MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
TO BE HELD May 11, 2020
AT 5:30 PM Commission Chambers & ZOOM Telecommunications
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

5:30 PM ROLL CALL – Meeting Called to Order

THIS MEETING WAS A HYBRID IN PERSON/REMOTE MEETING.

Statement by City Manager Dyess:
Pursuant to Executive Order 20-69 issued by the Office of Governor Ron DeSantis on March 20, 2020, due to COVID-19, municipalities may conduct meeting of their governing boards without having a quorum of its members physically or at any specific location and utilize communications media such as telephonic or video conferencing as provided by Florida Statute 120.54. Procedures for public comment may be made utilizing a laptop, tablet, computer, or smartphone. All public comments will be taken at the beginning of the meeting for all agenda items. Click participants, then click raise hand at the bottom of the participant window. Your microphone will be unmuted when you are called on to speak. The public may choose to activate their camera if they wish. Both will be deactivated once their public comment time is completed. If attending by phone, press *9 to raise your hand, you will be called by the last three digits of your phone number. All are asked to state their name and address clearly for the record.

During Roll Call, for the record, Dyess requested the board state whether they are present in person or attending the meeting virtually.

5:32 PM Roll Call
Present: Mayor Meier, Vice Mayor Clarke, Commissioner Bruner, Commissioner Glass Leighton, Commissioner Matheson (all board members in person)

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

1. MENTAL HEALTH AWARENESS MONTH - MAY 2020

Via Zoom, George Shopland, CEO of New Horizons thanked the City for their support and the recognition of the importance of mental health, especially in these uncertain times of the virus.

2. SAFE BOATING WEEK 2020

Due to technical difficulties, the recipient was not available.

5:49 PM Via Zoom, Ms. Dawn Muller Flotilla Commander of United States Coast Guard Auxiliary Flotilla 59 Stuart was able to comment on the Proclamation and thanked the City and provided Florida boating statistics for safety awareness.

5:38 PM COMMENTS BY CITY COMMISSIONERS

Commissioner Glass Leighton

- **Announced the Florida Health Department is offering free COVID-19 testing, two sites in the City with no appointment needed; St. Joseph's Catholic Church on Wednesday, May 15th from 12 to 6 p.m. and at the 10th Street Community Center on Saturday May 16th from 10 a.m. to 6 p.m., walk-up or drive through.**

Vice Mayor Clarke

- **Encouraged using the "arts" among families during quarantine.**
- **Request to pull Item #3 to educate the public on this item.**
- **Glad to hear about the COVID-19 testing for the best interest of the community.**

Commissioner Bruner

- **No comments.**

Commissioner Matheson

- **Reiterated on the arts comment and free testing. From the 12th to 23rd, there will be 12 different sites in the County, encourage people to get free testing.**

- **Thanked fellow Commissioners for their support in making him the LOSOM representative, informed them that he wrote Colonel Polk with the vision statement and about how pleased he was with the status of the River. Regarding the bill in Congress now, and the positions the County has taken, states he is interested in sending another letter in stating the City agrees with the County on the issue, that the savings clause should not be tied to LOSOM.**

5:49 PM Interruption of Commissioner Comments - Item #2, Proclamation acceptance.

5:51PM City Attorney Mortell read the County's letter into the record.

5:46 PM MOTION: Motion to have the Mayor review the letter and sign it on behalf of the City of Stuart and submit it to the Transportation and Infrastructure Committee. AMENDED MOTION: That all Commissioners review the letter and sign it is we so choose.
Moved by: Commissioner Matheson
Seconded by: Commissioner Clarke
Motion passed unanimously.

Mayor Meier

- **Commented on his past worry being proven right about the City breaking guidelines, commented on the downtown restaurants in which people were closer than 6 feet apart. Feels enforcement needs to be discussed and requested compliance enforcement from the City Manager. Stressed the critical guidelines set by the CDC for the health and safety of our public.**

COMMENTS BY CITY MANAGER

City Manager Dyess

- **Announced that Item #8 is to be continued to a date certain of May 26th.**
- **For the face coverings discussion, would like to include playgrounds as Martin County opened their playgrounds to the public on Friday.**
- **Per enforcement, commented on the barber shop complaints, gyms, and restaurants. Police Chief Joe Tumminelli reported virtually via Zoom on enforcement, offenders, and compliance.**

APPROVAL OF AGENDA

6:09 PM MOTION: Move approval of the agenda pulling Item #3 and continuing Item #8.
Moved by: Commissioner Glass Leighton
Seconded by: Commissioner Clarke
Motion passed unanimously.

