE STORMWATER UTILITY BILLING ROLL UPDATE, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

**6:26 PM Motion: , Action: Approve Resolution 56-2014, Moved by Commissioner Krauskopf, Seconded by Commissioner Clarke.**
**4/1 Campenni absent**

**6:27 PM 15.** RESOLUTION No. 59-2017; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE A LETTER SUPPORTING THE MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS' APPLICATION FOR A PADDLING TRAIL DESIGNATION THROUGH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) OFFICE OF GREENWAYS AND TRAILS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**6:27 PM Motion: , Action: Approve Resolution 59-2017, Moved by Commissioner Krauskopf, Seconded by Commissioner Glass Leighton.**
**4/1 Campenni absent**

**6:27 PM ORDINANCE FIRST READING**

**6:28 PM 16.** ORDINANCE No. 2354-2017; AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING CHAPTER 2, SECTION 2.03.05, TABLE 3 “MAXIMUM DW ELLING UNITS PER ACRE” OF THE CITY'S LAND DEVELOPMENT CODE, PROVIDING FOR CONSISTENCY WITHIN THE MINIMUM LOT SIZE REQUIREMENTS BY INCREASING THE MAXIMUM DENSITIES FOR THE R-1A AND R-1 DISTRICTS TO BE CONSISTENT W ITH THE CITY’S COMPREHENSIVE PLAN; DECLARING SAID AMENDMENTS TO BE CONSISTENT W ITH THE CITY’S COMPREHENSIVE PLAN; PROVIDING FOR A SEVERABILITY CLAUSE, A CONFLICT CLAUSE AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

**6:28 PM Motion: , Action: Approve Ordinance 2354-2017, Moved by Commissioner Krauskopf, Seconded by Commissioner Glass Leighton.**

**Public Comment:**

**Karen Sayer spoke in opposition of high density and submitted documents as public record under public comment.**

**Armond Pasquale, came forward and was opposed to high density.**

**Commissioner Clarke asked about crime statistics for multi- family versus single family. Commissioner Clarke was directed to speak with the Police Department to see if they may have that data.**

**Commissioner Krauskopf asked if the fix is implemented on the R1A R1-R2 of already platted lots, how many more units practically the fix adds to our city, ballpark.**

**Terry O’Neil said staff estimated that in the 50 or so vacant parcels this fix being proposed does not involve all 50 parcels. It is a reality small amount of parcels that would gain from this fix. This would de minimis impact.**

**4/1 Campenni absent**

**6:41 PM ORDINANCE SECOND READING**

**6:41 PM 17.** ORDINANCE No. 2344-2017; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO PROVIDE FOR THE ABANDONMENT OF CERTAIN PUBLIC RIGHT-OF-WAY W ITHIN THE CITY BEING THAT CERTAIN 40-FOOT RIGHT-OF-WAY, AS SET FORTH ON THE PLAT OF STUART FARMS, AS RECORDED IN PLAT BOOK 1, PAGE 63, MARTIN COUNTY, FLORIDA PUBLIC RECORDS RUNNING NORTH TO SOUTH THROUGH THE PROPERTY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO AND DEPICTED IN EXHIBIT “B” ATTACHED HERETO; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**6:41 PM Motion: , Action: Approve Ordinance 2344-2017, Moved by Commissioner Clarke, Seconded by Commissioner Glass Leighton.**

**Attorney Terry McCarthy came forward and thanked the City and staff.**

**4/1 Campenni absent**

**6:42 PM 18.** ORDINANCE No. 2352-2017; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ANNEXING THREE PARCELS OF LAND W EST OF SE FEDERAL HIGHWAY, CONSISTING OF 13.57 ACRES, SAID PARCELS BEING MORE FULLY DESCRIBED IN EXHIBIT "A" 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.

**6:42 PM Motion: , Action: Approve Ordinance 2352-2017, Moved by Commissioner Glass Leighton, Seconded by Commissioner Clarke.**

**4/1 Campenni absent**

**6:43 PM 19.** (Quasi Judicial) ORDINANCE No. 2353-2017; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVING A REZONING FROM “URBAN GENERAL” IN THE CITY’S URBAN DISTRICT TO “CPUD” - COMMERCIAL PLANNED UNIT DEVELOPMENT ON THE CITY’S OFFICIAL ZONING MAP FOR A 10.4 ACRE PARCEL LOCATED AT 20 NE DIXIE HIGHWAY, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT “A” ATTACHED, ESTABLISHING THE TREASURE COAST COMMUNITY CHURCH COMMERCIAL PLANNED UNIT DEVELOPMENT CONSISTING OF A NEW 32,572 SQUARE FOOT W ORSHIP CENTER BUILDING AND A 17,000 SQUARE FOOT TW O STORY OFFICE BUILDING DESIGNATED FOR NON-PROFIT ORGANIZATIONS; APPROVING A MASTER DEVELOPMENT PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS; PROVIDING A TIMETABLE FOR DEVELOPMENT; PROVIDING FOR ACCEPTANCE BY THE APPLICANT; DECLARING THE PLAN TO BE CONSISTENT W ITH THE CITY’S COMPREHENSIVE PLAN; REPEALING ALL ORDINANCES IN CONFLICT HEREW ITH; PROVIDING FOR SEVERABILITY; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

**Sworn were:**
**Tom Reetz City Planner**
**Terry O’Neil, Development Director**
**Michael Houston, Applicant Representative**
**Sam Amerson, Applicant Represenattive**

**Sam Amerson representing the applicant came forward and thanked the City Development for their hard work on this project.**

**6:45 PM Motion: , Action: Approve Ordinance 2353-2017, Moved by Commissioner Glass Leighton, Seconded by Commissioner Clarke.**

**Gordon Mularski Pastor of Treasure Coast Community Church came forward thanked the City for their hard work and dedication. He said the City has been very helpful and absolutely great to work with.**

