MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
TO BE HELD May 26, 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

Clerk's Note: This was Commissioner Kelli Glass Leighton's last Commission Meeting, resignation effective May 27, 2020.

THIS MEETING WILL BE 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 meetings 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.

5:31 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

PRESENTATIONS

5:32 PM 1. SERVICE AWARDS - MAY 2020

Lisa Conti, Public Works - 5 years
Matthew Cernuto, Police - 15 years
Kathleen Lannon, Police - 20 years
David Jackson, Fire Rescue - 20 years

2. EMPLOYEE OF THE MONTH - MAY 2020

Congratulations to Diesel Gas Mechanic, Kenny Miller who was recognized as the May Employee of the Month, announced by Public Works Director, David Peters.

5:36 PM 3. LOSOM UPDATE BY BEN HOGARTH

Community Affairs Liaison, Ben Hogarth came forward and presented an update on the St. Lucie River, conservation areas, drought issues, and the LOSOM savings clause. Informed Commission that he will be bringing another letter on the savings clause before them for support.

5:41 PM COMMENTS BY CITY COMMISSIONERS

Commissioner Glass Leighton

- **As her last meeting as Commissioner, emotionally commented on her journey as a Commissioner and recognized all the City staff, past and present for their dedication and hard work and thanked them. Thanked fellow Commissioners, present and past, and most importantly, the residents for their vote and confidence for their trust during the past 8 and a half years as it has been a privilege to serve them.**

Vice Mayor Clarke

- **Commented on the Memorial Day holiday and posted on her Facebook page about Smith Turner Park and honoring veterans.**

- **Inquired about areas of town in which access of high-speed internet/Wi-Fi/cable is not available.**

City Manager Dyess responded on the access availability and noted he is researching further information.

- **Commented on her history with Commissioner Glass Leighton and thanked her for her service and all she has done in her 8 plus years in the City; wished her all the best.**

Commissioner Matheson

- **Thanked Ben Hogarth for his presentation and the Commissioner's support for his river battle and signing the past letter; thrilled with the direction of this project.**
- **Feels at this time of Memorial Day, we should also be memorializing those we have lost to COVID-19 in a more formal fashion in the future; must not let this divide us as a Country.**
- **Commented that it has been an honor to serve with Commissioner Glass Leighton and wished her luck.**

Commissioner Bruner

- **Wished Kelli Glass Leighton the best and happy to have worked alongside her.**
- **Commented on the East 10th Street opening for the children and the good job the staff is doing.**

Mayor Meier

- **Commented on being tested for COVID-19 and would like Renay Rouse to provide regular brief updates on Zoom in order to keep up with the data.**
- **Expressed that he has enjoyed working with Commissioner Glass Leighton for her thought process, thoroughness, integrity, and has learned a lot from her, wished her all the best.**

Mayor Meier presented Commissioner Glass Leighton with a gift. All Commissioners gathered for a photo. Meier respectfully announced Glass Leighton's service to the City:
Commissioner for over 8 years
Mayor in 2015 and 2018

COMMENTS BY CITY MANAGER

City Manager Dyess

- **The plaque at the Mayor's Park for Kelli Glass Leighton is being updated.**
- **Commented on the Protective Orders 05-20, athletic fields opening with plans and reinstating 3-hour parking districts.**

APPROVAL OF AGENDA

6:00 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 Minutes Max.)

1) **Stephen Leighton – Monterey Rd.; On behalf of the Congressional Art Competition, are not able to use the Art's Council dues to social distancing and have reached out to the Flagler Center but would have to rent the space for a fee. Requesting to partner with the City to use a City day for the event. Congratulated and thanked Commissioner Glass Leighton for her service.**
2) **Tom Campenni – Zoom; Commented that he spoke with Congressman Mast's office and had approved the day they requested at Flagler Center, so he was confused.**

6:03 PM MOTION: Move that we approve allowing the federal program, the arts program, Congressional Arts Competition to be conducted at Flagler Center. [Using a Stuart day.]
Moved by: Vice Mayor Clarke
Seconded by: Commissioner Glass Leighton
Motion passed unanimously. 6:06 PM

3) **Marcus Rothstein - Zoom; Cleveland Ave.; Commented on the affordable housing at 603 SW Federal Hwy. sign posed about sewer connection and stated he is highly against them bypassing the sewer connection and asked the City to make sure they connect to City sewer to avoid septic drainage into the river.**

City Manager stated the applicant withdrew the request to go before the Commission and they will enter into a Utility Service Agreement with the City.

