MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD December 14, 2020
AT 4:00 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 Merritt Matheson
Commissioner Troy McDonald

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

THIS MEETING WAS AVAILABLE LIVE VIA ZOOM:
Zoom links and ID information can be found at www.cityofstuart.us/meetings

4:00 PM ROLL CALL

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

PLEDGE OF ALLEGIANCE

1. ARTS MOMENT - ACOUSTIC INSTRUMENTAL MUSIC PERFORMANCE BY FLYNN

Flynn performed an acoustic instrumental looped original "There with You."

2. SELECTION OF MAYOR AND VICE MAYOR

Mayor Meier thanked the Commission for their hard work and support and thanked the citizens and City Staff during his term as Mayor.

City Manager Dyess presented Mayor Meier with a gift of an engraved gavel for the end of his tenure as Mayor and wished him a happy birthday.

4:12 PM MOTION: Vice Mayor Eula Clarke nominated for Mayor.
MOVED BY: Commissioner McDonald
SECONDED BY: Commissioner Matheson
Motion passed unanimously.

4:13 PM MOTION: Commissioner Matheson nominated for Vice Mayor.
MOVED BY: Commissioner McDonald
SECONDED BY: Commissioner Meier
Motion passed unanimously.

2020 – 2021	**Mayor**	**Eula R. Clarke**
2020 – 2021	**Vice Mayor**	**Merritt Matheson**

PROCLAMATIONS

PRESENTATIONS

3. SERVICE AWARDS - DECEMBER 2020

Jordan Grose, Police - 5 years, accepted by Police Department's Captain Ortado in his absence.
Michael DeFrank, Technology Services - 20 years

4. EMPLOYEE OF THE MONTH - DECEMBER 2020

Marvin Dyall, Water Treatment Plant Operator was recognized as Employee of the Month by David Peters, Utilities and Engineering Department Director, for his professional development throughout the years with the City of Stuart.

5. 2021 CALENDAR PHOTO CONTEST WINNERS

LeeAnn Jones and Anne Ellig of the Utilities and Engineering Department presented on the Stormwater Calendar Contest and introduced the contest winners. Winners available in person came forward for a photo with past Mayor Meier and current Mayor Clarke while additional winners were announced via Zoom telecommunications. A group photo was taken.

6. COVID UPDATE PRESENTED BY THE MARTIN COUNTY HEALTH DEPARTMENT

Carol Vitani, Health Officer and Director of Nursing for the Florida Department of Health provided a COVID-19 update. She reported Martin County case numbers and information on flu vaccine availability, new quarantine guidelines, and information on the COVID-19 vaccine distribution.

Commissioners asked questions on the anticipation of vaccination, testing, and how results were counted. Ms. Vitani confirmed results are counted according to your address, therefore, your results are counted in your County, not the County you were tested in. Commissioner Meier read a statement provided by Rob Lord of Cleveland Clinic Martin Health noting the staffing crunch during these times of the pandemic.

4:59 PM Nancy Turrell, and Neil Capozzi, of the Arts Foundation for Martin County thanked the City on behalf of the Corning Museum of Glass and presented a glass sailfish sculpture to the City.

5:03 PM COMMENTS BY CITY COMMISSIONERS

Commissioner Bruner

- **Commented on the Christmas trees in Memorial Park and how beautiful they are.**

Commissioner McDonald

- **Happy to participate in putting the Memorial Park Tree Event together and participated as a judge and noted the trees that won awards.**
- **Provided the Commission with a small gift and wished all a Merry Christmas.**

Commissioner Meier

- **Happy to represent the City yesterday at the Riverwalk.**
- **Commented on the beautiful story of Hanukah that he heard from a Rabi in NY and encouraged all to take from all the faiths, look ahead to a better future, and wished everyone happy holidays and new year.**

Vice Mayor Matheson

- **Thanked all for the participation in the Christmas Tree event in Memorial Park, though he was out of town and could not participate, happy to see the City has adjusted when the Parade was cancelled.**
- **Announced Stuart Police Department on event on Dec. 22nd, Dashing through Downtown in Flagler Park in conjunction with Downtown Business Association and Stuart Main Street.**
- **Wished all Happy Holidays.**

Mayor Clarke

- **Congratulated Mike Meier for his term as Mayor and Vice Mayor Matheson on his new appointment. She shared her gratitude for the City Manager, Department Heads, Police Department, staff, and the residents of Stuart and looks forward to unity in the community. Mentioned the Miracle on 10th St Street Event and encouraged everyone to bring a toy to Police Dept.**

5:18 PM Commissioner Meier requested information on the Northport Shade Meeting as it passed deadline.

