MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD September 10, 2018
AT 5:30 PM Commission Chambers
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

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

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

ROLL CALL

5:51 PM Roll Call.
Present: Mayor Glass Leighton, Vice Mayor Bruner, Commissioner Clarke, Commissioner Matheson, Commissioner Meier.

PLEDGE OF ALLEGIANCE

Mayor Glass Leighton recognized various dignitaries in the room.

1. Oath of Commissioners

Judge F. Shields McManus individually swore in Eula R. Clarke, Merritt Matheson, and Mike Meier, taking the Oath of Commissioner.

5:54 PM 2. Arts Moment - Ron Hart and the sounds of a Strum Stick

Ron Hart entertained the audience with a song parody called "Too Much Fun".

PROCLAMATIONS

5:59 PM 3. Patriot Day - September 11, 2018

Proclamation will be mailed to the Boys and Girls Club of Stuart in recognition for the Patriots Day banner created by the students and hung in the Commission Chambers.

4. Walk to End Alzheimer's Month - Sept. 2018

Ms. Christine Rigg, Chair of the Walk to End Alzheimer's, came forward to accept the Proclamation and announced the Walk on Sept. 19th and thanked the Commission for the Proclamation.

5. Keep Martin Beautiful International Coastal Cleanup Day - 9/15/18

Craig Ahaul, President of Keep Martin Beautiful, accepted the Proclamation on behalf of Recycling and Conservation Coordinator, Anne Ellig, who serves on the KMB board. The cleanup is this weekend form 8 to 11 a.m. and they currently have 1,500 pre-registered volunteers.

6. Suicide Awareness Month - September 2018

Tykes and Teens representative, Agnieszka Marshall came forward with two others to accept the Proclamation and announced their upcoming event.

Mary Baysinger of New Horizon's Treasure Coast came forward to comment on Suicide Prevention Month.

COMMENTS BY CITY COMMISSIONERS

<u>Mayor Glass Leighton</u>

- **Request to pull Item #11 off the Consent Calendar.**
- **Congratulated Commissioner Clarke and welcomed the new commissioners.**
- **Proud to have, like her, local family lineage from Martin County representing Stuart, especially with the timing of important local issues. She has spoken to Senator Rubio, Congressman Mast, and Senator Negron, to address the problems with the reservoir. She proposed a Resolution in support of Federal funding for the reservoir and requests the Commission with the help of City Attorney Mortell, draft a letter to Senator Leader Mitch McConnell to vote and pass this. Senate preparing for their budget this month.**

Mayor Glass Leighton passed the gavel to Vice Mayor Bruner and made a motion.

6:20 PM Motion: For our Attorney to create a resolution in support of Federal funding for the reservoir, in addition, draft a letter to Senate Leader Mitch McConnell requesting a vote on this item. I would like this item to be sent to all of our local

congressman and local representatives as well. Action: Approve, Moved by Mayor Glass Leighton, Seconded by Commissioner Clarke.
Motion passed unanimously.

- **Mayor Glass Leighton agrees with other commissioners and proposed the creation of a position as Commissioner Matheson stated, but more of a water policy position.**

Commissioner Matheson feels it is in the City's best interest to hire an employee for the river.

6:26 PM Motion: That staff would add a line item to the agenda where the commissioners can discuss specific job requirements for this new position and I believe I already know that this is a budget neutral item and there is a little bit of wiggle room in the upcoming year budget for that. Discussion set for September 24th., Action: Approve, Moved by Commissioner Matheson, Seconded by Commissioner Meier.
Motion passed unanimously.

<u>Vice Mayor Bruner</u>

- **Welcomed the two new commissioners.**

<u>Commissioner Clarke</u>

- **Thanked all for her re-elected and for coming out.**
- **Announced that on September 14th, she will be taking with her a Proclamation in Memory of the Storm of 1928 in the City of Pahokee Remembrance Ceremony.**
- **Announced Constitution Week and that the Constitution will be read on September 20th at 3:30 p.m. at the 10th Street Community Center.**
- **Announced the September 17th Special Commission Meeting about the Brightline Train Station.**
- **Commented that the City Manager position will be discussed on September 24th. Commended David Dyess for the job he has been doing.**

<u>Commissioner Matheson</u>

- **Presented Commissioners with a copy of a letter City of Sanibel drafted and made available to the public to use to send a uniform message to their leaders.**

6:37 PM Motion: To have staff draft something similar so that our residents can easily send a uniform message, not only to Army Corp, South Florida Water Management but all elected officials deemed necessary and bring back before the Commission on Oct 8th., Action: Approve, Moved by Commissioner Matheson, Seconded by Commissioner Clarke.
Motion passed unanimously.

