MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD October 22, 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
City Manager, David Dyess
City Attorney, Michael J. Mortell
City Clerk, Mary R. Kindel

ROLL CALL

5:30 PM Roll Call.

Present: Mayor Glass Leighton, Vice Mayor Bruner, Commissioner Clarke, Commissioner Matheson, Commissioner Meier.

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

5:31 PM 1. Florida City Government Week - October 22-28, 2018

City Attorney Mortell read the Proclamation into the record.

5:32 PM 2. 18th Annual Bible Reading Marathon - November 11-15, 2018

Proclamation accepted by Pastors Gene and Donna Healton and Eddie and Joanne Rodrigues who came forward thanking the Commission and invited all to come out during the Marathon.

PRESENTATIONS

5:36 PM 3. Employee of the Month - October 2018

Tim Voelker, Assistant Public Works Director, introduced Marc Rogolino, Capital Projects Coordinator, as October's Employee of the Month. Marc came forward and thanked the Public Works Department as a whole for the working together.

5:40 PM 4. October Service Awards

Mike Mortell – 5 years
Derek Ortado – 15 years
David Ford – 20 years

5:41 PM 5. Wellness Ambassadors Recognition - FY18

Roz Johnson, Human Resources Director presented while the Mayor distributed certificates to the following Wellness Ambassadors:

Holly Vath Luzander, Karen Chambers-Cuffy, Vanessa Leyland, Miriam Marrero, Deborah Carrasco, Jessica Tharp, John Volchko, Tom Reetz, Nichole Johnson, and Michelle Arbuzow. Roz Johnson was an ambassador as well.

5:46 PM 6. Palm City Road Traffic History and Alternatives

Tim Voelker, Assistant Public Works Director presented on the traffic history of Palm City Road.

Commissioner Matheson stated he is looking for a collective way to reduce the speeding on Palm City Road and asked why the speed bumps were removed. Tim Voelker explained that there was a meeting in which residents wanted the speed bumps removed. Mayor Glass Leighton suggested Commissioner Matheson speak with staff as the Commission has been through this several times in the past. Matheson stated he has spoken with staff and the motion is to explore solutions. Attorney Mortell briefly shared the history in which the speed bumps were removed, stating that the speed was not necessarily the issue, it was volume of traffic. Clarke mentioned that Captec had done a study and feels it is a behavioral issue. Matheson suggested Tim Voelker look back and see if there is anything else that can be done.

5:57 PM Motion: Motion to have the city explore possibly blocking off that hot right in cost effective ways, and over the long term, it would be cheaper than having our Police force monitor that street every few months, I'd also like them to explore the possibility of putting those speed tables back, looking for a cost effective solution to have the residents happy.
Action: Died for lack of a second, Moved by Commissioner Matheson, None seconded.

Commissioner Meier concerned that the pedestrian issue is not being addressed. Brief discussion on signage at crosswalks.

Public Comment:

1) **Danny Gallegos – Manor Drive, in favor of speed bumps.**

2) **Sally Franklin – Palm City Rd., Feels the City missed the seasonal impact and the study should have been done at that time of year.**

6:12 PM Motion: Move that we ask staff to look into extending and connecting what sidewalk options we could have around Palm City Road.
Action: Approve, Moved by Commissioner Meier, Seconded by Commissioner Clarke. Motion passed unanimously.

6:22 PM COMMENTS BY CITY COMMISSIONERS

Commissioner Meier

- **Attended the Rally for the River at Flagler Park and thought it was a great event.**
- **Will be attending the South Florida Regional Climate Change Compact conference in Miami this coming week and looks forward to reporting back.**
- **Asked City Manager Dyess the status of the live video feeds for the Commission Meetings.**

City Manager Dyess explained that it is streaming now and being tested during this meeting, it is not yet available on our public website as the stenographer input is not showing up.

