MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
TO BE HELD March 25, 2019
AT 5:30 PM Commission Chambers
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

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

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

5:30 PM ROLL CALL
Present: Mayor Bruner, Vice Mayor Clarke, Commissioner Glass Leighton, Commissioner Matheson, Commissioner Meier

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

1. IN MEMORY OF BETTY C. SMITH

Betty Smith's daughters, Lauren and Carol, joined with friends and family, came forward to graciously accept the Proclamation. Lauren thanked the Commission and expressed how much her mother cherished the work she did for the City of Stuart.

2. POWERTALK21® DAY - APRIL 21, 2019

Mr. David Ganim of MADD and Mr. Robert Romano, Teacher and Driver's Ed Representative of Jensen Beach High School accepted the Proclamation and announced their mission and the importance of parents talking with their children about the dangers of alcohol.

PRESENTATIONS

3. MARCH SERVICE AWARDS

Rachel Minor, Police Department – 5 Years
Sgt. David Duran, Police Department – 15 Years

4. EMPLOYEE OF THE MONTH, MARCH 2019

Julie McHenry, Community Services Division Manager, presented and announced Jessica Tharp as the March Employee of the Month.

5:46 PM COMMENTS BY CITY COMMISSIONERS

Commissioner Glass Leighton

- **No comments.**

Commissioner Matheson

- **Commented on the wonderful time he and his family had while attending Water Fest and the Mutt March.**
- **Recognized Gilbert's Coffee Bar for their environmental efforts and see if the City could find a way to recognize local businesses that voluntarily work to reduce single use plastics from their business plan.**

Commissioner Meier

- **Commented in response to Commissioner Matheson's comment, announced the organization called the Surfrider Foundation that provides an ocean friendly restaurant certification, restaurants in addition to Gilbert's Coffee Bar include Fruits and Roots, Modern Juice Company and Ground Floor Farms.**

Attorney Mortell commented that the City can obtain a list of other Cities that have done something similar and perhaps do a Proclamation for recognition.

- **Meier commented that he will be traveling to Tallahassee and reviewed the various legislative bills and will report back to the City.**
- **Commented on the new East Stuart PUD and noted that it is a step forward in our CRA and Downtown Urban District. This will allow 2 readings, allowing more public input. Urges fellow commissioners to think about the areas in the City that can be improved upon with green space, increased density and development while keeping the small town charm.**
- **Commented on a front yard fence on the corner of Finn and East Ocean Blvd., currently allowed by code but looks forward to figuring out how to address this in the code in the near future.**

Commissioner Clarke

- **Commented in support of all the other commissioner's comments.**
- **Complimented Anne Ellig and David Peters on the Water Fest event.**

- **Commented on the improvements in the area of Colorado and Woodlawn and complimented the mural created by the Martin County students, which helps to bring back the feeling of old town and icons in our community.**

Mayor Bruner

- **Commented on Water Fest and thanked the staff who worked and volunteered for the event.**
- **Have concerns about the fence on East Ocean and whether it was installed to hide the many cars at the property.**
- **Commented that she was in Tallahassee last week and thanked Jim Chrulski and all who assisted her, honored to represent the City.**

6:04 PM COMMENTS BY CITY MANAGER

City Manager Dyess reported on a scrivener's error on Item #9, Appendix A as it relates to the Community Services section.

