MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD March 9, 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 (Late 5:36 PM)
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

5:30 PM ROLL CALL

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

PLEDGE OF ALLEGIANCE

1. ARTS MOMENT - PRESENTATION OF THE 1895 CHURCH OF ART BY ROBERT AND OLGA HAMILTON

Robert and Olga Hamilton presented a photo slide show of the Church's history and their current restoration project to display art.

PROCLAMATIONS

2. VIETNAM VETERANS DAY - MARCH 29, 2020

Lynn Jensen, Regent for the Halpatiokee Chapter of the National Society of the Daughters of the American Revolution accepted the Proclamation and announced their observance of veterans with a lapel pin ceremony of family chapter members and thanked the City.

3. 2020 CENSUS PARTNERSHIP

Jessica Tharp, Community Services Program Leader and Census Coordinator, came forward to accept the Proclamation and commented on the importance and the City's commitment to collecting the census data.

4. GOVERNMENT FINANCE PROFESSIONALS WEEK - MARCH 16-20, 2020

Judy Browning, Sr. Accountant accepted the Proclamation on behalf of the Financial Services Department and thanked the City for the recognition.

PRESENTATIONS

COMMENTS BY CITY COMMISSIONERS

Commissioner Glass Leighton

- **Commented per missing the last Commission Meeting and the Springtree discussion in which it was tabled to tonight's meeting, she reached out to County Commissioner Heatherington to participate in a joint Town Hall. Heard that some residents were upset about the Town Hall and wanted to clarify for the record that she felt she was doing due diligence and that listening to all sides was appropriate. Feels she listens to all directly impacted, regardless of City or County residents. She encouraged anyone who has any questions, to contact her directly.**

Commissioner Matheson

- **Complimented Commissioner Glass Leighton on her comment.**
- **Wished David Peters and Jessica Tharp a Happy Birthday.**
- **Announced Lake Okeechobee levels, in good position this time of year.**
- **Commented that the NAACP will be hosting the Freedom Fun Gala at St. Mary's on Saturday, March 14th with guest speaker Desmond Mead, tickets still available.**
- **Commented on proper hand washing.**

Commissioner Bruner

- **No comments.**

Vice Mayor Clarke

- **Announced that she was honored by North County Little League, Champion of Little League 2020 and displayed the trophy.**
- **Reported that there will be a Neighborhood Cleanup this weekend to collect household hazardous waste, do our best to keep community clean.**

Mayor Meier

- **Commented on a relationship with the County and other gov agencies and was glad Commissioner Glass Leighton was working with County Commissioner to have a Town Hall.**

COMMENTS BY CITY MANAGER

City Manager Dyess requested Captain Darek Ortado come forward to report on the Coronavirus.

Police Capt. Ortado gave Emergency Management Report on the Coronavirus: 18 Cases in Florida, 2 deaths. 3 cases in Broward, 2 workers from the Port and Cruise ships are being held offshore. He is attending all conference calls and meetings, updating all plans preparations. Second employee email will go out this week, external public information is being shared per the CDC and the Florida Department of Health.

For public concerns or to be tested, do not go to the hospital as this may spread the virus, contact the Florida Department of Health and someone will come to your residence within 24-hours to test you.

APPROVAL OF AGENDA

Vice Mayor Clarke requested to pull Item #7.

6:06 PM MOTION: Motion to approve pulling Item #7.
Moved by: Commissioner Glass Leighton
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

COMMENTS FROM THE PUBLIC

1) **Arnie Beaman – Flagler Ave; Commented on the City's tennis courts; happy with the cleanliness of the courts but not pleased with the new pickleball lines painted on the courts.**
2) **Al VanWormer – Palm City Rd.; Concerned with the new pickleball lines on the tennis courts.**
3) **Chuck Ellis – Island Cove Way; Commented on the tennis courts and suggested the City use the 10th Street area for pickleball courts instead of the current tennis courts.**
4) **Jacqui Thurlow-Lippisch – On behalf of the South Florida Water Management District; providing color coded maps for the Commission showing the structures that belong to the SFWMD and the Army Corp. of Engineers.**
5) **Michael Green – Commented on the tennis courts and would like to see the City use the courts at the East 10th Street Recreation Center to make them look like the courts at Langford Park. The group that plays at the courts would be happy to help as a task force.**
6) **Frank McCrystal – Flamingo Ave.; Commented that tennis deserves to be taken over by pickleball because it is a dying sport but feel the color of the lines are distracting.**

