MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD April 12, 2021
AT 4:00 PM Commission Chambers
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION
Mayor Eula R. Clarke
Vice Mayor Merritt Matheson
Commissioner Becky Bruner
Commissioner Troy McDonald
Commissioner Mike Meier

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

SERGEANT AT ARMS: Police Chief Joseph Tumminelli

4:05 PM ROLL CALL

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

APPROVAL OF AGENDA

4:07 PM MOTION: Move approval of Agenda and add Item 5a for a Covid-19 update.
MOVED BY: Vice Mayor Matheson
SECONDED BY: Commissioner Meier
Motion approved unanimously.

PLEDGE OF ALLEGIANCE

1. ARTS MOMENT - DUETTE BY CHRIS MAZZELLE AND KIM BROWN MOEBUS FROM UPCOMING BARN THEATER PRODUCTION "JOURNEY AROUND THE WORLD OF SONG AND DANCE"

PROCLAMATIONS

2. CRIME VICTIMS' RIGHTS WEEK - APRIL 18-24, 2021

Barbara Faulkner, Director of Victim Services Office of the State Attorney, Sexual Assault Assistance Program of the Treasure Coast thanked the City and noted various statistics and the work they do for the State of Florida.

3. WATER CONSERVATION MONTH - APRIL 2021

Proclamation accepted by Kathy LaMartina of the South Florida Water Management District and Mike Woodside, Water Treatment Team Leader II. Both commented on the importance of conservation and the strides Stuart residents and staff have made over the years and the appreciation of the City for all they do to help the Water Treatment Facility.

4. DONATE LIFE MONTH - APRIL 2021

Via ZOOM Telecommunications, Denise Iannuzzi, LifeLink Organizer/Volunteer, thanked the City and commented on her personal story and the importance of organ donation.

5. SEXUAL ASSAULT AWARENESS MONTH - APRIL 2021

Mindi Fetterman, CEO and founder of the Inner Truth Project, accepted the Proclamation and commented on her personal story, sexual assault statistics, and thanked the Commission for their support.

5a. COVID-19 VACCINATION UPDATE

Brenda Matheny and Reverend Dr. Charmaine Davis came forward and provided a brief presentation and informed the Commission and public of the 545 people vaccinated during the COVID-19 vaccination clinic done on April 3rd, 2021 with several churches and hosted by the oldest church in East Stuart, St. Paul's Church. Matheny thanked the City, the Stuart Police Department, Community Services, especially Jessica Tharp and Julie McHenry, Thelma Washington, and Betty Brinkley, as they all worked together to help the community.

4:34 PM

PRESENTATIONS

6. EMPLOYEE SPOTLIGHT - APRIL 2021

Roz Johnson, Human Resources Director, briefly introduced the new Employee Spotlight program in place of the Employee of the Month. Fire Chief, Vince Felicione read the spotlight report for Mr. Robert Carson of the Fire Department. Robert thanked the City and took photos with the Mayor and Department staff.

7. MID-YEAR BUDGET REVIEW FISCAL YEAR 2021

Joly Boglioli, Finance Director provided the mid-year budget status, offering the relationship between property, millage, and Ad Valorem, reviewed the revenues vs. collection in departments as well as possible upcoming funding.

Commissioner discussion included overtime and the COVID reimbursement, property value increases, and utility account collections linked to assistance programs.

Mayor Clarke suggested a handout for the public with the graphs and general information.

5:19 PM

COMMENTS BY CITY COMMISSIONERS

Commissioner Bruner

- Commented on emails complimenting tram drivers, Sandy and Gary and thanked them for the job they do.
- Commented on the quality of the Green Market, that it is more than a flea market.

Commissioner McDonald

- Complimented the City's Police and Fire Departments and commented that he enjoyed the Employee Spotlight and is proud of Fire for maintaining the ISO as it's a benefit to the community.
- Reported on the road with a locked gate (Bryant), would like it to be a permanently closed road.

Public Comment:

1) Tom Campenni – St. Lucie Crescent; People use that area as a park, he lives three blocks away and feels the best thing could be done is to make it a pocket park.

5:23 PM MOTION: Staff study Bryant and bring back for Commission to determine if we should close the road and then what to do if we do.
Attorney Mortell Clarified MOTION: Direct staff to bring a Resolution back to close the road.
MOVED BY: Commissioner McDonald
SECONDED BY: Vice Mayor Matheson
Motion passed unanimously.