- **Commented on a website called toxicpuzzle.com, an effective documentary about toxic algae. Would like the movie shown to all commissioner, staff and available to the public.**

Public Comment:

1) **Joan Holmes – Asked Commissioners if this viewing be open to the public?**

2) **Christine Moreno – Suggested the City check into running the video through Comcast.**

3) **Mike Conners – The Toxic Puzzle movie was shown at Star Struck Theaters and suggested using that venue again.**

6:39 PM Motion: For staff to narrow down a date when we can show the movie, the Toxic Puzzle. (Including commissioners, public, and City staff.) Commissioner Clarke seconded and requested to amend the motion: River Dayz offered previously and would like the City Commission to set aside a workshop, River Dayz afternoon to dedicate that time to river education., Action: Approve, Moved by Commissioner Matheson, Seconded by Commissioner Clarke. Motion passed unanimously.

<u>Commissioner Meier</u>

- **Thanked all commissioners for the warm welcome. Pull Item #9 from Consent Calendar for discussion. Announced that believes in climate change and his thoughts are with North Carolina at this time in preparation for Hurricane Florence.**
- **Firmly believes in the importance of science and data. Research is needed and the identification of endangered species may be able to be identified.**

6:48 PM COMMENTS BY CITY MANAGER

Interim City Manager Dyess - Reported that Ban Hogarth, Communications and Special Events Coordinator, has worked extensively on the river funding, applauded him on the job he has done. He also announced the Sept. 17th Special Commission Meeting to discuss the Brightline Train Station. Brightline will be here to an answer questions.

Attorney Mortell clarified the purpose of the Sept. 17th meeting, stating that it is only to discuss whether Stuart would welcome a train station or not.

APPROVAL OF AGENDA

6:52 PM Motion: Approve Agenda with said changes, pulling Items #9 and #11., Action: Approve, Moved by Commissioner Matheson, Seconded by Commissioner Clarke.
Motion passed unanimously.

COMMENTS FROM THE PUBLIC (5 min. max)

1) **Christine Maldonado – local veterinarian who treats dogs that she believes, have been affected by the toxic algae of the river. Awaiting test results to prove that the illnesses were related to the algae. Requests that all waterfront residents are notified about the dangers to their dogs.**

Once test results come back, Commissioners suggested we utilize the utility bills, billboards, and the City's Face Book page.

2) **Becky Harris – Regarding the safety of all the pets out there. Requesting clarification on what we will tell the Senators**

3) **Alex Idalot (?) – (no comment card) recently lost dog, Finn, who died within 24 hours from exposure to the river. Encourages more awareness for the public.**

4) **Ed Ciampi – Chairman of the Board of County Commissi9oners; request that any information received, please share with the County Commissioners as they can help spread the word as well. Thanks to former Commissioners McDonald and Blount for their service. Troy McDonald was a strong advocate on the MPO and Nick Blount, though briefly on the Commission, his service to the community through FPL is historic. Welcomes the new commissioner and looks forward to the future.**

5) **Jackie Pakonis – Proud to have this panel representing us. Dog, Finn's grandma. Consider the spraying of round-up, toxic chemical sprayed. Encourages the Commission to do something about round-up.**

7:19 PM Motion: Staff look into using an organic, non-chemical based alternative., Action: Approve, Moved by Mayor Glass Leighton, Seconded by Commissioner Meier.
Motion passed unanimously.

