MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD February 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

5:37 PM ROLL CALL
Present: Mayor Bruner, Vice Mayor Clarke, Commissioner Glass Leighton, Commissioner Matheson, Commissioner Meier.

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

5:38 PM PRESENTATIONS

1. FEBRUARY SERVICE AWARDS
Jacob Jones – 5 Years
Bill McGighan – 15 Years
Anthony Williams – 30 Years

2. EMPLOYEE OF THE MONTH - FEBRUARY 2019

Bruce Duncan, Building Inspector came forward to accept the Employee of the Month award.

5:46 PM COMMENTS BY CITY COMMISSIONERS

Commissioner Glass Leighton

- Commented on Mr. Ray Cooke's passing, who was a Commissioner in the City of Stuart from 1962 to 1978 and served as Mayor five times. He was also a long-standing business owner in the community and per her request; the flag in front of City hall was flown at half-staff in his remembrance.

Commissioner Matheson

- Congratulated Ms. Jacqui Thurlow-Lippisch on her recent appointment as representative to the South Florida Water Management District Board.
- Commented on the East Stuart Partnership event on Saturday, February 23, 2019 Paint-Up Program of 14 homes.
- Announced upcoming Rivers Coalition Meeting at City Hall on Wednesday, February 27th at 6 p.m.

Commissioner Meier

- Congratulated Ms. Jacqui Thurlow-Lippisch on her recent appointment to the South Florida Water Management District Board. Feels hopeful that there will be a big change in the health of our river over the next few years.
- Thanked the Army Corp. of Engineers for coming to Martin County last week, to the IRSC Campus to receive public comment with hundreds of people form the community participating with questions and demands of the Army Corp. and the scoping for the revision of the LOSOM and LORS, Lake Okeechobee Regulation Schedule.
- Commented on the recent sex trafficking bust and its effect on our community and expressed his thankfulness to the investigators for cracking this case. He urges the community to be considerate to each other for those who may be affected by this.

Vice Mayor Clarke

- Commented on the Army Corp., encouraged the public to send in written comments and to get involved in the river issues.
- Thanked the employees that were honored tonight and the Stuart Police Department for their involvement in the community. Special thanks to Chief Tuminelli.

Mayor Bruner

- Announced and read the letter she requested the commissioners send to congratulate Jacqui Thurlow-Lippisch on her new role as a SFWMD Board Member.

5:54 PM Motion: That we all sign this letter to commend Jacqui Thurlow-Lippisch on her appointment.
Motion by: Vice Mayor Clarke
Seconded by: Commissioner Matheson
Motion passed unanimously.

5:55 PM COMMENTS BY CITY MANAGER

Thanked all commissioners who came out to speak at the LORS at the Chastain Center, it was a great showing on behalf of the City. He will be releasing an excerpt montage video that he will be releasing on Face Book soon.

5:56 PM APPROVAL OF AGENDA

5:56 PM Motion: Move approval of the Agenda as published.
Motion by: Vice Mayor Clarke
Seconded by: Commissioner Glass Leighton
Motion passed unanimously.

5:56 PM COMMENTS FROM THE PUBLIC (5 min. max)

1) **Mark Rodgers – Crane Creek Ave.; Thanked the City for their help with their baseball programs. Last Saturday, several commissioners attended the opening day ceremony in which they honored Milton Leggett with an award.**

2) **Iris Frohman – Akron Avenue; Commented that she would like to see the tram program remain as is and not change to fixed routes.**

3) **David Frohman – Akron Avenue; Commented that he would like to see the tram program remain as is and not change to fixed routes. Also commented that the area they live in is very dark at night and has inadequate lighting.**

4) **Rob DesRuisseaux – High School Avenue; Commented on the value of convenience of the tram and feels it would be a mistake to make changes to the tram service.**

5) **Kellie Pomfrey – Akron Avenue; Commented that she calls and the tram picks her up to take her downtown and would like the tram program to remain as it is.**

6) **Caryn Yost-Rudge – Palm City Road; Commented that the Commission is the boss of the Attorney and that he cannot council in the Rudge case. Wants remaining two out of five Attorney-Client session transcripts for the Rudge case.**

Commissioner Meier asked the Frohman couple about the dark areas in their neighborhood that they commented about.

