MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD February 10, 2020
AT 5:30 PM Commission Chambers
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION
Mayor Michael J. Meier
Vice Mayor Eula R. Clarke
Commissioner Becky Bruner
Commissioner Kelli Glass Leighton
Commissioner Merritt Matheson

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

5:31 PM ROLL CALL

Present: Mayor Meier, Vice Mayor Clarke, Commissioner Bruner, Commissioner Glass Leighton, Commissioner Matheson

PLEDGE OF ALLEGIANCE

1. ARTS MOMENT - CHAZ AND LORETTA RUSSELL PERFORMING "SIR DUKE" BY STEVIE WONDER IN HONOR OF BLACK HISTORY MONTH.

Chaz and Loretta Russell enthused the audience and proudly accepted a Certificate of Appreciation presented by the Mayor.

PROCLAMATIONS

5:38 PM COMMENTS BY COMMISSIONERS

Commissioner Glass Leighton

- **Commented that she has received many comments from the public about the pending lawsuit and the opportunity for the City to get into a frivolous lawsuit; would like the City to keep this in mind as they move forward.**

Commissioner Matheson

- **Commented on the increased communication between the City and County since the announcement of this lawsuit. All concerned about the financial aspect of the lawsuit, so not want to increase taxes, file a frivolous lawsuit, or hire a full-time legal river advocate.**
- **Commented on two legal paths, one being injunctive relief on an operational suit during dry season, and two being toxic water health and human safety. If we do decide to enter litigation, we need a leader. Honored that he was nominated to be the PDT representative and is interested in serving but still would like to use the river defense fund to seek outside consultant to reach our goal, including litigation and LOSOM.**
- **Interested in the discussion of LOSOM at the Joint City/County/School Board Meeting at the Blake Library on February 13th at 9 a.m.**

Mayor Meier recognized South Florida Water Management District governing board member, Jacquie Thurlow-Lippish and former Stuart Commissioner Carol Waxler in the audience.

Commissioner Bruner

- **Thanked Commissioner Matheson for his efforts over the past month and is pleased with all we have learned.**

Vice Mayor Clarke

- **Echoes all comments regarding the lawsuit and agrees that we do not want a frivolous lawsuit, but Stuart is on the map in the center of this issue and encourages Ben Hogarth to continue to update them with the information.**
- **Commented on Arts Fest and the glass show at the Cultural Arts Center.**
- **Announced following February community events: Feb. 11th at Flagler Center/Heritage Meusem Martin County History at 7 p.m., Feb. 13th, Joint City/County/School Board Meeting at Blake Library at 9 a.m., Feb. 21st at 1 p.m. a Genealogy Lecture at Morgade Library.**
- **Requested a Black History Month Proclamation be presented on Feb. 22nd at the East 10th Street Community Center during a celebration event.**

Mayor Meier

- **Commented that he has spent time with environmental leaders and Gary Goforth provided a draft vision statement which is provided for all the Commissioners. Asked Commissioners to please read the document.**
- **Announced that Senator Gayle Harrell joined a bi-partisan working group to address Lake Okeechobee and plans to meet with her in Tallahassee over the next few days and will return with an update.**
- **Tracking bad bills regarding short-term rentals and property rights, encourages all to contact their legislators.**

COMMENTS BY CITY MANAGER

City Manager Dyess commented that he forwarded the vision statement to Ben Hogarth as well but would like comments or feedback from the Commission as a whole for those who attend the PDT Meetings.

APPROVAL OF AGENDA

5:57 PM MOTION: Move approval of the agenda.
Moved by: Commissioner Glass Leighton
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

COMMENTS FROM THE PUBLIC (5 min. max)

CONSENT CALENDAR

2. APPROVAL OF 01/13/2020 SCM AND 01/13/2020 CCM MINUTES.

3. APPOINTMENT OF BOARD OF ADJUSTMENT (BOA) BOARD MEMBER.

4. AUTHORIZE SFWMD GRANT AGREEMENT FOR THE FLORIDAN AQUIFER WELL: RESOLUTION No. 19-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A $100,000.00 GRANT AGREEMENT WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR CONSTRUCTION OF THE FLORIDAN AQUIFER W ELL; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.

