

MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
April 13, 2020
AT 5:30 PM Commission Chambers & Virtual via Zoom
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION

Mayor Michael J. Meier
Vice Mayor Eula R. Clarke
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 (all board members in person)

THIS MEETING WILL BE A HYBRID IN PERSON/VIRTUAL MEETING.

*****PUBLIC COMMENT - Comment will be taken at the beginning of the meeting for ALL agenda items.**

This is done to help control the virtual nature of the meeting.***

In Person: City Hall can accommodate a small number of citizen participants. Overflow citizens will be directed to Flagler Place (201 Flagler Ave., Stuart) where larger rooms can accommodate social distancing. Public comment will be taken live via audio/video conference with commissioners.

Virtually: Citizens can attend from the comfort of their home via telephone, computer, laptop, tablet or smartphone. Click the below link or call the below phone number to attend. The city reserves the right to revoke anyone's virtual attendance for cause, just as the sergeant at arms would at an in-person meeting.

JOIN MEETING:
<https://zoom.us/j/417912820>

If you wish to speak during public comment, click participants then click raise hand at bottom of window. Your microphone will be unmuted when you are called to speak, and you will be invited to activate your camera if you wish. Both will be deactivated once you have completed your comment.

Meeting ID: 417 912 820

Dial In numbers:

+1 312 626 6799 US

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If you wish to speak during public comment press *9 to raise your hand. You will be called by your partially displayed phone number so please listen for that number. The host will lower your hand and mute your line after speaking.

City Manager Dyess announced a statement pursuant to Executive Order 20-69 issued by the Office of Governor Ron DeSantis on March 20, 2020, due to COVID-19, municipalities may conduct meeting of their governing boards without having a quorum of its members physically or at any specific location and utilize communications media such as telephonic or video conferencing as provided by Florida Statute 120.54. Procedures for public comment may be made utilizing a laptop, tablet, computer, or smartphone. To make a public comment, click participants, then click raise hand at the bottom of the participant window. Your microphone will be unmuted when you are called on to speak. The public may choose to activate their camera if they wish. Both will be deactivated once their public comment time is completed.

If attending by phone, press *9 to raise your hand, you will be called by the last three digits of your phone number. All are asked to state their name and address clearly for the record. All public comment for all agenda items will be taken at Public Comment time and during the agenda items.

During Roll Call, for the record, Dyess requested the board state whether they are present in person or attending the meeting virtually.

Mayor Meier requested a moment of silence in remembrance of City employee Charles "Chuck" Eckhardt, Customer Service Representative who passed away unexpectedly this past week.

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

1. WATER CONSERVATION MONTH - APRIL 2020

The Proclamation was read, and the recipients announced by Mayor Meier as Kathy LaMartina of the South Florida Water Management District and Anne Ellig, City of Stuart Recycling and Conservation Coordinator.

2. GUARDIAN AD LITEM MONTH - APRIL 2020

Proclamation mailed to recipient: Jennifer Manis, Volunteer Liaison Training Coordinator for the 19th Circuit Guardian ad Litem

PRESENTATIONS

3. SERVICE AWARDS - MARCH AND APRIL

Due to COVID-19 virus, service awards were announced but certificate will be distributed through Department Heads.

March 2020

Courtney Jonas	Police	5 years
Zachary Pecci	Police	5 years
Anthony Pesaturo	Fire Rescue	5 years
Christopher Ruediger	Police	5 years
Bradford Blankman	Technology Services	15 years

April

Michael Goldberg	Public Works	5 years
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5:38 PM 4. COVID-19 CITY UPDATE BY CAPTAIN DEREK ORTADO

Captain Ortado came forward to provide a brief update on COVID-19 in Martin County. There are 124 cases and 3 deaths in Martin County, after tonight's 6:30 p.m. update, should be adding 8 more cases to the total count. Working to break down City cases and appears to be 11 or 12 cases but difficult to track due to P.O. Box addresses. The trend is holding steady at 1,100 cases per day in the state of Florida and approximately 20 cases per week in Martin County, but this information changes daily. They are attending all the County-wide meetings, first priority is to pass the information on to the first responders. Reporting that all City first responders have tested negative to the virus. Dispatchers are asking advance questions provided by Fire Rescue to prepare officers and staff for additional personal protective equipment if needed. Ortado commended the Martin County Emergency Management Agency for their efforts and resources recently provided as the City received deliveries of surgical masks, gloves, gowns, and sanitizer. City did apply for public assistance, tracking through Finance, and planning in the event this is a prolonged event.

COMMENTS BY CITY COMMISSIONERS

Commissioner Glass Leighton

- Commented about the recent tornados in Louisiana, Mississippi, Alabama, and wondered if a severe weather event happened here and evacuation was necessary, considering COVID-19, what would out plan be? Just wanted to mention it so staff could plan for that in the event something like that were to happen.