Attorney Mortell reported that December 1st was the deadline, that he spoke with Bob Raynes and provided an update. Mr. Raynes requested an extension which resulted in a letter from his attorney requesting not to terminate the contract. City Attorney Mortell sent an email requesting supporting documentation and he never received a response.

COMMENTS BY CITY MANAGER

- **No Comments.**

5:20 PM Meeting Recess

5:37 PM Meeting Resumed

5:41 PM 7. U.S. ARMY CORPS OF ENGINEERS PRESENTATION ON LAKE OKEECHOBEE RELEASE SCHEDULE (Time Certain 5:30)

Vice Mayor Matheson thanked Col. Kelly for accepting his invitation to the City of Stuart and reminded the public the City was hosting the Corps Army of Engineers and asked for them to be treated respectfully.

Mayor Clarke introduced Col. Kelly of the Army Corp of Engineers. Col. Kelly presented with a couple of slides on the Lake Okeechobee water levels, explaining the timeline of the Operational Flexibility to lower the lake highlighting the lake levels, increases and releases to Lake Caloosahatchee and the St. Lucie River. He provided the LOSOM Goals and Objectives.

Vice Mayor Matheson noted that Stuart's goal is zero discharges and the goal is to only have discharges from our only natural tidal basins suggesting that is the only way we can begin to work on restoration. He knows that logically, this wet season, discharges cannot be avoided during the next wet season but the 5-day break, due to the rain was not as beneficial as expected. Respectfully asked to receive the 5-day break. He questioned how flood control priorities are measured and asked Col. Kelly what he would do if he were in his position as a City Commissioner.

Mayor Clarke welcomed Ava Velez, Strategic Program Manager, Army Corps of Engineers.

Commissioner McDonald thanked Col. Kelly for his service and the relationship the Corp has built with the City. Commissioners participated in a question and answer discussion period with Col. Kelly concerning various topics including evaporation, transformation, flooding, harmful algae blooms, and the objectives.

Commissioner Meier had questions on flooding, the objectives, harmful algae blooms, and managing risks.

Mayor Clarke added she would like to see Preservation of Fish and Wildlife added to the objectives. She questioned a specific plan to help release and eliminate the bacteria while working on the water levels. Col. Kelly answered a series of questions.

APPROVAL OF AGENDA

6.37 PM MOTION: Move approval of the Agenda.
MOVED BY: Vice Mayor Matheson
SECONDED BY: Commissioner Meier
Motion passed unanimously.

COMMENTS FROM THE PUBLIC

1) **Ana Bergalis - Periwinkle Cir; Commented that she lives on the river and husband suffered from hybrid pneumonia. Felt the discharges and foam were causing the river water to turn black and there was money available to fix it.**
2) **Jacqui Thurlow Lippisch - Riverview Dr.; Water quality is the responsibility of the State, not the Army Corps. of Engineers, is appreciative of the Army Corp for making changes but they are partners and they have been helpful in dealing with the algae blooms and thanked Merritt Matheson for his leadership and bringing the Corp here.**
3) **Mike Conner - SE Gaslight St.; As Indian River Keeper, follow information closely, he mentioned water related businesses have the same fear as they did in 2016 because of the water quality. He recommended the Army Corps find other places to put the water and make discharges a short as possible.**
4) **Mack Stuckey- PO Box, Stuart; Submitted comments and read outload his public comment for the record.**
5) **Eve Samples - Hibiscus Ave; on behalf of Friends of the Flow, quoted Joe Negron – "Meaningful progress in reasonable time" asked if we can say we have had that since 2013.**
6) **Doug Bournique - Pegasus Pl.; Proposed a partial solution to move the water.**
7) **Blair Wickstrom - SE Cardinal Way; Publisher of Florida Sportsman Magazine, commented that he is not confident, the information was limited and felt the models did not include all information to stop the discharges.**
8) **Becky Harris (Zoom) – St. Lucie Blvd.; Commented that her dog almost died in 2016 from toxic algae. The estuary cannot wait for the upcoming projects to help the river. She would like the Army Corps to exhaust all options to have zero discharges. She thanked the Corps for their efforts.**