CONSENT CALENDAR

4. APPROVAL OF 4/27/2020 CCM, 5/4/2020 SCM, AND 5/11/2020 CCM MINUTES

5. EVOQUA WATER TECHNOLOGIES:

RESOLUTION No. 56-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING A SINGLE SOURCE PROCUREMENT FOR THE REMOVAL OF RESIN AND GRANULAR ACTIVATED CARBON FROM THE WATER TREATMENT FACILITY EXCHANGE PRE-TREATMENT SYSTEM, DISPOSAL VIA INCINERATION, AND THE INSTALLATION OF A HYBRID DOW EX PSR2 PLUS CI IONEXCHANGE RESIN AND A COAL BASED ULTRACARB 1240LCD FROM EVOQUA WATER TECHNOLOGIES IN AN AMOUNT NOT TO EXCEED $265,961.00. PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

6. AUTHORIZATION TO APPLY FOR A COMMUNITY PLANNING TECHNICAL ASSISTANCE GRANT:

RESOLUTION No. 62-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY MANAGER TO APPLY TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY FOR COMMUNITY PLANNING TECHNICAL GRANTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

6:09 PM MOTION: Motion to approve the Consent.
Moved by: Commissioner Glass Leighton
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

COMMISSION ACTION

7. SHOPPES ON COLORADO ANNEX MUCCU:

RESOLUTION No. 55-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, CONSIDERING A MAJOR URBAN CODE CONDITIONAL USE APPROVAL TO ALLOW THE DEVIATION OF REQUIREMENTS REGARDING THE PRINCIPAL BUILDING PLACEMENT, FRONT STREET FAÇADE WIDTH, PARKING LOCATION, AND CERTAIN ARCHITECTURAL REQUIREMENTS WITHIN THE URBAN CENTER ZONING DISTRICT; APPROVING PLANS FOR DEVELOPMENT TO ALLOW THE CONSTRUCTION OF 11,929 SQUARE FEET OF COMMERCIAL OFFICE, RETAIL, AND RESTAURANT WITHIN TWO BUILDINGS; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A TIMETABLE OF DEVELOPMENT; AND FOR OTHER PURPOSES.

Stephen Mayer, Senior Planner, Development Department presented to include the noticing requirements, existing land use, zoning, site design, landscape plan, and architectural renderings of the Shoppes on Colorado Annex MUCCU.

In addition to the staff; Steven Mayer of the Development Department, three (3) people sworn; Kristen Brown, Ted Glassrud Associates, Bill Mathers, Mathers Engineering, and Dan Siemsen, Gentile Glas Holloway O'Mahoney & Associates.

Ms. Kristen Brown presented the project with a power point that included the existing building and lot, the proposed vision of the site plan, floor plan, building elevations, and the landscape plan/trees.

Dan Siemsen came forward and commented on the choice of trees for the project and pervious parking lot.

Mayor Meier commented on the type of trees he is interested in maintaining for the project, to produce shade.

Bill Mathers of Mathers Engineering presented on the pervious concrete, retention areas, and drainage.

Concerns: Matheson - Shade trees / Glass Leighton – Run-off/retention

Mayor Meier commented on the overall plan on Colorado and feels they are getting hung up on too many details.

Commissioner Bruner stated her vision for the area and commented that she would like to see a boardwalk along the backside of the building.

7:31 PM MOTION: Motion to table.
Moved by: Commissioner Matheson
Seconded by: -----
Motion died for lack of second. 7:47 PM

Commission discussed list of deviations; principal building location/façade pushed in to preserve trees, parking location, seating.

Commissioner Bruner made a Motion. City Attorney Mortell clarified the motion being continued to a date certain of June 8th and the specifics of the various rights and approvals, which would not be done by June 8th, verifying whether it was contingent upon the list for the applicant to come back with changes

Ms. Brown stated they do offer public access from the sidewalk along the front of the building to the breezeway, the patio is overlooking Frazier Creek, but to provide the access to the Creek, requested clarification from the Commission. Suggested the Commission speak with the architect who is available on the phone.

Paul Kuehn, project architect, commented via the telephone on the boardwalk/walkway access limitations.

7:38 PM MOTION: Come back in 2 weeks and would like to see how they can incorporate a boardwalk saving the trees and, I'm okay with going right up to the property, but I won't go there, bring it back the 11.1, save the oak trees somehow and have a little boardwalk around the building up to the front building somehow, I'd like to see that. [Amended Motion: Public access instead of boardwalk, brought back with conditions to date certain of June 8th.]
Moved by: Commissioner Bruner
Seconded by: Commissioner Matheson
Motion rescinded, no vote. 7:47 PM

Public Comment:

1) **Tracy Barnes – Channel Avenue; Commented on the drainage, suggested Commissioners visit the area as the area would not be conducive to a boardwalk. Thanked Kelli Glass Leighton for her service.**
2) **Armond Pasquale – Seminole Street; Concerns about traffic on Colorado Avenue and adding a new restaurant/bar will make it worse.**

7:54 PM 8. AUTHORIZATION TO HIRE EISENSTEIN MALANCHUK LLP:

RESOLUTION No. 63-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE EXECUTION OF A LEGAL SERVICES AGREEMENT WITH EISENSTEIN MALANCHUK LLP, PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

City Attorney Mortell provided a brief review of this resolution.