5. EXPENDITURE OF ADDITIONAL FUNDS FOR DESIGN OF THE NW DIXIE HIGHWAY SIDEWALK EXTENSION.:

RESOLUTION No. 22-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT No. 3 TO THE 2019-2020 GENERAL FUND; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF ADDITIONAL FUNDS FOR DESIGN OF THE NW DIXIE HIGHWAY SIDEWALK EXTENSION PROJECT. PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

6. AMENDMENT TO RESOLUTION No. 105-2019, SECTION 2, RELATED TO THE SRF LOAN PROGRAM:

RESOLUTION No. 27-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING RESOLUTION No. 105-2019 RELATED TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE FINANCIAL SERVICES DIRECTOR TO SUBMIT THE LOAN APPLICATION AGREEMENT

FOR THE $2,340,000.00 FLORIDAN AQUIFER TEST PRODUCTION WELL FA-1 PROJECT; AUTHORIZING THE MAYOR TO EXECUTE THE LOAN AGREEMENT; DESIGNATING AUTHORIZED REPRESENTATIVES; ESTABLISHING PLEDGED REVENUES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS; SEVERABILITY, AND EFFECTIVE DATE.

END OF CONSENT CALENDAR

5:57 PM MOTION: Move approval of the Consent.
Moved by: Commissioner Glass Leighton
Seconded by: Commissioner Matheson
Motion passed unanimously.

COMMISSION ACTION

7. SUPPORTING SENATE BILL 182 AND HOUSE BILL 6043 REPEALING A STATE PREEMPTION ON LOCAL REGULATION OF PLASTICS.:

RESOLUTION No. 24-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, SUPPORTING SENATE BILL 182 AND HOUSE BILL 6043 RELATING TO THE REPEAL OF A STATE PREEMPTION ON LOCAL LAW S AND ORDINANCES REGULATING PLASTICS; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Matheson explained these bills in support of Home Rule and feels Stuart should support these bills.

Brief discussion regarding local verses state level support. Mayor Meier reported that the City of Hallandale Beach shares many of our common goals and will contact them for a letter pertaining to this subject.

6:03 PM MOTION: They bring back supportive language if you have it on this issue.
Moved by: Commissioner Matheson
Seconded by: ---
Died for lack of second.

Mayor Meier commented that he does not feel a motion is necessary and he plans to work with the Manager to include the topic on the next agenda.

Resolution No. 24-2020 failed with no vote.

ORDINANCE FIRST READING

6:05 PM 8. REZONING FOR DOLPHIN DRIVE - MEDALIST BUILDING GROUP: ORDINANCE NO. 2428-2020:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, REZONING FROM COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) TO SINGLE FAMILY GENERAL (R-1) ON THE CITY'S OFFICIAL ZONING MAP FOR PROPERTY TOTALING 0.42 ACRES, OWNED BY MEDALIST BUILDING GROUP, LLC LOCATED ON THE NORTHEAST CORNER OF SE DOLPHIN DRIVE AND SE 5TH STREET; BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; DECLARING THE PROJECT TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, PROVIDING FOR ACCEPTANCE BY THE APPLICANT AND FOR OTHER PURPOSES.

Stephen Mayer, Development Department Senior Planner presented the location, future land use, zoning map and general information on the subject property.

Applicant was not in attendance. Commissioner discussion included the conditions and timeframe.

6:15 PM MOTION: Move approval of the proposed Ordinance as published by staff with the added language with regard to [meeting conditions 45/60 days after approval of Ordinance on second reading, otherwise, it becomes void.]
Moved by: Vice Mayor Clarke
Seconded by: Commissioner Glass Leighton
Motion passed unanimously.

Public Comment:

1) **Helen McBride – Flamingo Avenue; Requested clarification on whether the alleyways are back up for sale.**

City Attorney stated that is a different item.

