MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD July 27, 2020
AT 5:30 PM Commission Chambers & ZOOM Telecommunications
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION
Mayor Michael J. Meier
Vice Mayor Eula R. Clarke
Commissioner Becky Bruner
Commissioner Merritt Matheson
Commissioner - VACANT

ADMINISTRATIVE
City Manager, David Dyess
City Attorney, Michael J. Mortell
City Clerk, Mary R. Kindel

5:59 PM ROLL CALL

Statement by City Manager Dyess:
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 meetings of their governing boards without having a quorum of its members present 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 by device; if you wish to speak during public comment, 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.

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

6:01 PM Roll Call
Present: Mayor Meier (in person), Vice Mayor Clarke (in person), Commissioner Bruner (via ZOOM), Commissioner Matheson (in person).

THIS MEETING IS BE A HYBRID IN PERSON/REMOTE MEETING.

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

PRESENTATIONS

1. JULY SERVICE AWARDS

Charvella Whitehead, Police Department – 20 years
Stephen Nicolosi, Development Department – 5 years

2. EMPLOYEE OF THE MONTH - JULY 2020

Janine Wilde, Public Works Administrative Coordinator is the July Employee of the Month, announced by Public Works Director, David Peters. Janine came forward to accept the award and thanked Mr. Peters and the Public Works staff, commenting on how happy she has been to work with them over the past 13 years.

3. DEPARTMENT OF HEALTH UPDATE

Carol Ann Vitani, Florida Department of Health provided an update on the Coronavirus stating the Martin County case count is 3,451 and 65 deaths. Positivity rate is 14.6%. Leveling off in Indiantown and they are working closely with the School District to assist in their plans for the new year. They're working on education program on avoiding the three "C's", close spaces, crowded places, and close contact settings and encourage continued social distancing and use of cloth face coverings. CDC issued a health advisory about hand sanitizers, only use alcohol-based hand sanitizers. Information is provided at www.floridahealthcovid19.gov. A daily report is also available on the Martin County website at www.martin.fl.us.

A brief question and answer discussion between Commissioners and Ms. Vitani took place.

6: 18 PM COMMENTS BY CITY COMMISSIONERS

Commissioner Bruner

- **Commented on the excellent article in the Florida Water Resource Journal article pertaining to the City of Stuart Water Treatment and its Facility.**

Commissioner Matheson

- **Commented on the cleanup on the July 18th as he cleaned up the fireworks left over from the Fourth of July in the East Stuart neighborhood.**
- **Provided an update on the Corp, had webinar on the 21st pertaining to algae blooms and is supportive of the deviation which allows them to release.**

- **Per the Cares Act, is hoping staff can come up with educational plan to get the word out and noted that the United Way of Martin County has programs to help those who have been hurt by COVID-19.**

Vice Mayor Clarke

- **Commented on her recent communication with employees and spoke with Ray Wehrer of the Sanitation Team and wanted to extend her appreciation of him and all the employees for their hard work during this time.**
- **Commented on a report from East Stuart and hopes that it is being investigated appropriately.**
- **Read the Preamble of the U.S. Constitution out load.**

Mayor Meier

- **Commented on his seat on the Treasure Coast Council of Local Governments (TCCLG), their business has been limited during COVID-19. Has requested a virtual meeting as he feels it is important for the governments to work together as we face an economic crisis.**
- **During a National League of Mayor's call, there is a national push for local governments to urge senator on the Cares Act. Asking to write a letter on behalf of the City of Stuart to Senators Scott and Rubio asking for their support for local governments to be fund in the next Cares Act and advocate for lost revenue to be used by that funding.**

6:32 PM MOTION: So moved. [to write a letter on behalf of the City of Stuart to Senators Scott and Rubio asking for their support for local governments to be fund in the next Cares Act and advocate for lost revenue to be used by that funding.]
Moved by: Commissioner Matheson
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

6:33 PM MOTION: Motion that we sign the letter that is also for the League of Cities.
Moved by: Vice Mayor Clarke
Seconded by: Commissioner Matheson
Motion passed unanimously.

COMMENTS BY CITY MANAGER

City Manager Dyess

- **Displayed the Florida Water Resource Journal magazine that included the City of Stuart's filtration system article and photo on the cover.**
- **Commented that he will ask the Executive Director of the United Way come to the next Commission Meeting to explain their part in the Cares Act.**
- **Announced what is and is not allowed pertaining to election season at a public meeting.**

APPROVAL OF AGENDA

6:35 PM MOTION: Move approval of the agenda as published.
Moved by: Vice Mayor Clarke
Seconded by: Commissioner Matheson
Motion passed unanimously.