**4/1 Campenni bsent**

**DISCUSSION AND DELIBERATION**

**6:48 PM ADJOURNMENT**

| | |
|---|---|
| **Cheryl White, City Clerk** | **Tom Campenni, Mayor** |

**Minutes to be approved at the Regular Commission Meeting this 26th day of May, 2017.**

# CITY OF STUART, FLORIDA
# AGENDA ITEM REQUEST
# CITY COMMISSION

**Meeting Date:** 5/26/2017 **Prepared by:** PNicoletti

**Title of Item:**
At the Regular City Commission meeting on May 22, 2017, Commissioner Glass-Leighton Motioned the Commission to specially set a meeting to address the reorganization of the City Commission in light of allegations against the current Mayor related to age discrimination arising during the search for City Manager. After discussion, the City Commission unanimously voted (4-0) to schedule the meeting (Commissioner Campenni was absent).
Reorganization of the:
City Commission
Mayor - Vice Mayor
Various Board Appointments (RC)

**Summary Explanation/Background Information on Agenda Request:**
The City Charter directs that the City shall hold a reorganization meeting each December but this language does not restrict the Commission from holding additional reorganization meetings as may be deemed necessary by the Commission.

As provided in s. 2(b), Art. VIII of the State Constitution, municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law. This language has been broadly interpreted by the Courts and authorizes the City Commission to schedule this reorganization meeting.

The City Charter, at Sec. 2.02. - General powers of city commission, states:

All powers of the city shall be vested in the city commission except those powers specifically given to the charter officers or specifically reserved by this charter to the electors of the city.

*Effectively, this means the City Commission may re-organize at any time, because re-organization is an inherent power of a legislative body.*

**Funding Source:**
Not Applicable

**Recommended Action:**
Reorganization by motion of the City Commission

**ATTACHMENTS:**

| | Description | Upload Date | Type |
|---|---|---|---|
| | Commission Board Appointments | 5/23/2017 | Attachment |

# COMMISSION BOARD MEMBERSHIP

| | **2017-2018** | **May 26, 2017** |
|---|---|---|
| Martin County Tourist Development Council | *Jeffrey Krauskopf* | _____ |
| Metropolitan Planning Organization | *Tom Campenni*<br>*Troy McDonald* | _____ |
| MPO Regional Transit Organization | | _____ |
| | | _____ |
| Treasure Coast Council of Local Governments | *Tom Campenni* | |
| | | _____ |
| Airport Noise Advisory Committee | *Kelli Glass Leighton.* | |
| | | _____ |
| Boundary Advisory Committee, fka: School Board Long Range Planning Committee | *Kelli Glass Leighton* | |
| | | _____ |
| Treasure Coast Regional League of Cities | *Tom Campenni* | |
| *Alternate* | *Troy McDonald* | _____ |
| Martin County Council of the Arts | *Jeffrey Krauskopf* | _____ |
| Treasure Coast *Regional* Planning | *Sewalls Point* | No City Appointments 2016-2017 |
| | *Alternate* *Jupiter Island* | |
| | | _____ |
| Business Development Board | *Troy McDonald* | _____ |

Updated May 23, 2017 February 1, 2017 SCM Reorganization Meeting

# CITY OF STUART, FLORIDA
# AGENDA ITEM REQUEST
# CITY COMMISSION

**Meeting Date:** 5/26/2017 **Prepared by:** C White

**Title of Item:**
On May 18, 2017 an employee submitted a written complaint against Thomas Campenni, Mayor of the City of Stuart. In the complaint, the employee alleged that the Mayor discouraged him from submitting an application for the City Manager vacancy because he desired a "younger guy with fresh ideas." An investigation was performed by the Human Resources Department with consultation with outside employment counsel. The investigation was completed on May 22, 2017. The report recommends that Mayor Campenni remove himself from the entire selection process unless the Commission takes action otherwise. In addition, the executive search firm should be apprised of this matter to ensure an impartial City Manager selection process. (RC)

**Summary Explanation/Background Information on Agenda Request:**

The City Commission has asked for an HR investigation regarding the allegations against Mayor Campenni.

**Funding Source:**

If investigation is performed by HR Department additional funding may not be necessary. However, there will be expenses related to outside counsel.

**Recommended Action:**

Adopt a Motion accepting the HR Investigation; and authorizing and directing the City Manager to hire an Independent Investigator to determine if comments made by Commissioner Tom Campenni were isolated or rise to a pattern of behavior deviating from the role of a City Commissioner.

**ATTACHMENTS:**

| Description | Upload Date | Type |
|---|---|---|
| HR Report | 5/23/2017 | Backup Material |

# Investigation Summary Report

Age Discrimination
City Commission

**Complaint:** On May 18, 2017, Samuel Amerson, Public Works Director, submitted a written complaint against Thomas Campenni, City of Stuart Mayor. In his complaint, Mr. Amerson alleges Mayor Campenni discouraged him from submitting an application for the City Manager vacancy, stating he desired a "younger guy with fresh ideas."

**Findings:** A meeting between Mr. Amerson and Roz Johnson, Human Resources Director, commenced the same date. After discussing his complaint, Mr. Amerson expressed his desire to apply for the City Manager vacancy, should he choose to do so, without any interference or discrimination from Mayor Campenni or any other party to the decision-making process. In short, Mr. Amerson wants the application, interview, and selection process to "run its course," allowing for the most qualified candidate to earn the appointment of City Manager.