Commissioner Meier

- No comments.

Commissioner Bruner requested to add a comment.

- Thanked Helen McBride for all she does in the City and for her comments at the last LPA meeting.

Vice Mayor Matheson

- Announced the City of Stuart Job Fair this Thursday, April 15th.
- Lake Okeechobee update and displayed two photos taken today of algae at Port Mayaca.

Mayor Clarke

- Announced her visit to a 100-year-old woman's celebration at Family Care today.
- Thanked Brenda Matheny and St. Paul's Church for all they have done.
- Announced that May 20, 1865 was when President Lincoln announced the end of slavery and asked the Commission about doing a program or proclamation in May regarding this subject.

5:37 PM Motion: To have May the 20th be a time to remember the Emancipation Proclamation in the State of Florida and to work with the folks at the Florida Museum of History in Tallahassee and the Governor's Office to do a remembrance day in Stuart and in Martin County with our partners, with funds from the Mayor discretionary funds.
MOVED BY: Mayor Clarke
SECONDED BY: Commissioner Meier
Motion passed unanimously.

5:39 PM Mayor Clarke requested the Commission do a dedication to recognize the new crosswalks around Lake, Bayou, Church, and Bahama Streets, near the corner of Gertrude Walden Childcare Center.

Pinal Gandhi-Savdas came forward and explained that the crosswalks have been completed and they had planned to post the information on social media, but they could also do a dedication.

COMMENTS BY CITY MANAGER

City Manager David Dyess introduced CDBG Grant Consultant, Mr. Corbett Alday, who reported on the CDBG Resolutions, stating that they are all requirements of the grant and individually explained each Resolution.

Dyess reported on damage caused by the storm yesterday, noting that the two sail-shades on the festival deck and a few trees were lost. Requested to pull Item #21 from Consent Calendar due to a scrivener's error in the language and wished a Happy Birthday to Mayor Clarke.

Commissioner Meier announced that he would like to pull Items #20 and #21 from the Consent Calendar.

APPROVAL OF AGENDA

5:50 PM MOTION: Motion to approve, pulling Items 20 and 21 and adding 5a.
MOVED BY: Vice Mayor Matheson
SECONDED BY: Commissioner Meier
Motion passed unanimously.

5:53 PM

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

1) Robin Cartwright – Hibiscus Avenue; Asked the commission for restraint regarding growth and to reconsider Central Parkway Lofts and the Bournique Lot Variance approvals.
2) Caryn Hall Yost-Rudge – Palm City Road; Commented on doing in-depth police training and would like to be involved.

6:00 PM CONSENT CALENDAR

8. APPROVAL OF 3_13_21 TCRPC WALKING TOUR WORKSHOP AND 3_22_21 CCM MINUTES

9. APPOINTMENT OF BOARD OF ADJUSTMENT (BOA) BOARD MEMBER.

10. STUART HOUSING AUTHORITY BOARD OF COMMISSIONERS APPOINTMENT RATIFICATION OF PEARLIE CLARK FOR 4-YEAR TERM FROM 2021 THROUGH 2025.

11. ADOPT A CDBG PROCUREMENT POLICY:

RESOLUTION No. 11-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, ADOPTING A COMMUNITY DEVELOPMENT BLOCK GRANT PROCUREMENT POLICY; PROVIDING FOR CONFLICTS; SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

12. ADOPT AFFIRMATIVE ACTION/EEO POLICY:

RESOLUTION No. 12-2021; A RESOLUTION OF THE CITY OF STUART CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING A POLICY RELATING TO THE EMPLOYMENT OF SMALL, WOMEN OWNED AND MINORITY BUSINESSES FOR USE IN ADMINISTERING COMMUNITY DEVELOPMENT BLOCK GRANTS; ADOPTING A POLICY RELATING TO THE EMPLOYMENT OF MINORITIES BY THE CITY OF STUART; PROVIDING DEFINITIONS; DEFINING AN ACTION PLAN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

13. ADOPT CDBG ANTI-DISPLACEMENT AND RELOCATION POLICY:

RESOLUTION No. 13-2021; A RESOLUTION OF THE CITY OF STUART CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING A COMMUNITY DEVELOPMENT BLOCK GRANT CITIZEN ANTI-DISPLACEMENT POLICY; REPEALING ALL PRIOR RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

