# MINUTES
# REGULAR MEETING OF THE STUART CITY COMMISSION
# HELD April 8, 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**

**5:30 PM 1.** ARTS MOMENT - MS. DORETHA HAIR TRUESDELL, PRESENTATION ON THE HISTORY OF THE FLORIDA HIGHWAYMAN ARTISTS.

**Ms. Doretha Hair Truesdell came forward to accept her certificate of appreciation and summarized the history of the Highwaymen painters, displaying five paintings for all to enjoy.**

**PROCLAMATIONS**

**5:37 PM 2.** CHILD ABUSE & PREVENTION MONTH AND VOLUNTEER APPRECIATION WEEK

**Roberta Katz, Senior Child's Best Interest Attorney of the State of Florida Guardian ad Litem Program came forward to accept the Proclamation and thanked the Commission for their support and encouraged citizens to volunteer.**

**5:40 PM 3.** WATER CONSERVATION MONTH - APRIL 2019

**Anne Ellig, Recycling and Conservation Coordinator and Kathy LaMartina of the South Florida Water Management District graciously accepted the Proclamation.**

**5:42 PM COMMENTS BY CITY COMMISSIONERS**

**Commissioner Glass Leighton**

- **No comments.**

**Commissioner Matheson**

- **Reminder to all about the upcoming Special Commission Meeting East Stuart Workshop that will be held at the Community Center on April 25th at 6:30 p.m.**
- **Commented on Airbnb rental concerns and would like to have staff research the rentals in the area to provide the City a baseline.**
- **Commented on the secondary FPL poles along Martin Luther King Jr. Blvd.**

**David Peters, Public Works Director stated that they have been communicating with FPL on this matter.**

**Commissioner Meier**

- **Commented that in an effort to save time for contractors and engineers awaiting agenda items, he plans to save some of his comments for the Discussion and Deliberation category and plans to discuss the Airbnb, Colorado Avenue hedges, and Rolling Coal.**
- **Reported that while in Tallahassee, was pleased to see that our legislators are working hard on our behalf. He met with Representative Overdorf and Senator Gail Harrell, and the Treasure Coast League of Cities who all took the time to listen to them.**

**Attorney Mortell clarified that any items that may require action must go on a future agenda as Discussion and Deliberation. Motions that include administrative duties such as writing a letter or directing staff can be voted on during Commissioner Comments. If the matter is substantive that would change a policy or effect property rights, there is a due process and the item must be noticed for a future agenda.**

**Vice Mayor Clarke**

- **Request to pull items #6 and #7 from the Consent Calendar for clarification.**
- **Thanked the City Manager and hard-working staff for the Employee Picnic held last Saturday.**
- **Asked the City manager is there is anyone from the City who attends the County's Housing Coalition Meetings.**

**City Manager Dyess stated the CRA Director, Pinal Gandhi-Savdas attends the meetings.**

- **Commented on the local Hepatitis issue and having health advisory information on our website.**
- **Commented that she has received requests from citizens on how to be involved in the Community Garden and mentioned that perhaps we could have a House of Hope link on our website.**
- **Commented that she would like to make sure all in East Stuart are aware of the upcoming Special Commission Meeting Workshop.**
- **Inquired as to whether the City has received any feedback from the community about the updated adoption of fees for special events.**

**City Manager Dyess and Jim Chrulski, Community Services Director both confirmed that there have been no comments pertaining to the updated fees.**

- **Clarke commented that there is limited parking at Turner Smith Park on Martin Luther King Jr. Blvd. and requests that the City cooperate with a local family that plans to use the park for a memorial service.**

**Mayor Bruner**

- **Thanked the staff for the Employee Appreciation Picnic, it was great to see the comradery and get to know the families of the employees.**

**COMMENTS BY CITY MANAGER**

- **City Manager Dyess complimented the picnic committee.**
- **Recently forwarded an email to the Commission relating to the Public Works employees for the job they do and how courteous they are.**
- **Announced that the City Clerk, Mary Kindel has received her Certified Municipal Clerk certification from the International Institute of Municipal Clerks.**

