MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD May 13, 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

ROLL CALL

5:30 PM Roll Call.

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

PLEDGE OF ALLEGIANCE

1. ARTS MOMENT

A) MARTIN COUNTY HIGH SCHOOL ART DEPARTMENT HISTORICAL MURAL; MS. AMANDA JONES AND MR. BRYAN JOHNSON.

Martin County High School Art Department showed a brief video of the preparation and ribbon cutting celebration of the mural displayed on the wall of the Prescription Shop on Colorado Avenue.

B) STARS OVER STUART TALENT SHOW 1st PLACE MIDDLE SCHOOL WINNER – LEILA HANNAS, SINGER

C) STARS OVER STUART TALENT SHOW 1st PLACE HIGH SCHOOL WINNER – ARAMIS STONE, KEYBOARD

The Stars Over Stuart winners performed for the Commission and audience.

PROCLAMATIONS

5:48 PM 2. MENTAL HEALTH AWARENESS MONTH - MAY 2019

President and CEO of New Horizons, George Shopland came forward to accept the Proclamation and said a few words on the importance of the discussion of mental health.

5:51 PM 3. SAFE BOATING WEEK 2019

Dawn Muller, Flotilla Vice Commander of the USCG Auxiliary Flotill 59 Stuart came forward to accept the proclamation and addressed boat safety.

4. NATIONAL PUBLIC WORKS WEEK, MAY 19-25, 2019 "IT STARTS HERE"

Milton Leggett, Deputy Public Works Director, on behalf of the American Public Works Association (APWA) accepted the Proclamation and briefly talked about what the APWA does in the community.

PRESENTATIONS

5:58 PM 5. ACKNOWLEDGE CHARACTER COUNTS GOALKEEPER STUDENTS

Anne Ellig, Recycling and Conservation Coordinator briefly presented on the Character Counts Goalkeepers and introduced Adrianna Mancini, founder of Students 4H20. Adrianna thanked the commission for their support and introduced various teachers and principals who have made a difference in this program. Victoria Defenthaler, Martin County School District Board Member, came forward to award five students who have modeled good character within their City school and who are making a positive environmental impact in our community.

Ben Cermeno, Felix A. Williams Elementary
Vanessa Billings, Jensen Beach Elementary School
Natalie Tobaisz, JD Parker Elementary
Tyler Daniel, Stuart Middle School
Noa Vignone, Stuart Middle School

6:16 PM 6. OCEAN FRIENDLY RESTAURANTS BY THE SURFRIDER FOUNDATION

Tom Smith, Treasure Coast Chapter Chairman, presented on the purpose of the Surfrider Foundation, to keep the ocean clean. They encourage the reduction of plastic consumption and work with local restaurants on the elimination of straws and stirrers. Restaurants that participate as Ocean Friendly must follow certain criteria; no Styrofoam, straws provided only upon request, recycling, no plastic bags, etc.

6:25 PM COMMENTS BY CITY COMMISSIONERS

Commissioner Glass Leighton

- **Announced and congratulated the Stuart Fire Rescue Department on receiving the ISO Class 1 rating. Stuart is 1 out of 348 communities in the nation to receive the Class 1 rating. It was in partnership with the Public Works Department as well.**

City Manager Dyess explained the rating and recognized Chief Vince Felicione for making this rating his goal and achieving it.

Commissioner Matheson

- **Thanked Chief Felicione.**
- **Announced the Surfrider Foundation Off-Shore Drilling protest happening on Saturday, May 18th at Stuart Beach.**
- **Commented on Lake Okeechobee's height as we are in the rainy season. The City needs to be prepared to issue the proper notifications to the public if discharges occur.**
- **Commented on the Water Ambassador Program to be held on May 21st presented by UF IFAS and Martin County.**

Commissioner Meier

- **Request to pull Item #11 from the Consent Calendar so that he may excuse himself from the vote due to a conflict.**
- **Commented that the Legislative session has ended and he has asked Patricia Christensen of the Florida League of Cities to present at the next Commission Meeting with a Legislative update.**

Vice Mayor Clarke

- **Thanked the students and parents who participated in this meeting.**
- **Commented that she is receiving emails from Caryn Yost Rudge and requested an update.**

City Attorney Mortell provided a brief update.