14. ADOPT CITIZEN PARTICIPATION PLAN AND GRIEVANCE POLICY:

RESOLUTION No. 14-2021; A RESOLUTION OF THE CITY OF STUART CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING A COMMUNITY DEVELOPMENT BLOCK GRANT CITIZEN PARTICIPATION PLAN; REPEALING ALL

PRIOR RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

15. ADOPT PROHIBITION ON USE OF EXCESSIVE FORCE POLICY:

RESOLUTION No. 15-2021; A RESOLUTION OF THE CITY OF STUART, FLORIDA, ADOPTING A POLICY FOR THE PROTECTION OF INDIVIDUALS ENGAGING IN NONVIOLENT CIVIL RIGHTS DEMONSTRATIONS, REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

16. RENEWAL LEASE AGREEMENT FOR 171 SW FLAGLER AVE (CRARY HOUSE) WITH CONGRESSMAN BRIAN MAST:

RESOLUTION No. 21-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO AUTHORIZE EXECUTION OF LEASE AGREEMENT BETWEEN THE CITY OF STUART AND CONGRESSMAN BRIAN MAST FOR THE CRARY HOUSE LOCATED AT 171 SW FLAGLER AVENUE, STUART; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

17. FIRE TRUCK LOAN AGREEMENT:

RESOLUTION No. 36-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA SUPPLEMENTING RESOLUTION NO. 22-2014, AS AMENDED, AUTHORIZING THE ISSUANCE OF THE FIRE PROTECTION ASSESSMENT REVENUE NOTE, SERIES 2021 OF THE CITY IN THE PRINCIPAL AMOUNT $622,000 TO FINANCE THE ACQUISITION OF A FIRE TRUCK; MAKING SUCH DETERMINATIONS AS ARE REQUIRED TO AFFORD SUCH SERIES 2021 NOTE "BANK QUALIFIED" STATUS; PROVIDING DETAILS OF THE SERIES 2021 NOTE; PROVIDING FOR APPLICATION OF THE PROCEEDS OF THE SERIES 2021 NOTE; AWARDING THE SALE OF THE SERIES 2021 NOTE TO SEACOAST NATIONAL BANK; APPOINTING A REGISTRAR AND PAYING AGENT; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; PROVIDING FOR THE SEVERABILITY OF PARTS HEREOF IF DECLARED INVALID; AND PROVIDING AN EFFECTIVE DATE.

18. EXTENSION #12 TO THE DECLARATION OF STATE OF EMERGENCY FOR COVID-19:

RESOLUTION No. 38-2021; 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.

19. ADOPT FOUR FACTOR ANALYSIS/LANGUAGE ACCESS PLAN (LAP) FOR LIMITED ENGLISH PROFICIENCY (LEP) PERSONS:

RESOLUTION No. 40-2021; A RESOLUTION OF THE CITY OF STUART, FLORIDA, TO ADOPT THE FOUR-FACTOR ANALYSIS AND LANGUAGE ACCESS PLAN FOR THE

IMPLEMENTATION OF THE CDBG GRANT PROGRAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(PULLED) 20. MULLIGANS LEASE ASSIGNMENT:

RESOLUTION No. 43-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE ASSIGNMENT OF THE AMENDED LEASE AGREEMENT PREVIOUSLY ENTERED INTO BETWEEN THE CITY OF STUART AND MULLIGANS STUART ACQUISITION, LLC FOR LEASE OF THE PROPERTY AT 131 SW FLAGLER AVENUE TO S & C RESTAURANT GROUP, LLC FOR THE BALANCE OF THE LEASE TERM WHICH IS SET TO EXPIRE ON APRIL 30, 2038; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(PULLED) 21. LIME SLAKERS REFURBISHMENT PROJECT:

RESOLUTION No. 44-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVES THE AWARD OF ITB #2021-105, LIME SLAKER REFURBISHMENT PROJECT TO THE SECOND LOWEST, RESPONSIVE, AND RESPONSIBLE BIDDER WITH A TOTAL UNIT PRICE OF $212,870.00 TO TLC DIVERSIFIED, INC. OF PALMETTO, FLORIDA PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

6:00 PM MOTION: Move for approval all items left on the consent agenda, except Items 20 and 21.
MOVED BY: Commissioner McDonald
SECONDED BY: Commissioner Meier
Motion passed unanimously.