COMMENTS FROM THE PUBLIC (5 Minutes Max.)

~~**(ALL COMMENTS FOR EVERY AGENDA ITEM TAKEN AT THIS TIME)**~~

1) **Helen McBride – Flamingo Avenue; Commented that yardwork is the best way to get outside and complimented Milton Leggett and the City Public Works Department.**

Vice Mayor Clarke also complemented Milton Leggett and his team for their quick response when called upon. She asked for clarification on brown vegetation carts. Mr. David Peters, Public Works Director reported via Zoom that brown carts are available upon request by calling the Customer Service Department.

CONSENT CALENDAR

3. STUART HOUSING AUTHORITY BOARD OF COMMISSIONERS REAPPOINTMENT OF MARTHA MOSLEY AND LILLY WILLIAMS FOR 4-YEAR TERMS FROM 2020 THROUGH 2024.

4. AWARD OF RFQL #2020-400: CITY WIDE ANNUAL ROOFING REPAIR & REPLACEMENT SERVICES:

RESOLUTION No. 54-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVES THE AWARD OF RFQL #2020-400, CITY WIDE ANNUAL ROOFING REPAIR AND REPLACEMENT TO TOP FOUR RANKED FIRMS, HI-TECH ROOFING & SHEET METAL, INC. OF LAKE WORTH, FLORIDA, THE ROOF AUTHORITY, INC. OF FORT PIERCE, FLORIDA, CROW THER ROOFING & SHEET METAL OF FLORIDA, INC. OF FORT MYERS, FLORIDA AND ADVANCED ROOFING, INC OF FORT LAUDERDALE, FLORIDA, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

6:14 PM MOTION: Move approval of the Consent pulling Item #3.
Moved by: Commissioner Glass Leighton
Seconded by: Commissioner Matheson
Motion passed unanimously.

3. STUART HOUSING AUTHORITY BOARD OF COMMISSIONERS REAPPOINTMENT OF MARTHA MOSLEY AND LILLY WILLIAMS FOR 4-YEAR TERMS FROM 2020 THROUGH 2024.

Vice Mayor Clarke noted the relationship between the City and Stuart Housing Authority.

Attorney Mortell explained Housing Authorities and the requirements of appointees ratified by the Commission. These positions receive no compensation.

6:16 PM MOTION: Move approval of the two members for the terms from 2020 to 2024 on the Stuart Housing Authority Board of Commissioners.
Moved by: Vice Mayor Clarke
Seconded by: Commissioner Bruner
Motion passed unanimously.

COMMISSION ACTION

6:17 PM 5. FACE COVERING RECOMMENDATION:

RESOLUTION No. 58-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ENCOURAGING THE USE OF FACE COVERING EQUIPMENT WHILE IN PUBLIC WITHIN THE GEOGRAPHIC BOUNDARIES OF STUART, FLORIDA; AND FOR OTHER PURPOSES.

Commissioner Glass Leighton does not support the Resolution, feels it is impractical for exercise and eating, difficult to enforce.

Vice Mayor Clarke commented that mask use is intended where social measures are difficult to maintain but agrees with Glass Leighton on the enforcement part.

Commissioner Matheson commented that he agrees in a consistent message and the key is when social distancing is not available. Suggested amending Section 1 and adding "where proper social distancing according to CDC is not achievable."

Vice Mayor Clarke reported on a resident's comment in which they expect to feel protected when attending a City meeting/hosted event. Though it is voluntary, they wanted to be sure it would be a requirement when coming to a public meeting.

Commissioner Bruner feels this is wasted time and commented that our Resolution should state we follow CDC guidelines.

Mayor Meier commented on science statistics about mask protections.

Commissioner Glass Leighton commented that people need to be accountable for their own actions.