Commissioner Matheson

- **Attended the River Rally and learned recycling information from Anne Ellig, Recycling and Conservation Coordinator. Commented that no trash bags are accepted in the City's recycling program.**
- **Announced that the Toxic Puzzle documentary will be showing at the Blake Library on Nov 1st at 6:00 p.m. and Nov. 2nd at 2:00 p.m. All staff and members of the public are encouraged to attend.**

Commissioner Clarke

- **Also attended the River Rally and feels it is great to have several experts come together to share their abilities.**
- **Attended the East Stuart Home Dedication, Jerry Gore refurbished the home originally built in 1938.**
- **CRA and the Development Director are having a workshop on Nov. 3rd (date correction: Nov. 7th) at the Gertude Walden Childcare Center to work with this area on gentrification (meeting topic is East Stuart Housing).**
- **In regard to Palm City Rd. – in the Florida Keys, saw yellow and blue signs posted for messages to travelers. May be an idea for behavioral modification.**

Vice Mayor Bruner

- **Commented on the historian women who do so much for our community.**

Mayor Glass Leighton

- **Announced reminder that early voting starts on Oct. 26th, encouraging all to get out there and vote.**

Vice Mayor Bruner

- **Commented that she would like to see a new notice on proper recycling.**

6:33 PM COMMENTS BY CITY MANAGER

City Manager Dyess reported that the next Regular City Commission Meeting will be on Tuesday, November 13th as Monday, November 12th is a holiday (Veterans Day) and City Hall will be closed.

APPROVAL OF AGENDA

6:34 PM Motion: Action: Approve, Moved by Commissioner Clarke, Seconded by Commissioner Meier.
Motion passed unanimously.

COMMENTS FROM THE PUBLIC (5 min. max)

1) **Paul Laura – NE Ocean Blvd.; Provided 2 slides, presentation on Alternatives to Glyphosates**

2) **Julie Bjornson – SE Riverboat Drive; Provided the Commission with information on Argosy RF herbicide product.**

3) **Marcy Pitkin – SE Federal; In favor of Brightline train station**

4) **Betty Brinkley – SE Nassau Ave.; Complaints about the Utilities reconnection fees after water has been shut off, Code Enforcement staff, the homes torn down in East Stuart being unwarranted, and the Stuart Police Dept. excessive pull overs on this past Saturday.**

6:54 PM CONSENT CALENDAR

7. Approval of 10/8/2018 CCM Minutes

8. 2018 Succession List Update for City Manager, Attorney, and Department Directors.

9. RESOLUTION No. 87-2018; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVING THE PURCHASING CARD POLICY FOR THE CITY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

10. RESOLUTION No. R103-2018; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE A PLAT TITLED “CERTUS STU OWNER PLAT", LOTS 1 AND 2”, PREPARED BY RICHARD E. BARNES, A FLORIDA

PROFESSIONAL SURVEYOR AND MAPPER NO. 5173 PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

11. RESOLUTION 104-2018; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVING THE PROCUREMENT POLICY FOR THE CITY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

12. RESOLUTION No. 106-2018; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING BUDGET AMENDMENT #1 TO THE 2018-2019 WATER SEWER FUND, APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR PER_FLUORINATED PRE-TREATMENT SYSTEM IN THE AMOUNT OF $828,385.00, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

13. RESOLUTION No. 107-2018; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING BUDGET AMENDMENT #2 TO THE 2018-2019 STORMWATER FUND AUTHORIZING AN $8,000.00 TRANSER FROM STORMWATER, FUND BALANCE TO PARKS AND GROUNDS MAINTENANCE, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

6:54 PM Motion: Move approval of the Consent Items 7 through 13, Action: Approve, Moved by Commissioner Clarke, Seconded by Commissioner Matheson. Motion passed unanimously.