CONSENT CALENDAR

5. APPROVAL OF 02/24/2020 CCM MINUTES

6. ANNUAL CHILDREN'S SERVICES COUNCIL GRANT APPLICATION:

RESOLUTION No. 34-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE APPLICATION, AS THE LEAD AGENCY, WITH THE CHILDREN'S SERVICES COUNCIL OF MARTIN COUNTY FOR THE EAST STUART YOUTH INITIATIVE; IF APPROVED, AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF THIS GRANT, AND EMERGENCY FUNDING, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(PULLED) 7. FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY (FDEO) COMMUNITY DEVELOPMENT BLOCK GRANTS (CDBG):

RESOLUTION No. 35-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY MANAGER TO APPLY FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND ECONOMIC DEVELOPMENT PROGRAM AND ESTABLISH A REQUEST FOR PROPOSAL TO HIRE A CONSULTANT FOR COMMUNITY DEVELOPMENT BLOCK GRANT WRITING AND GRANT ADMINISTRATION SERVICES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

Public Comment:

1) **Ora Solomon – 16th Court; Asked questions about grant in Item #7, how much the grant was for and to whom, what part is going to be used in East Stuart? Commented that she does not want to see pickleball on 10th Street and wants update on other East 10th Street changes.**

City Manager Dyess responded to Ms. Solomon's questions.

6:28 PM MOTION: Move approval of the Consent Calendar pulling Item #7.
Moved by: Commissioner Matheson
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

7. FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY (FDEO) COMMUNITY DEVELOPMENT BLOCK GRANTS (CDBG):

RESOLUTION No. 35-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY MANAGER TO APPLY FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND ECONOMIC DEVELOPMENT PROGRAM AND ESTABLISH A REQUEST FOR PROPOSAL TO HIRE A CONSULTANT FOR COMMUNITY DEVELOPMENT BLOCK GRANT WRITING AND

GRANT ADMINISTRATION SERVICES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Vice Mayor Clarke pulled this item to ask for a review and update so the public is aware of all the ways this grant will affect the 10th Street Center.

Pinal Gandhi-Savdas, CRA Administrator explained the grant funds and what can be applied for. The City plans to apply for the housing revitalization program and announced that a presentation will be given at the March 23rd meeting on the criteria, eligibility and the process. The final application will go before the board the 2nd meeting in April.

6:35 PM MOTION: Approve Resolution No. 35-2020.
Moved by: Vice Mayor Clarke
Seconded by: Commissioner Glass Leighton
Motion passed unanimously.

COMMISSION ACTION

8. INTENTION TO ABANDON A PORTION OF OSCEOLA STREET RIGHT-OF-WAY:

RESOLUTION No. 16-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA DECLARING PURSUANT TO CHAPTER 36 OF THE CODE OF ORDINANCES OF THE CITY OF STUART, FLORIDA THE INTENTION OF THE CITY COMMISSION TO ABANDON AND TO SET PUBLIC HEARINGS ON MARCH 23, 2020, AND APRIL 13, 2020, AT 5:30 P.M. IN THE CITY COMMISSION CHAMBERS TO CONSIDER THE ABANDONMENT OF A 50' WIDE PUBLIC RIGHT-OF-WAY WITHIN THE CITY, BEING THE PORTION OF S.E. OSCEOLA STREET, MORE CLEARLY DESCRIBED IN EXHIBIT "A" ATTACHED; AND FOR OTHER PURPOSES.

