MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD January 27, 2020
AT 5:30 PM Commission Chambers
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

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

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

5:52 PM ROLL CALL

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

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Mayor Meier recognized various dignitaries in the audience; Martin County Commissioners Stacey Hetherington, Harold Jenkins, Ed Ciampi, Taryn Kryzda, and former Martin County Commissioner Maggy Hurchalla.

5:53 PM PRESENTATIONS

1. JANUARY SERVICE AWARDS

David Peters, Public Works - 20 years; accepted his award.
George McLain III, Police - 20 years; accepted his award.

Kathleen Martin, Police - 20 years; unable to attend.
George Blum, Fire Rescue - 20 years; unable to attend.
Heather Rothe, Police - 25 years; unable to attend.

2. EMPLOYEE OF THE YEAR 2019 AND RUNNER UP

Employee of the Year Runner Up – Anne Ellig, Public Works; Public Works Director, David Peters announced Anne's accomplishments; Anne was unable to attend as she was attending a conference.

Employee of the Year – Monica Sands, Community Services; Community Services Director, Jim Chrulski announced Monica's accomplishments and she came forward to accept her award while greeted by her family and friends.

6:04 PM COMMENTS BY CITY COMMISSIONERS

Commissioner Glass Leighton

- **Requested to swap Items #7 and #8 on the Agenda in order to talk about the lawsuit first.**

Commissioner Matheson

- **The TCRLC had their annual Gala and congratulated the Mayor who was appointed their Treasurer.**
- **Stuart had a great turn out for the MLK Day Parade and congratulated the AFRO American Citizen's for presenting the celebration for their first time.**
- **NAACP Annual Freedom Fest Gala is March 14th and tickets can be purchased at Gertrude Walden Center or local NAACP office.**

Commissioner Bruner

- **Happy to see that Martin County Commissioners are in attendance tonight.**

Vice Mayor Clarke

- **Commented on the MLK Day Parade and thanked Jim Rearden who got the events together.**
- **Announced that on Saturday, she will accept a plaque from the American Daughters of American Revolution**

Mayor Meier

- **No comments.**

COMMENTS BY CITY MANAGER

No comments.

APPROVAL OF AGENDA

6:08 PM MOTION: Move approval of the agenda with the swap of Items 7 and 8.
Moved by: Commissioner Glass Leighton
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

COMMENTS FROM THE PUBLIC (5 min. max)

1) **Jackie Trancynger – Acapuko Dr, Jensen Bch.; Commented to urge the commission to support the lawsuit. Commission does some things she objects to but urges Commissioners to go see speaker, Dr. Sullivan who will be speaking at the Martin County Conservation Alliance in March.**
2) **Darrell Brand – Island Creek Trail, Palm City; Member of Rivers Coalition, but representing himself, presented the Commission with a poster from the Stuart News in 1961 and read an excerpt from it.**
3) **Armond Pasquale – Seminole St.; Commented on his concerns about a gas line that was installed in front of his building today. Feels it is putting his life and the life of others in danger.**
4) **Betty Brinkley – Nassau Ave.; Congratulated Commissioner Glass Leighton and wished her well. Commented on a water test done at her home and she was told her water was not safe, complaint about bright street lights, and that in 2015 and 2019 the County and City's website had racist remarks.**

***City responded that a private water company was trying to sell a product and assured Brinkley that the water meets all regulations. David Peters will contact her to perform a water test.**

CONSENT CALENDAR

3. AWARD RFP # 2020-101 PROFESSIONAL ENVIRONMENTAL CONSULTING SRVICES:

RESOLUTION No. 10-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO AWARD RFP NO. 2020-101: PROFESSIONAL ENVIRONMENTAL CONSULTING SERVICES TO EW CONSULTANT, INC., OF STUART, FLORIDA, ENGINEERING DESIGN & CONSTRUCTION, INC., OF PORT SAINT LUCIE, FLORIDA, TETRA TECH OF STUART, FLORIDA, AND CARDNO OF STUART, FLORIDA ON AN "AS NEEDED" BASIS.