CONSENT CALENDAR

8. APPROVAL OF 11/23/2020 SCM ATTORNEY-CLIENT and 11/23/2020 CCM MINUTES

9. APPROVAL OF 2021 MEETING CALENDAR

10. AUTHORIZATION OF THE ASSIGNMENT OF THE AMENDED LEASE FROM NEW URBAN TRIANGLE, LLC TO 201 SW JOAN JEFFERSON WAY, LLC:

RESOLUTION No. 125-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE ASSIGNMENT OF THE LEASE AGREEMENT PREVIOUSLY ENTERED BETWEEN CITY OF STUART AND NEW URBAN TRIANGLE, LLC FOR LEASE OF THE PROPERTY KNOW N AS THE TRIANGLE PROPERTY TO 201 SW JOAN JEFFERSON WAY, LLC FOR THE BALANCE OF THE LEASE TERM WHICH IS SET TO EXPIRE ON NOVEMBER 2, 2115; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

11. EXTENSION #9 OF THE DECLARATION OF THE STATE OF LOCAL EMERGENCY PERTAINING TO COVID-19:

RESOLUTION No. 138-2020; 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.

12. ACCEPT A DONATION FROM FLORIDA POWER & LIGHT TO THE COMMUNITY SERVICES DEPARTMENT:

RESOLUTION No. 141-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT No. #2 TO THE 2021 OPERATING BUDGET; AUTHORIZING RECEIPT AND APPROPRIATION OF A DONATION FROM FLORIDA POWER & LIGHT; AUTHORIZING THE EXPENDITURE OF FUNDS FOR MUSICAL ENTERTAINMENT AT 'SANTA'S CITY LIGHTS' HOLIDAY EVENT AT MEMORIAL PARK; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

13. PBA COLLECTIVE BARGAINING AGREEMENT:

RESOLUTION No. 142-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA RATIFYING THE THIRD-YEAR REOPENER OF THE THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE PALM BEACH COUNTY POLICE BENEVOLENT ASSOCIATION, INC. (PBA), EFFECTIVE OCTOBER 1, 2020 THROUGH SEPTEMBER 30, 2021; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

14. BUDGET AMENDMENT #3 FOR FISCAL YEAR 2021 FOR A/C REPLACEMENT AND INSTALLATION AT COURTHOUSE COMMONS:

RESOLUTION No. 143-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT #3 TO THE 2021 OPERATING BUDGET FOR THE PURCHASE AND INSTALLATION OF AIR CONDITIONING SYSTEMS FOR THE "COURTHOUSE COMMONS" PROPERTY AT 301 SE OCEAN; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

7:14 PM MOTION: Move for approval.
MOVED BY: Commissioner McDonald
SECONDED BY: Commissioner Bruner
Motion passed unanimously.

COMMISSION ACTION

15. COMMISSION LIAISON AND AT LARGE APPOINTMENTS / RE-APPOINTMENTS TO ADVISORY BOARDS OF THE CITY

Mayor Clarke thanked all who have served for all they have done.

7:16 PM MOTION: Move for approval.
MOVED BY: Commissioner McDonald
SECONDED BY: Commissioner Meier
Motion passed unanimously.

16. APPOINTMENTS OF CITY COMMISSIONERS TO COMMUNITY BOARDS

City Manager Dyess offered direction on selecting the community boards and pointed out that we are the voting members for 2021 to 2023 on the Treasure Coast Regional Planning Board.

Discussion and selection of boards took place.