On the morning of May 19, 2017, Mayor Campenni visited Ms. Johnson's office to discuss the issue, although he did not wish to read the written complaint, nor did he wish to know the complainant's name. Rather, he acknowledged forming relationships with some employees that he deemed "too close," resulting in conversation that may have been casual or "too friendly," perhaps with unintentional messages. When provided specifics in the complaint:

- "Younger guy" – Mayor Campenni denies, but admits to making the comment he "prefers a candidate who is not close to retirement"
- Discouraging anyone from applying – Mayor Campenni does not recall discouraging anyone from applying for the vacancy but admits that his comments could have implied this unintentionally

**Related City Policies and Federal Law:** City Policies, State and Federal Laws that address discrimination in the workplace, as related to recruitment and selection in particular, include:

**Employee Handbook: Affirmative Action Policy**

*It is the Affirmative Action policy of the City of Stuart to provide equal employment opportunity to all persons based on individual merit and fitness and to recruit and administer hiring, working conditions, benefits and privileges of employment, compensation, training, appointments for advancement, including upgrading and promotions, transfers and termination of employment without discrimination based on race, color, religion, national origin, sex, or age, or physical or mental handicaps where the handicapped persons are able to perform the work they are seeking with reasonable accommodation.*

**Employee Handbook: Section 4, Recruitment**

*The goal of the City of Stuart is to select the best qualified people to be City employees without regard to race, color, religion, national origin, sex, marital status, age, or other basis prohibited*

*by law. The City shall treat all job candidates uniformly and give consideration to internal promotion and affirmative recruitment.*

**Florida State Statutes: 760.10**

*760.10 Unlawful employment practices.*

*(1) It is an unlawful employment practice for an employer:*

*(a) To discharge or to fail or refuse to hire any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status.*

*(b) To limit, segregate, or classify employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities, or adversely affect any individual's status as an employee, because of such individual's race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status.*

*(2) It is an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status or to classify or refer for employment any individual on the basis of race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status.*

**Age Discrimination in Employment Act (ADEA)**

*The EEOC enforces compliance with the ADEA and states: Age discrimination involves treating someone (an applicant or employee) less favorably because of his or her age. The Age Discrimination in Employment Act (ADEA) only forbids age discrimination against people who are age 40 or older. It is not illegal for an employer or other covered entity to favor an older worker over a younger one, even if both workers are age 40 or older. Discrimination can occur when the victim and the person who inflicted the discrimination are both over 40.*

**Conclusion and Recommendation:** Based on information available, it does not appear there was an intent to discriminate based on age, because the concern expressed by the Mayor related to how long a candidate may continue to work in the position. In order to avoid any appearance of discrimination, Mayor Campenni stated his intention to remove himself from the process if the complainant applies and rises to a level where voting would occur. This would require notification to the Mayor throughout the process and can be managed by the firm selected to provide executive search services for the City of Stuart. Mayor Campenni stated his desire to foster a selection process that is fair and equitable to all candidates.

However, it is recommended that Mayor Campenni remove himself from the entire selection process unless the Commission takes action otherwise. As well, the selected executive search firm should be apprised of this matter to ensure an impartial City Manager selection process, adhered to without interference.

Roz Johnson
Human Resources Director
May 22, 2017

**Samuel T. Amerson, PE**
**1124 NW Spruce Ridge drive**
**Stuart, FL 34994**
**772-260-9613**

May 18, 2017

Roz Johnson, Director of Human Resources
City of Stuart
121 SW Flagler Avenue
Stuart, FL, 34994

On Monday or Tuesday the week of May 1, Mayor Campenni stopped in to see me.

A discussion ensued regarding the process to fill the city manager position. The Mayor told me directly that he would not vote for me but was supporting Police Chief Dyess, and that we need a younger guy with fresh ideas. He stated he may support me if I was interested in serving as the interim city manager, but if I did so I could not apply for the full time position because it would not be fair to others and outside people might not apply. I simply responded that I appreciated his honesty and being direct.

It has been my understanding that the city welcomes all qualified applicants to apply for vacant positions and fully supports promoting from within if it is in the best interest of the city. This is my first instance of any employee being directly discouraged from applying for a vacant position.

I believe this is unfair to qualified employees who may wish to apply, if for no other reason than to enlighten the city commissioners on who they really are based on their education, experience and accomplishments. It is not my nature to be indecisive, but at this point I feel I have been disadvantaged before the process has been established and I am unsure as to my desire to potentially serve in an interim role or permanent role if that opportunity becomes available.

My request is for clarification whether this conversation conflicts with city policy regarding employment opportunity, behavior guidelines or is considered to be discrimination.

Sincerely,

Samuel T. Amerson

# CITY OF STUART, FLORIDA
# AGENDA ITEM REQUEST
# CITY COMMISSION

**Meeting Date:**5/26/2017 **Prepared by:**Nicole King

**Title of Item:**
RESOLUTION No. 50-2017; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, CREATING A CODE OF CONDUCT FOR CITY COMMISSIONERS; PROVIDING FOR CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE. (RC)

**Summary Explanation/Background Information on Agenda Request:**
This item was on the Regular Agenda for April 24, 2017, and was pulled at the request of Mayor Campenni. At the Regular Meeting of May 22, 2017, former Mayor Carol Waxler said that she thought this item was needed, and asked the City Commission to bring the item forward and adopt a Code of Conduct for City Commissioners. Without objection, Vice Mayor Troy McDonald asked that it be included on this meeting.

Since April 24th, I have made a couple of subtle changes to the language, based upon comment by individual Commissioners.

**Funding Source:**
N/A

**Recommended Action:**
Adopt Resolution No. 50-2017

**ATTACHMENTS:**

| | Description | Upload Date | Type |
|---|---|---|---|
| | Res. 50-2017 Elected Officials Code of Conduct | 5/23/2017 | Resolution add to Y drive |

**RESOLUTION No. 50-2017**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, CREATING A CODE OF CONDUCT FOR CITY COMMISSIONERS; PROVIDING FOR CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** public participation in government business is the bedrock of American government and should be protected and encouraged, consistent with principles of common and statutory law; and

**WHEREAS,** in 2013, the Florida Legislature adopted § 286.0114, Florida Statutes, that requires municipal boards and commissions to provide members of the public a reasonable opportunity to be heard on every substantive proposition before a local public board or commission, before official action is taken; and

**WHEREAS,** § 286.0114, Florida Statutes, allows boards and commissions to adopt certain limited and specific rules or policies to ensure orderly conduct and proper decorum at public meetings, and, if a Commission adopts and follows such rules or policies in compliance with the statute, then a board or Commission within that local jurisdiction is deemed to be acting in compliance with the statute; and

**WHEREAS,** The Stuart City Commission desires to provide itself and the public with guidelines and policies it expects each and every city commissioner to respect and abide.

