MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD February 24, 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 (ABSENT)
Commissioner Merritt Matheson

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

5:38 PM ROLL CALL

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

Absent: Commissioner Glass Leighton

PLEDGE OF ALLEGIANCE

Mayor Meier recognized elected officials in the audience: former County Commissioner Elmira Gainey, current County Commissioner Stacey Hetherington, Village of Indiantown Councilwoman Jackie Clarke, and past City Commissioner and Mayor's Carol Waxler and Troy McDonald.

PROCLAMATIONS

1. BLACK HIV/AIDS AWARENESS DAY, FEBRUARY 7, 2020

Village of Indiantown Councilwoman, Jackie Clarke accepted the Proclamation and thanked the City for bringing awareness to this issue, announcing that we are all in this together.

PRESENTATIONS

2. FEBRUARY SERVICE AWARDS

Louis "Joly" Boglioli – 25 Years
David Dyess – 30 Years

3. EMPLOYEE OF THE MONTH - FEBRUARY 2020

Mike Woodside, Water Treatment Plant Team Leader II received this award in recognition for leading the team that recently won the Best Tasting Drinking Water in the State of Florida.

4. LAKE OKEECHOBEE (LOSOM) FEBRUARY UPDATE

Ben Hogarth, Community Services Communications Liaison, presented on the LOSOM Lake Okeechobee levels, current flow rates, and announced the next LOSOM web meeting on February 27th and a PDT meeting on March 31st in Okeechobee.

5:58 PM COMMENTS BY CITY COMMISSIONERS

Commissioner Matheson

- **Commented that he has been working with Ben Hogarth on historical facts on the River and has spoken with rangers in the Everglades. He provided an update on the flows.**
- **Announced upcoming events on March 7th, the Kiwanis Club will host Pancakes in the Park at 7 a.m. in Kiwanis Park and on that same day in Sewall's Point Park at 12 noon, the River Kidz will hold a family friendly no plastics event.**

Commissioner Bruner

- **No comments.**

Vice Mayor Clarke

- **Commented on her concern of the intersection at US1 and St. Lucie Crescent, feels perhaps something can be done for better pedestrian or bike safety and at US1 and the cut-off road shrubbery needs to be kept low.**
- **Feb. 28th, there will be an event at Murray Middle School at 6 p.m. in honor of Black History Month.**
- **Attended the School Board Meeting last week and announced that the Boys and Girls Club is now in the City along the MLK Blvd. area.**
- **Attended the East 10th Street Heritage Festival last weekend, commented on the concrete area and wants the City to be sure that when being used, it is safe.**
- **Commented on a public involvement program for the consultant process for the community.**
- **Announced Historic Preservation Month in May, working with Minister at Mount Calvary Missionary Baptist Church for a ribbon cutting ceremony.**

- **Moore's Cemetery**

Mayor Meier
- **Pulled Item #10 from Consent calendar.**
- **Commented on his recent trip to Tallahassee and reviewed his meetings with various representatives, provided a brief update on the Short-Term Rental Bill.**

Vice Mayor Clarke requested to pull Item #11 for additional public explanation.

COMMENTS BY CITY MANAGER

City Manager David Dyess
- **Announced that on Wednesday, February 26th Community Services staff and the Florida Festivals and Events Assoc. is holding an open session in the Commission Chambers from 9 to 10 a.m. about Sustainability Events.**
- **Congratulated the Public Worked Department on the final phase of the septic to sewer program, the 10-year program is complete in 8 years.**

APPROVAL OF AGENDA

6:10 PM MOTION: To approve the agenda.
Moved by: Commissioner Matheson
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

COMMENTS FROM THE PUBLIC (5 min. max)

1) **William Rudge – Palm City Road; Read what he stated was an excerpt from an email sent to Caryn Yost-Rudge in 2009.**
2) **Jack Iarrogino – MLK Blvd.; Commented on a concern of concrete missing from the sidewalk on the corner of Delaware St. and MLK Blvd., needs cone or tape for safety. Palm Beach Road bike lanes should have reflective markings.**
3) **David Keyes – Winter Haven Ct.; Resident of Springtree and realtor, concerned about the property values of the Springtree homes.**
4) **Caryn Hall Yost-Rudge; Palm City Road; Concerned about leadership as the property on Palm City Rd. is violating code and she wants to clean it up.**

CONSENT CALENDAR

5. APPROVAL OF 01/27/2020 CCM AND 02/10/2020 CCM MINUTES

6. AMENDMENT TO APPENDIX A OF THE CITY'S CODE OF ORDINANCES:

RESOLUTION No. 20-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING APPENDIX "A" BY AMENDING CHAPTER 10, CHAPTER 12, CHAPTER 34. CHAPTER 36, AND CHAPTER 42 OF THE CITY'S CODE OF ORDINANCES, AND PROVIDING AN EFFECTIVE DATE.

