

**MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
TO BE HELD March 22, 2021
AT 5:30 PM Commission Chambers
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

CITY COMMISSION

Mayor Eula R. Clarke

Vice Mayor Merritt Matheson

Commissioner Becky Bruner

Commissioner Troy McDonald

Commissioner Mike Meier

ADMINISTRATIVE

City Manager, David Dyess

City Attorney, Michael J. Mortell

City Clerk, Mary R. Kindel

SERGEANT AT ARMS: Police Chief Joseph Tumminelli



5:36 PM ROLL CALL

Present: Mayor Clarke, Vice Mayor Matheson, Commissioner Bruner, Commissioner McDonald, Commissioner Meier

Mayor Clarke requested a moment of silence in honor of local downtown postman, Calvin Berry who passed away.

PLEDGE OF ALLEGIANCE

PRESENTATIONS

**1. THE TREASURE COAST REGIONAL PLANNING AGENCY STAFF PRESENTATION
AND DISCUSSION OF DESIGN CONSIDERATIONS FOR US-1 BETWEEN KANNER
AND PALM CITY ROAD**

Kev Freeman, Development Department Director introduced Tom Lanahan and Jessica Seymore of the Treasure Coast Regional Planning Council and prefaced the presentation with a brief description of the design and location. Tom Lanahan and Jessica Seymore reviewed their design plans and discussed the inter-relation of a turn lane at Kanner Hwy.

and the turn onto Palm City Road and encouraged the Commissioners and community stay involved and provide feedback.

Commissioner McDonald commented on the “hot right” at Palm City Road stating that he feels concentration on safety in that area is very important while Commissioner Meier inquired about sidewalks.

Tom Lanahan and provided an update on sidewalks and power poles. Jessica Seymore discussed the project meeting for the redesign of US1.



5:57 PM COMMENTS BY CITY COMMISSIONERS

Commissioner McDonald:

- Commented that since the light poles are FDOT, would like the consideration of adding an item to a future meeting to create a priority list to have light poles relocated and ask the MPO to add the “hot right” on Palm City Road to their priority list.



6:00 PM MOTION: Put relocating the streetlights and redesign of the hot right on Palm City Road, motion for a Resolution, that we ask the MPO to put that on the priority list.

MOVED BY: Commissioner McDonald

SECONDED BY: Commissioner Meier

Motion passed unanimously.

Commissioner McDonald continued

- Commented on House Bill B 55 and Senate Bill 284, which affects design standards but thankfully does not affect CRA’s at this time. He feels it’s an attack on Home Rule. Feels a Resolutions should be done opposing these bills on the grounds of Home Rule.



6:04 PM MOTION: Pass a Resolution opposing HB 55 and Senate Bill 284.

MOVED BY: Commissioner McDonald

SECONDED BY: Commissioner Meier

Motion passed unanimously.

Commissioner Meier:

- Commented on recent development applications, the new growth and felt it would be helpful to put minds at ease by putting together a map of the City where they are interested in encouraging more density and where they do not want more density, perhaps color coded with major rights of ways.

Kevin Freeman, Development Director, came forward and stated that future land use controls density and they have a future land use map that they can review with the commission.

Vice Mayor Matheson:

- Commented that he believes they could be doing better with some of the projects presented to them, take something negative and turn it to positive, such as a mural on the Cube Smart building.

Commissioner McDonald suggested instead of a mural, a light projection that is changed seasonally.

Commissioner Matheson made a Motion.

Mike Mortell noted it would be an amendment to the PUD which generally costs between \$5 - \$10,000 and a buy-in of the city.


Commissioner Meier asked if the letter would carry more weight if it came from the Commission instead of staff?

Commissioner Bruner said she has a problem with this because they approved the project as it is and asked if they would be doing this to other projects down the road.

Mayor Clarke asked if was possible to have staff look into it to see what is possible.

Commissioner Meier suggested that they get an idea of the procedure before they do anything on this.

Kev Freeman said he would call the Cube Smart owner in the morning to let them know what was discussed.

 **6:18 PM MOTION: Asked staff to draft letter on behalf of the commission, to work with the city and matching programs to have a mural on the Cube Smart Building. [AMENDED MOTION: Staff would draft a letter on behalf of the City to see if the owner would work with the City on creating a piece of public art, whether it's a painted mural or light art.]**

MOVED BY: Vice Mayor Matheson

SECONDED BY: Commissioner McDonald

 **6:27 PM Motion rescinded.**

Vice Mayor Matheson continued

- Job Fair flyer announcement on April 15th at the Stuart Public Safety Complex from 4 to 7 p.m..
- Announced today is World Water Day, to raise awareness that 2.2 billion people have trouble finding access to clean water.
- Provided update on Lake Okeechobee levels.

Mayor Clarke:

- Announced various activities in the community; the East Stuart Community Cleanup this Saturday, a Palm Sunday Walk from St. Mary's Church to East Stuart, and on April 3rd at the 10th Street Recreation Center Senator Harrell put together a vaccination day.

- Commented that she attended the FLC Black Caucus of Elected Officials.
- Reported on the loss of postal worker, Calvin Berry.