**NOW, THEREFORE, BE IT RESOLVED BY THE STUART CITY COMMISSION, AS FOLLOWS:**

**SECTION 1.** Legislative Findings. The precatory clauses above are adopted as legislative findings of the City Commission.

**SECTION 2. Exhibit "A"** attached hereto and incorporated by reference, is adopted by the City Commission as its Code of Conduct.

**SECTION 3**. Each of the City Commissioners by signing the STUART CITY COMMISSION

CODE OF CONDUCT at the last page of Exhibit "A" hereto, further pledge to continue exhibiting and encouraging the kinds of personal qualities that are emblematic of civility, honesty, kindness, integrity, respect, consideration for others, and loyalty to the City.

**SECTION 4. Nothing herein is intended to supersede state or federal law.** If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding in no way affects the remaining portions of this Resolution or the adopted Stuart City Commission Code of Conduct.

**SECTION 5.** All resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 6**. This resolution shall take effect immediately upon its approval.

Commissioner _____ offered the foregoing resolution and moved its adoption.

The motion was seconded by Commissioner _____ and upon being put to a roll

call vote, the vote was as follows:

| | YES | NO | ABSENT | ABSTAIN |
|---|---|---|---|---|
| TOM CAMPENNI, COMMISSIONER | | | | |
| TROY A. MCDONALD, COMMISSIONER | | | | |
| EULA R. CLARKE, COMMISSIONER | | | | |
| KELLI GLASS LEIGHTON, COMMISSIONER | | | | |
| JEFFREY A. KRAUSKOPF, COMMISSIONER | | | | |

ADOPTED this _____ day of May, 2017.

**ATTEST:**

_____
CHERYL WHITE, MMC
CITY CLERK

Approved as to Form and Correctness:

_____
MICHAEL J. MORTELL
CITY ATTORNEY

EXHIBIT A

**STUART CITY COMMISSION CODE OF CONDUCT**

The City Charter provides information on the roles and responsibilities of City Commissioners, including those who sit as Mayor and Vice Mayor. The Charter provides for a "council-manager" form of government.

Pursuant to the Florida Municpal Officials Manual, Fourth Edition, 2001, the council-manager form is widely viewed as a way to take politics out of municipal administration. Under the council-manager form, the City Manager is the "chief administrative officer of the city." The Manager supervises and coordinates the departments, appoints and removes their directors, prepares the budget for the council's consideration, and makes reports and recommendations to the council. All department heads report to the manager. The manager is fully responsible for municipal administration. The manager is expected to abstain from any and all political involvement. At the same time, the council members and other "political" leaders are expected to refrain from intruding on the manager's role as chief executive. Council members are expected to abstain from seeking to individually interfere in administrative matters, including actions in personnel matters. Some city charters provide that interference in administrative matters by an elected city official is grounds for removal of the elected official from office.

However, the Stuart City Charter does not articulate a code of conduct for elected officials.

This Code of Conduct describes the manner in which Commissioners should treat each other, city staff, constituents, and others they come into contact with in representing the City of Stuart. It reflects the work of the City Commission in defining more clearly the behavior, manners, and courtesies that are expected for various occasions.

## I. Overview of Roles & Responsibilities

**The consistent theme throughout this Code of Conduct is "respect."**

Commissioners experience expanded workloads and stress in making decisions that impact thousands of lives. Despite these pressures, elected officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that guides Commissioners to do the right thing, in even the most difficult situations.

**1. MAYOR:** (City Charter, Section 14)

- Serves at the pleasure of the City Commission
- Acts as the official head of the City for all ceremonial purposes
- Chairs Commission meetings
- Calls for special meetings
- Recognized as spokesperson for the City
- Responsible to find a substitute for City representation when Mayor cannot attend
- Leads the City Commission as an effective, cohesive, consensus building team
- Signs documents on behalf of the City

**2. VICE MAYOR:** (City Charter, Section 14)

- Serves at the pleasure of the Commission
- Performs the duties of the Mayor, if the Mayor is absent, unavailable, or disabled
- Chairs City Commission meetings at the request of the Mayor
- Represents the City at ceremonial functions at the request of the Mayor

**3. ALL COMMISSIONERS:**

- Each member of the City Commission has an equal vote
- No Commissioner has more “power” than any other, and each should be treated with equal respect

Each City Commissioner should:

- Fully participate in City Commission meetings and other public forums while demonstrating civility, respect, kindness, consideration, and courtesy to others
- Prepare in advance of Commission meetings by reviewing Agenda materials, talking with the City Manager, with constituents, and becoming familiar with issues
- Represent the City at ceremonial functions at the request of the Mayor (in a public meeting) or City Manager
- Be respectful of other people's time. Stay focused and act efficiently during public meetings.
- Do not interrupt city staff from their duties.
- Serve as a model of leadership and civility to the community
- Inspire public confidence in Stuart City government
- Make sure the City Clerk has current contact information, in case an emergency or urgent situation arises
- Demonstrate honesty and integrity in every action and statement
- Participate in scheduled activities to increase team effectiveness
- Review Commission procedures, such as this Code of Conduct, and become familiar with the City Code of Ordinances, the Land Development Code and the Comprehensive Plan

**4. MEETING CHAIR:**

The chair of official City Commission meetings (usually the Mayor or Vice Mayor), shall:

- Maintain order, decorum, and the fair and equitable treatment of all speakers
- Keep discussion and questions focused on specific agenda items under consideration
- Be mindful of the City's "Pledge of Civility" and require speakers to avoid all personal attacks.
- Makes parliamentary rulings (with advice, if requested, from the City Attorney, who acts as an advisory parliamentarian). Chair rulings may

be overturned, if a Commissioner makes a motion, and the majority of the City Commission supports the motion.