- **Interested in recognizing the Prescription Shop with a letter or Proclamation for the mural.**

Mayor Bruner

- **Commented on a call from a citizen regarding Florida Statute 790.25 on fire arms. The citizen is not in attendance tonight.**

6:38 PM COMMENTS BY CITY MANAGER

City Manager Dyess

- **Commented that the annual Law Enforcement Memorial Service is being held in Sewall's Point on Wednesday at 10 AM in recognition of law enforcement officers who have fallen in the line of duty.**
- **Announced that Commissioner Meier received a Home Rule Hero award by the League of Cities for his work in Tallahassee in protecting local government.**

Commissioner Clarke requested to pull Item #8 from the Consent Calendar for explanation purposes.

APPROVAL OF AGENDA

6:38 PM Motion: Move approval of the Agenda.
Moved by: Commissioner Glass Leighton
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

6:39 PM FROM THE PUBLIC (5 min. max)

1) **Cristina Maldonado – 7th Street; Commented that she cleans the beach multiple times a week and sees all the litter. She is pleased to see all the students and Surfrider's are doing. Though there have not been discharges from Lake Okeechobee, C-44 Canal has been open all week.**

CONSENT CALENDAR

7. APPROVAL OF 04/22/2019 CCM AND 04/25/2019 SCM MINUTES

PULLED 8. PUBLIC UTILITY SPECIAL OBLIGATION BOND ANTICIPATION NOTE SERIES 2019:

RESOLUTION No. 46-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE ISSUANCE OF A PUBLIC UTILITY SPECIAL OBLIGATION BOND ANTICIPATION NOTE, SERIES 2019 OF THE CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED $1,500,000 TO FINANCE EXPANSION OF SEWER IMPROVEMENTS WITHIN THE PUBLIC UTILITY SYSTEM; PROVIDING THAT THE BOND ANTICIPATION NOTE SHALL BE A LIMITED OBLIGATION OF THE CITY PAYABLE FROM PROCEEDS OF A SERIES OF BONDS EXPECTED TO BE ISSUED ON OR PRIOR TO THE MATURITY DATE OF SUCH BOND ANTICIPATION NOTE AND PUBLIC UTILITY NON-AD VALOREM REVENUES BUDGETED, APPROPRIATED, AND DEPOSITED AS PROVIDED HEREIN; PROVIDING FOR THE RIGHTS, SECURITIES AND REMEDIES FOR THE OWNER OF THE BOND ANTICIPATION NOTE; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREW ITH; AND PROVIDING FOR AN EFFECTIVE DATE.

9. FLOATING FOUNTAIN REPLACEMENT:

RESOLUTION No. 48-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE THE AWARD OF ITB #2019-103, FLOATING FOUNTAIN REPLACEMENT & QUARTERLY CLEANING SERVICES TO THE LOW EST, RESPONSIVE, RESPONSIBLE BIDDER, SUPERIOR WATERWAY SERVICES, INC. OF RIVIERA BEACH, FLORIDA PROVIDIG AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

10. PUBLIC SAFETY BUILDING HVAC REPLACEMENT:

RESOLUTION No. 50-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE PROCUREMENT OF SEVEN (7) ROOF TOP HEATING AND AIR CONDITIONING PACKAGE UNITS AND UPGRADES TO EXISTING CONTROLS AT THE PUBLIC SAFETY BUILDING WITH THERMAL CONCEPTS, INC. IN THE AMOUNT OF $306,728.01 IN ACCORDANCE WITH CITY CONTRACT ITB NO.2018-107 HVAC REPLACEMENT SERVICES DATED MAY 14, 2018 AND A W RITTEN QUOTE DATED APRIL 5, 2019, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

PULLED 11. LICENSE AGREEMENT FOR COLAB KITCHEN AT BRUNER POND:

RESOLUTION No. 53-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT BETWEEN COLAB KITCHEN, LLC, LLC TO OPERATE A HYDROPONIC GROWING FACILITY ON “PARCEL 1” OF THE 3.34-ACRE BRUNER POND PARK PROPERTY ON S.E. MARTIN LUTHER KING JR. BLVD., STUART PURSUANT TO THE TERMS OF THE LICENSE AGREEMENT.