4. AMENDMENT 1 TO DRINKING WATER REVOLVING FUND LOAN AGREEMENT:

RESOLUTION No. 14-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING AMENDMENT 1 TO THE STATE OF FLORIDA DRINKING WATER STATE REVOLVING FUND LOAN AGREEMENT DW430430. PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

5. 2019 JUSTICE ASSISTANCE GRANT:

RESOLUTION No. 15-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING A BUDGET AMENDMENT (BA #1) TO THE 2019-2020 ANNUAL GENERAL FUND, OPERATING BUDGET; AUTHORIZING RECEIPT AND APPROPRIATION OF THE 2019 JUSTICE ASSISTANCE GRANT; AUTHORIZING THE APPROPRIATION OF GENERAL FUNDS; AUTHORIZING THE EXPENDITURE OF FUNDS FOR SIMMUNITIONS TRAINING PROGRAM; AND PROVIDING AN EFFECTIVE DATE AND FOR OTHER MATTERS.

6. APPOINTMENT OF COMMISSIONER BECKY BRUNER AS ALTERNATE TREASURE COAST REGIONAL LEAGUE OF CITIES (TCRLC) BOARD MEMBER.

END OF CONSENT CALENDAR

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

COMMISSION ACTION

***Clerks Note – Swapped Item #7 & #8.**

6:24 PM 8. CITY OF STUART vs ARMY CORPS OF ENGINEERS RE: LAKE OKEECHOBEE:

RESOLUTION No. 17-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, DIRECTING THE CITY ATTORNEY TO FILE A CAUSE OF ACTION AGAINST THE ARMY CORPS OF ENGINEERS TO SEEK RELIEF FROM SUMMER DISCHARGES INTO THE ESTUARY, PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

City Attorney Mortell reviewed the draft lawsuit provided to the Commission on Friday.

Public Comment:

1) **Jo Neeson – Indian River Dr., Jensen Bch.; In support of the lawsuit, hopes the County joins the effort.**
2) **Jim Vopal – Osceola St.; In support of the lawsuit, commented on the changes he has seen in the river over the years and health effects of the algae issues. Feels public would help fund the suit.**
3) **Blair Wickstrom – Cardinal Way; In support of the lawsuit, commented on the lake levels.**
4) **Mary Radabaugh – Alice Ave.; In support of lawsuit; brought forward stack of paper stating it contained correspondence with the Army Corp of Engineers and testing documents.**

5) Maggy Hurchalla – Nassau Terr.; In support of the lawsuit; feels the Corp will listen.
6) Peter Upton – Shore Terr.; Feels the City should look at lawsuit carefully before moving forward but commends them for their courage. Commended on both sides.
7) Christina Maldonado – 7th St.; Parent and Veterinarian, in support of lawsuit.
8) Nick Vessio – Coldspring Dr., Jensen Bch., In support of the lawsuit.
9) Gary Goforth – Hawk View Circle; Environmental Engineer, positive environmental progress rarely happens without litigation, encouraged City to continue working with other agencies to build consensus. Offered donation of $10,000 worth of his expert services time to the City and County to help with litigation related.
10) Taryn Kryzda – Monterey Rd.; Commented that the County had allocated $145,000 towards the efforts relative to the LOSOM and hired 14 various consultants. Stands with the City on this issue but taking a different approach, the County has sued the Army Corp of Engineers in the past and has paid dearly for it.
11) Mark Perry – Ocean Blvd.; In support of the lawsuit, commented on lake levels.
12) Glenn Kellis – Akron Ave.; In support of the lawsuit, commented on keeping up the momentum.
13) Frank McChrystal – Commented that the commissioners voting against this lawsuit would be trapped because it could hurt their political careers, but he feels there are already others actively working to end the discharges and the City should not waste tax payer dollars.
14) Becky Harris – St. Lucie Blvd.; In support of the lawsuit, had one of the six dogs that got sick from the river algae.
15) Mike Connor – Pinesap Place, Jensen Bch.; Commented on the Clean Waters Act, City will need co-plaintiffs such as River Keepers; in support of the lawsuit.
16) Douglas Ashley – Dixie Hwy., Jensen Bch; in support of the lawsuit.
17) Kevin Flis – St. Lucie Blvd.; In support of the lawsuit; commented on his concerns for his family due to the algae, have considered moving.
18) John Maehl – Waterlily, Jensen Bch; MC Ecosystem Division Manager, Commented on Martin County's position and concerns of the river. County proposing to work within the legal process and have had cooperation with the state and federal partners, feel it's the best approach for the County at this time.