CONSENT CALENDAR

3. APPROVAL OF 02/11/2019 CCM MINUTES

4. LEASE OF 171 SW FLAGLER AVE TO CONGRESSMAN MAST:

RESOLUTION No. 21-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO AUTHORIZE EXECUTION OF LEASE AGREEMENT BETWEEN THE CITY OF STUART AND CONGRESSMAN BRIAN MAST FOR THE CRARY HOUSE LOCATED AT 171 SW FLAGLER AVENUE, STUART; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

PULLED 5. PALM CITY ROAD IMPROVEMENTS:

RESOLUTION No. 22-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING BUDGET AMENDMENT No. 4 AND CIP AMENDMENT No. 2 TO THE 2018-2019 GENERAL FUND AND CAPITAL IMPROVEMENT PLAN, APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PALM CITY ROAD RAISED CROSSWALKS PROJECT IN THE AMOUNT OF $150,000.00, INCORPORATING PROJECT INTO THE CAPITAL IMPROVEMENT PLAN, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

PULLED 6. SHEPARD PARK BOAT TRAILER PARKING:

RESOLUTION No. 23-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE PUBLIC WORKS DEPARTMENT TO APPLY FOR AND, IF SUCCESSFUL DESIGNATE THE PUBLIC WORKS DIRECTOR 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 BOAT TRAILER PARKING IMPROVEMENTS ASSOCIATED WITH SHEPARD PARK; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

PULLED 7. PURCHASE AGREEMENT FOR PUBLIC WORKS PROPERTY:

RESOLUTION No. 25-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY MANAGER OR CITY ATTORNEY TO EXECUTE A REAL ESTATE PURCHASE AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

6:13 PM Motion: Move approval of the Consent Agenda. (Matheson pulled Item #5, Meier pulled Item #6 and #7.)
Motion by: Commissioner Glass Leighton
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

5. PALM CITY ROAD IMPROVEMENTS:

RESOLUTION No. 22-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING BUDGET AMENDMENT No. 4 AND CIP AMENDMENT No. 2 TO THE 2018-2019 GENERAL FUND AND CAPITAL

IMPROVEMENT PLAN, APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PALM CITY ROAD RAISED CROSSWALKS PROJECT IN THE AMOUNT OF $150,000.00, INCORPORATING PROJECT INTO THE CAPITAL IMPROVEMENT PLAN, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Commissioner Matheson requested an update and time frame from City Engineer and Assistant Public Works Director, Tim Voelker.

Tim Voelker commented on the Palm City Road completion of construction at 8 to 10 months. Waiting on the Martin County Right-of-Way Permit.

Commissioner Meier commented on the 60% increase in this project and asked if there was an estimate in a cheaper option of fixing up the existing poles.

Voelker responded that though he does not have that estimate, possibly half, or more than half the project amount. There are ways to bid this project out and possibly use internal resources.

Meier commented that flashing lights do not work and requested input from the Board on going forward with the initial recommendation of raised crosswalks with existing flashing lights as they were. Matheson commented that the lights would be motion activated and feels public safety is worth it.

Public Comment:

1) **Jim Coallegos – Manor Drive; In support of the pedestrian activated lights.**

Commissioner Meier requested research data on the efficacy of pedestrian activated lights at a crosswalk, always on flashing lights and no flashing lights.

Voelker will check into the data available.

6:25 PM Motion: Motion that staff proceed up to a maximum of $150,000 and try every route possible to keep the price as close to the $95,000 mark while proceeding with the boards original request of the raised crosswalks that are pedestrian activated.
Motion by: Commissioner Matheson
Seconded by: Commissioner Meier
Motion passed unanimously.

6. SHEPARD PARK BOAT TRAILER PARKING:

RESOLUTION No. 23-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE PUBLIC W ORKS DEPARTMENT TO APPLY FOR AND, IF SUCCESSFUL DESIGNATE THE PUBLIC WORKS DIRECTOR 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 BOAT TRAILER PARKING IMPROVEMENTS ASSOCIATED W ITH SHEPARD PARK; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Commissioner Meier thanked Tim Voelker, City Engineer and Assistant Public Works Director for his efforts on this project. Voelker explained the number of spaces that are being increased and the reconfiguration of the parking lot.

6:32 PM Motion: Move to approve.
Motion by: Commissioner Meier
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

7. PURCHASE AGREEMENT FOR PUBLIC WORKS PROPERTY:

RESOLUTION No. 25-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY MANAGER OR CITY ATTORNEY TO EXECUTE A REAL ESTATE PURCHASE AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Commissioner Meier requested information on the cost.

Attorney Mortell explained the process and stated the cost would be $250,000.

David Peters, Public Works Director, agrees with the purchase as it puts the department all together in one spot.

6:36 PM Motion: Move to approve Item #7.
Motion by: Vice Mayor Clarke
Seconded by: Commissioner Matheson
Motion passed unanimously.

