MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD September 23, 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

Mayor Bruner acknowledged Representative Toby Overdorf in the audience.

PROCLAMATIONS

1. DITCH THE DEVICE DAY - SEPTEMBER 23, 2019

Dr. Agnieszka Marshall from Tykes and Teens came forward to accept the Proclamation, thanking the Commission and provided each Commissioner with a cell phone sleeping bag, encouraging them and the public to put their phones to sleep on occasion.

2. AMERICORPS DAY OF SERVICE - OCTOBER 4, 2019

Mr. Omar Ferreira and Allyssa Holmes of Boys and Girls Club of Martin County accepted the Proclamation and announced the benefits and duties of the Americorps in our schools.

3. 1928 OKEECHOBEE HURRICANE

Vice Mayor Eula Clarke accepted the Proclamation and will be presenting it at the Port Myakka Memorial Event on September 27, 2019. She announced that the City is providing transportation for the seniors at the Community Center to attend the Memorial Service on Kanner Hwy.

PRESENTATIONS

4. SEPTEMBER SERVICE AWARDS

James Gibbons – 5 Years
Stephen Mayer – 5 Years
Joseph Hogan – 5 Years
Daniel Duran – 10 Years

5. EMPLOYEE OF THE MONTH - SEPTEMBER 2019, COMMUNITY SERVICES DEPARTMENT

Community Services Department Division Manager, Julie McHenry acknowledged Monica Sands, Recreation Leader as September Employee of the Month.

6. UF/IFAS EXTENSION OFFICE SERVICES PRESENTATION BY JENNIFER PELHAM.

Jennifer Pelham presented on the various services UF/IFAS provides to the City of Stuart including Best Management Practice events, NPDES reporting support, educational outreach, consulting services, and youth programs.

COMMENTS BY CITY COMMISSIONERS

Commissioner Glass Leighton

- **No comments.**

Commissioner Matheson

- **Commented that he attended the Army Corp of Engineers Public Workshop last week and the LOSOM Lake Okeechobee schedule update stated it should be done by 2022. His request is that they change language from "minimize" to "eliminate".**
- **Attended a Florida Beaches and Shores Conference and commented on the effects of climate change and look forward to the future discussions on this issue.**

Commissioner Meier

- **Commented on the discussions at the 3rd Plastics Workshop to include straws and single use plastics on City-owned property. Mentioned the possibility of support from state representatives at the state level for research on plastic regulation.**
- **Encourages all to review Martin County Commissioner Sarah Heard's TC Palm article, urging citizen's and elected officials to fund C-23, C-24, C-25 to complete IRL South Projects to get CERP going.**
- **Would like the City to draft a letter of support to send it to the governor and perhaps to the Florida legislators just echoing that support, we would like to see IRL South completed quickly so that CERP can be completed.**

6:00 PM Motion: Draft a letter to send in support of IRL South's Projects being completed.
Moved by: Commissioner Meier
Seconded by: Commissioner Matheson
Motion passed unanimously.

- **Meier thanked Jessica Tharp and other 10th Street staff for their efforts and reminder all of the various activities available to all residents at the Community Center.**

Vice Mayor Clarke

- **Attended the Army Corp of Engineers Meeting at IRSC and gave a presentation on behalf of the City.**
- **Complimented the East Stuart Community Center staff for the organization of the Reading of the Constitution and all the activities they coordinate.**

Mayor Bruner

- **No comments.**

COMMENTS BY CITY MANAGER

City Manager Dyess

- **Announced the creation of a Sustainability Workgroup/Committee that will internally work on various environmental issues.**
- **Dyess invited Jim Chrulski to come forward; Jim requested a letter from the Commission in support of Geoffrey Smith's induction into the Art Hall of Fame.**

6:08 PM Motion: Draft a letter to send in support Geoffrey Smith's induction into the Art Hall of Fame.
Moved by: Commissioner Glass Leighton
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

- **Dyess invited Ben Hogarth to come forward; Ben presented his final update for the summer on the St. Lucie River and Lake Okeechobee. He announced the upcoming PDT meeting locations/webinars.**

Mayor Bruner announced the Rotary Club 2nd Annual Water Forum on October 5th from 9 a.m. to 12 noon in downtown Stuart on the Riverwalk. Speakers will include Congressman Brian Mast, Jacqui Thurlow-Lippisch, Senator Gayle Harrell, and Mark Perry.

