MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD August 26, 2019
AT 5:30 PM Commission Chambers
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION
Mayor Rebecca S. Bruner
Vice Mayor Eula R. Clarke
Commissioner Kelli Glass Leighton
Commissioner Merritt Matheson
Commissioner Mike Meier

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

5;36 PM ROLL CALL
Present: Mayor Bruner, Vice Mayor Clarke, Commissioner Glass Leighton, Commissioner Matheson, Commissioner Meier.

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

5:37 PM PRESENTATIONS

1. AUGUST SERVICE AWARDS

Karla Noguero	**5 Years**
Theodore Delancy	**15 Years**
Charles Buchanan	**25 Years**

2. EMPLOYEE OF THE MONTH - AUGUST 2019

Janine Wilde, Public Works Executive Administrative Assistant, came forward to accept the August Employee of the Month award, thanking the commission and fellow co-workers for their support.

COMMENTS BY CITY COMMISSIONERS

Commissioner Glass Leighton

- **No comments.**

Commissioner Matheson

- **No comments.**

Commissioner Meier

- **Commented on Tropical Storm Dorian and that the NOAA website provides helpful updates and the City will also keep everyone informed.**
- **Suffering loss in the Amazon Rain Forest with massive destruction which will impact us, hopes that the City can do its part by planting trees.**
- **Looking forward to the Rivers Coalition event at Flagler Place on Thursday.**
- **City is partnering with the County Commissioners and their Agricultural Natural Resources Advisory Committee, co-hosting the first annual Farmer's and Chefs meet and greet event at Flagler Place in late October or early November.**

Vice Mayor Clarke

- **Announced that she presided over the local coordinated board meeting for transportation disadvantaged in the community. Discussions included Senior Services Solutions and overlapping Marty transportation services.**
- **Commented that the CRA Plan is an active plan in the City that supports affordable housing and recommends the public view the plan.**
- **Request to pull Item #5 from the Consent Calendar, for Attorney Mortell to explain the process as it goes with Item #8.**

Mayor Bruner

- **No comments.**

5:52 PM COMMENTS BY CITY MANAGER

City Manager Dyess

- **Staff is watching Hurricane Dorian, Captain Ortado is sending out updates to all City staff.**
- **Outlined the various athletic programs offered at the East 10th Street Community Center.**
- **Asked Kathleen Lannon, Youth Intervention Counselor, to come forward to present on a recently received award.**

Kathleen Lannon briefly presented on behalf of the Florida Gang Investigators Association and congratulated the City's Community Services Department and the 10th Street Reach-Up Youth Initiative for being the recipient of the Gang Prevention of the Year award.

City Manager Dyess invited Ben Hogarth, Community Affairs Liaison, to come forward to provide a river update.

Ben Hogarth briefly provided a river update.

Commissioner Meier commented that though there has been record rainfall with no Lake Okeechobee releases, no toxic algae blooms in the St. Lucie River have occurred. Would like to see a document created that demonstrates all the data collected over the years.

APPROVAL OF AGENDA

6:09 PM Motion: Move approval of the Agenda.
Moved by: Commissioner Glass Leighton
Seconded by: Commissioner Meier
Motion passed unanimously.

COMMENTS FROM THE PUBLIC (5 min. max)

6:09 PM CONSENT CALENDAR

3. APPROVAL OF 08/12/2019 SCM AND 08/12/2019 CCM MINUTES

4. BUDGET AMENDMENT #13 - SANITATION COMMERCIAL DISPOSAL FEES:

RESOLUTION No. 73-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING BUDGET AMENDMENT No. 13 TO THE 2018-2019 SANITATION FUND; AUTHORIZING $140,000.00 FROM THE SANITATION FUND BALANCE TO THE COMMERCIAL SANITATION FUND FOR ADDITIONAL DISPOSAL FEES, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

(PULLED) 5. DECLARATION OF INTENT TO ABANDON RIGHT-OF-WAY, MOLLY'S HOUSE:

RESOLUTION No. 78-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA DECLARING PURSUANT TO CHAPTER 36 OF THE CODE OF ORDINANCES OF THE CITY OF STUART, FLORIDA THE INTENTION OF THE CITY COMMISSION TO ABANDON AND TO SET PUBLIC HEARINGS ON AUGUST 26, 2019, AND SEPTEMBER 9, 2019, AT 5:30 P.M. IN THE CITY COMMISSION CHAMBERS TO CONSIDER THE ABANDONMENT AND RELOCATION OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY RELATED TO MOLLY'S HOUSE, MORE CLEARLY DESCRIBED IN THE ATTACHED EXHIBITS "A" AND "B"; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

6:10 PM Motion: Move approval of Ordinance No. 2409-~~2010~~[2019].
Moved by: Commissioner Glass Leighton
Seconded by: Commissioner Matheson
Motion passed unanimously.

5. DECLARATION OF INTENT TO ABANDON RIGHT-OF-WAY, MOLLY'S HOUSE:

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Attorney Mortell reviewed Resolution No. 78-2019. Though it is unusual to have the Resolution approved before the Ordinance First Reading, but it is not required to be on separate agendas. This is to clean up the property rights. This is simply to declare the will to abandon this property at some point in the future.