6) **Susan King – Concerns over the drinking water and fluoridation.**

7) **President of the Harborage Condominium – No Comment Card - the Harborage's closest condo is 71 feet from the railroad tracks and he support quiet zones.**

7:25 PM CONSENT CALENDAR

7. Approval of 08/27/2018 CCM Minutes

8. RESOLUTION No. 80-2018; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA STATING THE CITY'S INTENTION TO USE THE UNIFORM METHOD OF COLLECTING THE SPECIAL ASSESSMENTS TO BE LEVIED BY THE CITY FOR THE "DOWNTOWN IMPROVEMENT DISTRICT (DID)", PURSUANT TO SEC. 197.3632 FLORIDA STATUTES BY COLLECTING THE ANNUAL SPECIAL ASSESSMENTS FOR THE DISTRICT THROUGH THE ANNUAL TAX BILL OF THE MARTIN COUNTY TAX COLLECTOR; STATING THE NEED FOR THE LEVY OF THE SPECIAL ASSESSMENT; PROVIDING A LEGAL DESCRIPTION OF THE BOUNDARIES OF THE REAL PROPERTIES SUBJECT TO THE LEVY; PROVIDING FOR MAILING A COPY OF THIS RESOLUTION TO THE MARTIN COUNTY PROPERTY APPRAISER, THE MARTIN COUNTY TAX COLLECTOR, AND THE STATE OF FLORIDA DEPARTMENT OF REVENUE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

PULLED 9. RESOLUTION 82-2018; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A UTILITY SERVICE AGREEMENT BETWEEN THE CITY OF STUART AND NORTHSIDE MARINA VENTURES, LLC., TO PROVIDE SEW ER SERVICE TO ONE-HUNDRED (100) LIVEABOARD BOAT SLIPS AT THE PROPERTY KNOW N AS NORTHSIDE MARINA, PROVIDING FOR EFFECTIVE DATE; AND FOR OTHER PURPOSES.

10. RESOLUTION No. 86-2018; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A SERVICE AGREEMENT BETWEEN THE CITY OF STUART AND MARTIN COUNTY FOR THE FIRE RESCUE FIRE APPARATUS AND EQUIPMENT SERVICE AGREEMENT; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

PULLED 11. RESOLUTION No. 88-2018; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, SUPPORTING REPRESENTATIVE BRIAN J. MAST'S STOP HARMFUL DISCHARGES ACT (H.R. 6700); PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

7:25 PM Motion: Approve Consent Agenda pulling #9 and 11, Action: Approve, Moved by Commissioner Clarke, Seconded by Commissioner Meier.
Motion passed unanimously.

9. RESOLUTION 82-2018; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A UTILITY SERVICE AGREEMENT BETWEEN THE CITY OF STUART AND NORTHSIDE MARINA VENTURES, LLC., TO PROVIDE SEW ER SERVICE TO ONE-HUNDRED (100) LIVEABOARD BOAT SLIPS AT THE PROPERTY KNOWN AS NORTHSIDE MARINA, PROVIDING FOR EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Commissioner Meier asked clarification questions to David Peters, Public Works Director.

7:27 PM Motion: , Action: Approve, Moved by Commissioner Meier, Seconded by Commissioner Clarke.
Motion passed unanimously.

11. RESOLUTION No. 88-2018; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, SUPPORTING REPRESENTATIVE BRIAN J. MAST'S STOP HARMFUL DISCHARGES ACT (H.R. 6700); PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

7:28 PM Motion: , Action: Approve, Moved by Mayor Glass Leighton, Seconded by Commissioner Matheson.
Motion passed unanimously.

COMMISSION ACTION

ORDINANCE FIRST READING

7:29 PM 12. ORDINANCE No. 2375-2018; AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING CHAPTER 3, SECTION 3.01.08 -- "PUBLIC ART" OF THE CITY'S LAND DEVELOPMENT CODE THEREBY PROVIDING OPTIONS TO DEVELOPERS OF PROJECTS IN THE URBAN CODE DISTRICT TO CONTRIBUTE 100% OF THE PUBLIC ART FEE TO THE CITY'S PUBLIC ART TRUST FUND OR PROVIDE ON-SITE PUBLIC ARTWORK OR PAY A PORTION OF THE PUBLIC ART FEE AMOUNT TO PROVIDE ON-SITE PUBLIC ARTWORK AND THE REMAINDER TO THE CITY'S PUBLIC ART TRUST FUND; PROVIDING FOR AN EFFECTIVE DATE; CODIFICATION; AND FOR OTHER PURPOSES.