Airport Noise Advisory Committee	**Eula Clarke**
Arts Council	**Becky Bruner**
Business Development Board (BDB)	**Troy McDonald**
Metropolitan Planning Organization (MPO)	**Merritt Matheson / Troy McDonald**
Tourist Development Council (TDC)	**Merritt Matheson**
Treasure Coast Council of Local Governments (TCCLG)	**Mike Meier**
Treasure Coast Regional League of Cities (TCRLC)	**Mike Meier / Alt: Becky Bruner**
Treasure Coast Regional Planning	**Eula Clarke (Voting Member 2021-23)**

7:21 PM MOTION: Move to approve this slate as discussed.
MOVED BY: Commissioner McDonald
SECONDED BY: Vice Mayor Matheson
Motion passed unanimously.

17. LUCIDO COTTAGE HOME - MUCCA:

RESOLUTION No. 127-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING A MAJOR URBAN CODE CONDITIONAL USE APPROVAL TO LUCIDO INVESTMENT PROPERTIES LLC, OWNER OF THE PROPERTY LOCATED AT THE SOUTH WEST CORNER OF SE OSCEOLA STREET

AND SE GEORGIA AVENUE AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTION; GRANTING APPROVAL FOR A SINGLE FAMILY HOME IN THE URBAN GENERAL ZONING DISTRICT; TO ALLOW THE REAR SETBACK TO BE LESS THAN FIFTEEN (15) FEET AND FOR PARKING TO BE LOCATED AT THE FRONT OF THE BUILDING; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A TIMETABLE OF DEVELOPMENT; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

Tom Lucido of Lucido & Associates came forward to address Vice Mayor Matheson's concerns on the plan changes.

Commissioner Meier felt the home did not fit in with the future planning principals and he would be voting no.

Discussion took place on the building structure and inspiration of the property.

Tom Reetz, Senior Planner was sworn in and read the staff recommendation for approval.

7:25 PM MOTION: Move for approval.
MOVED BY: Commissioner Bruner
SECONDED BY: Commissioner McDonald
Motion passed 4/1.

Clarke- Yes
Matheson- Yes
Bruner- Yes
Meier- No
McDonald- Yes

18. SAVANNA PLACE APARTMENTS RPUD - MINOR AMENDMENT (QUASI-JUDICIAL):

RESOLUTION No. 128-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVING A MINOR AMENDMENT TO THE SAVANNAH PLACE APARTMENTS RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) ON PROPERTY LOCATED ON THE NORTH SIDE OF THE INTERSECTION OF N.E. SAVANNAH ROAD AND N.E. BAKER ROAD., WEST OF THE HOPE CENTER FOR AUTISM AND SOUTH OF JENSEN PARK ESTATES BOTH IN UNINCORPORATED MARTIN COUNTY, THEREBY AMENDING THE DEVELOPMENT CONDITIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Three (3) people sworn; Kev Freeman and Tom Retz of the Development Department, and Michael Sommers, Grand Peaks Properties.

Tom Reetz, Senior Planner, provided a brief background and presented the conditions for development on the Minor PUD along with the methodology showing the City's attainable housing fund. Kev Freeman, Development Director, explained the methodology calculation of the developer gain.

Terry McCarthy, Applicant Representative, came forward and provided a history of the project and affordable housing.

Commissioners requested clarification and discussed project, including the creation of an affordable housing fund, and review of the methodology.

Michael Sommers, Grand Peak Properties, gave a brief overview of the company and the goals for this project as well as the financial components.

Mayor Clarke asked Attorney Mortell to explain if the Ordinance is enough for future affordable housing projects. City Attorney Mortell reviewed the options of the Commission to decide how to make use and manage the funds from this project.

Public Comment:

1) **Madeline Greenwood - Letha Cir.; Suggested the project be for rental housing.**

7:36 PM MOTION: Move approval with discussion.
MOVED BY: Commissioner Bruner
SECONDED BY: Commissioner McDonald
Motion passed 3/2. 8:20 PM

Meier- No
McDonald- Yes
Bruner- Yes
Matheson- No
Clarke- Yes

ORDINANCE SECOND READING

19. UPDATE COMMUNITY INVESTMENT PROGRAM (CIP):

ORDINANCE No. 2458-2020; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S COMPREHENSIVE PLAN TO UPDATE THE FIVE YEAR COMMUNITY INVESTMENT PROGRAM INCLUDED WITHIN THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Meier requested clarification on the plan to move forward and a brief discussion took place. City Manager Dyess mentioned there may be a one (1) year pushback and would be revisited after the next rate study.