## II. Policies & Protocol Related To Conduct

### 1. CEREMONIAL EVENTS:

- Requests for a City representative at ceremonial events will be handled through the City Manager's Office, or designee. The Mayor will normally serve as the designated City representative. If the Mayor is unavailable, then City staff will determine if event organizers would like another representative from the City Commission. If yes, the Vice Mayor will usually be next in line to represent the City. Invitations received at City Hall are presumed to be for official City representation. Invitations addressed to City Commissioners at their homes are presumed to be for unofficial, personal consideration.

### 2. CORRESPONDENCE:

- **Official Correspondence.** City Commissioners do not need to acknowledge the receipt of official correspondence, or copies of correspondence, during Commission meetings, unless the matter is substantive, and therefore requires Commission approval to respond. City staff will normally prepare official letters in response to public inquiries and concerns. Upon approval by the City Commission, these letters will be prepared on City letterhead, and signed by the Mayor, unless otherwise directed by the City Commission. A copy of each official letter shall be provided to each City Commissioner.

- If correspondence is addressed to only one City Commissioner, that Commissioner should check with the City Manager on the best way to respond to the sender. If a simple acknowledgement, congratulations, or thank you is all that is required, the individual Commissioner may respond on official City letterhead or note card.

- City letterhead shall not be used for correspondence by Commissioners representing a personal point of view, or a dissenting point of view from an official City Commission position.

- Correspondence also should be equally clear about representation. City letterhead may be used when the Commissioner is representing the City and the City's official position. A copy of official correspondence should

be given to the City Clerk to be filed as part of the permanent public record.

- Written correspondence, or email, requesting an appearance before the City Commission shall be referred to the City Manager for inclusion on an Agenda, or forwarded to the City Commission (with or without a staff report) for its consideration, prior to being placed on an Agenda.

- The city manager is authorized to create correspondence for his or her signature in the normal conduct of business and consistent with the authority of the city manager under the charter of the city.

- **Unofficial Correspondence**. Nothing in this policy is intended to prevent city commissioners or city staff from writing letters which are regarding personal business. A response to family, friends, neighbors, or other individuals regarding personal items or business, should not be written on city letterhead or note cards.

- **Written Correspondence between City Commissioners.** The use of e-mail, a written report, or any other form of written communication from one Commissioner to the City Commission on a subject which might be discussed at a public meeting is technically NOT a violation of the Sunshine Law, so long as no other Commissioner responds to the correspondence outside of a public meeting. If the Commissioner writing the email is doing so for the purpose of communicating his or her position on an issue outside of a meeting to gain support, this will be interpreted as a violation of the sunshine law.

- **However, if even one Commissioner responds to an e-mail, or written report, or other written communication by a Commissioner, a violation of the Sunshine Law has occurred.**

- **COMMISSIONERS SHOULD NOT SEND E-MAILS, TEXTS, REPORTS, POSITION PAPERS, OR OTHER FORMS OF COMMUNICATION DIRECTLY TO OTHER CITY COMMISSIONERS, REGARDING A SUBJECT WHICH MIGHT COME BEFORE THE CITY COMMISSION FOR ACTION.**

- **Commissioners understand that their city email is the correct source for communicating with individual members of the public, and further understand that they are personally**

**responsible for maintaining all records of communication which are conducted on a platform other than their City email.**

- **Specifically, the Commissioners acknowledge that if they use texts or any email other than their specific City email they are personally required to preserve and maintain the communication for public record purposes, and further that the City will not be able to preserve or maintain these records and the failure to keep them could result in a violation of Florida's Public Records laws.**

**3. ENDORSEMENTS AND PUBLIC POSITIONS:**

- The City Commission is precluded by Florida law from endorsing any candidate for elected office.

- The City Commission is free to take public positions on political issues.

- Individual Commissioners are free to take public positions on political issues, even if those positions are not consistent with the majority view of the Commission.

**4. REORGANIZATION AND INTERGOVERNMENTAL RELATIONS:**

- At the first City Commission in December of each year (Reorganization Meeting), the Commission selects from its members a Mayor and Vice Mayor. However, the City Commission is free to reorganize at any Commission meeting throughout the year, upon an approved motion of a Commissioner.

- At the reorganization meeting, the Commissioners will also decide which of the members will serve as liaisons to various external boards and committees, and will appoint or reappoint, as applicable, citizens to various appointed boards and committees.

- While serving on any external board, such as the MPO, TCRPC, or other board, the Commissioner(s) assigned will endeavor to consistently represent the position of the City Commission, and will not knowingly take a unilateral position that opposes the position of the City Commission.

**5. PUBLIC PARTICIPATION AT MEETINGS:**

- Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice, discrimination, or disrespect should be evident on the part of individual Commissioners toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

- The way the City Commission treats people during public hearings can do a lot to make them comfortable, or to push their emotions to a higher level of intensity.

- **Actively listen.** It is disconcerting to speakers to have Commissioners not look at them when they are speaking. Reading for a long period of time, texting, checking your email, or Facebook page, or gazing around the room gives the appearance of disinterest.

- **Ask for clarification, but avoid debate and argument with the public.** Only the Chair – not individual Commissioners -- can interrupt a speaker during a presentation. However, a Commissioner can ask the Chair for a point of order if the speaker is off the topic or exhibiting behavior or language that the Commissioner finds disturbing.

- **No personal attacks of any kind are tolerable.** Commissioners should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive. It violates the City's Pledge of Civility to make any personal attack.

- **Items not on the Agenda.**

- At the beginning of City Commission Meetings, a person, wishing to address the City Commission on any item NOT on the Agenda, shall fill out a form provided by the City Clerk and at a minimum, give his/her name and address. These NON-AGENDA public comments shall be limited to one (1) appearance per meeting for a duration not exceeding five (5) minutes unless a majority of the Commission feels some other time limit is appropriate, based upon the length or type of agenda.