6:37 PM MOTION: Approve this Resolution, Section 1 [read by Attorney Mortell: The City Commission urges all residents of the City of Stuart to voluntarily wear non-medical face coverings in all public spaces outside their homes, including sidewalks, public rights of way, boardwalks and open parks, during the term of the COVID-19 public health emergency declared by the Governor of Florida, except where doing so would inhibit that individual's health or where the individual is under two years of age.]
Moved by: Vice Mayor Clarke
Seconded by: Commissioner Matheson
Motion passed 3/2.

Glass Leighton – NO
Matheson – YES
Bruner – NO
Clarke – YES
Meier - YES

6. CHARTER REFERENDUM QUESTIONS:

RESOLUTION No. 60-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA PRESENTING REFERENDUM QUESTIONS FOR PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF STUART, FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Attorney Mortell reviewed the Charter language as proposed to him by Commissioner Matheson since the last Commission Meeting. Matheson reevaluated his previous motion of 4-year terms with 12 years maximum and would like to change it to the same as the US Presidency; two consecutive 4-year terms, a max of 8 years.

Commission discussion reviewed the terms, the percentage rate of 60 to pass in referendum, term limits, and ballot language. It was the pleasure of the board to breakdown the Resolution and vote on the two referendum questions individually.

6:58 PM MOTION: Move Resolution No. 60-2020, accept Item #1.
Moved by: Commissioner Bruner
Seconded by: Commissioner Glass Leighton
Motion passed unanimously.

7:04 PM MOTION: Move approval of Section 2 as published.
Moved by: Vice Mayor Clarke
Seconded by: Commissioner Matheson
Motion passed unanimously.

The City Manager confirmed that the Charter Advisory Board recommended other changes for the Commission to review that would be brought back to them in the next couple of months. Those changes were not changes to the Charter, but to Code, Sections 1 and 2.

7. EXTENSION OF LOCAL EMERGENCY:

RESOLUTION No. 61-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, EXTENDING THE DECLARATION OF A STATE OF LOCAL EMERGENCY PERTAINING TO COVID-19; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

7:06 PM MOTION: Move to approve up to June 8th.
Moved by: Commissioner Clarke
Seconded by: Commissioner Glass Leighton
Motion passed unanimously.

Discussion of reopening playgrounds included posting signs and reaching out to the County. The City is prepared that it will receive public email outreach; the City Manager will follow the direction.

ORDINANCE FIRST READING

7:21 PM 8. MINOR AMENDMENT TO AVONLEA PUD (QUASI-JUDICIAL):

ORDINANCE No. 2438-2020; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVING A MINOR AMENDMENT TO "THE NEW AVONLEA" PLANNED UNIT DEVELOPMENT (PUD); THEREBY AMENDING EXHIBIT NUMBER 11 OF THE NEW AVONLEA PUD, ENTITLED THE OFF-SITE INFRASTRUCTURE PLAN; AMENDING CONDITION NUMBER 25 ACCORDINGLY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

7:21 PM MOTION: So moved, motion to continue to date certain of May 26th.
Moved by: Commissioner Glass Leighton
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

7:16 PM 9. AMENDMENT TO CITY CODE OF ORDINANCES RELATING TO BUILDING REGULATIONS.

ORDINANCE No. 2440-2020; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING CHAPTER 10 OF THE CITY OF STUART CODE OF ORDINANCES ENTITLED "BUILDINGS AND BUILDING REGULATIONS" TO ALIGN WITH STATE CODE; TO ENABLE ENFORCEMENT OF CONTRACTOR LICENSING AND TO ESTABLISH SAFETY PROVISIONS FOR STORM SHUTTERS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Steve Nicolosi, Development Department Building Inspector briefly presented in person on the Code Regulations.

7:19 PM MOTION: Approve this change, amendment to the City code related to building regulations, Ordinance No. 2440-2020 as published and requested by staff.
Moved by: Vice Mayor Clarke
Seconded by: Commissioner Matheson
Motion passed unanimously.

Attorney Mortell requested the Mayor return to Agenda Item #8 for a Motion to continue to item to a date certain for the record.

7:22 PM 10. 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.

Mayor Meier pointed out, for the record, that the description is no longer valid and needs to be updated.

Attorney Mortell agreed that the Ordinance title should be revised to reflect the amended plan.

Four (4) people sworn; Tom Reetz and Kevin Freeman of the City of Stuart Development Department, Michael Houston

Tom Reetz began with a presentation of the Springtree RPUD and the site plan approval to allow for 270 multi-family units and Kevin Freeman reviewed the Comprehensive Plan.