Commissioner Meier commented on the transparency issue and prefers to see the Resolution and Ordinance on two separate meeting agendas.

Commissioner Matheson commented that he feels they should approve the Resolution tonight and move the Ordinance First Reading to the next meeting.

6:13 PM Motion: Move Resolution No. 78-2019.
Moved by: Commissioner Glass Leighton
Seconded by: Commissioner Clarke
Motion passed 4/1.
Bruner - Yes
Clarke - Yes
Glass Leighton - Yes
Meier – No
Matheson - Yes

COMMISSION ACTION

6:19 PM 6. HARVEY PLAZA WAIVER (QUASI-JUDICIAL):

RESOLUTION No.74-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA GRANTING A DISTANCE WAIVER TO AL-SOUDI J CORP, THEREBY PERMITTING THE SALE OF PACKAGE BEER AND WINE WITHIN 500 FEET OF A SCHOOL AND WAIVING THE PARKING REQUIREMENT FOR THE POPOSED USES AT PROPERTY LOCATED AT 502 THRU 516 MARTIN LUTHER KING JR. BLVD; PROVIDING A SITE PLAN; AN EFFECTIVE DATE; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

Four (4) people sworn; Tom Reetz and Kevin Freeman of the City's Development Department, Phil Harvey, Harvey Plaza, and Dean Baumgartner, Realtor for Mr. Harvey.

Commission discussion included the clarification of they type of business in unit 502, what would be sold, and the timeframe to obtain a CO within 8 months.

Public Comment:

1) **Ora Solomon – 16th Court; Commented on possibly adding a drive through, in favor of the beer and wine store.**

Dean Baumgartner came forward to clarify the various business uses and parking issues at Harvey Plaza.

6:47 PM Motion: Move approval of Resolution No. 74-2019 with the addition of the sunset after 8 months.
Moved by: Commissioner Glass Leighton
Seconded by: Commissioner Meier
Motion passed unanimously.

6:48 PM 7. 2020 LEGISLATIVE PRIORITIES:

RESOLUTION No. 75-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE ADOPTION OF LEGISLATIVE PRIORITIES FOR THE 2020 LEGISLATIVE SESSION.

Ben Hogarth briefly presented on the 2020 Legislative Priorities.

6:51 PM Motion: Move approval.
Moved by: Commissioner Meier
Seconded by: Commissioner Glass Leighton
Motion passed unanimously.

ORDINANCE FIRST READING

6:52 PM 8. ROW ABANDONMENT REAR OF MOLLY'S HOUSE:

ORDINANCE No. 2414-2019; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO PROVIDE FOR THE ABANDONMENT OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY BEING THAT CERTAIN 12-FOOT PORTION OF RIGHT-OF-WAY, AS SET FORTH ON THE PLAT OF STYPMANN'S SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 82, MARTIN COUNTY, FLORIDA PUBLIC RECORDS RUNNING EAST TO WEST THROUGH THE PROPERTY 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.

6:53 PM Motion: Motion to continue the item in the name of transparency and proper governmental procedures to the September 9th meeting for first reading.
Moved by: Commissioner Matheson
Seconded by: Commissioner Clarke
Motion passed unanimously.

ORDINANCE SECOND READING

9. PLANTATION STORAGE OF STUART CPUD (QUASI-JUDICIAL):

CONTINUED TO DATE CERTAIN OF SEPTEMBER 9, 2019:
ORDINANCE No. 2411-2019; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) ADOPTED BY ORDINANCE No. 1527-97 FOR A 7.01 ACRE PARCEL ON THE EAST SIDE OF COMMERCE AVENUE SOUTH OF INDIAN STREET OWNED BY TED GLASRUD ASSOCIATES FL, LLC, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; ESTABLISHING PLANTATION STORAGE OF STUART, CONSISTING OF A 98,000+/- SQUARE FOOT SELF-STORAGE FACILITY WITH 4,347 SQUARE FEET OF OUTDOOR BOAT AND VEHICULAR STORAGE AREA; APPROVING A MASTER 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.

6:54 PM Motion: So moved.
Moved by: Commissioner Glass Leighton
Seconded by: Commissioner Clarke
Motion passed unanimously.

DISCUSSION AND DELIBERATION

6:55 PM ADJOURNMENT

Mary R. Kindel
Mary R. Kindel, City Clerk

Rebecca S. Bruner
Rebecca S. Bruner, Mayor

Minutes to be approved at the Regular Commission Meeting this 9th day of September, 2019.

CITY OF STUART · FLORIDA · INCORPORATED 1914 · SAILFISH CAPITAL OF THE WORLD

City of Stuart

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ADMINISTRATIVE

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

In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation to attend this meeting should contact the City's ADA coordinator at 772-288-5306 at least 48 hours in advance of the meeting, excluding Saturday and Sunday.

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.