City Attorney Mortell briefly explained the purpose of the tonight's hearing, explaining that it is not to actually abandon any property but to pass a Resolution to declare it not being used, and potentially being abandoned, then City staff would create and advertise the Ordinance for abandonment addressing the amount of the privilege fee, if any.

Stephen Mayer, Development Department Planner briefly reviewed the Osceola Street Right-of Way Abandonment and introduced Don Cuozzo, representing Mr. and Mrs. Richard Baron who owned property to south.

Don Cuozzo presented with a power point displaying plats of Snug Harbor and photographs of the neighborhood. Have meet with Mr. Fry and the Snug Harbour Commodore.

David Peters, Public Works Director stated that they ask is for an easement granted for FPL for maintenance and a Utility easement along the front that would encompass water and sewer lines. Peters confirmed the property is in the County FPL could get to the property to the north and south.

Commissioner Matheson commented that he objects to abandoning property when people object to it.

Public Comment:

1) **Jim Savastano – St. Lucie Blvd.; Commodore of Snug Harbour; Residents reject this and do not feel positive about the abandonment.**
2) **Steve Fry – Wells Drive; Opposes the proposal, uses the property personally but feels it is negative for the neighborhood. Feels this should be put off until the legalities are understood.**
3) **Annie McMillan – Snug Harbour resident for 40 years, represents the majority of homeowners with petition to oppose giving up this public right-of-way.**
4) **Cheryl Cook – Wells Drive; Neighbor of Mr. Fry, feels the 10 ft. FPL easement is not going to do it, personally she would like the lot to be there.**
5) **William Fry – Monterey Ave.; Uses the lot personally and opposes the abandonment.**

City Attorney Mortell clarified that the abandonment has not come before the City Commission before, this is the first time. He explained the abandonment process and what the results would be based on the approval of the Resolution.

Mayor Meier noted that there are two signs posted on the City's right-of-way property stating, "No Trespassing per the Snug Harbour Property Association".

7:12 PM MOTION: Motion to continue this item to next meeting until we get more information.
Moved by: Vice Mayor Clarke
Seconded by: ------
Motion died for lack of second.

7:18 PM Public Comment:

6) **Roger Bernot – Harbour Point; Commented that the City is mistaken but the property is being used FPL and by the City, apologized about the trespassing signs but did not know about them and said they can be taken down. Do not want the City to abandon it and noted the City needs a place to park its vehicles in emergencies.**
7) **Helen McBride - Flamingo Ave; Concerning FPL but during hurricanes, they may not be allowed to get back to the poles with the big trucks and it's a safety issue.**
8) **Mary Shaw – Harbour Point Dr.; Commented that the pervious vote did not pass because it was premature as they did not have enough information but was not because they did not want the property. The trespassing signs were put up to keep homeless people out.**

7:15 PM MOTION: Move intention to abandon, approve Resolution No. 16-2020, Commissioner Glass Leighton seconded with requested amendment to direct our City Attorney to get come back with answers.
Mortell clarified amendment: [Get legal opinion as it relates to if we do the abandonment, can we charge the privilege fee, if yes, because Snug Harbour rejected, the privilege fee and the offer of abandonment, if they still do not want it, can we give the whole thing to the southern abutter or if we do not do a privilege fee, does Snug Harbour then want the northern portion and southern, all three options.]
Moved by: Commissioner Bruner
Seconded by: Commissioner Glass Leighton
Motion passed 4/1. 7:24 PM

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

ORDINANCE FIRST READING

7:24 PM 9. AMENDMENT TO CITY TREE REPLACEMENT CODE TO COMPLY WITH STATE STATUTE AND TO INCORPORATE INNOVATIVE STORMWATER DESIGN.:

ORDINANCE No. 2432-2020; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING CHAPTER V OF THE CITY'S LAND DEVELOPMENT CODE ENTITLED 'RESOURCE PROTECTION RELATED DEVELOPMENT STANDARDS' TO COMPLY WITH STATE STATUTE REGARDING TREE REMOVAL PERMITS AND TO PROMOTE INNOVATIVE STORMWATER TREATMENT AND LOW IMPACT DEVELOPMENT PRACTICES AND TO ALLOW THE CITY'S TREE REPLACEMENT FUND TO BE UTILIZED FOR INNOVATIVE STORMWATER TREATMENT SYSTEMS ON PUBLIC LANDS; 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, presented on the tree placement code amendment, promoting the natural habitat environment of native 590 acres of right-of way and the proposal of innovative project plans.