COMMISSION ACTION

6:36 PM 8. NORTHPOINT MAJOR URBAN CONDITIONAL USE - NORTH STUART ACQUISITION AND DEVELOPMENT (QUASI-JUDICIAL):

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.

~~6~~ 7 People Sworn – Kevin Freeman, Stephen Mayer of City of Stuart, Bob Raynes of Gunster Florida Law, Richard Geisinger of Stuart Acquisition Realty, Joe Capra of Captec, and Bob Britt of Britt Architects, and Greg Boggs of Lucido and Associates.

Stephen Mayer, Senior Planner gave a brief presentation on the Northpoint Major Urban Conditional Use. This Resolution is a one adoption hearing because it is a major urban conditional use within the urban district of our code. In a PUD, there is a first and second reading, in the conditional use, there is one Community Redevelopment Board (CRB) Meeting and one City Commission Meeting. The applicant is the North Stuart Acquisition and Development, LLC. Mayer noted corrections to the staff report: 1) office building is 27,300 square feet and 2) garage has 28 parking spaces.

Mr. Bob Raynes noted a correction on #13 in Staff Recommendations – there is a reference to the "association", should read the "property owner".

Mr. Richard Geisinger, presented the North Point Development Plan. Discussion of time frame included the developer having a CO by December 31, 2023; the developer would be responsible for the TIFF money on the balance of the CO not completed. The Boardwalk will be part of the developers plan. If there is a possibility of getting a FIND Grant, they would pursue that by providing an easement to the municipality. Continuation discussion for various project conditions.

Project Conditions:

- **TIFF Penalty and Credit**
- **Boardwalk completion date**
- **FDOT Parking open for public, day parking only – not overnight**
- **Number of docks used for the restaurant**
- **Security deposit related to the demolition if the project is not complete or to restore the project to its original condition.**
- **8 foot sidewalk on exterior of the project**
- **Clear timeframe for CO.**

Commissioner Matheson expressed concern on one of the crosswalks.

Kevin Freeman requested conformation for staff on the request for eight (8) variances.

Public Comment:

1) **Armond Pasquale – Commented that the City does not need additional commercial properties sold to developers, would like to see more recreational purposes.**

2) **Helen McBride – Flamingo Avenue; In support of the project.**

7:49 PM Motion: To continue the project to allow the applicant to work with staff to come up with a clear time frame in writing for the CO. The CO would be issued only after the completion of the entire project, including the limitations set forth here tonight. This would include a penalty if the applicant paying the estimated TIFF generated, if the time frame is not met before the CO is issued and to be specific, the CO, before the CO would be issued would be the entire boardwalk whether you do the small triangle piece in a Phase II or not, but the CO would be issued after all the boardwalk is done, after all the parking spaces are completed, and that those parking spaces would be used for public use, no boat trailer storage, no RV's. It the time frame is not met, the re-up bonus would not be applicable in this project.
AMENDED MOTION: Resolution No. 16-2019 continued to March 25, 2019 CCM Meeting.
Motion by: Commissioner Matheson
Seconded by: Commissioner Class Leighton
Motion passed unanimously.

9. ENDANGERED SPECIES ACT; BA#5:

RESOLUTION No. 24-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING BUDGET AMENDMENT #5 TO THE 2018-2019 STORMWATER FUND AUTHORIZING A $12,000.00 TRANSFER FROM STORMWATER FUND BALANCE TO GENERAL FUND, FOR THE PURPOSES OF A CONTRIBUTION TO THE MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

8:06 PM Motion: Move Resolution #24-2019.
Motion by: Vice Mayor Clarke
Seconded by: Commissioner Meier
Motion passed unanimously.

ORDINANCE FIRST READING

ORDINANCE SECOND READING

DISCUSSION AND DELIBERATION

Commissioner Meier commented in response to the public comments on the Tram Program.

City Manager Dyess commented that he has spoken to each of the citizens who gave public comment tonight, and for clarification to the board, there was a parking study that resulted in a fixed route tram system, approved by the commission. After initiating the fixed route system, the City received several complaints so it was temporarily put on hold until March 1st. A tram stop will be added to West Ocean and Akron to accommodate the residents here tonight. Route times will be publicized.

After brief discussion, commission agreed that the fixed route and dependable tram system is more beneficial to the majority of the public.

8:11 PM ADJOURNMENT

Mary R. Kindel, City Clerk

Rebecca S. Bruner, Mayor

Minutes to be approved at the Regular Commission Meeting this 11th day of March, 2019.