20. MULLIGANS LEASE ASSIGNMENT:

RESOLUTION No. 43-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE ASSIGNMENT OF THE AMENDED LEASE AGREEMENT PREVIOUSLY ENTERED INTO BETWEEN THE CITY OF STUART AND MULLIGANS STUART ACQUISITION, LLC FOR LEASE OF THE PROPERTY AT 131 SW FLAGLER AVENUE TO S & C RESTAURANT GROUP, LLC FOR THE BALANCE OF THE LEASE TERM WHICH IS SET TO EXPIRE ON APRIL 30, 2038; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Commissioner Meier pulled the item and said that in the lease agreement assignment section, it says they cannot arbitrarily hold up the agreement, but it does allow them to request a presentation from the potential assignees. He reached out to both parties but has not heard from them and asked if any of staff has talked to them.

Mike Mortell said he reached out to them that morning but hasn't heard back. He said they both have extensive experience with Chipotle.

6:06 PM MOTION: Approve with the condition that we receive from S & C Restaurant Group, LLC and/or their agents a CV of their previous restaurant experience within one week.
MOVED BY: Commissioner Meier
SECONDED BY: Vice Mayor Matheson
Motion passed unanimously.

6:14 PM

21. LIME SLAKERS REFURBISHMENT PROJECT:

RESOLUTION No. 44-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVES THE AWARD OF ITB #2021-105, LIME SLAKERS REFURBISHMENT PROJECT TO THE ~~SECOND~~ LOWEST, RESPONSIVE, AND RESPONSIBLE BIDDER WITH A TOTAL UNIT PRICE OF $212,870.00 TO TLC DIVERSIFIED, INC. OF PALMETTO, FLORIDA PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

David Dyess said he pulled this because the language said second lowest bidder when instead it was the lowest bidder.

6:15 PM MOTION: Move approval.
MOVED BY: Commissioner McDonald
SECONDED BY: Vice Mayor Matheson
Motion passed unanimously.

COMMISSION ACTION

6:16 PM

ORDINANCE SECOND READING

22. CENTRAL PARKWAY LOFTS - MAJOR AMENDMENT TO RPUD (QUASI-JUDICIAL):

ORDINANCE No. 2461-2021; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING A 6.65 ACRE PROPERTY CONSISTING OF TWO PARCELS OPPOSITE ONE ANOTHER ON S.E. CENTRAL PARKWAY APPROXIMATELY MIDWAY BETWEEN ITS INTERSECTIONS W ITH S. KANNER HIGHWAY TO THE WEST AND U.S. HIGHWAY ONE TO THE EAST TO APPROVE A MAJOR AMENDMENT TO THE “CENTRAL PARK LOFTS (NORTH)” AND THE CENTRAL PARK LOFTS (SOUTH) RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) CONSISTING OF ONE HUNDRED SEVENTY TWO (172) MULTI-FAMILY UNITS WITHIN FOUR (4) INDIVIDUAL FOUR-STORY APARTMENT BUILDINGS; WITH SAID LANDS BEING MORE FULLY DESCRIBED IN EXHIBIT “A” ATTACHED; 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.

Eight (8) people sworn: Kev Freeman, Tom Reetz, Marcela Camblor, Don Cuozzo, Lucas Latham, Intervenor, others unidentified.

Tom Reetz, Senior Planner - briefly presented on the Central Parkway Lofts, noting the changes between First and Second Reading; removal of building 5, reduction of parking, increased open space from 27 to 31%. Staff recommends approval with conditions.

Marcela Camblor – Noted that 10% in perpetuity was the agreement at the last meeting. Presented, noting that the land use and zoning has not changed for this property and that this project was approved at the LPA level because it met Comp Plan requirements.

Intervenor, Lucas Latham - Began with questions of the applicant and staff and presented a Power Point. Stated he is not against development in the area but would like to see medium density, under 15 units per acre.

Commissioners participated in questioning and discussion with both Lucas Latham and Marcela Camblor. Lucas Latham requested an expanded dog park, a bridge between the park and residences and a continuous safe sidewalk along Central Parkway.

Commissioner McDonald asked Marcela Camblor about the 10% affordable housing units and traffic counts.

Vice Mayor Matheson commented on his belief in property rights and would like to review the PUD process.