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.*

ROLL CALL

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

PRESENTATIONS

1. AUGUST SERVICE AWARDS

2. EMPLOYEE OF THE MONTH - AUGUST 2019

COMMENTS BY CITY COMMISSIONERS

COMMENTS BY CITY MANAGER

APPROVAL OF AGENDA

COMMENTS FROM THE PUBLIC (5 min. max)

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.*

CONSENT CALENDAR

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.*

3. APPROVAL OF 08/12/2019 SCM AND 08/12/2019 CCM MINUTES (RC)

4. BUDGET AMENDMENT #13 - SANITATION COMMERCIAL DISPOSAL FEES (RC):

   RESOLUTION No. 73-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING BUDGET AMENDMENT No. 13 TO THE 2018-2019 SANITATION FUND; AUTHORIZING $140,000.00 FROM THE SANITATION FUND BALANCE TO THE COMMERCIAL SANITATION FUND FOR ADDITIONAL DISPOSAL FEES, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

5. DECLARATION OF INTENT TO ABANDON RITGHT-OF-WAY, MOLLY'S HOUSE (RC):

4,347 SQUARE FEET OF OUTDOOR BOAT AND VEHICULAR STORAGE AREA; APPROVING A MASTER 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.

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.*

DISCUSSION AND DELIBERATION

ADJOURNMENT

Meier NO

RESOLUTION No. 78-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA DECLARING PURSUANT TO CHAPTER 36 OF THE CODE OF ORDINANCES OF THE CITY OF STUART, FLORIDA THE INTENTION OF THE CITY COMMISSION TO ABANDON AND TO SET PUBLIC HEARINGS ON AUGUST 26, 2019, AND SEPTEMBER 9, 2019, AT 5:30 P.M. IN THE CITY COMMISSION CHAMBERS TO CONSIDER THE ABANDONMENT AND RELOCATION OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY RELATED TO MOLLY'S HOUSE, MORE CLEARLY DESCRIBED IN THE ATTACHED EXHIBITS "A" AND "B"; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

COMMISSION ACTION

6. HARVEY PLAZA WAIVER (QUASI-JUDICIAL) (RC):

3 Sworn: Tom Reetz Kev Freeman Phil Harvey Mr. Vorguardner

RESOLUTION No.74-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA GRANTING A DISTANCE WAIVER TO AL-SOUDI J CORP, THEREBY PERMITTING THE SALE OF PACKAGE BEER AND WINE WITHIN 500 FEET OF A SCHOOL AND WAIVING THE PARKING REQUIREMENT FOR THE POPOSED USES AT PROPERTY LOCATED AT 502 THRU 516 MARTIN LUTHER KING JR. BLVD; PROVIDING A SITE PLAN; AN EFFECTIVE DATE; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

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ORDINANCE FIRST READING

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ORDINANCE SECOND READING

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CONTINUED TO DATE CERTAIN OF SEPTEMBER 9, 2019:
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QUASI-JUDICIAL

SIGN- IN SHEET

Applicant/Representative; Please return the completed sign-in sheet(s) to the City Clerk prior to the beginning of the public hearing and or item for those individuals below who will be giving sworn testimony.

Name of the Applicant/ Representative: AL-Soudi J. Corp

Name of the Project: Harvey Plaza Waiver

~~Ordinance #~~ Resolution No: 14-2019 Date: 8/26/19 Item # 6

Those persons giving sworn testimony are required to print their name clearly, sign and include company information.

PRINT NAME	SIGNATURE	COMPANY INFORMATION
Dean Baumgardner		Realtor
Philip Harvey		Harvey Plaza
Tom Reed		
K. Freeman		

CITY COMMISSION MEETING
REQUEST TO SPEAK

Item 6 **SPEAKER#** _____

The City Commission encourages public participation during their meetings.
Please follow instructions, complete the form and present it to the City Clerk.

NAME Dr2 C. Solomon **DATE** 8/26/2019 **ITEM#** 6 **OR PUBLIC** C
(PLEASE PRINT)

ADDRESS 1009 S.E 16th Court **CITY** Stuart **ZIP** 34996

PHONE 772-287-9612 **EMAIL** N/A

ADDRESSING THE CITY COMMISSION (ORD# 1279-93)

1.) Members of the public who have been called upon to speak should come forward to the microphone; state their name, city in which they reside, and the item number.

2.) All remarks shall be addressed to the City Commission as a body and not to a particular City official.

3.) **PREPARED STATEMENTS** shall be presented to the City Clerk for the record.

4.) To ensure fair and equal treatment of all who appear before the City Commission, speakers will be limited to five-minutes.

DECORUM (ORD 1279-93)
Any person making personal, impertinent, irrelevant or slanderous remarks, or who becomes boisterous while addressing the City Commission or while attending the Commission meeting, shall be removed from the City Commission Chambers at the direction of the presiding officer. The sergeant-at–arms shall carry out all orders and instruction given by the Mayor for the purpose of maintaining order and decorum at the Commission meeting.

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to attend this meeting should contact the City's ADA coordinator at 772-288-534...
advance of the meeting, excluding Saturday and Sunday.

If a person decides to appeal any decision made by the Bo...
meeting, he will need a record of the proceeding...
verbatim record of the proceedings is ma...
the appeal is to be based.