COMMENTS BY CITY MANAGER

City Manager Dyess announced that the Fire Department hosted a successful event last weekend, giving away over 150 smoke detectors.

APPROVAL OF AGENDA



6:36 PM MOTION: Move approval.

MOVED BY: Commissioner Meier

SECONDED BY: Vice Mayor Matheson

Motion passed unanimously.

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

- 1) Caryn Hall Yost Rudge – Palm City Rd.; Commented on a lawsuit packet that she left for each commissioners review and has not heard from any of them yet; she likes the idea of bikes, walking and scooters; Palm City Road isn't a hot right if the speed limit is followed, and she looks forward to a special hearing on her property.
- 2) Helen McBride – Flamingo Avenue; Asked what is happening to the old Pelican Café Building and said she feels the taxpayers have a right to know what is happening with the property.
- 3) Tom Campenni – St. Lucie Crescent; Suggested the Commission take a look at the hot right before going to the MPO, the Dwany Plan was a wonderful plan but it is dead, the Cube Smart was approved by the Commission and now you are considering changing that but you made a deal and if you don't stick with your decisions, you won't be trusted and a light show would disturb residents in the area.
- 4) Linda Kay Richards – ZOOM; She thought the City was annexing property and changing the Future Land Use Map and said it is important to look at what they are doing with the map. She thought they should look at the development office to see if there is a conflict of interest there.

CONSENT CALENDAR

2. APPROVAL OF 3/8/2021 CCM MINUTES

END OF CONSENT CALENDAR




6:49 PM MOTION: Move for approval.


MOVED BY: Commissioner McDonald

SECONDED BY: Vice Mayor Matheson

Motion passed unanimously.

 **6:50 PM** City Manager Dyess addressed the Public Comment on the old Pelican Café building. He said the plans are in the lease and the leaser is paying for the construction, not the City. He said the floor of the building is being raised 18 inches for a projected sea level rise building plan required by SFWMD.

COMMISSION ACTION

 **6:51 PM**

3. CITY OF STUART GRANT TO BUSINESS DEVELOPMENT BOARD OF MARTIN COUNTY:

RESOLUTION No. 35-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A GRANT AWARD AGREEMENT BETWEEN THE CITY OF STUART AND THE BUSINESS DEVELOPMENT BOARD OF MARTIN COUNTY TO SUPPORT ECONOMIC DEVELOPMENT PROJECTS, PROGRAMS, AND SERVICES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Kate Cotner, Chair of the Business Development Board and Joan Goodrich, Executive Director of the Business Development Board presented their plans for the community, which included following the lead of the City with the “We’re Ready” Campaign and review of economic development over the past 18-months.

 **7:12 PM MOTION: I take great pride and pleasure to make a motion to approve the agreement.**

MOVED BY: Commissioner McDonald

SECONDED BY: Commissioner Matheson

Motion passed 4/5; Commissioner Bruner *did not vote, stepped out of the room.*

4. URGING THE BAHAMIAN GOVERNMENT TO BAN OFFSHORE OIL DRILLING:

RESOLUTION No. 41-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA URGING THE BAHAMIAN GOVERNMENT TO DENY OFFSHORE OIL DRILLING EXPLORATION LICENSES AND PERMANENTLY BAN OFFSHORE OIL DRILLING ACTIVITIES IN THE BAHAMAS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

 **7:16 PM MOTION: Move approval.**

MOVED BY: Commissioner McDonald

SECONDED BY: Commissioner Meier

Motion passed 4/5; Commissioner Bruner *did not vote, stepped out of the room.*

5. STUART GREEN MARKET LICENSE AGREEMENT:

RESOLUTION No. 34-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, TERMINATING THE NON-EXCLUSIVE USE LICENSE AGREEMENT BETWEEN THE CITY AND THE STUART GREEN MARKET, INC., AN

INTERNAL REVENUE SERVICE DESIGNATED 501(C)(4) ORGANIZATION; AUTHORIZING THE CITY MANAGER TO IMMEDIATELY EXERCISE THE SIXTY (60) DAY WRITTEN NOTICE OF TERMINATION OUTLINED IN SECTION 2 OF THE LICENSE AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

If Resolution 34-2021 passes, the Commission can either take up Resolution 37-2021, elect not to have a public market, or discuss other options.

RESOLUTION No. 37-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA REQUESTING AUTHORIZATION TO ISSUE A REQUEST FOR PROPOSAL FOR THE OPERATION OF A PUBLIC MARKET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Commissioner McDonald asked if they received the information form the Green Market that they requested at the last meeting.

Jim Chrulski said they had not.

Commissioner McDonald made a motion to terminate the Agreement.

Commissioner Meier felt the 60 days was a short turnaround time and proposed they set an effective date of out clause to 90 days for the vendors sake.

Vice Mayor Matheson commented that it could be extended after 60 days and he has asked staff if they were able to run the green market if after 60 days it was necessary.

Commissioner Bruner added that Ms. Callahan with Stuart Mainstreet is interested in running it.