7:31 PM Commissioner Matheson thanked all for their support and commented that the health and safety of our residents is top priority.

Vice Mayor Clarke thanked Commissioner Matheson for the courage to initiate this. Like others, she agrees that this is expensive and may or may not do something but feels this is about us in Stuart as a community and we must do something.

Commissioner Glass Leighton commented that her position as of last meeting has not changed. Feels we must move forward and continue with the draft lawsuit.

Mayor Meier thanked the County and stated we would like to work alongside them, commented on all the County is and has done but is happy to have heard from members of the community. Feels the City needs to take the time needed to create a strategy.

7:52 PM MOTION: To give our City Attorney the authority to file litigation against the Army Corp of Engineers once that draft is finalized, at his discretion, upon or prior to the filing, I would like us to ask for professional mediation with the Corp. I am calling now, on the record, for all the help of legal experts and scientists willing to give us their professional opinion towards our success. I want to put on the record, that we want to work with the Corp, but we don't want to get pushed around anymore. You did it in 2019 and you were very clear your priority was health and human safety and I think public perception has a lot and all of us saw US Sugar's lawsuit and 6 months later the Corps focus over the holidays was on water supply. Now, that's just the publics view and I explained that to Lt. Colonel Polk, but all of us up her have to deal with public perception a lot and they do to, and the top priority moving forward, the way water's managed must be health and human safety.

***7:54 PM Matheson restated MOTION:* [Give our City Attorney the authority to file litigation against the Army Corp of Engineers once the draft is finalized at his discretion. Upon or prior to the filing, I would like us to ask for professional mediation with the Corp.]**

***7:58 PM Matheson modified his MOTION:* [At our City Attorney's discretion he can bring us back the final draft to review prior to a meeting as an action item.]**
Moved by: Commissioner Matheson
Seconded by: Commissioner Glass Leighton
Motion passed unanimously. 8:16 PM

Commissioner Glass Leighton discussed that per the language of the motion, the changes the Attorney makes to the lawsuit would be up to his discretion, but she feels it should be brought back before the Commission for review.

City Attorney Mortell reported on the general litigation procedure process. Commission discussion.

8:17 PM 7. ST. LUCIE ESTUARY ADVOCATE POSITION

City Manager Dyess reviewed his research for the position requested and provided the description of authorized personnel/representatives of the PDT Meetings.

Commissioner Glass Leighton commented that she feels that the each of them as commissioners can speak with Congressman Mast and Representative Overdorf and does not feel they should hire someone who should go and speak with these representatives on their behalf. Each of them has the power and passion to make the changes they want, and it should be one of them. Is in support of Matheson being the person to go to the PDT Meetings on the Commission's behalf and is willing to donate from her travel budget.

Commissioners continued discussion of Commissioners Glass Leighton's suggestion including the various needs of the person representing Stuart.

8:23 PM MOTION: Motion that we nominate Commissioner Matheson to be our City PDT representative and fund his travel to the meetings.
Moved by: Commissioner Glass Leighton
Seconded by: Commissioner Bruner
Motion passed unanimously. 8:44 PM

Discussion of the specific needs and qualifications. Commissioner Glass Leighton commented that she feels it is important for Ben Hogarth to still attend the meetings with Commissioner Matheson.