COMMISSION ACTION

6:54 PM 14. BRIGHTLINE SURVEY RESULTS AND PROPOSED RESPONSE LETTER FOR STATION DEMOGRAPHICS

City Manager Dyess presented on the Brightline Train Station survey. In summary, 1,132 valid responses received, 378 responders live in Stuart City limits. Total survey results reported 61% in favor and 62% of just the City residents results were in favor of the train station.

1) **Nik Schroth – Stuart Mainstreet President; announced that they are in favor of the train station. Personally experienced Brightline and was pleased.**

2) **Tom Resing – Palm City Resident; Strongly opposed to the project and surprised to see the increase in support. Concerned about the impact and is opposed to the train station.**

3) **Helen McBride – SE Flamingo Ave.; In favor of the train station.**

4) **Mark Breckbill – Opposes the train station. (No Comment Card)**

5) **Rachel Snyder – Downtown Stuart business owner; in favor of the train station.**

Attorney Mortell clarified this agenda item and what is being requested of the board. Does the board want to respond to Brightline's request and if so, do you want to authorize the City to dispatch the letter that is part of the agenda? The letter has been prepared by the Development Department and responds to all inquiries made by Brightline. May respond with a yes or no but if any enhancements to the letter are requested, request staff direction.

Commissioner Matheson expressed that we do not have the power to push them out west. We only have power to say yes or no to the station. Does not think they have been friendly to Stuart, but the negatives of Brightline will come whether or not there is a station in Stuart. Would rather we see benefits. If coming, should have benefit of station.

Vice Mayor Bruner commented that she has experienced Brightline and it is a light train compared to what we are used to, is in favor of the station. She has received great feedback.

Commissioner Meier reported that he was not present at the Brightline public meeting but has spoken to many residents and this is not an easy decision. Personal issues with Brightline but feels we need to negotiate. In favor of the train station.

Mayor Glass Leighton commented that her personal belief is opposed to the train, but in order to represent the city residents, the survey resulted in an overwhelming amount in favor of the station. We are here to do the rule of the people and that is what they will do.

Commissioner Clarke remarked on the various speakers on this subject during the Brightline meeting.

City Attorney Mortell suggested he communicate with Mr. Rusty Roberts and send the draft letter but send the survey results separately so that it can be sent out tomorrow. Vice Mayor Bruner agreed.

7:10 PM Motion: Move that yes, we send it and add the survey and all the documents to that to be sent to Brightline. (Clerk note: Attorney sending letter and survey information will be sent separately per Attorney's comment above.); Action: Approve, Moved by Mayor Glass Leighton, Seconded by Commissioner Clarke. Motion passed unanimously.

7:28 PM ORDINANCE FIRST READING

15. ORDINANCE No. 2383-2018; (QUASI-JUDICIAL) AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP, THEREBY APPLYING A LAND DEVELOPMENT ZONING DESIGNATION OF CPUD "COMMERCIAL PLANNED UNIT DEVELOPMENT" TO A PARCEL OF LAND

TOTALING 1.85 +/- ACRES, OW NED BY DELICETO, LLC., LOCATED AT 700 SW FEDERAL HIGHWAY, BEING MORE FULLY DESCRIBED IN EXHIBIT “A” ATTACHED; ESTABLISHING THE “SAFE AND SECURE SELF-STORAGE AT STUART” COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) CONSISTING OF 115,332 SQUARE FOOT WAREHOUSE FOR MINI STORAGE; PROVIDING FOR APPROVAL OF A FINAL SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS INCLUDING A TIMETABLE OF DEVELOPMENT, DECLARING THE PROJECT 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, PROVIDING FOR ACCEPTANCE BY THE APPLICANT AND FOR OTHER PURPOSES.

5 people sworn: Kevin Freeman, Stephen Mayer, Michael Houston of HJA Design Studio, Jerry Compton of Bowman Consulting. All answered affirmatively.

Stephen Mayer presented on the Safe and Secure Storage Facility CPUD followed by a brief discussion concerning the number of units, signage, and sidewalks.