7. FLORIDAN AQUIFER TEST PRODUCTION WELL FA-1:

RESOLUTION No. 23-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, RELATING TO THE DRINKING WATER STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; APPROVING THE FORM AND AUTHORIZING EXECUTION OF THE LOAN AGREEMENT FOR CONSTRUCTION OF THE FLORIDAN AQUIFER TEST PRODUCTION W ELL FA-1 PROJECT; PROVIDING FOR CONFLICTS; SEVERABILITY, AND EFFECTIVE DATE.

8. LEASE AGREEMENT WITH WINDWARD MARINA STUART, LLC:

RESOLUTION No. 25-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO AUTHORIZE EXECUTION OF LEASE AGREEMENT BETWEEN THE CITY OF STUART AND W INDWARD MARINA STUART, LLC FOR A BOAT SLIP LOCATED AT 400 SW FEDERAL HIGHWAY, STUART; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

9. AWARD OF WORK FOR EAST STUART, PALM BEACH, POPPLETON SEW ER BASINS:

RESOLUTION No. 30-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE THE AWARD OF WORK ORDER NO. 2019-300-W04, EAST STUART, PALM BEACH, POPPLETON SEWER BASINS TO THE LOWEST, MOST RESPONSIVE RESPONSIBLE BIDDER, FELIX AND ASSOCIATES, INC. PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(PULLED) 10. SHEPARD PARK BOAT TRAILER PARKING FIND GRANT APPLICATION:

RESOLUTION No. 31-2020. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE PUBLIC WORKS DEPARTMENT TO SUBMIT A GRANT APPLICATION FOR A WATERWAYS ASSISTANCE PROGRAM GRANT THROUGH THE FLORIDA INLAND NAVIGATION DISTRICT TO PROVIDE FUNDING FOR THE BOAT TRAILER PARKING AND STORMWATER IMPROVEMENTS AT SHEPARD PARK; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

(PULLED) 11. RFP #2020-100, DESIGN OF GUY DAVIS COMMUNITY PARK IMPROVEMENTS:
RESOLUTION No. 32-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA REQUESTING AUTHORIZATION TO ENTER NEGOTIATIONS FOR THE DESIGN OF GUY DAVIS COMMUNITY PARK IMPROVEMENTS TO THE TOP RANKED FIRM, CALVIN, GIORDANO & ASSOCIATES, INC. OF PORT SAINT LUCIE, FLORIDA PURSUANT TO RFP #2020-100; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

6:25 PM MOTION: Move approval of the Consent Agenda as published and pulling Items #10 and 11.
Moved by: Vice Mayor Clarke
Seconded by: Commissioner Matheson
Motion passed unanimously.

10. SHEPARD PARK BOAT TRAILER PARKING FIND GRANT APPLICATION:

RESOLUTION No. 31-2020. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE PUBLIC WORKS DEPARTMENT TO SUBMIT A GRANT APPLICATION FOR A WATERWAYS ASSISTANCE PROGRAM GRANT THROUGH THE FLORIDA INLAND NAVIGATION DISTRICT TO PROVIDE FUNDING FOR THE BOAT TRAILER PARKING AND STORMWATER IMPROVEMENTS AT SHEPARD PARK; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Tim Voelker, Assistant Public Works Director and City Engineer came forward to review the grant requirements.

6:28 PM MOTION: Approve Item #10 on the Agenda.
Moved by: Commissioner Matheson
Seconded by: Commissioner Bruner
Motion passed unanimously.

11. RFP #2020-100, DESIGN OF GUY DAVIS COMMUNITY PARK IMPROVEMENTS:

RESOLUTION No. 32-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA REQUESTING AUTHORIZATION TO ENTER NEGOTIATIONS FOR THE DESIGN OF GUY DAVIS COMMUNITY PARK IMPROVEMENTS TO THE TOP RANKED FIRM, CALVIN, GIORDANO & ASSOCIATES, INC. OF PORT SAINT LUCIE, FLORIDA PURSUANT TO RFP #2020-100; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Vice Mayor Clarke noted that she would like staff to communicate between the community and company. City Manager Dyess agreed that communications will be important but this was only for negotiations at this time.