- **Dyess provided a brief status update on the Bahama's relief effort including Operation 300's function and the planning of a benefit concert in November.**

6:16 PM Motion: Send a letter Operation 300 from the City of Stuart for all the work that they are doing.
Moved by: Vice Mayor Clarke
Seconded by: Commissioner Meier
***Clerk's Note – It appears the Commission discussed multiple options and a vote was never held. As a result, Commission direction did not occur.**

Commissioner Matheson suggested sending letters to the top three groups, Abaco Alliance and Stuart Sailfish Club as well as support the concert effort with advertising.

APPROVAL OF AGENDA

6:23 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) **Helen McBride – Flamingo Avenue; Commented that she is participating is the upcoming field trip to Port Myakka on Friday. Upset about not being notified about the community meeting at the 10th Street Community Center last week, heard letters went out but she did not receive one. That center is for all of the City of Stuart and not just the East Stuart neighborhood.**

City Attorney Mortell and City Manager Dyess commented that zoning required letters notify residents within 300 feet; the meeting was advertised via flyers throughout the City.

2) **Marie Stein – Flamingo Avenue; Resident since 1983 and commented on complaint about lot behind her at 1515 5th Street. Recently re-platted lot and is currently experiencing drainage problems.**

CONSENT CALENDAR

7. APPROVAL OF 09/09/2019 SCM AND 09/09/2019 CCM MINUTES

8. VNA/FDOT TEMPORARY STREET CLOSURE PERMIT:

RESOLUTION No. 76-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA RECOMMENDING THE VISITING NURSE ASSOCIATION'S ("VNA") APPLICATION TO FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT") FOR THE TEMPORARY CLOSING OF A STATE ROAD PERMIT FOR THE 2019 STUART CHRISTMAS PARADE ROUTE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

9. LOBBYING SERVICES AGREEMENT EXTENSION WITH JORDAN CONNORS GROUP:

RESOLUTION No. 79-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, WAIVING A COMPETITIVE SELECTION PROCESS AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR LOBBYING SERVICES WITH THE JORDON CONNORS GROUP IN A NOT TO EXCEED AMOUNT OF $49,440.00 PER YEAR; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS; SEVERABILITY, AND EFFECTIVE DATE.

10. APPENDIX A FEE RATE UPDATE:

RESOLUTION No. 81-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING APPENDIX "A" BY AMENDING CHAPTER 10, CHAPTER 32, CHAPTER, 34, CHAPTER 36, AND CHAPTER 42 OF THE CITY'S CODE OF ORDINANCES, AND PROVIDING AN EFFECTIVE DATE.

11. INTERLOCAL AGREEMENT WITH COUNTY FOR GAZEBO PARK:

RESOLUTION No. 88-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR TO TERMINATE AN INTERLOCAL AGREEMENT REGARDING COURTHOUSE RESTORATION DATED OCTOBER 10, 1989 AND EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF STUART ("CITY") AND MARTIN COUNTY ("COUNTY") TO MANAGE AND MAINTAIN "GAZEBO PARK".

12. AWARD ELECTRICAL ROOM HARDENING:

RESOLUTION No. 89-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVES THE AWARD OF ITB #2019-109, WASTEWATER TREATMENT PLANT ELECTRICAL ROOM HARDENING TO THE LOWEST, RESPONSIVE, RESPONSIBLE BIDDER TOTAL UNIT PRICE OF $442,698.00 TO BOROMEI CONSTRUCTION, INC OKEECHOBEE, FLORIDA PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

13. MOTOROLA IN-CAR LEASE AGREEMENT:

RESOLUTION No. 90-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE EXECUTION OF A MUNICIPAL LEASE WITH MOTOROLA FOR PUBLIC SAFETY RADIOS; AND PROVIDING AN EFFECTIVE DATE AND FOR OTHER MATTERS.

END OF CONSENT CALENDAR

6:38 PM Motion: Move approval of the Consent.
Moved by: Commissioner Glass Leighton
Seconded by: Commissioner Meier
Motion passed unanimously.

COMMISSION ACTION

14. LEASE 151 FLAGLER AVE TO TOBY OVERDORF, THE STATE REPRESENTATIVE FOR DISTRICT 83:

RESOLUTION No. 69-2019; 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 TOBY OVERDORF FOR THE PROPERTY LOCATED AT 151 SW FLAGLER AVENUE, STUART TO SERVE AS THE STATE REPRESENTATIVE DISTRICT 83 OFFICES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

6:40 PM Motion: Move approval of the Resolution No. 69-2019.
Moved by: Commissioner Glass Leighton
Seconded by: Commissioner Matheson
Motion passed unanimously.