Public Comment:

1) **Maggy Hurchalla – Nassau Terr.; Commented on the large number of LOSOM Meetings and the City needs someone who understands the law and the biology and hydrology of this.**
2) **Ed Ciampi – Commented that he can advocate at the next County meeting that they have a stronger level of communication on this issue and can work together to communicate on this issue or attend the meetings.**

Ben Hogarth, Community Services Liaison, came forward and commented on his role in attending the LOSUM Meetings. Commissioners complimented Ben on the work he has done with the program.

Mayor Meier passed the gavel to Vice Mayor Clarke in order to make a Motion.

8:48 PM MOTION: Direct staff to bring back a full-time employee position for a river defender, a full-time employee that focuses solely on developing and implementing our strategy as it relates to the river. Somebody with legal background that has a resume that can demonstrate their experience with legislative matters, some experience with law, environmental law.
Moved by: Mayor Meier
Seconded by: Commissioner Matheson
Motion withdrawn. 8:59 PM

Discussion of funding included the option of using the remaining river fund up through September, but beyond that would call for raising taxes or cutting other positions.

8:59 PM MOTION: Motion to table the river defender item at this point.
Moved by: Commissioner Matheson
Seconded by: ---
Motion died for lack of second.

9. BUDGET AMENDMENT #2 - RIVER DEFENSE FUND:

RESOLUTION No. 18-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING A BUDGET AMENDMENT TO THE 2020 ANNUAL STORMWATER FUND, OPERATING BUDGET; AUTHORIZING THE APPROPRIATION OF FUNDS; AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE "RIVER DEFENSE FUND"; AND PROVIDING AN EFFECTIVE DATE AND FOR OTHER MATTERS.

9:01 PM MOTION: Motion to approve.
Moved by: Commissioner Matheson
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

9:02 PM ** Mayor called a 5-minute RECESS. **

9:09 PM Meeting called back to order.

ORDINANCE FIRST READING

10. (CONTINUED FROM JANUARY 13, 2020 TO DATE CERTAIN OF JANUARY 27, 2020) AMENDMENT TO EXISTING PUD TO URBAN DESIGNATION AND TO RE-ESTABLISH DEVELOPMENT TIMELINES:

ORDINANCE No. 2421-2020; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, REFRESHING THE NOW DEFUNCT ORDINANCE 2275-2014, AMENDEDING ORDINANCE NUMBER 2095-07, FORMERLY THE "HARBOUR WALK PRESERVE COMMERCIAL PLANNED UNIT DEVELOPMENT" (CPUD) PROJECT; PROVIDING FOR DEVELOPMENT APPROVAL ON A 1.97 ACRE COMMERCIAL PORTION OF THE SITE, TO BE KNOWN AS THE "HANEY CREEK TRUST COMMERCIAL PROPERTY" URBAN PLANNED UNIT DEVELOPMENT (UPUD); PROVIDING FOR CERTAIN DESIGN CONDITIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREW ITH; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Stephen Mayer, Development Department Senior Planner presented to include the LPA and staff recommendations.

9:14 PM MOTION: Motion to approve as written, Ordinance 2421-2020.
Moved by: Commissioner Matheson
Seconded by: Commissioner Bruner
Motion passed unanimously.

11. ABANDONMENT OF A PORTION OF COCONUT AVENUE RIGHT-OF-WAY:

ORDINANCE No. 2425-2020; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO PROVIDE FOR THE ABANDONMENT OF CERTAIN PUBLIC RIGHTOF- WAY WITHIN THE CITY BEING THAT CERTAIN 30-FOOT RIGHT-OF-WAY, AS SET FORTH ON THE PLAT OF ST. LUCIE ESTATES, SECTION 2, AS

RECORDED IN PLAT BOOK 11, PAGE 22, PALM BEACH (NOW MARTIN) COUNTY, FLORIDA PUBLIC RECORDS RUNNING SOUTH OF THE SOUTHERLY RIGHT-OF-WAY LINE OF SE 5TH STREET, AND ABUTTING THE W ESTERN BOUNDARY OF LOTS 10, 11 AND 14, BLOCK 4 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.

Tom Reetz, Development Department Senior Planner presented.