END OF CONSENT CALENDAR

6:41 PM Motion: Move approval of the Consent pulling Items #8 and #11.
Moved by: Commissioner Glass Leighton
Seconded by: Vice Mayor Matheson
Motion passed unanimously.

8. PUBLIC UTILITY SPECIAL OBLIGATION BOND ANTICIPATION NOTE SERIES 2019:

RESOLUTION No. 46-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE ISSUANCE OF A PUBLIC UTILITY SPECIAL OBLIGATION BOND ANTICIPATION NOTE, SERIES 2019 OF THE CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED $1,500,000 TO FINANCE EXPANSION OF SEWER IMPROVEMENTS WITHIN THE PUBLIC UTILITY SYSTEM; PROVIDING THAT THE BOND ANTICIPATION NOTE SHALL BE A LIMITED OBLIGATION OF THE CITY PAYABLE FROM PROCEEDS OF A SERIES OF BONDS EXPECTED TO BE ISSUED ON OR PRIOR TO THE MATURITY DATE OF SUCH BOND ANTICIPATION NOTE AND PUBLIC UTILITY NON-AD VALOREM REVENUES BUDGETED, APPROPRIATED, AND DEPOSITED AS PROVIDED HEREIN; PROVIDING FOR THE RIGHTS, SECURITIES AND REMEDIES FOR THE OWNER OF THE BOND ANTICIPATION NOTE; MAKING

CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREW ITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Finance Director, Joly Boglioli provided a brief description of this item.

6:44 PM Motion: Move approval of Resolution 46-2019.
Moved by: Commissioner Glass Leighton
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

6:45 PM 11. LICENSE AGREEMENT FOR COLAB KITCHEN AT BRUNER POND:

RESOLUTION No. 53-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT BETWEEN COLAB KITCHEN, LLC, LLC TO OPERATE A HYDROPONIC GROWING FACILITY ON "PARCEL 1" OF THE 3.34-ACRE BRUNER POND PARK PROPERTY ON S.E. MARTIN LUTHER KING JR. BLVD., STUART PURSUANT TO THE TERMS OF THE LICENSE AGREEMENT.

Attorney Mortell briefly clarified Resolution No. 53-2019.

6:46 PM Motion: Move approval of Resolution No. 53-2019.
Moved by: Commissioner Glass Leighton
Seconded by: Vice Mayor Matheson
Motion passed 4/1 - Commissioner Meier abstained. Form 8B filed.

COMMISSION ACTION

6:47 PM 12. VOLUNTARY REDUCTION OF SINGLE-USE PLASTICS AND POLYSTYRENE PRODUCTS:

RESOLUTION No. 47-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, SUPPORTING THE VOLUNTARY REDUCTION AND ULTIMATE ELIMINATION OF SINGLE-USE PLASTIC STRAWS AND POLYSTYRENE PRODUCTS AND THE OVERALL REDUCTION OF PLASTIC POLLUTION; PROVIDING FOR AN OUTREACH CAMPAIGN TO EDUCATE THE PUBLIC, K-12 STUDENTS AND BUSINESSES REGARDING THE HARM CREATED BY PLASTIC AND POLYSTYRENE PRODUCTS TO TERRESTRIAL AND MARINE ENVIRONMENTS; JOINING A COLLABORATIVE REGIONAL PARTNERSHIP; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Matheson feels this is a step in the right direction but would like to see the City do more. Coral Gables passed a similar straw and stirrer ban on all City property. Matheson is interested in an Ordinance banning plastic straws, stirrers, and Styrofoam on all City property, and permitted special events.

Attorney Mortell commented that the City owns various properties with long term leases and we would not be able to regulate those properties. In Coral Gables, they are referring to their parks.

Ben Hogarth, Community Affairs Liaison, came forward to explain the reason for this Resolution, and that there are other Cities that have done this and more. He suggested a workshop to review this further.

6:47 PM Motion: Move approval of Resolution No. 47-2019.
Moved by: Vice Mayor Clarke
Seconded by: Commissioner Glass Leighton
Motion passed unanimously.