**APPROVAL OF AGENDA**

**5:56 PM Motion: Move approval of the Agenda with the items pulled.**
**Motion by: Commissioner Glass Leighton**
**Seconded by: Commissioner Matheson**
**Motion passed unanimously.**

**5:57 PM COMMENTS FROM THE PUBLIC (5 min. max)**

1) **Thelma Washington – Blairwood Tr., Jensen Beach; Announced that the East Stuart Partnership was formed 2.5 years ago as it was needed in the community. This Partnership got the neighborhood involved with a program called "Love Thy Neighbor", improving homes with painting and repairs. The Partnership has decided to dull their lights so that other lights may shine.**

**Thanked the Commission for all that they have done to support the East Stuart Partnership.**

2) **Ora Solomon – 16th Court; Requested a copy of the CRA Plan.**

**CONSENT CALENDAR**

**4.** APPROVAL OF 03/25/2019 CCM MINUTES

**5.** ADVISORY BOARD APPOINTMENT OF FAYE JAMES TO THE COMMUNITY REDEVELOPMENT BOARD (CRB).

**PULLED 6.** ZONING IN PROGRESS TO ESTABLISH REGULATIONS ON FRONT YARD FENCES:

RESOLUTION No. 44-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA DECLARING "ZONING IN PROGRESS" UNDER SEC. 1.04.04, STUART LAND DEVELOPMENT CODE, FOR BUILDING PERMITS PERTAINING TO FENCES IN THE FRONT YARD WITHIN THE R-1A, R-1, R-2 AND R-3 ZONING DISTRICTS, AND PROVIDING AN EFFECTIVE DATE.

**PULLED 7.** LICENSE AGREEMENT WITH VIRGIN TRAINS USA:

RESOLUTION No. 45-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF STUART AND VIRGIN TRAINS USA FLORIDA, LLC GRANTING A LICENSE TO STORE RAILROAD CONSTRUCTION MATERIALS ON THE STUART LANDFILL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**END OF CONSENT CALENDAR**

**6:03 PM Motion: Move approval of the Consent Calendar, only Items #4 and #5.**
**Motion by: Commissioner Glass Leighton**
**Seconded by: Vice Mayor Clarke**
**Motion passed unanimously.**

**6:04 PM 6.** ZONING IN PROGRESS TO ESTABLISH REGULATIONS ON FRONT YARD FENCES:

RESOLUTION No. 44-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA DECLARING "ZONING IN PROGRESS" UNDER SEC. 1.04.04, STUART LAND DEVELOPMENT CODE, FOR BUILDING PERMITS PERTAINING TO FENCES IN THE FRONT YARD WITHIN THE R-1A, R-1, R-2 AND R-3 ZONING DISTRICTS, AND PROVIDING AN EFFECTIVE DATE.

**Stephen Mayer, Development Dept. reported on Res. 44-2019, allowing text amendment changes, time to develop those changes while putting a freeze on**

**building permits and fences in front yards only. If fences abide by the urban code of height and type, this process would allow the City to hold the permits until the text change is complete. This topic will go before the LPA.**

**Commission discussion occurred.**

**Public Comment:**

1) **Jeff Dougherty – Riverside Dr.; Commented on the height being the issue and the appeal process. Recommends the City leaves the 4 foot height code in place and only progress on the above 4 feet.**

2) **April Arwood - Fini Dr.; Commented that this fenced area is because it is an Airbnb and concerned over the impression on the rest of the neighborhood.**

3) **Gil Lagace – Johnson Ave.; Concerned about public safety with the height of fences.**

