MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD October 28, 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

5:34 PM ROLL CALL
Present: Mayor Bruner, Vice Mayor Clarke, Commissioner Glass Leighton, Commissioner Matheson, Commissioner Meier.

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

1. 19TH ANNUAL BIBLE READING MARATHON (11/11 - 11/15/19)

Pastors Eddie and Joanne Rodrigues came forward to accept the Proclamation and announced the event, inviting all to come out and attend.

PRESENTATIONS

2. SERVICE AWARDS - OCTOBER

Kris Johnson – 30 Years

Public Works Department; Sanitation Division. Kris came forward for the award and thanked the City and his co-workers for making it enjoyable to come to work every day.

3. EMPLOYEE OF THE MONTH - OCTOBER

Police Chief Tumminelli presented the Employee of the Month award to Captain Derek Ortado.

4. UNITED WAY OF MARTIN COUNTY CAMPAIGN WITH THE CITY OF STUART PRESENTED BY POLICE CHIEF JOSEPH TUMMINELLI AND CAROL HOUWAART-DIEZ OF THE UNITED WAY OF MARTIN COUNTY.

Carol Houwaart-Diez presented on the United Way of Martin County campaign and the benefits and impacts on the community. Each Commissioner was presented with a United Way tee-shirt. Volunteer opportunities always available.

Police Chief Tumminelli announced the campaign kick-off on October 21st and the various activities that will run through November 22nd.

COMMENTS BY CITY COMMISSIONERS

Commissioner Glass Leighton

- **Commented on a fatal boating accident that happened and would like to ask that staff check into solar light boxes for channel markers and the possible FIND grant funding options available.**

Commissioner Matheson

- **Thanked Fire Chief Felicione and Operation 300 for their efforts in the Bahamas hurricane relief.**
- **Thanked Stuart Main Street for hosting the Hobgoblins event, found it enjoyable.**

Commissioner Meier

- **Commented on keeping up the momentum of the plastics ordinances and think about scheduling other workshops next year on housing, up-zoning/ mother-in-law cottages, sustainability report/goal from the committee, and a business development industry jobs workshop.**

Vice Mayor Clarke

- **Commented on a congratulatory and thankful letter she received about the City's public safety staff.**
- **Requested information on the fixed route of the trolley system and the Commissioner Christmas Caroling plan.**

Mayor Bruner

- **Commented that she attended a Mayors American Flood and Sea Level Rise Conference on Washington D.C.**
- **Notices people are using less straws and commented that while attending a performance at Star Struck, children wrote comments in a pamphlet and more than half wrote about cleaning up plastics.**

COMMENTS BY CITY MANAGER

No Comments.

APPROVAL OF AGENDA

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

COMMENTS FROM THE PUBLIC (5 min. max)

1) **Faye James – Florida Street; Thanked the Commission for their assistance with FPL and a streetlight that was out on Florida Street. Some graffiti had occurred and now that they light is on, it is safer.**

2) **Albert Brinkley – Central Avenue; Commented on cars that speed near JD Parker Elementary School and feels something needs to be done before someone gets killed; vehicles do not obey crossing guards and would like to see new signage.**

Police Chief Tumminelli came forward and noted that he will look into the situation.

3) **Jerry Gore – Lake Street; Invited all to a cleanup on Nov. 16th to 821 Bahama Ave. as they have recently adopted three streets, and all are invited to help.**

CONSENT CALENDAR

5. APPROVAL OF 10/14/2019 CCM MINUTES

END OF CONSENT CALENDAR

6:16 PM Motion: Move approval of the Agenda.
Moved by: Commissioner Glass Leighton
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

COMMISSION ACTION

6. THE PELICAN CAFE LEASE, 351 SW FLAGLER AVENUE:

RESOLUTION No. 71-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO AUTHORIZE THE EXECUTION OF A LEASE AGREEMENT BETWEEN THE CITY OF STUART AND THE PELICAN CAFÉ, LLC FOR THE PROPERTY LOCATED AT 351 SW FLAGLER AVENUE, STUART; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Brief discussion reviewing the language of the lease agreement.

6:23 PM Motion: Approve the lease agreement as provided to us.
Moved by: Vice Mayor Clarke
Seconded by: Commissioner Glass Leighton
Motion passed unanimously.

ORDINANCE FIRST READING

7. THE HOPE CENTER FOR AUTISM CPUD - FIRST READING (QUASI-JUDICIAL):

ORDINANCE No. 2418-2019; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP, THEREBY APPLYING A LAND DEVELOPMENT ZONING DESIGNATION OF CPUD 'COMMERCIAL PLANNED UNIT DEVELOPMENT' TO A PARCEL OF LAND TOTALING 1.22 ACRES, OWNED BY KPL HOLDINGS LLC, LOCATED AT 2580 SE WILLOUGHBY BLVD., BEING MORE FULLY DESCRIBED IN EXHIBIT 'A' ATTACHED; ESTABLISHING 'THE HOPE CENTER FOR AUTISM' COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) CONSISTING OF AN EXISTING LIGHT INDUSTRIAL/OFFICE BUILDING IN THE B-4 LIMITED BUSINESS/MANUFACTURING ZONING DISTRICT; ALLOWING FOR THE RELOCATION OF A CHARTER ELEMENTARY SCHOOL TO SAID LOCATION; PROVIDING FOR APPROVAL OF A MASTER SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS, DECLARING THE PROJECT TO BE CONSISTENT 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, PROVIDING FOR ACCEPTANCE BY THE APPLICANT AND FOR OTHER PURPOSES.