15. UF/IFAS MEMORANDUM OF UNDERSTANDING AMENDMENT:

RESOLUTION No. 80-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING A REVISED MEMORANDUM OF UNDERSTANDING WITH THE UF/IFAS EXTENSION 'FLORIDA FRIENDLY LANDSCAPING' (FFL) PROGRAMS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

6:42 PM Motion: Move approval of Resolution 80-2019.
Moved by: Commissioner Meier
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

ORDINANCE FIRST READING

6:42 PM ORDINANCE SECOND READING

16. REZONING TO URBAN PLANNED UNIT DEVELOPMENT (QUASI-JUDICIAL):

ORDINANCE No. 2412-2019; 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 UPUD "URBAN PLANNED UNIT DEVELOPMENT" TO A PARCEL OF LAND TOTALING 0.29 ACRES, OWNED BY STUART HILLS PROPERTIES, LLC, LOCATED AT 801 S.E. OCEAN BLVD., BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; ESTABLISHING THE "SADA INTERNATIONAL SALON" URBAN PLANNED UNIT DEVELOPMENT (UPUD) CONSISTING OF A TWO-STORY COMMERCIAL BUILDING TOTALING 3,485 SQUARE FEET, AND ALLOWING USES PERMITTED IN THE URBAN DISTRICT; PROVIDING FOR APPROVAL OF AN EXISTING SITE AND BUILDING; 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.

6:43 PM Motion: Move on second reading.
Moved by: Commissioner Glass Leighton
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

17. ROW ABANDONMENT REAR OF MOLLY'S HOUSE (QUASI-JUDICIAL):

ORDINANCE No. 2414-2019; 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 12-FOOT PORTION OF RIGHT-OF-WAY, AS SET FORTH ON THE PLAT OF STYPMANN'S SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 82, MARTIN COUNTY, FLORIDA PUBLIC RECORDS RUNNING EAST TO WEST 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.

6:45 PM Motion: Move approval including the applicant's requesting the waiver from the payment of the privilege fee and application fee.
Moved by: Commissioner Glass Leighton
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

18. AMENDMENT TO KORNBLUH CPUD (QUASI-JUDICIAL):

ORDINANCE No. 2417-2019; AN ORDINANCE OF THE CITY OF STUART, FLORIDA,

AMENDING THE KORNBLUH COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) FOR PARCEL OF LAND FRONTING NW FEDERAL HIGHWAY (U.S. HIGHWAY 1) SOUTH OF ABUTTING NORTH STUART BAPTIST CHURCH, CONSISTING OF 2.57 ACRES OWNED BY FLORIDA PATIO PARTNERS LLC; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR A FINAL SITE PLAN WITH TWO PHASES OF DEVELOPMENT ALLOWING FOR THE CONSTRUCTION OF TWO BUILDINGS TOTALING 16,620 SQUARE FEET; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Stephen Mayer reported that staff includes a condition of approval that prior to the final site plan approval the applicant shall submit a final landscape plan, showing that the area within the wetland buffer area on the north west corner of the site be planted with 100% native vegetation.

6:46 PM Motion: Move approval if there's been no other changes other than that to accept that condition that was brought forth by staff for Ordinance No. 2417-2019.
Moved by: Vice Mayor Clarke
Seconded by: Commissioner Matheson
Motion passed unanimously.

6:47 PM DISCUSSION AND DELIBERATION

19. DISCUSSION ABOUT A LETTER SENT BY THE TREASURE COAST COUNCIL OF LOCAL GOVERNMENTS.

Commissioner Matheson requested the City rebuke the letter sent by the Treasure Coast Council of Local Governments (TCCLG) in reference to the seat on the South Florida Water Management District with a member from the agriculture industry. In his opinion, that does not represent the City of Stuart and that representative should be someone from the tourism industry. Feels with the City being a part of that Council, it represents the City's interests.

Public Comment:

1) **Tom Campenni – St. Lucie Crescent; Commented as past Chair of the TCCLG, feels the letter does not represent the City of Stuart because the Commission did not vote for it, it just represents that particular council. They would have requested that each council send their own letter. Feels it would be a mistake to rebuke a letter sent on behalf of the 16 or 17 governments that the Council represents.**

Commissioner Meier read the letter out load for the record. Meier commented that he was also surprised that the letter went out without seeing the final draft but agreed that agriculture should also have a seat at the table. Feels the City should be a

respectful neighbor and member of this Council and allow other areas be represented and we all work together.

7:02 PM Motion: Motion that the City of Stuart encourage the Governor to use his best judgment in choosing a representative that represents not any one particular industry but represents the best interests of all of Florida residents.
Moved by: Commissioner Matheson
Seconded by: Commissioner Meier
Motion failed 3/2.

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

7:04 PM ADJOURNMENT

Mary R. Kindel, City Clerk

Rebecca S. Bruner, Mayor

Minutes to be approved at the Regular Commission Meeting this 14th day of October, 2019.