**6:17 PM Motion: Motion to approve Resolution 44-2019, amending Section 2 as follows, except as otherwise provided herein, and in Section 1.04.04 Stuart Land Development Code, no building permits for fences in the front yard shall be issued by the city unless they are approved by the Development Director, with appeals going before the Commission for a fee instead of using the zoning that we see in the Potsdam fences.**
**Motion by: Commissioner Matheson**
**Seconded by: Commissioner Meier**
**Motion passed unanimously.**

**6:41 PM 7.** LICENSE AGREEMENT WITH VIRGIN TRAINS USA:

RESOLUTION No. 45-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF STUART AND VIRGIN TRAINS USA FLORIDA, LLC GRANTING A LICENSE TO STORE RAILROAD CONSTRUCTION MATERIALS ON THE STUART LANDFILL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Attorney Mortell reviewed the history with the Virgin Trains USA Florida, LLC.**

**6:43 PM Motion: With regard to Resolution No. 45-2019, I move approval.**
**Motion by: Vice Mayor Clarke**
**Seconded by: Commissioner Glass Leighton**
**Motion passed unanimously.**

**COMMISSION ACTION**

**ORDINANCE FIRST READING**

**6:44 PM 8.** AUTHORIZING PENALTIES AGAINST UNLICENSED CONTRACTORS:

ORDINANCE No. 2404-2019; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING CHAPTER 10, ARTICLE VIII, SECTION 10-200 OF THE CODE OF ORDINANCES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

**Stephen Nicolosi, Building Official presented briefly on the reasons behind this Ordinance amendment. The penalties all come from Florida Statutes 489, Licensing of Contractors, enabling the City to enforce the laws.**

**6:46 PM Motion: Move approval.**
**Motion by: Commissioner Glass Leighton**
**Seconded by: Commissioner Matheson**
**Motion passed unanimously.**

**6:47 PM 9.** ST. LUCIE ESTATES ROW ABANDONMENT (QUASI-JUDICIAL):

ORDINANCE No. 2405-2019; 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 30-FOOT RIGHT-OF-WAY, AS SET FORTH ON THE PLAT OF ST. LUCIE ESTATES, AS RECORDED IN PLAT BOOK 10, PAGE 70, PALM BEACH (NOW 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 announced that Item #9 is not Quasi-Judicial. He provided a brief history of Ordinance 2405-2019.**

**6:49 PM Motion: Move approval of Ordinance 2405-2019.**
**Motion by: Commissioner Glass Leighton**
**Seconded by: Vice Mayor Clarke**
**Motion passed unanimously.**

**ORDINANCE SECOND READING**

**10.** AMENDMENT TO CHAPTER II LDC - UPUD:

ORDINANCE No. 2401-2019; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING SECTION OF CHAPTER II ENTITLED "ZONING DISTRICTS USES ALLOWED, DENSITY, INTENSITY" AND CREATING ADDITIONAL ZONING DISTRICT DESIGNATION OF URBAN 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.

**Kevin Freeman, Development Director reported on the changes of Ordinance 2401-2019. The reference to the East Stuart Planned Unit Development was removed throughout the Ordinance.**

**Public Comment:**

**Faye James – Florida St.; Requested clarity on Ord. 2401-2019, making sure the citizens of East Stuart have an opportunity for a workshop to allow them to fully understand the language in the Ordinance and confirm that proper notification of the Special Commission Meeting East Stuart Workshop scheduled for April 25th at 6:30 p.m. will be done.**

**6:51 PM Motion: Move approval of Ordinance No. 2401-2019.**
**Motion by: Vice Mayor Clarke**
**Seconded by: Commissioner Meier**
**Motion passed unanimously.**

**Vice Mayor Clarke requested that the glossary of terms be prepared for the East Stuart Workshop.**

**Kevin Freeman, Development Director stated that his department is in the process of putting that together.**

**6:54 PM DISCUSSION AND DELIBERATION**

**ADJOURNMENT**

**Mary R. Kindel, City Clerk**

**Rebecca S. Bruner, Mayor**

**Minutes to be approved at the Regular Commission Meeting this 22nd day of April, 2019.**