3 people sworn; Kevin Freeman of the City of Stuart Development Department, Doug Fitzwater of Lucido and Associates and Joanne Sweazey of the Hope Center for Autism.

Joanne Sweazey and Doug Fitzwater presented the proposed changes for the Hope Center for Autism.

6:40 PM Motion: Move approve of Ordinance No. 2418-2019.

Moved by: Commissioner Meier
Seconded by: Commissioner Glass Leighton
Motion passed unanimously.

ORDINANCE SECOND READING

6:42 PM 8. ZONING TEXT CHANGE TO ESTABLISH REGULATIONS ON FRONT YARD FENCES IN THE R-2 ZONING DISTRICT:

ORDINANCE No. 2406-2019; AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING CHAPTER 6, SECTION 6.09.05, "FENCES, WALLS, HEDGES AND ENCLOSURES" OF THE CITY'S LAND DEVELOPMENT CODE; PROVIDING FOR REGULATIONS THAT SHALL LIMIT THE HEIGHT, TYPE AND LOCATION OF FENCES IN THE FRONT YARD OF RESIDENTIAL SINGLE FAMILY/DUPLEX (R-2) DISTRICT PROPERTY; PROVIDING FOR A SEVERABILITY CLAUSE, A CONFLICT CLAUSE AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

6:43 pm Motion: Move approve of Ordinance No. 2406-2019 on Second Reading.
Moved by: Commissioner Glass Leighton
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

9. ANNEXATION OF PROPERTY NORTH-WEST KANNER HIGHWAY AND INDIAN STREET (QUASI-JUDICIAL):

ORDINANCE No. 2415-2019; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ANNEXING A PARCEL OF LAND ON THE NORTHWEST CORNER OF STATE ROAD 76 (AKA KANNER HIGHWAY) AND SW MARTIN HIGHWAY, CONSISTING OF 15.88 ACRES, SAID PARCELS BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

4 People sworn; Kevin Freeman and Stephen Mayer of the Development Department, Troy Holloway, Holloway & Gentile, and Marcella Camblor.

City Attorney clarified for the record, all that is before the Commission is land annexation, that parcel would be declared in the City of Stuart. The zoning that remains on the land is the same as it is zoned in Martin County currently. In the event the developer wants to pursue a site plan, they would need to file a petition with the City for a land use change, go before the Land Planning Agency Board, two Commission meetings for approval and notice to all within 300 feet of the property. The sole issue before the Commission with this Ordinance is the annexation of property itself.

Public Comment:

1) **Daniel Koler – Kanner Hwy.; Opposed to annexation.**

2) **Debbie Dever – Kanner Hwy.; Concerned about the density, opposed to annexation.**

3) **Bill Batigneini – Kanner Hwy.; Commented on difficult access to property, opposed to annexation.**

4) **Don Barber – Kanner Hwy.; Commented that according to the 300 feet noted in the code, most residents of Riverland will not be notified, opposed to annexation.**

6:46 PM Motion: Approve the lease agreement as provided to us.
Moved by: Commissioner Glass Leighton
Seconded by: Vice Mayor Clarke
Motion passed 4/1.

Bruner – YES
Clarke – YES
Glass Leighton – YES
Matheson – NO
Meier - YES

10. SINGLE-USE PLASTICS AND POLYSTYRENE PRODUCTS:

ORDINANCE No. 2413-2019; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, CREATING A NEW ARTICLE IX IN CHAPTER 20 OF THE CITY CODE ENTITLED "EXPANDED POLYSTYRENE AND PLASTICS REGULATION"; PROVIDING FINDINGS, INTENT AND DEFINITIONS; CREATING DIVISION (A) RELATED TO REGULATIONS FOR THE DISTRIBUTION OF EXPANDED POLYSTYRENE AND PLASTICS ON CITY-OWNED PROPERTY AND RIGHTS-OF-WAY; PROVIDING FOR A SEVERABILITY CLAUSE AND A CONFLICT CLAUSE; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

7:04 PM Motion: Move approve of Ordinance No. 2413-2019.
Moved by: Commissioner Glass Leighton
Seconded by: Commissioner Matheson
Motion passed unanimously.

11. PROHIBITION OF PLASTIC STRAWS WITHIN CITY LIMITS:

ORDINANCE No. 2416-2019; AN ORDINANCE OF THE CITY OF STUART, CREATING DIVISION B IN ARTICLE IX, CHAPTER 20 OF THE CITY CODE RELATED TO REGULATIONS FOR THE DISTRIBUTION OF SINGLE-USE PLASTIC STRAWS BY FOOD SERVICE ESTABLISHMENTS; PROVIDING FOR A SEVERABILITY CLAUSE AND A CONFLICT CLAUSE; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER

PURPOSES.

7:07 PM Motion: Move to approve but looking for staff to come up with a marketing campaign.
Moved by: Commissioner Matheson
Seconded by: Commissioner Glass Leighton
Motion passed unanimously.

DISCUSSION AND DELIBERATION

7:07 PM ADJOURNMENT

Mary R. Kindel, City Clerk

Rebecca S. Bruner, Mayor

Minutes to be approved at the Regular Commission Meeting this 12th day of November, 2019.