APPROVAL OF AGENDA

6:05 PM Motion: Move approval of the Agenda.
Motion by: Commissioner Glass Leighton
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

COMMENTS FROM THE PUBLIC (5 min. max)

1) **Robert Steinberg – California Ave.; Commented that part of Memorial Park should include a dog park, Colorado Avenue landscaping to improve drivers view, and mixed use zoning and Airbnb rental regulations.**

2) **Betty Brinkley – Nassau Ave.; Commented that those who live in East Stuart do not have access and cannot afford to use the Community Center because of the fees.**

3) **Jimmy Smith – Apache Ave.; On behalf of the NAACP and citizens of East Stuart, residents can't afford these things. Plans to go to Tallahassee and invited all to join him on June 23rd.**

4) **Jonny Bell – Hall Street; Concerns about the changes in code and rezoning in East Stuart.**

CONSENT CALENDAR

5. APPROVAL OF 03/11/2019 CCM MINUTES

6. AUTHORIZATION FOR ILA WITH MARTIN COUNTY FOR USE OF SHIP FUNDS FOR UTILITIES:

RESOLUTION No. 27-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY OF STUART TO ENTER INTO AN INTERLOCAL AGREEMENT (ILA) WITH MARTIN COUNTY, FLORIDA TO BE ABLE TO PROVIDE UTILITIES TO STATE HOUSING INITIATIVES PARTNERSHIPS (SHIP) APPLICANTS; AUTHORIZING THE MAYOR TO EXECUTE THE ILA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

7. AMENDING ICMA-RC CITY MANAGER PLAN:

RESOLUTION No. 34-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, OF MARTIN COUNTY, FLORIDA, AMENDING ICMA-RC ACCOUNT 106343, “CITY MANAGER PLAN”; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

8. ESTABLISH CITY ATTORNEY ICMA-RC PLAN:

RESOULUTION No. 35-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE ADOPTION AND EXECUTION OF A 401(a) MONEY PURCHASE PLAN BETWEEN ICMA-RC ACCOUNT NUMBER 100025 AND THE CITY OF STUART; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

9. AMENDMENT TO APPENDIX A OF THE CITY'S CODE OF ORDINANCES:

RESOLUTION No. 37-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING APPENDIX “A” BY AMENDING CHAPTER 10, CHAPTER 32 AND CHAPTER 36 OF THE CITY”S CODE OF ORDINANCES, AND PROVIDING AN EFFECTIVE DATE.

10. SUPPORT FOR HOUSE BILL 1369 RELATING TO THE FLORIDA CLIMATE AND RESILIENCY RESEARCH PROGRAM:

RESOLUTION No. 38-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, SUPPORTING HOUSE BILL 1369 RELATING TO THE FLORIDA CLIMATE AND RESILIENCY RESEARCH PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.

11. PLAT OF TOWNHOUSES AT FRAZIER CREEK:
RESOLUTION No. 39-2019: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE A PLAT TITLED “TOWNHOUSES AT FRAZIER CREEK, A REPLAT OF LOTS 8, 9, 10, AND 11”, PREPARED BY STEPHEN J. BROWN, INC., A FLORIDA REGISTERED LAND SURVEYOR AND MAPPER NO. 4049,

PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. No. R39-2019; 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.

12. AUTHORIZATION TO APPLY FOR FIND GRANT FOR POLICE BOAT:

RESOULTION No: 40-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY OF STUART POLICE DEPARTMENT TO APPLY FOR AND, IF SUCCESSFUL DESIGNATE THE POLICE CHIEF AS THE AUTHORIZED REPRESENTATIVE TO EXECUTE THE GRANT, AND SUBSEQUENTLY APPROVE THE EXPENDITURE OF THE GRANT FUNDS FROM THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM, TO FUND THE STUART POLICE DEPARTMENT MARINE PATROL WATERWAY SAFETY PROJECT; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

13. CD-HRA LLC. (HARBOR CHASE ALF) UTILITY SERVICE AGREEMENT:

RESOLUTION No 41-2019; 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 CD-HRA (STUART) LLC., TO PROVIDE WATER AND SEWER SERVICE TO A 152 BED ASSISTED LIVING FACILITY AT 650 NW FORK ROAD AS MORE FULLY DESCRIBED ON EXHIBIT “A” OF THE UTILITY SERVICE AGREEMENT, PROVIDING FOR EFFECTIVE DATE; AND FOR OTHER PURPOSES.