City Manager Dyess responded that the City has received disaster training and in that, or crisis mitigation, you are resolving interjects as they occur.

Commissioner Matheson

- Wished Eula Clarke a happy birthday and thanked the employees for adapting and keeping a positive attitude during these times.
- Commented on the loss of Chuck Eckhardt.
- Commented that if people have not filed for a tax return in the past few years, IRS would need your information for you to be eligible for a stimulus check and you can enter your information at [IRS.gov/coronavirus](https://www.irs.gov/coronavirus) and click on the tab for Non-Filers. Encourages the use of the money to be spent on American made products.
- Announced the Kane Center has free meals for anyone over the age of 60 Monday through Friday at the East 10th Street Community Center. Call Kane Center at 772-223-7826.
- Hoping it will be two years with zero discharges from Lake Okeechobee and noted the levels.
- Thanked Commissioners for their positive and uplifting video messages to the residents.

Commissioner Bruner

- Commented that it was good to hear that all Police officers testing has come back negative and appreciates the support from the officers, feels that if we do all the President wants us to do, we will come out ahead.

Vice Mayor Clarke

- Commented that Mr. Thompson's son was in attendance, his father recently passed away.
- Thanked local leaders, City Manager, Police Department, commented that it is a tough time but a good time to be a leader and appreciates staff for keeping all going.
- Commented that she has known Chuck Eckhardt for many years and her heart goes out to his family.
- Encourages all to respond to the Census via the census website.
- Announced that Robert Hall, former Mayor and Commissioner passed away.
- In place of Arts Moment, read a poem in memory of Dr. Thompson called Keep a Goin'.

Mayor Meier

- Reminded all that though the COVID-19 data points keep coming in, they are stale data points and are subject to inadequacies, not to focus on the confirmed cases, that the cases don't rise too quickly.
- Commented that due to the Sunshine Law, as Commissioners, this is the only opportunity they get to communicate for the community. Feels it is important for them as a Board to be thorough in their communication when together in meetings.

COMMENTS BY CITY MANAGER

No comments.

APPROVAL OF AGENDA



6:07 PM MOTION: Move approval.

Moved by: Vice Mayor Clarke

Seconded by: Commissioner Glass Leighton

Motion passed unanimously.

COMMENTS FROM THE PUBLIC (5 Minutes Max.) (ALL COMMENTS FOR EVERY AGENDA ITEM TAKEN AT THIS TIME)

- 1) Linda Kay Richards – (ZOOM) 166 SW Cabana Point Circle; Commented on the growth of Stuart and Martin County, concerned about development of Costco and reminds City of the Future Land Use Act, objective A6 referring to neighborhood stability.

CONSENT CALENDAR

5. RFP #2020-102, PROFESSIONAL ARCHITECTURAL, ENGINEERING AND RELATED SERVICES FOR THE PUBLIC WORKS COMPLEX:

RESOLUTION No. 36-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA REQUESTS AUTHORIZATION TO NEGOTIATE FOR RFP #2020-102, PROFESSIONAL ARCHITECTURAL, ENGINEERING AND RELATED SERVICES FOR THE PUBLIC WORKS COMPLEX TO THE TOP RANKED FIRM, CAPTEC ENGINEERING OF STUART, FLORIDA PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

6. APPROVAL OF 03/09/2020 CCM MINUTES

END OF CONSENT CALENDAR



6:14 PM MOTION: Move approval of the Consent.

Moved by: Commissioner Glass Leighton

Seconded by: Commissioner Matheson

Motion passed unanimously.

COMMISSION ACTION


7. SAINT LUCIE ESTUARY LAKE DISCHARGE ELIMINATION VISION STATEMENT:

RESOLUTION No. 37-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, ADOPTING A SAINT LUCIE ESTUARY LAKE DISCHARGE ELIMINATION VISION STATEMENT FOR THE PURPOSE OF DEFINING A FOCUSED VISION FOR THE CITY IN ALL FUTURE CORRESPONDENCE WITH THE UNITED STATES ARMY CORPS OF ENGINEERS, SOUTH FLORIDA WATER MANAGEMENT

DISTRICT, AND OTHER LOCAL, STATE, AND FEDERAL AGENCIES CONCERNING THE MANAGEMENT OF LAKE OKEECHOBEE; REQUESTING THE UNITED STATES ARMY CORPS OF ENGINEERS ADOPT AN OPERATIONAL GOAL TARGETING AN 11 FOOT LAKE OKEECHOBEE ELEVATION (NGVD) BY JUNE 1ST EACH YEAR; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Ben Hogarth, Community Affairs Liaison, came forward and provided an update on Lake Okeechobee levels, stating positive level information, reviewed LOSOM and announced the upcoming LOSOM meeting on April 30th from 1:00 to 4:30 PM, it will be a virtual web meeting.