6:32 PM MOTION: Move approval.
Moved by: Vice Mayor Clarke
Seconded by: Commissioner Bruner
Motion passed unanimously.

COMMISSION ACTION

6:33 PM 12. URGING STATE ACTION TO ADDRESS THE PROLIFERATION OF SINGLE-USE PLASTICS:

RESOLUTION No. 33-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, URGING THE FLORIDA LEGISLATURE TO TAKE NECESSARY AND EXPEDIENT ACTION ADDRESSING THE PROLIFERATION OF SINGLE-USE PLASTICS INCLUDING RETAIL PLASTIC BAGS, AND THEIR SUBSEQUENT IMPACT TO BOTH THE ENVIRONMENT AND TO MARINE AND AQUATIC LIFE; FURTHER URGING THE FLORIDA LEGISLATURE TO ADOPT THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S FEBRUARY 1, 2010 RETAIL BAGS REPORT AND ASSOCIATED RECOMMENDATIONS REGARDING SINGLE-USE RETAIL PLASTIC BAGS; OPPOSING A CONTINUED STATE PREEMPTION OF LOCAL EFFORTS TO ADDRESS THE GROWING THREAT OF PLASTIC POLLUTION WITHIN LOCAL COMMUNITIES DUE IN PART TO STATE INACTION; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

6:35 PM MOTION: Move for approval.
Moved by: Vice Mayor Clarke
Seconded by: Commissioner Bruner
Motion passed unanimously.

ORDINANCE FIRST READING

13. STUART SPRINGTREE RPUD - FLUM AND RE-ZONING (QUASI-JUDICIAL):

ORDINANCE No. 2427-2020; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN THEREBY ASSIGNING A FUTURE LAND USE DESIGNATION OF "MULTI-FAMILY RESIDENTIAL" FOR THREE PARCELS EQUALING 13.59 ACRES ANNEXED BY ORDINANCE NO. 2352-2017, OWNED BY STUART 13 ACRES, LLC, TIERRA DEL LAGO, INC. AND STUART HARBOR MARINA AND YACHT CLUB, LOCATED WEST OF S.E. FEDERAL HIGHWAY, SOUTH OF S.E. HARRISON STREET, AND NORTH OF THE NATALIE ESTATES MOBILE HOME PARK WITH SAID LANDS BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; AND FURTHER PROVIDING THAT SAID LANDS SHALL CONCURRENTLY ESTABLISH THE STUART–SPRINGTREE RESIDENTIAL PLANNED UNIT DEVELOPMENT RPUD CONSISTING OF TWO HUNDRED EIGHTY (280) MULTI-FAMILY UNITS WITHIN SEVEN (7) INDIVIDUAL FOUR-STORY APARTMENT BUILDINGS; APPROVING A DEVELOPMENT SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS AND A TIMETABLE FOR DEVELOPMENT; DECLARING THE PLAN 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, AND FOR OTHER PURPOSES.

City Attorney Mortell reported that there is an Intervenor in this matter; therefore, three parties will participate in this hearing; the City of Stuart, the applicant, and Attorney David Earl on behalf of the Intervenor.

10 People sworn; Kevin Freeman and Tom Reetz of the Development Department, Shaun MacKenzie of MacKenzie Engineering, Jim Lott and Eric Hade of Waypoint REI, Michael Houston of HJA Design Studio, Howard Ehrsam of Bowman Consulting, David Earl of Ross Earl Bonan & Ensor, P.A., and Phil Jim Rusty, Environmental Planner. (1 Unknown)

Tom Reetz and Kev Freeman presented on the Springtree development, reviewing the terms of the Comprehensive Plan and Land Development Code; included were compatibility, access, traffic comments from the County, and desirable land use.

Terry McCarthy, Council to the Applicant, addressed the Commission to report on the team of developers that were in attendance and available to discuss the project. They have meet with the owners at a Town Hall Meeting as well as gone before the Local Planning Agency.

Michael Houston, HJA Design Studio, planner and landscape architect, presented the Springtree site plan including landscaping and development, site access, and sidewalks.

Jim Lott, Waypoint Investments, came forward and spoke about Waypoint and the design of the project.

Intervenor Attorney, David Earl, presented with a Power Point on the Springtree Property Owners Association and asked the City to consider the information included in the presentation such as height, buffering, density, safety, and parking.

Sean McKenzie, McKenzie Engineering, discussed the possibility of a traffic signal and the option of one or two accesses.