Brief discussion to clarify the expectations of a workshop.

Public Comment:

1) **Mark Brechbill – Detroit Ave.; Commented on adding an incentive to the program.**

2) **Lisa Beagle – Ridge Avenue; Commented on behalf of the Surfriders Foundation, that she has legal, lobbyists, scientists, and collaborator resources to help the City on a ban.**

6:56 PM Motion: That in the near future, we have a workshop regarding what restrictions the City can place on single use plastics ranging from city property on out to the City limits.
Moved by: Commissioner Matheson
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

ORDINANCE FIRST READING

7:04 PM 13. RIVER RIDGE ROW ABANDONMENT (QUASI-JUDICIAL):

ORDINANCE No. 2407-2019; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO PROVIDE FOR THE ABANDONMENT OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY BEING THAT CERTAIN 20-FOOT PORTION OF RIGHT-OF-WAY, AS SET FORTH ON THE PLAT OF RIVER RIDGE, AS RECORDED IN PLAT BOOK 4, PAGE 11, MARTIN COUNTY, FLORIDA PUBLIC RECORDS RUNNING NORTH TO SOUTH THROUGH THE PROPERTY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO AND DEPICTED IN EXHIBIT “B” ATTACHED HERETO; PROVIDING FOR PAYMENT OF A PRIVILEGE FEE: PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attorney Mortell briefly reviewed the Ordinance.

7:04 PM Motion: Move approval of Ordinance No. 2407-2019.
Moved by: Commissioner Glass Leighton
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

ORDINANCE SECOND READING

7:05 PM 14. SAVANNAH PLACE APARTMENTS RPUD (QUASI-JUDICIAL):

ORDINANCE No: 2398-2019: 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 ASSIGNING A FUTURE LAND USE DESIGNATION OF "MULTI-FAMILY RESIDENTIAL" FOR A 15.2 ACRE PARCEL ANNEXED BY ORDINANCE NO. 2348-2017, OWNED BY WERNER BOLS, 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, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; AND FURTHER PROVIDING THAT SAID LANDS SHALL CONCURRENTLY ESTABLISH THE SAVANNAH PLACE APARTMENTS RESIDENTIAL PLANNED UNIT DEVELOPMENT RPUD CONSISTING OF TW O HUNDRED EIGHTY (280) MULTI-FAMILY UNITS WITHIN SIX (6) INDIVIDUAL FOUR-STORY APARTMENT BUILDINGS; APPROVING A DEVELOPMENT SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS INCLUDING 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.

Six (6) people sworn; Tom Reetz and Kevin Freeman of the City of Stuart Development Department, Joe Capra of Captec Engineering, Doug Fitzwater of Lucido and Associates, Terry McCarthy, Esquire Council, and Steve Garrett of Kennedy Homes.

Tom Reetz, Senior Planner presented on the Savannah Place Apartments and reported that they have received a letter of approval back from the Department of Economic Opportunity (DEO) with no additional comments. Reetz reviewed the property location, landscaping, and the three additional conditions since First Reading; separation burm, landscaping buffers, and additional lighting.

Public Comment:

1) **Suzy Hutchinson – Sunset Terrace; on behalf of Helping People Succeed, thanked the City for addressing their concerns with lighting and security. Thanked Commissioner Matheson for reaching out to her on this project.**

7:11 PM Motion: Move approval of Ordinance No. 2398-2019 on Second Reading.
Moved by: Commissioner Glass Leighton
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

7:12 PM MEMORIAL MARKER SIGNS:

ORDINANCE No. 2399-2019; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING SECTION 6.11.13., SPECIAL PURPOSE SIGNS AND SIGNING IN CHAPTER VI OF THE LAND DEVELOPMENT CODE TO INCLUDE MEMORIAL MARKER SIGN STANDARDS WITHIN CITY OF STUART ROAD RIGHTS-OF-WAY. PROVIDING FOR A SEVERABILITY CLAUSE AND A CONFLICT CLAUSE; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

7:12 PM Motion: Move approval of Ordinance No. 2399-2019 on Second Reading.
Moved by: Commissioner Glass Leighton
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

DISCUSSION AND DELIBERATION

7:13 PM 16. RESIDENTIAL FENCE REGULATION

Stephen Mayer, Senior Planner gave a presentation on the City's code in reference to fences.