Attorney Mortell commented that 90 days is reasonable, but he does not know if the current coordinator would agree to work with them, as he has not responded to the city at all since the last meeting.

Jim Chrulski, Community Services Director, expressed his concerns and stated that his department is able to run the Green Market temporarily if necessary.

Commissioner McDonald preferred to keep his motion as the resolution stated at 60 days.

Public Comment:

- 1) Armond Pasquale – Seminole St.; Stated that there is only one vendor selling vegetables and it is a glorified flea market and it competes with other stores downtown. He said there is too much building going on.
- 2) Helen McBride – Flamingo Ave.; Said merchants want the Green Market and she would like to see someone from Stuart Mainstreet take it over.

- 3) Caryn Hall Yost Rudge – Palm City Rd.; Commented that she feels 90 days over 60 is better and would like a copy of the letter Commissioner Bruner was handing out at the market.
- 4) Patricia Silinsky: PSL, (ZOOM); Commented that her son is a Green Market vendor and Stuart resident and she works with him at the market, appreciates the person that said the vendors shouldn't suffer.

City Manager David Dyess inquired if the Commission would like to expire Zoom commenting, as all other municipalities have removed this option. No decision was made.

- 5) Gwendelyn Hall-Brinkley – PSL; Stated regardless of how long the problem has been happening, now they know the problem and they just need to fix it.

 **7:18 PM MOTION: Approve the Resolution terminating the Agreement. (Res. 34-2021)**

MOVED BY: Commissioner McDonald

SECONDED BY: Commissioner Meier

Motion passed unanimously.  7:47 PM

RESOLUTION No. 37-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA REQUESTING AUTHORIZATION TO ISSUE A REQUEST FOR PROPOSAL FOR THE OPERATION OF A PUBLIC MARKET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Vice Mayor Matheson thought they should start from a clean slate and solicit proposals.

Commissioner Meier is in favor of an RFP.

Commissioner McDonald thought Stuart Mainstreet would fit but also is fine with an RFP.

Discussion of including SNAP benefits under the criteria of the selection committee.


 **7:59 PM MOTION: Motion to approve Resolution No. 37-2021 and have staff fill in the dates as soon as possible, .**

MOVED BY: Commissioner Meier

SECONDED BY: Commissioner Bruner

Motion passed unanimously.  8:05 PM

ORDINANCE SECOND READING

 **8:06 PM**

6. ANNEXATION OF CITY OWNED PROPERTY AT HANEY CREEK (QUASI-JUDICIAL):

ORDINANCE No. 2452-2021; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ANNEXING, ALLOCATING A FUTURE LAND USE OF CONSERVATION AND ALLOCATING A ZONING CATEGORY OF PUBLIC FOR FOUR (4) CITY OWNED PROPERTIES ADJACENT TO HANEY CREEK AND NW BAKER ROAD AND WHICH ARE SUBJECT TO A FLORIDA COMMUNITIES TRUST GRANT AWARD AGREEMENT AND BEING MORE FULLY DESCRIBED IN EXHIBITS A1, A2, A3 and A4 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.



**8:07 PM MOTION: Move approval.
MOVED BY: Commissioner Meier
SECONDED BY: Commissioner Matheson
Motion passed unanimously.**

7. FOURWINDS AT ST LUCIE; REZONING:

ORDINANCE No. 2460-2021; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, REZONING FROM (R-1) SINGLE FAMILY TO (R-2) DUPLEX ON THE CITY'S OFFICIAL ZONING MAP FOR PROPERTY TOTALING 0.75 ACRES, OWNED BY 245 ST LUCIE, LLC AND 257 4WINDS, LLC, LOCATED ON THE NORTHEAST CORNER OF ST LUCIE BOULEVARD AND SE FOURW INDS DRIVE; BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; 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.

Tom Reetz reported on a scrivener's error in Sec. 5 of the Ordinance referencing a PUD that is struck through and now it just references a rezoning Ordinance.



**8:09 PM MOTION: Move approval.
MOVED BY: Commissioner McDonald
SECONDED BY: Commissioner Meier
Motion passed unanimously.**

8. FLORIDA FRIENDLY LANDSCAPING CODE OF ORDINANCE TEXT AMENDMENT:

ORDINANCE No. 2462-2021; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING CHAPTER 42, ARTICLE II, DIVISION 4 OF THE CODE OF ORDINANCES ENTITLED "CONSERVATION" IN RESPECT OF STANDARDS FOR THE PROVISION OF REGULATING FLORIDA FRIENDLY LANDSCAPING AND THE USE OF RAIN SENSOR DEVICES ON AUTOMATIC SPRINKLER SYSTEMS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

 **8:12 PM MOTION: Move for approval.**
MOVED BY: Commissioner McDonald
SECONDED BY: Commissioner Meier
Motion passed unanimously.

ORDINANCE FIRST READING

DISCUSSION AND DELIBERATION

 **8:12 PM ADJOURNMENT**

Mary R. Kindel, City Clerk

Eula R. Clarke, Mayor

**Minutes to be approved at the Regular Commission
Meeting this 12th day of April, 2021.**