9:17 PM MOTION: Move approval of 2425-2020 at First Reading.
Moved by: Vice Mayor Clarke
Seconded by: Commissioner Glass Leighton
Motion passed unanimously.

ORDINANCE SECOND READING

12. AMENDMENT TO THE LAND DEVELOPMENT CODE UPUD DENSITY AND PARKING:

ORDINANCE No. 2423-2020; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING SECTION 2.07.00.I OF CHAPTER II ENTITLED "URBAN PLANNED UNIT DEVELOPMENT (UPUD) DISTRICTS" TO ADD A METHODOLOGY FOR RESIDENTIAL DENSITY CALCULATION AND ADD MINIMUM RESIDENTIAL CAR PARKING REQUIREMENTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Kevin Freeman, Development Department Director presented on the amendment to remove the incorporation of inclusionary housing requirement.

9:19 PM MOTION: Move approval of Ordinance No. 2423-2020 on Second Reading.
Moved by: Commissioner Glass Leighton
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

13. AMENDMENT TO THE LAND DEVELOPMENT CODE REVIEW PROCEDURES FOR PUD APPLICATIONS:

ORDINANCE No. 2424-2020; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING SECTION 11.01.00 OF CHAPTER XI ENTITLED "PROCESSING OF PLAN APPLICATIONS" TO AMEND THE REVIEW BOARD PROCEDURES FOR PROPOSALS THAT INVOLVE URBAN PLANNED UNIT DEVELOPMENT LOCATED WITHIN THE COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR

SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Kevin Freeman, Development Department Director reviewed the Ordinance.

9:20 PM MOTION: Move approval of Ordinance No. 2424-2020 on Second Reading.
Moved by: Commissioner Glass Leighton
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

14. TRANSFER OF IMPACT FEE CREDITS:

ORDINANCE No. 2426-2020; AN ORDINANCE OF THE CITY OF STUART, AMENDING ARTICLE III, SECTION 32-68 ALLOWING FOR THE TRANSFER OF IMPACT FEE CREDITS; PROVIDING FOR A SEVERABILITY CLAUSE AND A CONFLICT CLAUSE; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

City Attorney Mortell reviewed the Ordinance and reported that he added a definition of a surplus residential unit on page 8 and a footnote referring to the number of transfers on page 9.

9:23 PM MOTION: That staff bring back this item, adding language impact fee credits shall be tied to create affordable housing should they be transferred to a new property.
Moved by: Commissioner Matheson
Seconded by:
Motion dies for lack of second.

9:26 PM MOTION: Move approval.
Moved by: Commissioner Bruner
Seconded by: Commissioner Glass Leighton
Motion passed 3/5. 9:37 PM

Matheson	**NO**
Glass Leighton	**YES**
Bruner	**YES**
Clarke	**YES**
Meier	**NO**

Public Comment:

1) **Helen McBride – Flamingo Ave.; Commented that the impact fees provide funds for the local schools, sidewalks, roads, and the City needs this money and the developers who receive the credits are not here for the long term.**

DISCUSSION AND DELIBERATION

15. DISCUSSION ON FILLING THE GROUP IV COMMISSION SEAT TO BE VACATED BY COMMISSIONER GLASS LEIGHTON IN JUNE.

City Attorney Mortell commented with congratulations to Commissioner Glass Leighton but noted that the letter provided by the Commissioner at the January 13th meeting is not an official letter of resignation, therefore, this vote is all contingent upon Commissioner Glass Leighton's actual resignation.

9:39 PM MOTION: Move to have a special election at the August Primary Election and leave the seat vacant from the time of resignation until the election occurs. (Special election only stated for the purpose of it being an even number election year, 2020 instead of 2021 election.)
Moved by: Vice Mayor Clarke
Seconded by: Commissioner Bruner
Motion passed unanimously.

9:42 PM ADJOURNMENT

Mary R. Kindel, City Clerk

Michael J. Meier, Mayor

Minutes to be approved at the Regular Commission Meeting this 24th day of February, 2020.