Commissioner Glass-Leighton stated she is not for over-regulating private property.

Commissioner Matheson agreed with Commissioner Glass Leighton. Inquired on the number of complaints received about fences and commented on encouraging or forcing planting along fencing. Feels the code needs to be reviewed but does not want to over-regulate fences.

Commissioner Meier commented that he agrees about property rights but feels some regulation does not snowball into over-regulation. Their job is to maintain the character of the City and is interested in regulating fences and asked other board members for their thoughts.

Vice Mayor Clarke commented that this is usually dealt with by staff through variances so she wonders if it would be best to wait until if and when it happens again. Clarke asked Attorney Mortell how we do not be arbitrary and capricious.

Attorney Mortell explained the Commissions options, to do nothing and the Code that has been in place for past 20 years remains in place, or make amendments.

Mayor Bruner commented on the fence on Ocean, now that it is built, it is grandfathered in so she does not feel it needs to be changed at this time.

Commissioner Meier asked for the commission to image if every house down the street had a 6 foot fence. Is that the look and feel we want to the City?

7:44 PM Motion: Motion to look for staff to look into that more completely and bring it back to us.
Moved by: Vice Mayor Clarke
Seconded by:
Died for lack of second.

7:45 PM Motion: That we instruct staff to bring back regulation that requires some landscaping, different options of landscaping for 6 foot opaque fences of wood or stone or whatever closed fence material, require that staff bring back options for requiring landscaping in front of those front yard closed 6 foot fences.
Moved by: Commissioner Meier
Seconded by: Vice Mayor Clarke
7:50 PM Motion Withdrawn.

Commissioner Glass Leighton requested clarification on the motion. Feels open-ended requests are given to staff and feels they provided what was asked for and the commission needs to make decisions based on what has been provided.

Meier stated he would like to look at the potential new code, new regulation around the fences on landscaping.

Fence discussion continued briefly.

7:55 PM 17. FUTURE OF FLAGLER CENTER

City Manager Dyess reported that the Flagler Place lease expires on January 1, 2020 and the Commission has previously expressed interest in having the City operate it as a rental facility. The City has also been approached by Stuart Mainstreet who is interested in entering into a direct lease with the City.

Nic Schroth, Stuart Mainstreet President came forward to disclose the plans on leasing Flagler Center. He presented the proposal with a brief Power Point.

Jim Chrulski, Community Services Director explained the comparisons of other local rental venues.

Public Comment:

1) **Robert Steinberg – California Drive; Read an agreement written about the Flagler Center by past City Manager, Paul Nicoletti. The building was renovated for multi-functional cultural center for the benefit of all.**

2) **Armond Pasquale – Commented on suggestions to return the Flagler Center back to the community center is once was with various activities available.**

3) **Mark Brechbill – Detroit Avenue; Commented that the Flagler Center is an important part of our community. In favor of the Mainstreet lease.**

4) **Mike McCarty – Oriole Avenue; On the Mainstreet committee and supports the Mainstreet lease.**

Commissioner Glass Leighton is not interested in going for a profit company. Supports and believes in what the Stuart Mainstreet does for our City.

The commission participated in further discussion with Mr. Schroth, including City use days and the various uses and costs associated with Mainstreet leasing the Center. Mainstreet has requested six (6) month abatement of rent to get their start-up costs going.

Commissioner Clarke asked staff to research the format that the City of Delray Beach has with the Arts Garage and how it operates.

Commissioner Matheson inquired on the Stuart Mainstreet Board.

Mayor Bruner passed the gavel to Vice Mayor Clarke to make a motion.

8:46 PM Motion: Motion that staff goes ahead and draws up the lease for Mainstreet.
Moved by: Commissioner Bruner
Seconded by: Commissioner Meier
Motion passed unanimously.

8:48 PM ADJOURNMENT

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

Minutes to be approved at the Regular Commission Meeting this 10th day of June, 2019.