COMMENTS FROM THE PUBLIC

1) **Helen McBride – Flamingo Avenue; Commented on the lack of members of the public wearing masks.**
2) **Betty Brinkley – Nassau Avenue; Came forward with a map and feels the black people in East Stuart are going to be taxed out of the area. Stated not all lives matter, black lives matter, commissioners are in denial.**

CONSENT CALENDAR

4. APPROVAL OF 07/13/2020 CCM MINUTES

5. COUNTYWIDE MOU FOR LAW ENFORCEMENT ASSISTANCE:

RESOLUTION No. 88-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE RENEWAL OF THE MARTIN COUNTY LAW ENFORCEMENT AGENCIES COMBINED OPERATIONAL ASSISTANCE AND VOLUNTARY COOPERATION MUTUAL AID AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

6. LOBBYING SERVICES:

RESOLUTION No. 89-2020; 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 $60,000.00 PER YEAR; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS; SEVERABILITY, AND EFFECTIVE DATE.

7. GRANT APPLICATION TO WATER MANAGEMENT DISTRICT:

RESOLUTION No. 91-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE PUBLIC WORKS DEPARTMENT TO SUBMIT A GRANT APPLICATION FOR AN ALTERNATIVE WATER SUPPLY GRANT THROUGH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO PROVIDE FUNDING FOR THE CITY'S ALTERNATIVE WATER SUPPLY PROJECT; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

6:42 PM MOTION: So moved.
Moved by: Commissioner Matheson
Seconded by: Commissioner Bruner
Motion passed unanimously.

COMMISSION ACTION

6:44 PM 8. AMENDMENT TO HUDSON'S ON THE RIVER LAND LEASE:

RESOLUTION No. 90-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE AN ADDENDUM TO THE LAND LEASE BETWEEN THE CITY OF STUART, FLORIDA AND HUDSON'S ON THE RIVER, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSESS.

City Manager Dyess explained the request for extension of the lease to begin in March or at the start of the Certificate of Occupancy, whichever comes first, instead of October. This is due to a delay in approval of the grant.

City Attorney confirmed that all grant records are clean.

6:46 PM MOTION: Approve Resolution 90-2020.
Moved by: Commissioner Matheson
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

9. NON-AD VALOREM NOTE $5M FOR PURCHASE OF 301 E. OCEAN PROPERTY:

RESOLUTION No. 94-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE ISSUANCE OF A TAXABLE NON-AD VALOREM REVENUE NOTE, SERIES 2020 OF THE CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED $5,050,000 TO FINANCE ALL OR A PORTION OF THE COSTS OF ACQUISITION, DESIGN, RENOVATION, AND EQUIPPING OF ALL OR A PORTION OF REAL PROPERTY TO BE USED FOR CITY HALL PURPOSES AND TO BE USED FOR COMMUNITY REDEVELOPMENT PURPOSES AND TO PAY COSTS OF ISSUANCE THEREOF, AS FURTHER DESCRIBED HEREIN; MAKING CERTAIN FINDINGS OF PUBLIC PURPOSE AND PARAMOUNT PUBLIC PURPOSE; PROVIDING THAT THE NOTE SHALL BE A LIMITED OBLIGATION OF THE CITY PAYABLE FROM NON-AD VALOREM REVENUES BUDGETED, APPROPRIATED, AND DEPOSITED AS PROVIDED HEREIN; PROVIDING FOR THE RIGHTS, SECURITIES AND REMEDIES FOR THE OWNER OF THE NOTE; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Dyess reviewed the Resolution, stating this is the Wells Fargo property purchase and is not a tax-funded repayment, but coming from the City's property management fund. He recommends the Commission's approval with the plan to eventually move City Hall to that location.

6:49 PM MOTION: Approve Resolution 94-2020.
Moved by: Commissioner Matheson
Seconded by: Commissioner Bruner
Motion passed unanimously.

10. AUTHORIZATION TO CONTINUE PROPERTY MANAGEMENT:

RESOLUTION No. 93-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE A TEMPORARY PROPERTY MANAGEMENT AGREEMENT FOR 301 EAST OCEAN BLVD.; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

6:52 PM MOTION: Approve Resolution No. 93-2020.
Moved by: Vice Mayor Clarke
Seconded by: Commissioner Matheson
Motion passed unanimously.