 **8:43 PM Public Comment:**

1) **Stacey Hetherington – Akron Ave.; Martin County Commissioner District representative. Commented on the residents concerns and feels traffic calming is an issue with this project, which she as their District 2 County Commissioner, has zero funding to address traffic calming issues in that neighborhood.**
2) **Renee Hardie – Winter Haven Ct.; Lives in Springtree and opposed to the Project, particularly the height.**
3) **Alek Loudakis – Winter Haven Ct.; Lives in Springtree and opposed to the Project, topic has raised stress levels in community.**
4) **Mark O'Quinn – Winter Haven Ct.; Not opposed to development but feels this 4-story development stands out like a "sore thumb", asks commissioners to go out and look at the property before making decision.**
5) **Melissa Iemmolo - Harrison St.; Coral Gardens resident, opposed to the project, commented not opposed to growth but it's too big, feels it's not compatible with the area. the project.**
6) **Ray Hardisky – Harrison St.; Opposed to the project because of 4-stories and feels Alden St. will not handle the added traffic.**

7) **William Bowman – Winter Haven Ct.; Opposed to the project, commented that it is not compatible in the area.**
8) **Suzanne Bowman – Winter Haven Ct.; Resident of Springtree and is opposed to the project, has met with realtors who have stated that this project would harm her property value.**
9) **Ginny Sherlock – Madison Ave; Commented on the intentions of the commission and suggested changes such as limitations to the height, increase the buffer, ensure adequate access, and change the development name, feels the project is not ready for a vote at this time.**
10) **Helen McBride – Flamingo Ave.; In support of the Springtree project as more housing is needed.**

Mayor Meier remarked on the use of our land and the difficulty of this decision, but feels it is owed to the current and future community and environment, to make the most efficient use of it as possible. To lower the building height would increase the cost per unit. Commented on the need for housing.

Vice Mayor Clarke asked the City Attorney if there were any comparisons in the code that lead to closer compatibility that what was in the staff report.

City Attorney Mortell stated that by the time a project makes it on the agenda for commission review, it has already been reviewed by the Planner and Development Director and has been verified to meet code.

Commissioner Matheson commented that he feels this project is being rushed.

9:32 PM MOTION: Table this until the next meeting.
Moved by: Commissioner Matheson
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

Matheson's noted preferences: reducing size to 270 units, irregular lake, lighting description, buildings reduced to 3 stories, sidewalks, entrance landscaping, and traffic calming.

14. SAFE AND SECURE SELF STORAGE AT STUART CPUD MINOR AMENDMENT (QUASI-JUDICIAL):

ORDINANCE No. 2430-2020; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVING A MINOR AMENDMENT TO "SAFE AND SECURE SELFSTORAGE AT STUART" COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) AT 700 SW FEDERAL HIGHWAY; THEREBY AMENDING THE CONDITIONAL OF APPROVAL FOR THE ART COMPONENT, ACCEPTANCE OF MINOR AMENDMENTS TO THE SITE PLAN, LANDSCAPE PLAN, ARCHITECTURE AND FLOOR PLAN; AMENDING THE CONDITIONS OF DEVELOPMENT ACCORDINGLY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

5 People sworn; Kevin Freeman and Stephen Mayer of Development Department, Todd Troxell of HJA Design Studio, Robert Doster of Stuart Self Storage, LLC and Brandon Ulmer of Thomas Engineering Group.

Stephen Mayer briefly presented on the Safe and Secure Storage Project showing the most recent minor changes to the units and landscaping.

Todd Troxell, HJA Design Studio, came forward to propose the public art that would be visible from Palm City Road, surrounded by landscaping and lighting.

9:53 PM MOTION: Move to approve Ordinance 2430-2020.
Moved by: Commissioner Bruner
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

ORDINANCE SECOND READING

15. 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, OW NED 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 W ITH 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, Senior Planner announced the conditions directed by the Commission at First Reading to ensure the water and FPL installation was settled at the applicable properties, added recommended language onto Section 7.

City Attorney suggested language to clarify proper utilities and FPL installation, "Prior to the execution and recording of this ordinance by the City, the owner shall provide verification from FPL and the City Utilities to the City that the proper City water Utilities and FPL connections have been installed."

10:00 PM MOTION: Move Ordinance No. 2428-2020 for approval with the added FPL language from our council.
Moved by: Commissioner Bruner
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

16. 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.

10:03 PM MOTION: Approval for Ordinance No. 2429-2020.
Moved by: Commissioner Bruner
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

DISCUSSION AND DELIBERATION

10:03 PM ADJOURNMENT

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

Minutes to be approved at the Regular Commission Meeting this 9th day of March, 2020.