Intervenor, Attorney David Earl inquired on straight zoning, height limitations and questioned Kevin Freeman.

Michael Houston, HJA Design Studio Landscape Architect, who introduced the project team.

Mr. Houston presented the standard design, site location, site history including the density, environmental site characteristics, and the proposed revised site plan. Revisions included reduction in units, increased open space, two access points, sidewalks, a three-story front building, additional lighting, etc.

8:11 PM Mayor called a recess.

8:17 PM Returned from recess.

Intervenor, Mr. Earl questioned Mr. Houston.

Jim Lott of Waypoint came forward and proposed to the Commission about the demand for housing in Stuart, the uniqueness of the project, and feels they have addressed the concerns though they cannot satisfy everyone. Pros outway the cons.

Intervenor, Attorney Earl presented to include his previously presented and submitted presentation to the record as the main issues still stand. Compatibility is the largest concern.

Michael Houston returned to the podium to explain the Revised Traffic diagram with the Driveway Trips.

One (1) person sworn remotely:
Shaun MacKenzie of MacKenzie Engineering and Planning, Palm City, FL, sworn remotely via Zoom; new access to connect the project to US1 at north end and remove any connection previously shown to SE Harrison Street, with a right in and right out movement only to US1.

Vice Mayor Clarke confirmed density per the City's Code with Kevin Freeman. Received letter from Renee Nesbit, providing to Clerk for the record.

Commissioner Glass Leighton reported that her concerns are the density and would've preferred all the building been lowered to 3 stories.

 **9:16 PM Public Comment:**

1) **David Keyes – Winter Haven Court; Commented that residents are not against the project, but against the scale of the project.**
2) **Suzanne Bowman – Winter Haven Court; Commented on the height, provided Clerk with documents, and displayed photos.**
3) **William Bowman – Winter Haven Court; Commented on high density in reference to the virus, traffic, sidewalks, etc. Feels it could be a judicial matter.**
4) **Melissa Iemmolo – Harrison Street; Commented on high density, stated they are trying to compromise.**
5) **John Irvin – Harrison Street; Density concerns, would like to see a traffic light on US1.**
6) **Robert Publicover - Springtree Place; Commented that 3 story buildings would still supply the demand.**
7) **Alek Londakis – Winter Haven Court; Three U-turns, compatibility, Crossings and Windjammer were used in comparison but those are two-stories.**
8) **Thomas Smart – Monroe Street; Concerns with density and safety.**
9) **Helen McBride – Flamingo Avenue; In favor of the project, commented that lately County residents are telling City commissioners how to run the City. Feels it is somewhere she and other senior citizens would like to live.**

ZOOM:

10) **Debbie Plat – Natalie Estates, Federal Hwy; resident next to Springtree, opposes project, commented on the traffic and difficulty exiting their development.**

11) **Gayle Sneed – Springtree Place; Opposes the project, commented on safety issues.**
12) **Kathy Dorman – Madison Street; Opposes the density, agrees that we need affordable housing but doesn't feel the land should be maxed out.**
13) **Tasha Reeves, Springtree Place; Opposes project, concerns are density, traffic, and accidents; wants 3 stories instead of 4 stories.**
14) **Karin Noir - Springtree HOA Manager; Traffic concerns, convince the developer of a right-hand turn lane onto US1 may help.**
15) **Renee Hardy – Winter Haven Court; Opposes project.**
16) **Robert's Black – Winter Haven Court; Opposes project, agreed with all other neighbors, traffic concerns.**
17) **Christina Mann – Harrison Street; Appreciated the Harrison correction but additional safety concerns include traffic and the ditch nearby.**

Commissioners briefly commented.

9:09 PM MOTION: Move the Springtree RPUD Ordinance No. 2427-2020.
Moved by: Commissioner Bruner
Seconded by: Vice Mayor Clarke
Motion passed 4/1. 10:15 PM

Matheson - YES
Glass Leighton - NO
Bruner - YES
Clarke - YES
Meier - YES

ORDINANCE SECOND READING

No Ordinances for Secord Reading.

DISCUSSION AND DELIBERATION

10:15 PM ADJOURNMENT

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

Minutes to be approved at the Regular Commission Meeting this 26th day of May, 2020.