7:56 PM MOTION: Move approval of Resolution 63-2020.
Moved by: Commissioner Glass Leighton
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

ORDINANCE FIRST READING

9. TECO GAS FRANCHISE AGREMENT:

ORDINANCE No. 2441-2020; AN ORDINANCE GRANTING TO PEOPLES GAS SYSTEM, A DIVISION OF TAMPA ELECTRIC COMPANY, ITS SUCCESSORS AND ASSIGNS, A NONEXCLUSIVE NATURAL GAS FRANCHISE AGREEMENT TO USE THE PUBLIC RIGHTS OF WAY OF THE CITY OF STUART, MARTIN COUNTY, FLORIDA, AND PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SAID FRANCHISE MAY BE EXERCISED; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

David Peters, Public Works Director provided information to clarify that residents seeking information about gas lines at their homes should contact TECO directly.

Mayor Meier commented that he feels we need to explore other energy sources so he would not be in favor of this.

Commissioner Matheson asked Attorney Mortell if other options were available.

Attorney Mortell responded that he is not aware of other gas franchises in the area. He explained the issue before them in this Ordinance.

7:59 PM MOTION: Move approval.
Moved by: Commissioner Glass Leighton
Seconded by: Commissioner Matheson
Motion passed 4/1.

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

8:05 PM 10. 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 BY HJA DESIGN STUDIO; AMENDING THE CONDITION NUMBER 25 ACCORDINGLY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

4 People sworn; Kevin Freeman and Stephen Mayer of Development Department, Nik Schroth, and Frank Wacha.

Commissioner Matheson announced that he has submitted FORM 8B and is abstaining from the vote.

Stephen Mayer, Senior Planner, introduced the project and Nik Schroth came forward to present the proposed plan of the New Avonlea PUD Off-site Improvement Plan.

8:11 PM MOTION: Move for approval 2438-2020.
Moved by: Commissioner Bruner
Seconded by: Vice Mayor Clarke
Motion passed 4/5 (Matheson - Abstain)

11. STUART OCEAN RPUD - FIRST READING (QUASI-JUDICIAL):

ORDINANCE No. 2435-2020; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, TO APPPROVE A REZONING FROM R-3 MULTIFAMILY/OFFICE TO RESIDENTIAL PLANNED UNIT DEVELOPMENT "RPUD" ON THE CITY'S OFFICIAL ZONING MAP; FOR AN 11.04 ACRES PARCEL, OWNED BY SERRAGUI GROUP INVESTMENTS LLC, LOCATED ON THE SOUTH SIDE OF SE OCEAN BLVD BETWEEN THE POINTE ASSISTED LIVING FACILTY AND KINGSWOOD CONDO ASSOCIATION, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; ESTABLISHING STUART OCEAN TOWNHOMES RPUD CONSISTING OF EIGHTY (80) ATTACHED HOMES; 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.

12 People sworn, 6 people testified on the record; Kevin Freeman and Tom Reetz, City of Stuart, Bob Raynes, Gunster Law Firm, Mike Houston, HJA Design Studio, Aimee Carlson, Pulte Group, Bill Pfeiffer, Bowman Consulting.

Tom Reetz and Kevin Freeman briefly presented to introduce the project with the site plan, comprehensive plan, and review of conditions.

Bob Raynes, Attorney for the applicant, submitted resume for Mr. Michael Houston of HJA Design Studio for the record.

Mike Houston reviewed the site data including land use, zoning, and encroachments.

Between first and second reading of Ordinance No. 2435-2020, clarification of parcels A and B.

Commissioner Matheson requested a bike rack be added to the bus stop seating area. Mike Houston agreed to the request.

Commissioner Bruner commented on her approval of this project.

Public Comment:

1) **Jane Cornett – Attorney for Kingswood III; Here in support of the project, have worked out an agreement that addresses the concerns of the residents and requests the commission approve.**
2) **Jack Reynaud – Ocean Blvd; Kingswood Phase III President; Commented that they are no longer in opposition.**
3) **Laura Giobbi - Ocean Blvd; Kingswood II, thanked Pulte for being a good neighbor and in favor of the project.**

8:53 PM MOTION: Move approval of Ordinance No. 2435-2020.
Moved by: Commissioner Glass Leighton
Seconded by: Vice Mayor Clarke
Motion passed unanimously. 9:02 PM

ORDINANCE SECOND READING

12. 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.

9:02 PM MOTION: Move for approval.
Moved by: Commissioner Bruner
Seconded by: Commissioner Matheson
Motion passed unanimously.

DISCUSSION AND DELIBERATION

9:03 PM ADJOURNMENT

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

Minutes to be approved at the Regular Commission Meeting this 8th day of June, 2020.