- Under Florida law, public comment on non-agenda items, need not be taken at City Commissioner Town Hall Meetings, at City staff conducted

hearings or meetings, at Emergency Special Meetings for a specific purpose, or at City Commission Workshops for a specific purpose.

- No question or comment by the public should be addressed directly to any individual Commissioner or City staff member. All comments must be directed through the Chair.

- Questions from the public may be referred by the Chair to the City Manager or City Attorney. If they are unable to give an immediate response to a question, the City Commission may decide the matter raised during Public Comment requires further review and discussion refer the matter to the City Manager for inclusion on a subsequent agenda.

- **Items on the Agenda.**

- When multiple speakers appear to speak on one topic on the Agenda. When a group of people supporting or opposing the same position regarding an item on the agenda desires to be heard, in the interest of time and to avoid repetitious comments, a spokesperson may be designated by the group to express the group's concerns. However, a person in the group may make comments which were not included in the spokesperson's comments. Participation shall be limited to five (5) minutes per person, unless a majority of the Commission feels some other time limit is appropriate.

- **When there is a Public Hearing.**

  When a public hearing is required on an item, whether quasi-judicial or otherwise, the time established for presentation and debate is usually fluid and not restricted. However, by motion of the City Commission deadlines can be established to limit presentations or debate, or both presentation and debate.

- **Consent Calendar items.** The Agenda typically includes a Consent Calendar, during which the City Commission adopts by a single motion, one or more items listed on the Consent Calendar which are believed to be non-controversial, and which may be routine in nature. If one or more Commissioners request that an item(s) be removed from the Consent Calendar for discussion during the regular agenda, the item(s) shall be removed and placed where appropriate on the agenda.

- Public comment is required for the motion to adopt the Consent Calendar, but the members of the public are not permitted to ask for removal of an item from the Consent Calendar, except for any quasi-judicial matter that has been placed on the Consent Calendar.

- **Exceptions when public participation is not required.**

- The right of the public to a reasonable opportunity to be heard does not apply:

    - When an official act must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements for public participation would cause an unreasonable delay in the ability of the Commission to act; or

    - When an official act involves a ministerial act, including but not limited to, approval of minutes and ceremonial proclamations; or

    - When the Commission holds an attorney-client session pursuant to § 286.011, Florida Statutes or a collective bargaining executive session

**6. HANDLING LITIGATION AND OTHER CONFIDENTIAL MATTERS.**

All written materials and oral information provided to Commissioners on matters that are confidential under State law shall be kept in complete confidence to ensure that the City's position is not compromised. Any confidential material will only be provided to Commissioners when needed by the City Commission to make a formal decision that is to come before them. No disclosure, photo copies, or mention of any information in these materials may be made to anyone other than City Commissioners, the City Attorney, or the City Manager.

- Confidential materials provided in preparation for and during duly called attorney-client sessions must be returned to staff at the conclusion of the closed session.

- Confidential materials provided to Commission members outside of closed sessions must be returned to staff within ten (10) days of their receipt.

- Individual Commissioners may not request confidential written information from staff that has not been provided to all Commissioners.

**7. TRAVEL EXPENSES.**

- The policies and procedures related to the reimbursement of travel expenses for official City business by Commissioners are outlined in the City's Procurement Policies. All Commissioner travel for which the Commissioner will be officially representing the City will be reimbursed by the City, must be approved and included in the annual budget, or otherwise funded as recommended by the City Manager.

**8. COMMISSIONER CONDUCT WITH ONE ANOTHER.**

- City Commissions are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, we all have chosen to serve in public elected office in order to preserve and protect the present and the future of the community.

- Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action, so long as the discussion remains civil.

**9. SOCIAL ENCOUNTERS**

- **The Florida Open Meetings Law prevails on any social gatherings involving Commissioners:** However, members of a public board or commission are not prohibited under the Sunshine Law from gathering socially, provided that matters which may come before the board or commission are not discussed at such gatherings.

- When two or more members of the City Commission are attending or participating in meetings or other functions unconnected with their board, they must refrain from discussing matters on which foreseeable action may be taken by the board, but are not otherwise restricted in their actions.

- For instance: a luncheon meeting held by a private organization in which members of the City Commission are invited, at which there is no discussion among such officials on matter relating to public business

would not be subject to the Sunshine Law, merely because of the presence of two or more members of the commission.

- Commissioners should avoid situations in which they may be perceived by the general public as discussing matters which may come before the Commission. So, in this context, sitting together is never a good idea.

- As we all realize, elected officials are always on display – people around them that they may not know monitor their actions, manner, and language. Anticipate that lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings will be noted.

- The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in social conversations, and the conversation should not be allowed to stray into matters that could foreseeably come before the City Commission.

- **Be aware of the insecurity of written notes, voicemail messages, and e-mail:** Technology allows words written or said without much forethought to be distributed wide and far. Questions you should always think about… Would you feel comfortable to have this note or email published by the media? Or, how would you feel if this voicemail message was played on a speakerphone in a full office?

- Written notes, and voicemail messages should be treated as potentially "public" communication.

- Any use of the City email system should be treated as if the message is public, can be requested by the media, and could “go viral.” **Incidental non-public use of the City email system is permitted, but it is a better practice to keep non-public matters on a non-public (personal) email system, and public matters only on the City’s email system.**

- The Sunshine Law applies to the deliberations and discussions between two or more members of the City Commission on some matter which foreseeably will come before the Commission for action. The use of a telephone to conduct such discussions does not remove the conversation from the requirements of s. 286.011, F.S.

## IV. Commission Conduct with City Staff

Governance of a City relies on the cooperative efforts of elected officials, who set policy, and the City Manager who implements and administers the Commission's policies through the City staff. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community. **As a result, the City Commission agrees to be bound by Section 44, Harassment and Professionalism in the Workplace.**

### 44.1 Harassment

It is the policy of the City to promote a productive and satisfying work environment that is free from discrimination and harassment of any kind. Harassment undermines the integrity of employment relationships and the spirit of mutual trust and respect. The City does not and will not tolerate harassment in the workplace. Non-compliance with this policy is subject to disciplinary action, up to and including discharge from employment depending on severity.