7:50 PM Hearing closed

7:50 PM Motion: Move approval, Action: Approve, Moved by Commissioner Meier, Seconded by Commissioner Clarke.
Motion passed unanimously.

16. ORDINANCE No. 2389-2018; AN ORDINANCE OF THE CITY OF STUART, FLORIDA; AMENDING THE CODE OF ORDINANCES AT ARTICLE III, SEC. 36, 61-74 SPECIAL EVENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attorney Mortell explained this Ordinance and why it is being amended. Open Air was clarified.

7:53 PM Motion: Approve Ordinance 2389-2018, Action: Approve, Moved by Commissioner Clarke, Seconded by Commissioner Meier.
Motion passed unanimously.

ORDINANCE SECOND READING

17. ORDINANCE No. 2371-2018; (QUASI-JUDICIAL) AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY’S COMPREHENSIVE PLAN THEREBY CHANGING THE FUTURE LAND USE DESIGNATION FROM “COMMERCIAL” TO “LOW DENSITY RESIDENTIAL” FOR A 15.2 ACRE PORTION OF A 19.3 ACRE PARCEL ANNEXED BY ORDINANCE NO. 1560-97, OWNED BY E. CLARK GIBSON, LOCATED ON THE SOUTH W EST CORNER OF NW JENSEN BEACH BLVD AND NW GREEN RIVER PARKWAY,

SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; AND FURTHER PROVIDING THAT SAID LANDS SHALL CONCURRENTLY BE REZONED FROM "CPUD" TO "RPUD" ON THE CITY'S OFFICIAL ZONING MAP; ESTABLISHING THE OSPREY PRESERVE RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) CONSISTING OF EIGHTY SIX (86) ATTACHED HOMES AND ONE (1) SINGLE FAMILY HOME; APPROVING A MASTER DEVELOPMENT PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS AND A TIMETABLE FOR DEVELOPMENT, DECLARING THE PLAN TO BE CONSISTANT 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 people sworn: Kevin Freeman, Tom Reetz, Bob Raynes of Gunster Yoakley, Doug Fitzwater of Lucido and Assoc., Melissa Corbet of Milcore, Paul Ezzo of E.W. Consulting, David Earl, Attorney and resident, Brian DiVentura. All answered affirmatively.

Tom Reetz presented on the Osprey Reserve.

Bob Raynes, on behalf of SOBBG LLC Developer, addressed issues from First Reading ad he was asked to come back and address the access on Jensen Beach Blvd. Raynes submitted the following documents as applicant exhibits:
Exhibit 1 – FDOT Letter dated June 4, 2018
Exhibit 2 – Letter from Martin County dated June 4, 2018
Exhibit 3 – Broker's Opinion of Value
Exhibit 4 – Development Conditions

Doug Fitzwater, Landscape Architect, Melissa Corbet, and Paul Ezzo confirmed presented details.

Public Comment:

1) **Paul Laura – NE Ocean Blvd.; Concerns about driveways, herbicides, and the phosferus regulations.**

2) **Brian DiVentura – NW Canna Way; Pointed out Land Development Code requirements and wetlands impacts. Opposed to the project.**

3) **Janie DiVentura – NW Canna Way; Request for clarification on the donation of 1.78 acres and that it is unencumbered land.**

Bob Raynes came forward to clarify and answer questions.

8:41 PM Hearing closed

Discussion – Clarke asked what can be done to make it smaller and more efficient so the least impact is possible. Bob Raynes stated that this property has already been

litigated. Mayor Class Leighton feels it is a good project. Commissioner Meier inquired on the FDOT denial and the SFWMD's decision.

Melissa Corbet explained the flow of water from the property.

9:01 PM Motion: Approve Ordinance #2371-2018 incorporating changes on Applicant's Exhibit 4, Action: Approve, Moved by Vice Mayor Bruner, Seconded by Commissioner Clarke.
Motion passed unanimously.