Vice Mayor Clarke initiated a discussion regarding the NGVD acronym (National Geodetic Vertical Data), the Zero Discharge green signs that were held up at a past meeting wording/language, discharges, and drought concerns.

 **6:38 PM MOTION: Move approval.
Moved by: Commissioner Glass Leighton
Seconded by: Commissioner Matheson
Motion passed unanimously.**

ORDINANCE FIRST READING

8. ABANDONMENT OF RIGHT OF WAY AT OSCEOLA STREET:

(Continued from March 9, 2020 CCM)

ORDINANCE No. 2431-2020; 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 50-FOOT RIGHT-OF-WAY, AS SET FORTH ON THE PLAT OF KRUEGER PARK, AS RECORDED IN PLAT BOOK 1, PAGE 25, PALM BEACH (NOW MARTIN) COUNTY, FLORIDA PUBLIC RECORDS RUNNING EAST TO WEST, 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.

Stephen Mayer, Development Department Senior Planner briefly presented on the abandonment continued from the March 9, 2020 Regular Commission Meeting. Mayer summarized the area to be abandoned, noting the location at the corner of SE Osceola Street and Monterey Avenue, explaining the square footage, presenting an aerial photograph, plat depicting property belonging to Mr. Stephen Fry who is objecting to the abandonment, and a detailed sketch.

Attorney Mortell commented that he corresponded with Mr. Fry earlier in the day and he may attend the meeting via Zoom but would not be attending in person. Mortell briefly explained that an appraisal was done and a second opinion was provided as requested. He explained that half can be given to the one side on the south and half to the side on the north unless one side states they don't want it. In January, after sending a letter to Snug Harbor, they stated they did not want it. That turned out

inaccurate, as they did not want to pay the privilege fee and did not want the City to abandon the property. Mortell continued that if the City abandons the property which was the subject of the right-of-way easement, reverts to the owners adjacent to the right-of way. Fifty percent would go to Snug Harbor and fifty percent would go to Mr. Baron. Brief review of who would pay for the land subject to the abandonment per code, section 36-2.

Mortell made clear the opinion of the Public Works Department regarding the abandonment which is to either abandon all of it or none of it. City would still have to insure and maintain, recommends abandoning the property.

Commissioner Bruner asked about the division of the property.

Commissioner Matheson commented on voting on abandonment and appraisal, asked about the difference between Molly's House and this property.

Stephen Mayer confirmed that the appraisal is for the entire right-of-way, not half.

Commissioner Glass Leighton confirmed that someone is willing to pay \$26,000 for half of the property. If Snug Harbor doesn't want the other half, they can give the other half to Mr. Baron. Question whether we know if they want the other half?

Attorney Mortell responded that Snug Harbor has a meeting tonight and our Second Reading on April 27th gives us time.

Public Comment:

- 1) Donald Cuozzo – Representative of Mr. Baron, commented that the appraisal was done to that standard of the City per the entire property and will work with Mr. Baron on getting an updated appraisal for the value of fifty percent of the property. Have no issue with it.


Commissioner Bruner suggested utilizing the \$26,000 from this abandonment be given to the House of Hope to help with food, rent, electric bills, etc.

Attorney Mortell stated he would have to review the code, he does not believe the City can do that as the money must be dedicated to the acquisition and or maintenance of other right-of-way, so an exception to the code would have to be made in order for that to be done. He can provide information on that by Second Reading.

Commissioner Bruner requested to amend her Motion.

Commissioner Glass Leighton stated she is not comfortable with that due to the uncertainty, prefer to wait until Attorney has more information on that; and not comfortable picking one charity over another.

Attorney Mortell read the code outloud, confirming the dedication of the funds. The motion stands as is.

 **7:03 PM MOTION:** Approve if they bring in an updated appraisal at next meeting.

Moved by: Commissioner Bruner

Seconded by: Commissioner Glass Leighton

Motion passed unanimously.  **7:12 PM**

ORDINANCE SECOND READING

9. AMENDMENT TO CITY TREE REPLACEMENT CODE TO COMPLY WITH STATE STATUTE AND 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.

 **7:13 PM MOTION:** Move approval on Second Reading to Ordinance No. 2432-2020.

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 KNOWN 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 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, AND FOR OTHER PURPOSES.

Commissioner Matheson submitted Form 8B to abstain from the vote on this item.

Two (2) people sworn; Kevin Freeman and Stephen Mayer, City of Stuart Development Department

Stephen Mayer, Senior Planner confirmed there have been no changes to this Ordinance since First Reading.

 7:17 PM MOTION: Move to approve Ordinance No. 2434-2020.


Moved by: Commissioner Bruner


Seconded by: Vice Mayor Clarke

Motion passed unanimously.

DISCUSSION AND DELIBERATION

 7:18 PM ADJOURNMENT


Mary R. Kindel, City Clerk


Michael J. Meier, Mayor

Minutes to be approved at the Regular Commission Meeting this 27th day of April, 2020.

