

MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD June 28, 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 Captain Heather Rothe



5:32 PM ROLL CALL

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

PLEDGE OF ALLEGIANCE



5:33 PM COMMENTS BY CITY COMMISSIONERS

Commissioner Troy McDonald

- Wished everyone a happy Fourth of July.
- Requested a random voting order, instead of the Mayor always going last.

Attorney Mike Mortell clarified the Roberts Rules of Order.

Commissioner Mike Meier

- Praying for those involved in the construction tragedy down south.
- Commented about impact fee and requested staff bring impact fees forward to the Commission for discussion.

David Dyess clarified that Kev Freeman has been tasked to do another impact fee study. There was a brief discussion on impact fees.

Commissioner Merritt Matheson

- Wished the community a happy Fourth of July.
- Gave an update on Lake Okeechobee discharges and flow schedule meetings.

Mayor Eula Clarke

- Commented on a meeting she had at the 10th Street Community Center regarding safety.
- Thanked the Public Works Department for their work with Moore's Cemetery.
- Addressed questions she has had regarding lawsuits against the city and requested Attorney Mortell to give the Commission an update on any pending lawsuits.

Attorney Mike Mortell clarified the pending lawsuit process.

- Commented on inclusionary zoning in East Stuart and requested staff have public outreach regarding the issue.
- Congratulated the Stuart Feed Store on their anniversary and applauded the Business Development Board.

COMMENTS BY CITY MANAGER

City Manager David Dyess

- Gave an update on Shepard's Park timeline.
- Regional Planning council contacted the City to assist in being the liaison and conduct the East Stuart Zoning project.
- Discussed about the Avonlea drainage project.

APPROVAL OF AGENDA



5:54 PM MOTION: Agenda approval.

MOVED BY: Commissioner McDonald

SECOND BY: Commissioner Meier

Motion passed unanimously.

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

1. Walter Loyd - SW Cabana Point Cir.; Spoke about County annexations and his concerns with the current process and community's impact when brought before the commission.
2. Amy Pritchett - SE Horseshoe Point Rd.; Commented on the article that was written by Maggie Hurchalla regarding impact fees. She also voiced her concerns about sales tax increases. Wished a Happy 4th of July to everyone and to keep your pets safe.
3. Gail Goldy - NW 12th Terrace.; Spoke about Costco and her concerns about the wetlands on the property.
4. Dru Simeone - SE Marsh Fern Ln.; Voiced her concerns about traffic, over development, out of state developers and the proposed Costco development. She

suggested a halt on new developments and urged new developments use existing vacant buildings.

5. Linda Kay Richards - SW Cabana Point Cir.; Voiced her concerns about the wetlands on the proposed Costco site.
6. Sarah Merker – Florida.; Commented on the proposed Costco project and shared her concerns about Costco as a business.
7. Caryn Hall - SE Palm City Road.; Said that she is concerned about the Administration and it having no oversight. Suggested there should be a special committee meeting about lawsuits that are opened.
8. Gwendolyn Hall-Brinkley - SW Majorca Ave.; Asked for clarification of the Treasure Coast Regional Planning Council being a representative for the City to discuss housing with East Stuart.

CONSENT CALENDAR

1. APPROVAL OF 6/14/2021 CCM MINUTES.
2. KANNER HWY WATERMAIN REPLACEMENT - FDOT AGREEMENT:

RESOLUTION No. 61-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION UTILITY WORK BY HIGHWAY CONTRACTOR AGREEMENT (AT UTILITY EXPENSE) FOR CONSTRUCTION OF THE KANNER HIGHWAY WATERMAIN REPLACEMENT PROJECT; DESIGNATING AUTHORIZED REPRESENTATIVE; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

3. AWARD OF ITB# 2021-112: RIVERWALK HANDRAIL REPLACEMENT PROJECT:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVES THE AWARD OF ITB #2021-112, RIVERWALK HANDRAIL REPLACEMENT PROJECT TO THE LOW EST, RESPONSIVE AND RESPONSIBLE BIDDER TO "A GREAT FENCE OF PORT ST. LUCIE, FLORIDA" PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