Mayor Clarke requested clarification of the violation of the comp plan mentioned in Intervenor Latham's presentation.

City Attorney Mortell explained that it is an objective, not a mandate so it is not in violation of the Comp Plan.

Commissioner Meier was in favor of the parking plan but was concerned about the parallel spaces on the southern side because of the Willoughby extension and would like to see a future public transit option. He discussed the AMI percentage in perpetuity and would like a reporting requirement deliverable annually or quarterly.

Mike Mortell suggested that they have the applicant submit a list annually so show that 10% are AMI.

8:28 PM

Public Comment:

1) Linda Kay Richards – Cabana Point Circle; Opposes project (read a letter from Bill Richards); parking issues.

2) Robin Cartwright – Hibiscus Ave.; Opposes project, inquired on how affordable housing is determined and has traffic concerns.
3) Jeff Gorman – Halifrox Lane in Seaside Townhomes; Opposes project.
4) Jeff Harden – River Rd.; In favor of the project, reminded that it meets the Comp Plan, has been made less dense, green space added, could be audited each year according to the Motion.
5) Frank McCrystal – Commented on the trend with the PUDs, noting between Aldi, capacity of Central Parkway.
6) Caryn Hall Yost Rudge – ZOOM, Palm City Rd.; Would like to see an updated map/list of future proposed land use.

8:21 PM MOTION: Motion for the approval of Ordinance 2461-2021, Central Parkway Lofts. Amended to include an annual report of the 10% of AMI coming from the Developer to the Development Director on October 1st of every year with the right of the City staff's request to inspect the leases (17 units at 80% AMI), eliminate 2 parking spaces and add Marty (transportation stop) as future entitlement if possible.
MOVED BY: Commissioner Bruner
SECONDED BY: Commissioner McDonald
Motion passed 3/2.

McDonald – YES
Meier – YES
Bruner - YES
Matheson – NO
Clarke – NO

8:45 PM

ORDINANCE FIRST READING

23. VARIANCE TO REDUCE THE UPLAND BUFFER DISTANCE TO SIGNIFICANT WETLAND RESOURCES AND FRONT YARD SETBACK:

REQUEST FOR A VARIANCE TO THE CITY'S LAND DEVELOPMENT CODE, SECTION 5.03.02.C.1 AND 4, FOR A REDUCED MINIMUM UPLAND BUFFER DISTANCE FROM OUTSTANDING WETLAND RESOURCES, REDUCED AVERAGE UPLAND BUFFER, REDUCED CONSTRUCTION SETBACK FROM WETLANDS, AND FROM SECTION 2.04.01, REDUCED FRONT SETBACK FOR A LOT ON INDIAN GROVE IN ORDER TO ACCOMMODATE A DUPLEX.

City Attorney Mortell announce that though this is listed as a First Reading on the Agenda, it is a Variance normally reviewed by the Board of Adjustment (BOA, however, in this particular instance, it is a set back from a wetland and the BOA technical language does not include setbacks from wetlands, it includes setbacks from sides and other distances. As a result, this issue was raised at the BOA and treated as a direct appeal to the City Commission under the Code, which is authorized. Because the Commission Meeting Agenda does not have a category for BOA or variances, this item was placed under the

Ordinances First Reading category. This is technically a quasi-judicial hearing for the record.

Two (2) people sworn; Kev Freeman, City of Stuart, and the applicant Doug Bournique.

Kev Freeman, Development Director presented the variance information.

Doug Bournique reviewed his request before the Commission.

Commissioners participated in questions and a discussion with staff and Mr. Bournique about the variance, the property, and the hardship.

9:16 PM MOTION: Motion to deny.
MOVED BY: Vice Mayor Matheson
SECONDED BY: Commissioner McDonald (withdrawn)
Motion failed.
***Matter fails for lack of a Motion.**

DISCUSSION AND DELIBERATION

24. HOUSING PIPELINE, DENSITY AND POLICY OBJECTIVES: DISCUSSION WORKSHOP

9:20 PM MOTION: To continue Item #24 to a stand-alone workshop.
MOVED BY: Commissioner McDonald
SECONDED BY: Commissioner Meier
Motion passed unanimously.

9:20 PM ADJOURNMENT

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

Minutes to be approved at the Regular Commission Meeting this 26th day of April 2021.