9. THE INDUSTRIAL PARK AT AVONLEA MINOR IPUD AMENDMENT (QUASI-JUDICIAL):

ORDINANCE NO. 2429-2020; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVING A MINOR AMENDMENT TO "THE INDUSTRIAL PARK AT AVONLEA" INDUSTRIAL PLANNED UNIT DEVELOPMENT (IPUD) ON PROPERTY LOCATED ON THE SOUTH CORNER OF SR 707 AND SAVANNAH ROAD; THEREBY AMENDING THE ARCHITECTURAL GUIDELINES OF THE BUILDINGS FACING SAVANNAH ROAD; AMENDING THE CONDITIONS OF DEVELOPMENT ACCORDINGLY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

3 People sworn; Kevin Freeman and Stephen Mayer of City of Stuart Development Department, Carol Waxler, Attorney for the Owner.

Applicant Carol Waxler provided the Clerk/Commission with photographs of the building/area at the beginning of the meeting.

Stephen Mayer presented on the subject property minor amendments to the PUD. Applicant Carol Waxler come forward explaining her position as attorney for the owner and managing member and the minor amendment for the elevations to be changed.

6:29 PM MOTION: Move for approval of Ordinance No. 2429-2020.
Moved by: Commissioner Bruner
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

ORDINANCE SECOND READING

10. AMENDMENT TO EXISTING PUD TO URBAN DESIGNATION AND TO RE-ESTABLISH DEVELOPMENT TIMELINES:

ORDINANCE No. 2421-2020; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, REFRESHING THE NOW DEFUNCT ORDINANCE 2275-2014, AMENDEDING ORDINANCE NUMBER 2095-07, FORMERLY THE "HARBOUR WALK PRESERVE COMMERCIAL PLANNED UNIT DEVELOPMENT" (CPUD) PROJECT; PROVIDING FOR DEVELOPMENT APPROVAL ON A 1.97 ACRE COMMERCIAL PORTION OF THE SITE, TO BE KNOWN AS THE "HANEY CREEK TRUST COMMERCIAL PROPERTY" URBAN PLANNED UNIT DEVELOPMENT (UPUD); PROVIDING FOR CERTAIN DESIGN CONDITIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

6:31 PM MOTION: Approval on Second Reading since there have been no changes.
Moved by: Commissioner Glass Leighton
Seconded by: Commissioner Matheson
Motion passed unanimously.

11. ABANDONMENT OF A PORTION OF COCONUT AVENUE RIGHT-OF-WAY SECOND READING:

ORDINANCE No. 2425-2020; A ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO PROVIDE FOR THE ABANDONMENT OF CERTAIN PUBLIC RIGHTOF- WAY WITHIN THE CITY BEING THAT CERTAIN 30-FOOT RIGHT-OF-WAY, AS SET FORTH ON THE PLAT OF ST. LUCIE ESTATES, SECTION 2, AS RECORDED IN PLAT BOOK 11, PAGE 22, PALM BEACH (NOW MARTIN) COUNTY, FLORIDA PUBLIC RECORDS RUNNING SOUTH OF THE SOUTHERLY RIGHT-OF-WAY LINE OF SE 5TH STREET, AND ABUTTING THE WESTERN BOUNDARY OF LOTS 10, 11 AND 14, BLOCK 4 DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO; PROVIDING FOR PAYMENT OF A PRIVILEGE FEE: PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

6:33 PM MOTION: Approve Ordinance No. 2425-2020.
Moved by: Vice Mayor Clarke
Seconded by: Commissioner Glass Leighton
Motion passed unanimously.

City attorney noted for public clarification that in this case, it is in an abandoned right-of-way that wasn't being maintained by the City and years ago, the adjacent property owner applied to request the Commission pass a Resolution and then have an Ordinance public reading so public concerns could be addressed.

DISCUSSION AND DELIBERATION

6:35 PM ADJOURNMENT

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

Minutes to be approved at the Regular Commission Meeting this 24th day of February, 2020.