9:02 PM 18. ORDINANCE No. 2373-2018; (QUASI-JUDICIAL) AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN THEREBY CHANGING THE FUTURE LAND USE DESIGNATION FROM "COMMERCIAL" TO "INSTITUTIONAL" FOR A 5.01 ACRE PORTION OF A 10.33 ACRE PARCEL, OW NED BY STUART COMMONS 76, LLC FORMERLY KNOW N AS CENTER POINTE, LLC, LOCATED ON THE EAST SIDE OF KANNER HIGHWAY (SR 76), NORTH OF INDIAN STREET; BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; AND FURTHER PROVIDING THAT SAID LANDS SHALL CONCURRENTLY BE REZONED FROM "CPUD" TO "RPUD" ON THE CITY'S OFFICIAL ZONING MAP; ESTABLISHING THE "KANNER HIGHWAY ASSISTED LIVING FACILITY" RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) CONSISTING OF A 64 UNIT/BED ASSISTED LIVING FACILITY W ITH MEMORY CARE; PROVIDING FOR APPROVAL OF A MASTER SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS INCLUDING A TIMETABLE OF DEVELOPMENT, DECLARING THE PROJECT 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, PROVIDING FOR ACCEPTANCE BY THE APPLICANT AND FOR OTHER PURPOSES.

4 Sworn: Kevin Freeman, Tom Reetz, Emma Sandal of Bowman Consulting, and Will Reynolds of Centus. All answered affirmatively.

Tom Reetz, Development Department confirmed that there are no changes from the First Reading.

9:04 PM Motion: Approve Ordinance #2373-2018, Action: Approve, Moved by Commissioner Clarke, Seconded by Commissioner Meier.
Motion passed unanimously.

9:04 PM 19. ORDINANCE No. 2385-2018; (QUASI-JUDICIAL) AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVING A MAJOR AMENDMENT TO THE W INDEMERE POINT COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) ON PROPERTY LOCATED ON THE SOUTHEAST CORNER OF NW FEDERAL HIGHWAY AND NW WINDEMERE DRIVE THEREBY AMENDING THE PROJECT'S SITE PLAN TO INCLUDE MEDICAL AND OTHER SERVICE RELATED USES; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ACCEPTANCE BY THE

APPLICANT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING DIRECTIONS TO THE CITY CLERK AND FOR OTHER PURPOSES.

3 sworn: Kevin Freeman, Tom Reetz, Alan Sakoultz. All answered affirmatively.

Tom Reetz, Development Department confirmed that there are no changes from the First Reading.

9:05 PM Motion: Approved as recommended by staff, Action: Approve, Moved by Commissioner Clarke, Seconded by Vice Mayor Bruner.
Motion passed unanimously.

9:06 PM 20. ORDINANCE No. 2390-2018; AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING CHAPTER 2, ARTICLE 5, FINANCIAL MATTERS OF THE STUART CODE OF ORDINANCE, DIVISION 4, PROCUREMENT PROCEDURES FOR THE CITY OF STUART; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Holly Vath of Finance Dept. came forward to explain that the changes as requested at the last meeting were completed.

9:07 PM Motion: Ordinance #2390-2018 be adopted as published., Action: Approve, Moved by Commissioner Clarke, Seconded by Commissioner Matheson.
Motion passed unanimously.

DISCUSSION AND DELIBERATION

City Manager Dyess commented in response to the earlier public comment by Ms. Brinkley and gave kudos to the Police Department. This past weekend there was a sizable block party on East Avenue. Over a year ago, there was a similar block party hosted by the same people where two shootings occurred. The white male referred to in the comment was a known violent gang member from Fort Pierce and is a primary suspect in one of those shootings. As the Officer approached him this past Saturday, he was pulling out a weapon and the Officer used proper police tactics to take him into custody and arrest him.

9:09 PM ADJOURNMENT

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

Minutes to be approved at the Regular Commission
Meeting this 13th day of November, 2018.