Pinal Gandhi-Savdas, CRA Administrator, presented briefly on the Public Art Project.

7:32 PM Motion: , Action: Approve, Moved by Commissioner Clarke, Seconded by Vice Mayor Bruner.
Motion passed unanimously.

ORDINANCE SECOND READING

7:32 PM 13. ORDINANCE No. 2384-2018; (QUASI-JUDICIAL) AN ORDINANCE OF THE CITY OF STUART, FLORIDA VOIDING ORDINANCE NO. 2117-07, WHICH GOVERNED THE NOW DEFUNCT "NATIONAL CITY BANK" PUD; AMENDING ORDINANCE NO. 2313-2015; TO INCLUDE THE SAME PROPERTY AND WHICH ASSIGNED COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) ZONING TO A 3.16 ACRE PARCEL OF LAND LOCATED ON THE EAST SIDE OF S.E. FEDERAL HIGHWAY

BETWEEN S.E. MIAMI STREET AND S.E. MARKET PLACE, LOTS 1 AND 2, KNOW N COLLECTIVELY AS THE "STUART LANDINGS CPUD"; EXPANDING SAID CPUD TO INCLUDE AN ADDITIONAL 1.27 ACRES OF PROPERTY, LOT 3, TO BE KNOWN COLLECTIVELY AS "STUART LANDINGS I AND II"; PROVIDING FOR FINAL SITE PLAN APPROVAL, AMENDED DEVELOPMENT CONDITIONS, A TIMETABLE FOR DEVELOPMENT AND SITE PLAN APPROVAL TO ACCOMMODATE A 2,845 SQUARE FOOT BURGER KING DRIVE THRU RESTAURANT AND A 4,700 SQUARE FOOT MEDICAL OFFICE BUILDING FOR MED EXPRESS; SAID PROPERTY BEING GENERALLY LOCATED AT THE SOUTH EAST CORNER OF S.E. FEDERAL HIGHWAY AND S.E. MIAMI STREET, BEING MORE FULLY DESCRIBED BY EXHIBIT "A" ATTACHED; DECLARING THE PROPOSED DEVELOPMENT TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR A SEVERABILITY CLAUSE; ACCEPTANCE BY THE APPLICANT; AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

4 people sworn: Kev Freeman and Stephen Mayer of The City's Development Department, Brandon Ulmer of Thomas Engineering, and Augustin Amero of Konover South.

Stephen Mayer presented on the Stuart Landings II Project.

7:45 PM Motion: , Action: Approve, Moved by Vice Mayor Bruner, Seconded by Commissioner Clarke.
Approved 4/1
Commissioner Meier - No

DISCUSSION AND DELIBERATION

7:46 PM 14. UPDATE ON ILA STATUS AS IT RELATES TO THE IMPACT FEE COLLECTION FOR MARTIN COUNTY.

Interim City Manager provided update on status of the ILA and is hopeful there will be an agreement by the end of October, if not; he would request the ILA be cancelled.

Commissioner Meier commented on the PUD, feel the PUD process is an avenue for developers to flout our land development regulations in the Comp Plan. Requests better burden of proof from applicants, and would like to see more information addressed for the public. He quoted the code in reference to native preserve areas and tree mitigations. Our environmental regulations must be prioritized.

Kev Freeman, Development Director, commented that they have not been presented as should have been and he reported that they will see a change in that. They want to utilize more forward thinking to address the environmental impacts from here forward.
7:54 PM **Motion: At the second meeting in October, or the first, hear from the Development Department about the funds that have been generated by the tree mitigation and the environmental agencies and what potential uses you might have**

for them. Action: Approve, Moved by Commissioner Matheson, Seconded by Commissioner Meier.
Motion passed unanimously.

7:59 PM ADJOURNMENT

_____ **_____**
Mary R. Kindel, City Clerk **Kelli Glass Leighton, Mayor**

Minutes to be approved at the Regular Commission Meeting this 24th day of September, 2018.