Commissioner Matheson requested to add two trees to the list; the Sabal Palm and the Royal Poinciana Tree.

Mayor Meier commented that he recently heard that the Royal Poinciana tree is being looked at as an invasive tree. The City will check into this.

7:33 PM MOTION: Move approval of Ordinance No. 2432-2020 to include those two trees [Sabal Palm and the Royal Poinciana].
Moved by: Commissioner Glass Leighton
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

10. AVONLEA PUD AMENDMENT PARCEL B (PARCEL 16) (QUASI-JUDICIAL):

ORDINANCE No. 2434-2020: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, BEING THE THIRD AMENDMENT OF ORDINANCE NO. 2307-2015, ALSO KNOW N AS THE "NEW AVONLEA PLANNED UNIT DEVELOPMENT (PUD)" CONSISTING OF 12.40 ACRES ZONED RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD), 16.24 ACRES ZONED COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD), AND 20.4 ACRES OF WETLAND/UPLAND PRESERVE ZONED RPUD, FOR A TOTAL OF 49.04 ACRES; SAID PUD BEING GENERALLY LOCATED BETWEEN NE DIXIE HIGHWAY TO THE SOUTH, LAND ON BOTH SIDES OF GREEN RIVER PARKWAY ON THE WEST, LAND ON BOTH SIDES OF CARDINAL AVENUE ON THE EAST AND THE CITY BOUNDARY TO THE NORTH, BEING MORE FULLY DESCRIBED BY EXHIBIT "A" ATTACHED; AMENDING SAID PUD TO PROVIDE FOR THE APPROVAL OF THE MASTER PARCEL SITE PLAN FOR THE AVONLEA CROSSINGS PARCEL B (PARCEL 16); PROVIDING FOR A MASTER OFF-SITE INFRASTRUCTURE PLAN FOR THE ENTIRE PUD; PROVIDING FOR REVISED AND ADDITIONAL DEVELOPMENT CONDITIONS OF APPROVAL; PROVIDING FOR AMENDED AND NEW TIMETABLES FOR DEVELOPMENT, DECLARING THE PLAN TO BE CONSISTENT W ITH 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, AND FOR OTHER PURPOSES.

7 People sworn; Kevin Freeman and Stephen Mayer of City of Stuart Development Department, Nik Schroth, Frank Wacha, Tim Hernandez, Andrew Vancilin, Kevin Rickard New Urban Communities.

***Commissioner Matheson completed Form B and will be abstaining from this vote.**

Tim Hernandez presented the site plan to include the townhomes, single-family cottages, parking, landscaping, and amenities on the 4-acre site, reviewed the features to connect to Haney Creek and

Stephen Mayer introduced the Avonlea PUD with the staff timelines, requesting the deadline extension to Dec. 31, 2021 and the three revised conditions recommended by LPA on 2/20/2020.