14. MID-YEAR BUDGET ADJUSTMENT FOR FISCAL YEAR 2019:

RESOLUTION No. 42-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING BUDGET AMENDMENT NO. #7, A “MID-YEAR” ADJUSTMENT TO THE OPERATING BUDGET TO REFLECT VARIOUS UNANTICIPATED CHANGES IN REVENUES AND APPROPRIATIONS.

END OF CONSENT CALENDAR

6:23 PM Motion: Move approval of the Consent Calendar.
Motion by: Vice Mayor Clarke
Seconded by: Commissioner Glass Leighton
Motion passed unanimously.

COMMISSION ACTION

15. NORTHPOINT CONTINUATION OF ITEM:

STAFF RECOMMENDS THE ITEM BE CONTINUED TO A DATE CERTAIN (EITHER APRIL 8TH OR 22ND) IN ORDER FOR STAFF AND THE APPLICANT TO CONTINUE TO WORK ON THE ISSUES RAISED AT THE FEBRUARY 25TH CITY COMMISSION HEARING. STAFF WILL REQUEST THE SPECIFIC DATE AT THE MARCH 25TH HEARING BASED ON THE PROGRESS MADE WITH THE APPLICANT IN WEEK PRECEDING THE HEARING.

NORTHPOINT MAJOR URBAN CONDITIONAL USE - NORTH STUART ACQUISITION AND DEVELOPMENT (RC):

RESOLUTION No. 16-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING A CONDITIONAL USE APPROVAL TO NORTH STUART ACQUISITION AND DEVELOPMENT, LLC, OWNER OF PROPERTY LOCATED BETWEEN OLD DIXIE HIGHWAY AND THE FEC RAILROAD, NORTH OF THE ST. LUCIE RIVER, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTION; GRANTING APPROVAL FOR MIXED USE DEVELOPMENT OF A 27,000 SQUARE FOOT OFFICE BUILDING WITH 2,000 SQUARE FEET OF RETAIL SPACE, A 200 SEAT RESTAURANT AND A 27-SPACE PARKING GARAGE ON A 2.73-ACRE SITE; TO ALLOW FOR PARKING WITHIN THE BUILDING ENVELOPE, FOR A CONTINUOUS BUILDING FAÇADE OF MORE THAN 100 FEET IN WIDTH WITHOUT PROVIDING AN ADDITIONAL VISTA, FOR REDUCTION IN LANDSCAPE BUFFERS AND A REDUCTION OF SETBACKS; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A TIMETABLE OF DEVELOPMENT; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

Mayor Bruner commented, for the record, that it is hard to accept additional continuations on this item.

6:24 PM Motion: Move that Item #15 be continued. [Mortell: Continued to a date certain of April 22, 2019 agreed upon by the Development Department and the applicant.]
Motion by: Vice Mayor Clarke
Seconded by: Commissioner Matheson
Motion passed unanimously.

ORDINANCE FIRST READING

6:27 PM 16. AMENDMENT TO LAND DEVELOPMENT CODE TO CREATE URBAN PUD AND EAST STUART PUD ZONING DESIGNATIONS:

ORDINANCE No. 2401-2019; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING SECTION OF CHAPTER II ENTITLED “ZONING DISTRCTS USES ALLOWED, DENSITY, INTENSITY” AND CREATING ADDITIONAL ZONING DISTRICT DESIGNATIONS OF URBAN PLANNED UNIT DEVELOPMENT AND EAST

STUART PLANNED UNIT DEVELOPMENT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Development Director, Kevin Freeman reported that this item has nothing to do with the discussion at the East Stuart Partnership Meeting. Those proposed changes were removed and not being processed until additional neighborhood meetings can be held. This Ordinance is for how the City enables the citizens of East Stuart and the CRA to best use the code that they have. Codes are being made clearer, understandable and more usable for the citizens who own property in these areas. In addition, it allows the commission to look more carefully at the proposals that come before them to ensure they meet what the communities want for those locations. Freeman moved forward with a presentation on the Land Development Code.