8:21 PM MOTION: Move for approval.
MOVED BY: Commissioner McDonald
SECONDED BY: Commissioner Bruner
Motion passed unanimously.

20. EVALUATION AND APPRAISAL REPORT (EAR):

ORDINANCE No. 2442-2020; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, ADOPTING THE EVALUATION AND APPRAISAL REPORT (EAR) FOR THE COMPREHENSIVE PLAN OF THE CITY OF STUART; STATING THE INTENT OF THE CITY COMMISSION TO AMEND THE COMPREHENSIVE PLAN BASED UPON RECOMMENDATIONS CONTAINED IN THE REPORT; AND APPROVING TRANSMITAL OF THE EVALUATION AND APPRAISAL REPORT TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY AND ANY OTHER INTERESTED GOVERNMENTAL ENTITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Stephen Mayer, Senior Planner, presented briefly on the DEO recommendations, affordable housing definitions, and attainable housing. Staff recommends a mandatory standard buffer from the wetlands on every property along the creek.

Discussion took place about the revised language, current comp plan, and the CRA.

8:25 PM MOTION: Move approval with an edit; with staff recommended second edit to recommend approval of updated language shall be an average of the 50 width and a minimum width of 25 and strike iii.
MOVED BY: Commissioner Meier
SECONDED BY: ----
Died for Lack of a Second.

Commissioner Bruner made a Motion. Commissioner Meier requested for Commissioner Bruner to modify her motion to include that iii reads differently per the parcel footage. Commissioner Bruner declined.

1) **Doug Bournique - Pegasus Pl.; Complemented the staff on how professional they had been.**

8:44 PM MOTION: Move to approval to accept staff recommendations.
MOVED BY: Commissioner Bruner
SECONDED BY: Commissioner McDonald
Motion passed unanimously.

21. WRECKERS AND VEHICLE / VESSEL TOWING AMENDMENT:

ORDINANCE No. 2456-2020; AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING THE STUART CODE OF ORDINANCES, CHAPTER 12 – BUSINESS, ARTICLE VI. WRECKERS AND VEHICLE TOWING, TO BE IN ACCORDINACE WITH FLORIDA STATE STATUTE; FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

8:48 PM MOTION: Move for approval.
MOVED BY: Commissioner McDonald
SECONDED BY: Commissioner Meier
Motion passed unanimously.

ORDINANCE FIRST READING

22. (***REQUEST TO CONTINUE TO DATE CERTAIN OF JANUARY 11, 2021 CCM***)
HIDDEN KEY RPUD REZONING (QUASI-JUSICIAL):

ORDINANCE No. 2457-2020; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, REZONING THE 1.36 ACRE PARCEL FROM RESIDENTIAL MULTIFAMILY/OFFICE (R-3) TO RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD), LOCATED NORTH OF THE ARC OF MARTIN COUNTY AND SOUTH OF THE ESTATES OF STUART, EAST OF KANNER HIGHWAY, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; ESTABLISHING THE HIDDEN KEY RPUD CONSISTING OF TWENTY-EIGHT (28) MULTI-FAMILY UNITS WITHIN TWO TWO-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.

8:48 PM MOTION: Move to continue to date certain January 11, 2021.
MOVED BY: Commissioner Meier
SECONDED BY: Commissioner McDonald
Motion passed unanimously.

DISCUSSION AND DELIBERATION

City Manager Dyess reminded the Commission to be cautious on making motions too quickly pertaining to First Readings and Commission Actions, ensuring presentations are heard and evidence received before approvals.

Commissioner Meier commented per Item #20 to clarify he was not trying to benefit one property owner; however, it was important to see how property challenges in the City be addressed by the Comp Plan.

8:52 PM ADJOURNMENT

_____ **_____**

Mary R. Kindel, City Clerk **Eula R. Clarke, Mayor**

Minutes to be approved at the Regular Commission Meeting this 11th day of January, 2021.

KJL