Harassment may be verbal, written or physical conduct that denigrates or shows hostility or aversion towards an individual and has the purpose or effect of creating an intimidating or hostile atmosphere, an offensive working environment, has the purpose or effect of unreasonably interfering with work performance, or otherwise affects employment opportunities.

The term "harassment" includes, but is not limited to, slurs, jokes, and other verbal, graphic, or physical conduct relating to an individual's race, color, sex, pregnancy, marital status, religion, national origin, citizenship, age, or disability, or other protected status. "Harassment" also includes sexual advances, requests for sexual favors, unwelcome or offensive touching, slander or spreading rumors as to another's sexual preferences or behavior, and other verbal, graphic, or physical conduct of a sexual nature.

Sexual harassment is a form of unlawful sex discrimination defined as unwelcome, deliberate, or repeated sexually explicit verbal or physical conduct that embarrasses, humiliates or otherwise adversely affects the recipient or the recipient's co-workers. Protection of the law extends to both men and women and to harassment of someone of the same or opposite sex.

### 44.2 Employee Responsibility

Employees who feel that they have been harassed in any way by another employee or City Official or anyone the City does business with should immediately:

1. Notify and report the facts of the incident to the City Manager or the Human Resources Director.
2. The City Manager will coordinate a thorough investigation of the complaint and take, where necessary, any appropriate action.

3. A report documenting the case and subsequent findings will be forwarded to and maintained by the Human Resources Director in a separate file from the employee's regular personnel file, unless the outcome is actionable.

The City Manager, all Directors, and each supervisor have an affirmative responsibility to maintain the workplace free from harassment. This duty includes assuring that the policy is discussed with all employees, including emphasizing that an employee is not required to endure insulting, degrading or exploitative sexual harassment. Employees are asked not to assume that the City is aware of a harassment problem. Employees will not be penalized in any way for reporting possible harassment concerning themselves, another employee or superior. Employees are asked to be responsible and bring any complaints and concerns to the attention of the City immediately. All investigating procedures, file documentation, etc. will be conducted in as confidential a manner as possible.

**44.3 Professionalism in the Workplace**

A major objective of this Policy is to bring about a workplace environment which demonstrates the respect and dignity of all employees. As such, all employees shall maintain a high degree of professionalism and respect for all co-workers, direct reports, and leadership. Malicious, vulgar, obscene, threatening, or intimidating language or actions, physically abusive behavior, verbally abusive behavior, discriminatory actions or comments, or harassment of any type is both counter-productive, and actionable. This includes gossip and the spreading of rumor. This type of behavior disrupts the expectation of cohesive teamwork among all employees, levels of management, and relationships with elected officials, and the public. Non-compliance with this policy is subject to disciplinary action, up to and including discharge from employment depending on severity.

Resolution 23-99
Added Section 44.3, 9/23/16, AR 16-01

- **TREAT ALL CITY EMPLOYEES AS PROFESSIONALS.** Clear and honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior toward staff by a city commissioner is not acceptable.

- **Limit contact to specific City staff.** Questions of City staff or requests for additional background information should be directed only to the City Manager, City Attorney, or Department Heads. The Office of the City Manager should be copied on any request outside of the City Manager's Office.

- **Requests for follow-up to staff** should be made only through the City Manager, or the City Attorney when appropriate. When in doubt about what staff contact is appropriate, Commissioners should ask the City Manager for direction.

- Unless purely personal, materials supplied to a Commissioner in response to an individual request will be made available to all members of the City Commission, so that all have equal access to information.

- **Do not disrupt City staff from their jobs.** Commissioners should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions, in order to have their individual needs met.

- **Never publicly criticize an individual employee.** Commissioners are entitled to their individual opinions regarding the performance of individual employees. However, those opinions should never be expressed in public, to the employee directly, or to the employee's supervisor. Comments about staff performance should only be made to the City Manager through correspondence or conversation.

- **Do not get involved in administrative functions.** Commissioners must not attempt to influence City staff on items that are within the jurisdiction of the City Manager, such as making new employee appointments, awarding contracts, selecting consultants, processing development applications, or granting City licenses and permits.

- **Check with City staff on correspondence.**
  Before sending correspondence, Commissioners should check with City staff to see if an official City response has already been sent or is in progress.

- **Do not attend meetings with City staff unless directed by the City Commission.** Even if the Commissioner does not say anything, the Commissioner's presence implies either support or non-support, or shows partiality, or potentially intimidates staff, and hampers staff's ability to do their jobs objectively.

- **Limit requests for staff support.** Routine administrative support will be provided to all Commissioners through the City Manager's Office. All mail for Commissioners is opened by the City Manager's designee, unless other arrangements are requested by a Commissioner. Mail addressed to the Mayor is reviewed first by the City Manager, who may note suggested action or follow-up items.

- **Requests for additional staff support** – even in high priority or emergency situations – requests should be made to the City Manager

who is responsible for allocating City personnel resources in order to maintain a professional, well-run City government.

- **Do not solicit political support from staff.** Commissioners should never solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff members retain the same constitutional rights as private citizens, and may support political candidates, but all such activities must be done away from the workplace.

- **Commissioners should refer to the City Manager** any City staff member who does not follow proper conduct in their dealings with City Commissioners, other City staff, or the public. These employees may be disciplined in accordance with standard City procedures for such actions.

- **When preparing for Commission Meetings.** When preparing for Commission meetings, Commissioners should direct questions ahead of time to the City Manager so that staff can provide the desired information at the Commission meeting. "Meeting by ambush" is never acceptable. There are an infinite number of questions an elected official can ask staff that can't be answered on the spot, and to do so may only serve to make the staff look ineffective.

## V. Commission Conduct with and Relationship to the City Attorney

### 1. NO ATTORNEY-CLIENT RELATIONSHIP.

City Commission members who consult the City Attorney, or City Attorney staff, or attorney(s) contracted to work on behalf of the City, DO NOT enjoy or establish an attorney-client relationship with the attorney(s) by consulting with or speaking to them.