8:01 PM MOTION: Move approval of Ordinance No. 2434-2020.
Moved by: Commissioner Glass Leighton
Seconded by: Vice Mayor Clarke
Motion passed 4/0 (Matheson – Abstain)

11. STUART SPRINGTREE RPUD - FLUM AND RE-ZONING (QUASI-JUDICIAL):

ORDINANCE No. 2427-2020; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN THEREBY ASSIGNING A FUTURE LAND USE DESIGNATION OF "MULTI-FAMILY RESIDENTIAL" FOR THREE PARCELS EQUALING 13.59 ACRES ANNEXED BY ORDINANCE NO. 2352-2017, OW NED BY STUART 13 ACRES, LLC, TIERRA DEL LAGO, INC. AND STUART HARBOR MARINA AND YACHT CLUB, LOCATED W EST OF S.E. FEDERAL HIGHWAY, SOUTH OF S.E. HARRISON STREET, AND NORTH OF THE NATALIE ESTATES MOBILE HOME PARK W ITH SAID LANDS BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; AND FURTHER PROVIDING THAT SAID LANDS SHALL CONCURRENTLY ESTABLISH THE STUART–SPRINGTREE RESIDENTIAL PLANNED UNIT DEVELOPMENT RPUD CONSISTING OF TW O HUNDRED EIGHTY (280) MULTI-FAMILY UNITS W ITHIN SEVEN (7) INDIVIDUAL FOUR-STORY APARTMENT BUILDINGS; APPROVING A DEVELOPMENT SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS AND A TIMETABLE FOR DEVELOPMENT; DECLARING THE PLAN TO BE CONSISTENT W ITH 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, AND FOR OTHER PURPOSES.

Terry McCarthy, representative of the applicant; request to continue to March 23, 2020 as they have upcoming meeting with FDOT and working to address issues.

8:06 PM Public Comment:

1) **Dawn Miller – Harrison St.; Opposes the Springtree project and feels the County residents are getting the negative effects, traffic issues.**
2) **Katherine Dorman – Madison St.; Thanked Commissioner Glass Leighton for the Town Hall as she feels that caused this to be continued and Commissioner Matheson for speaking with her about the additional traffic (1500 more cars per day) and read from HJA document.**
3) **Melissa lemudo – Harrison St; Feels the project should be modified to be less than 4 stories, have ingress and egress on US1.**
4) **Mark O'Quinn – Winter Haven Ct.; Commented that the project is not compatible and too invasive.**
5) **John Bros – Gem Dr.; Feels Springtree is not compatible and will change Stuart from a jewel to gaudy zirconia.**
6) **Alek Laudakus – Winter Haven Ct.; Feels it will be too big even at three stories and too much traffic.**
7) **Katie Mendoza – Summer Ave.; Attorney with Ross Earl Bowman and Enzer, representing the Intervener and noted the main issues they presented last week being safety, the exits, traffic, and the density.**
8) **Thomas Smart – Monroe St.; Commented on how nice the Avonlea project was but the question about affordability was not answered.**

8:05 PM MOTION: Accept clients request to continue item to March 23rd.
Moved by: Vice Mayor Clarke
Seconded by: Commissioner Matheson
Motion passed unanimously.

ORDINANCE SECOND READING

12. SAFE AND SECURE SELF STORAGE AT STUART CPUD MINOR AMENDMENT (QUASIJUDICIAL):

ORDINANCE No. 2430-2020; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVING A MINOR AMENDMENT TO "SAFE AND SECURE SELFSTORAGE AT STUART" COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) AT 700 SW FEDERAL HIGHWAY; THEREBY AMENDING THE CONDITIONAL OF APPROVAL FOR THE ART COMPONENT, ACCEPTANCE OF MINOR AMENDMENTS TO THE SITE PLAN, LANDSCAPE PLAN, ARCHITECTURE AND FLOOR PLAN; AMENDING THE CONDITIONS OF DEVELOPMENT ACCORDINGLY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

4 People sworn; Kevin Freeman, Stephen Mayer, City of Stuart, Todd Troxell of HJA Design Studios, and Brandon Ulmer of Thomas Engineering.

8:31 PM MOTION: Move approval.
Moved by: Vice Mayor Clarke
Seconded by: Commissioner Bruner
Motion passed unanimously.

DISCUSSION AND DELIBERATION

8:40 PM ADJOURNMENT

Mary R. Kindel, City Clerk

Michael J. Meier, Mayor

Minutes to be approved at the Regular Commission Meeting this 23rd day of March, 2020.