4. CHILDREN'S SERVICE COUNCIL OF MARTIN COUNTY GRANT FOR COMMUNITY SERVICES DEPT. AFTER SCHOOL PROGRAM:

RESOLUTION No. 63-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPLY AS THE LEAD AGENCY WITH THE CHILDREN'S SERVICES COUNCIL OF MARTIN COUNTY FOR THE EAST STUART YOUTH INITIATIVE GRANT; IF APPROVED, AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF THE CHILDREN SERVICES COUNCIL GRANT, AND EMERGENCY FUNDING; AUTHORIZING THE EXECUTION OF CONTRACTS BETWEEN THE CITY OF STUART AND CHILDREN SERVICES COUNCIL OF MARTIN COUNTY FOR GRANT ADMINISTRATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

5. KIWANIS PARK PLAYGROUND EQUIPMENT:

RESOLUTION No. 64-2021 / BA No. 08-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT NO. 08 2021 TO ACCEPT, APPROPRIATE AND EXPEND A DONATION FROM KIWANIS CLUB OF STUART IN THE AMOUNT OF \$127,000; A DONATION FROM STUART BENEVOLENT FIRE FIGHTERS, INC. IN THE AMOUNT OF \$7,500; APPROPRIATING ALL DONATED MONIES, AND \$20,314 DONATED FROM THE COMMUNITY SERVICES ADVISORY BOARD (R21-2018) TO ACCOUNT 1220-563 INFRASTRUCTURE; APPROPRIATING \$72,293.00 OF RECREATION IMPACT FEES TO ACCOUNT 1220-563 INFRASTRUCTURE TO EXPEND ALL FUNDS FOR PLAYGROUND EQUIPMENT FOR KIWANIS PARK PLAYGROUND EQUIPMENT PHASE 2.

END OF CONSENT CALENDAR



6:15 PM MOTION: Move for approval.

MOVED BY: Commissioner McDonald

SECOND BY: Vice Mayor Mathenson

Motion passed unanimously.

COMMISSION ACTION

6. APPOINT VOTING DELEGATE TO FLORIDA LEAGUE OF CITIES



6:16 PM MOTION: Madam Mayor I'll move to appoint Commissioner Meier as our Delegate since he is our League of Cities appointee.

MOVED BY: Commissioner McDonald

SECOND BY: Commissioner Brunner

Motion passed unanimously.

7. URGING THE U.S. DEPARTMENT OF INTERIOR TO RESTORE THE 'ENDANGERED' STATUS FOR THE WEST INDIAN MANATEE:

RESOLUTION No. 65-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, URGING THE UNITED STATES DEPARTMENT OF THE INTERIOR AND THE FISH AND WILDLIFE SERVICE TO RESTORE THE 'ENDANGERED' PROTECTION STATUS OF THE WEST INDIAN MANATEE UNDER THE ENDANGERED SPECIES ACT; FURTHER REQUESTING A RULE REVISION TO THE CRITICAL HABITAT FOR THE FLORIDA MANATEE TO INCLUDE THE SAINT LUCIE RIVER AND ESTUARY; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

MOTION: I'll make a motion to approve Resolution No. 65-2021.

MOVED BY: Vice Mayor Matheson

SECOND BY: Commissioner Meier

Motion passed unanimously.

ORDINANCE SECOND READING



6:21 PM ORDINANCE FIRST READING

8. AMENDING QUASI-JUDICIAL PROCEEDINGS:

ORDINANCE No. 2467-2021; AN ORDINANCE OF THE CITY OF STUART AMENDING ARTICLE XI; SECTION 11.03.00 - QUASI-JUDICIAL PROCEEDINGS; PROVIDING FOR A SEVERABILITY CLAUSE AND A CONFLICTS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Mayor Clarke requested a new format for Quasi-Judicial hearings include a time restraint for presentations.