- Any attorney-client relationship established belongs to the City, acting through the majority of the City Commission, and as may be allowed in The Florida Bar Rules of Professional Conduct, or State law for purposes of defending the City or the City Commission in the course of litigation and administrative proceedings.

- **Requests for Legal Assistance.** Legal assistance may be requested directly from the City Attorney by an individual City Commissioner, outside of a public meeting(s) to assist the City

Commissioner in carrying out his or her official duties on a matter. The City Attorney will respond to the individual request as prescribed by law, or as set forth in a contract with the City.

- Likewise, the City Manager, or with the City Manager's permission, a Department Director or staff member may seek legal assistance with his or her official duties, and the City Attorney shall provide such assistance, whenever feasible.

## VI. In Unofficial Settings

1. **MAKE NO PROMISE, YOU CAN'T KEEP.** Make no promises on behalf of the City Commission, without a Commission vote on the measure. Commissioners are frequently asked to explain a Commission action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy or refer it to City staff for further information.

- **It is improper to overtly or implicitly promise Commission action**, or to promise City staff will do something specific (fix a pothole, plant new flowers in the median, or direct staff to "look into the matter," etc.).

- **Remember that Stuart is a "small town" at heart.** Commissioners are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the City of Stuart. Honesty and respect for the dignity of each individual should be reflected in every word and action uttered by Commissioners, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

## VII. Commission Conduct with Other Public Agencies

"Always do right. This will gratify some people and astonish the rest."

-- Mark Twain

- **Be clear about representing the city or personal interests.** If a Commissioner appears before another governmental agency or organization to give a statement on an issue, the Commissioner must clearly state: 1) if his or her statement reflects personal opinion, or is

the official position of the City; and 2) whether this is the majority or minority opinion of the Commission.

- **If the Commissioner is representing the City**, the Commissioner must support and advocate the official City position on an issue, not a personal viewpoint. If the City Commission's position has not been established, the Commission should not take a position, until the matter can be heard by the City Commission.

- **If the Commissioner is on a board, or is representing another organization, which holds a position different from the City**, the Commissioner should withdraw from voting on an issue if it significantly and detrimentally impacts the City's interest. Commissioners should be clear about which organizations they represent and inform the City Commission of their involvement, as the need arises.

## VIII. Commission Conduct with Advisory Boards

The City has established several standing Boards as a means of gathering community input. Citizens who serve on these boards become more involved in government, and serve as advisors to the City Commission. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

- **If attending a Board meeting, be careful to only express personal opinions.** Commissioners may attend any Board meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation – especially if it is on behalf of an individual, business or developer -- could be viewed as unfairly affecting the process. Any public comments by a Commissioner at a Board meeting should be clearly made as an individual opinion, and not a representation of the feelings of the entire City Commission.

- **Limit contact with Board members to questions of clarification.** It is inappropriate for a Commissioner to contact a Board member to lobby on behalf of an individual, business, or developer. It is acceptable for Commissioners to contact Board members in order to clarify a position taken by the Board.

- **Remember that Boards serve the community, not individual Commissioners.** The City Commission appoints individuals to serve on

Boards, and it is the responsibility of each Board to follow policy and ordinances established by the Commission. But Board members do not report to individual Commissioners, nor should Commissioners feel they have the power or right to threaten Board members with removal if they disagree about an issue. Appointment and re-appointment to a Board should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board appointment should not be used as a political "reward."

- **Be respectful of diverse opinions.** A primary role of Boards is to represent many points of view in the community, and to provide the Commission with advice based on a full spectrum of concerns and perspectives. Commissioners may have a closer working relationship with some individuals serving on Boards, but must be fair and respectful of all citizens serving on Boards.

- **Inappropriate behavior can lead to removal.** Inappropriate behavior by a Board member should be referred to the City Manager, and the City Manager should counsel the offending member. If inappropriate behavior continues, the City Manager should bring the situation to the attention of the Commission, and the individual is subject to removal from the Board.

## IX. Commission Conduct with the Media

**Commissioners are frequently contacted by the media for background and quotes.**

- **The best advice for dealing with the media is to never go "off the record."** Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

- **Follow the Communications Plan and in most cases, you won't be "wrong."** Depending on the issue, the Mayor will be the designated representative of the City Commission to present and speak on the official City position. If an individual Commissioner is contacted by the media, the Commissioner should be clear about whether their comments represent the official City position or a personal viewpoint.

- At the same time, other issues may require the City Manager, the Police or Fire-Rescue Chief, or other person to be the official spokesperson… follow the Communications Plan.

- **Choose words carefully and cautiously.** To avoid inadvertent errors by the media when quoting what a Commissioner says, it is advisable to give short answers. Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

## X. Public Decorum

- No person attending Commission meetings shall be allowed to make obscene, vulgar, or abusive remarks, nor shall any person be allowed to make repetitive remarks so as to become disruptive to the purpose of the meeting.

- No person shall be allowed to become violent, aggressive, belligerent, or boisterous. Any such person shall be instructed by the Chair to cease making such remarks or engaging in such improper conduct.

- If the person fails to comply with the Chair's instruction, (s)he may be removed from the Commission Chambers upon the Chair's directive, unless a majority of Commission grants such person permission to remain in Commission Chambers.

- It is the duty of the Chief of Police or a member of the Police Department acting as sergeant-at-arms to forcibly evict, if necessary, any person from the Commission Chambers upon the order of the Chair or Commission at any such meeting. The sergeant-at-arms shall carry out all orders and instructions given by the Chair for the purpose of maintaining order and decorum at the Commission meeting.

- **It all comes down to respect.** Respect for one another as individuals and respect for the validity of different opinions, respect for the democratic process, and finally respect for the community we serve.

I affirm that I have read and understand this Stuart City Commission Code of Conduct.

_____ _____

Date Commissioner