Commissioner Glass Leighton clarified the language that the changes that are being applied tonight, if approved, is the requirements for the applicants to come in front of additional boards.

Freeman agreed and added that it includes the benefit of being able to use existing zoning.

Commissioner Clarke commented on designating East Stuart as an African American cultural district to bring back the history of East Stuart.

Commissioner Glass Leighton announced that though what Commissioner Clarke talked about has merit, it is not what is being discussed and voted on at this meeting, and is adding confusion.

Commissioners discussed the East Stuart Partnership meetings and ways to gather input from the community.

City Manager Dyess reviewed the process and what is before the commission in this Ordinance.

Public Comment:

1) **Faye James – Florida Street; Commented on her concerns of rezoning, to focus on Ord 2401-2019.**

2) **Ora Solomon – 16th Court; commented on her concerns of the CRA funding.**

Attorney Mortell explained the boundaries and requirements of the CRA.

3) **Jimmy Smith - Apache Ave.; Commented that the people of East Stuart cannot afford to open businesses in the community, suggested the City bring CRA Meeting to East Stuart.**

4) **Fredrick James – Commented on his concerns of the decision making after East Stuart's concerns have been heard. Will they receive an opportunity to express their wishes. Offered his Church as a meeting space.**

5) **Jonny Bell – Hall Street; Commented that many are not aware of what a PUD is. Glad to host a meeting and hopes the community will come out to participate.**
6) **Philip Harvey – Colee Ave.; Recommends the City meet with the homeowners and businesses separately.**

Commissioner Meier commented on an idea of an East Stuart Community Board.

Attorney Mortell explained the past board issues and explained that it would add an additional board for citizens to go through.

Commissioner Glass Leighton suggested that we keep it simple and start with what a PUD is.

A discussion was held to hold a Special Commission Meeting Workshop scheduled at the East Stuart Community Center in April, date and time to be determined.

7:28 PM Motion: Have another opportunity with the community before we bring back this ordinance for the Second Reading, we have a meeting with the community, to add East Stuart PUD in all these areas we have discussed under the Land Development Code, Section 2 and Section 3.

Meier requested a Motion Amendment: Table the East Stuart PUD designation but continue tonight to vote to approve the adoption of the UPUD, the other one, the non- East Stuart PUD.
Clarke agreed and clarified her Motion.

Clarke: There are several PUD designations, and we want to move ahead with the Urban PUD which is different from, on page 2-34 of the proposed document that was presented to us, and it has the insert for the Urban PUD for the East Stuart PUD and their definitions. We will go ahead with one category as the UPUD continuing to move forward with the UPUD designation.
Motion by: Vice Mayor Clarke
Seconded by: Commissioner Meier
Motion passed unanimously.

ORDINANCE SECOND READING

17. ESTABLISH BICYCLE PARKING AND DESIGN STANDARDS:

ORDINANCE No. 2396-2019; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING SECTION OF CHAPTER VI ENTITLED "6.01.05 BICYCLE AND PEDESTRIAN ACCESS FOR LARGE COMMERCIAL DEVELOPMENTS" AND CREATING A SECTION OF CHAPTER VI ENTITLED "6.01.20. BICYCLE PARKING" THEREBY

ESTABLISHING BICYCLE PARKING AND BICYCLE RACKS DESIGN STANDARDS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

7:40 PM Motion: As to Ordinance No. 2396-2019, I move approval.
Motion by: Vice Mayor Clarke
Seconded by: Commissioner Matheson
Motion passed unanimously.

DISCUSSION AND DELIBERATION

7:41 PM ADJOURNMENT

_____ **_____**
Mary R. Kindel, City Clerk **Rebecca S. Bruner, Mayor**

Minutes to be approved at the Regular Commission
Meeting this 8th day of April, 2019.