Attorney Mortell suggested applying a time limit on a case by case basis.

Discussion continued about setting a potential time limit on presentations and the language for an intervenor.

Public Comment:

1. Caryn Hall - SE Palm City Road.; Asked for clarification on the case law.
2. Helen McBride – SE Flamingo Ave.; Requested limiting time for the intervenor and commented on the Costco project.
3. Walter Loyd - SW Cabana Point Cir.; Commented on an intervenor working more closely with staff for a better understanding of the project being discussed.
4. Amy Pritchett - SE Horseshoe Point Rd.; Commented on the amount of people who were not able to give public comment regarding Costco based on how long the meeting was.
5. Linda Kay Richards - SW Cabana Point Cir.; Addressed the concerns that she could be denied being an intervenor based on application restrictions. She requested allowing public comment before the presentations.

Attorney Mortell read the current case law for Quasi-Judicial hearings regarding intervenors.

Discussion continued about changing the language and processes.

Mayor Clarke suggested a cheat sheet for intervenors when they apply.

Attorney Mortell clarified why that might put the city at risk as a future liability.

6. Walter Loyd - SW Cabana Point Cir.; suggested a cheat sheet but a disclaimer that protects the city.

Mayor Clarke suggested having the public meet privately with each commissioner instead of waiting to speak for three minutes at the next meeting.

 **6:22 PM MOTION: Approve Ordinance No. 2467-2021.**

 **6:35 PM AMMENDED MOTION: Approve with the following edits.**

Edit 11 – does any member of the public wish to make a comment.

Edit 12 – add: (no new evidence is permitted).


Edit 13 – add: Mayor request the commission to deliberate and come up with a motion.

Edit page 6 of Ordinance b & c flipped

MOVED BY: Commissioner Meier

SECOND BY: Vice Mayor Matheson

Motion passed unanimously.  7:11 PM


 **7:13 PM**

9. VARIANCE TO REDUCE THE UPLAND BUFFER DISTANCE TO SIGNIFICANT WETLAND RESOURCES:

REQUEST FOR A VARIANCE TO THE CITY'S LAND DEVELOPMENT CODE, SECTION 5.03.02.C.1 AND 4, FOR A REDUCED MINIMUM UPLAND BUFFER DISTANCE FROM OUTSTANDING WETLAND RESOURCES, REDUCED AVERAGE UPLAND BUFFER AND REDUCED CONSTRUCTION SETBACK FROM WETLANDS, FOR LOT 5/6 INDIAN GROVES DRIVE.

Kev Freeman, Development Director provided a brief presentation.

Commissioner Meier asked for confirmation about future wetland buffers. Expressed concerns about sea level rise and flooding.

 **7:24 PM**

Karen Johnson, the applicant presented renderings to the Commission.


Commissioner Meier said that he would prefer to move it forward to reduce impact to wetlands as a general principle. The commission and staff further discussed the location of the house on the property and the footprint.

Vice Mayor Matheson said he supported preserving the wetlands, going back to the 25 and keeping the 10-foot construction buffer.

Discussion occurred with the applicant about the proposed footprint and legal liabilities.

Attorney Mortell stated we were not setting a precedent; Commission follows the code and the law. Attorney Mortell continued to clarify the law.

Commissioner Meier stated that he is willing to entertain the 25-foot and waiving the 10-foot. Wants assurance that this project will get flipped.

 **7:41 PM MOTION:** I believe she will do the right thing so I will make a motion for approval. Used for a single-family home only, with condition that footprint is accommodated in current variance.

MOVED BY: Becky Bruner

SECOND BY: Troy McDonald

Motion passed unanimously.

DISCUSSION AND DELIBERATION

Erin Wohlitka was introduced as the City's new Senior Planner.

 **7:46 PM ADJOURNMENT**

Mary R. Kindel, City Clerk

Eula R. Clarke, Mayor

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