ORDINANCE FIRST READING

ORDINANCE SECOND READING

11. LAKESIDE MARKETPLACE CPUD AMENDMENT (QUASI-JUDICIAL):

ORDINANCE No. 2445-2020; AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING ORDINANCE NO. 1601-97, WHICH ASSIGNED COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) ZONING TO AN 11.42 ACRE PARCEL OF LAND LOCATED ON THE SOUTH SIDE OF SE MARKET PLACE EAST OF U.S. HIGHWAY ONE, BEING MORE FULLY DESCRIBED BY EXHIBIT "A" ATTACHED; PROVIDING FOR MASTER SITE PLAN APPROVAL, DEVELOPMENT CONDITIONS, A TIMETABLE FOR DEVELOPMENT AND MANDATORY PLATTING FOR A 4.02 ACRE PORTION OF ANNEXED PARCEL #F21 TO ACCOMMODATE 24,000 SQUARE FEET OF COMMERCIAL DEVELOPMENT KNOWN AS LAKESIDE MARKET PLACE CPUD; DECLARING THE PROPOSED DEVELOPMENT TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR A SEVERABILITY CLAUSE; ACCEPTANCE BY THE APPLICANT; AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Five (5) people sworn; Kevin Freeman and Tom Reetz, City of Stuart, Bill Mathers, Mathers Engineering, Steve Vitale and Osirus Ramos, owner.

Tom Reetz, Senior Planner noted two changes:

- **Updated Legal Description**
- **Condition that moves Plat approval from permitting to certificate of occupancy.**

6:57 PM MOTION: Approve Ordinance No. 2445-2020 with those changes.
Moved by: Vice Mayor Clarke
Seconded by: Commissioner Bruner
Motion passed unanimously.

12. 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, OWNED 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 WITH 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 TWO HUNDRED SEVENTY (270) MULTI-FAMILY UNITS WITHIN SIX (6) INDIVIDUAL FOUR-STORY APARTMENT BUILDINGS AND ONE (1) THREE-STOREY BUILDING; APPROVING A DEVELOPMENT SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS AND A TIMETABLE 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.

Six (6) people sworn; Kevin Freeman and Tom Reetz, City of Stuart, Michael Houston of HJA Design Studio, Terry McCarthy of McCarthy Summers, Shawn MacKenzie, Traffic Engineer, and Howard Ehrsam of Bowman Consulting,

Tom Reetz, Senior Planner briefly reviewed the letters received from Martin County, Traffic Engineer, Civil Engineer, and the DEO and presented the updates.

Michael Houston presented a review of the project.

Terry McCarthy introduced proof of the notices to surrounding properties. (Provided to the City Clerk)

Shawn MacKenzie came forward to review the traffic ingress and egress.

Howard Ehrsham came forward to confirm the phased on-site stormwater retention plan.

Public Comment:

1) **Janet Henrich – Natalie Estates resident; opposes project and feels the 4-sorties will be an eyesore, the stormwater drainage has not been properly**

addressed as they still have flooding, has concerns about the traffic on US1 and additional crowding in schools.

2) Connie Dodson – Natalie Estates resident; opposes the location of this project, no buffer zone to their property. Feels its too many people and does not fit in with the surrounding area.
3) Deborah Platt – Natalie Estate resident; opposes the project, concerned about exiting to head northbound/increased traffic and feels it doesn't fit in area.
4) Jessica Roberts – on behalf of grandfather who lives in Natalie Estates; opposes project and questions on the notification process, recommended that this is postponed until more residents are in town and available for comment.
5) Susan Bowman – ZOOM; Commented that there was no posting for this meeting on a board and does not appreciate a motion before public comment; opposes the project, commented on the traffic study, compatibility, water saturation, and voting at the polls.

For clarification, Mayor Meier noted that occasionally public comment is called before a motion I made, but during standard meeting procedures, public comment is heard after a motion is made and seconded.

6) Helen McBride – Flamingo Avenue; As a City resident, in favor of the project, feels it is a needed addition for families and senior citizens.

Brief discussion to clarify remaining questions on the Springtree Project.

7:18 PM MOTION: Motion to approve.
Moved by: Commissioner Bruner
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

DISCUSSION AND DELIBERATION

7:58 PM ADJOURNMENT

Mary R. Kindel, City Clerk

Michael J. Meier, Mayor

Minutes to be approved at the Regular Commission Meeting this 10th day of August, 2020.