

MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD July 26, 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



5:44 PM ROLL CALL

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

PLEDGE OF ALLEGIANCE

COMMENTS BY CITY COMMISSIONERS

Commissioner Meier

- Thanked colleagues for joining him at the TCCLG Luncheon Meeting in Okeechobee.
- Announced that next week, attending the Florida League of Cities Conference.

Vice Mayor Matheson

- Commented that it was a pleasure attending the Treasure Coast Council of Local Governments Luncheon in Okeechobee.
- Thanked Anne Ellig, Programs Manager, for her efforts in planning the Treasure Coast Waterway Cleanup this past Saturday, he and his family picked up several

trash bags full and noticed a downed “No Wake” sign and contacted the authorities; fortunately, no one hit it.

- Tomorrow at City Hall, the Army Corp of Engineers is hosting a meeting at 2:00 p.m. as part of their LOSOM Listening Tour. He provided a brief River and Lake Okeechobee update.

Mayor Clarke

- Commented on receiving a message from a citizen that contacted her about being disappointed about not being able to attend tonight’s meeting, nice to know people want to attend.
- Stood and announced that the City is hosting the Cal Ripken World Series, estimating that close to 10,000 people will come to Stuart and play in Sailfish Park. Clarke read from a flyer to report on the details of the event.
- Thanked everyone who came out for the cleanup and asked Anne Ellig how much was filled.

Anne came forward and reported on the Treasure Coast Waterway Cleanup.

- Read from a letter received announcing the City being awarded the CDBG Grant for \$750,000 and turned it over the City Manager.
- Received letter from the Boys and Girls Club to ensure they are included in the City’s programs.
- Florida League of Cities Meeting, August 12th through the 14th, Commissioner Meier attending and Mayor considering attending as well.
- Commented on communities adopting May 20th Emancipation Day and Juneteenth Day as employee holidays. Would like that discussed at the upcoming budget meeting.
- Met with the head of the Housing Authority and she may be soon making a presentation to the Commission on how the Authority works.
- Announced per Agenda Item #5, ROW abandonment, she is completing the Form 8B and will file it with the City Clerk as she lives in the area.

COMMENTS BY CITY MANAGER

City Manager Dyess

- Thanked Anne Ellig and those who participated for job well done with the cleanup, hoping for a better participation next year.
- Thanked Milton Leggett, his team, and the Tram team. Mentioned that the Wells Fargo property owned by the City now has a tram stop and is open as public parking spots.

APPROVAL OF AGENDA




6:09 PM MOTION: Move to approve.

MOVED BY: Commissioner McDonald


SECONDED BY: Vice Mayor Matheson

Motion approved unanimously.

 **6:10 PM**

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

- 1) Walter Loyd – SW Cabana Point Cir; Commented on the Commission being the leaders but seeing where the City is being used to get around the County, in reference to the Kanner Hwy. CPUD, respectfully appealing to them to hear them and their experts, recommending the book that was originally suggested “Strong Town”.

 **6:14 PM**

CONSENT CALENDAR

1. APPROVAL OF 7/12/2021 CCM MINUTES


2. AUTHORIZATION TO ENTER INTO A SOVEREIGN SUBMERGED LANDS EASEMENT RENEWAL:

RESOLUTION No. 68-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR TO ENTER INTO AND TO EXECUTE A SOVEREIGN SUBMERGED LANDS EASEMENT RENEWAL AND MODIFICATION TO REFLECT CHANGE IN OWNERSHIP WITH THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.


3. FEMA STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT APPLICATION:

RESOLUTION No. 71-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE FILING OF AN APPLICATION TO THE U.S. DEPARTMENT OF HOMELAND SECURITY (FEMA) FOR FUNDING UNDER THE FY2021 STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT PROGRAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

 **6:14 PM MOTION: Motion to approve the Consent Calendar.**
MOVED BY: Commissioner Matheson
SECONDED BY: Commissioner Meier
Motion approved unanimously.

COMMISSION ACTION

 **6:15 PM**

4. R.O.W. ABANDONMENT OF PORTION OF SEMINOLE STREET AND OSCEOLA STREET ALLEY:

RESOLUTION No. 70-2021; 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 AUGUST 23, 2021 AT 5:30 PM, AND SEPTEMBER 13, 2021, AT 4:00 P.M. IN THE CITY COMMISSION CHAMBERS TO CONSIDER THE ABANDONMENT OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY, BEING THAT PORTION OF ALLEY, MORE CLEARLY DESCRIBED IN EXHIBIT "A" ATTACHED; AND FOR OTHER PURPOSES.

Noted that this was put on "Commission Action" because we are making an announcement, and this is just informative.

Tom Reetz, Senior Planner, announced that this item will be brought back before the Commission on August 23rd for First Reading.

Commissioner Meier stated that he believes if there are intact alley ways in the middle of the city that can serve a purpose down the road really consider preserving them so in the future, they can be useful but if it is not complete, he is in favor of relinquishing it.

- 1) Helen McBride – Questioned the Commission that if the alleyways are being "abandoned" does that mean we are selling the land to the landowners?


Attorney Mike Mortell responded we will not sell the alleyway but instead charge a "privilege fee". Further discussed.

 **6:16 PM MOTION: Move approval.**
MOVED BY: Commissioner Meier
SECONDED BY: Commissioner McDonald
Motion approved unanimously.

5. AUTHORIZATION TO ABANDON RIGHT-OF-WAY BETWEEN SE 16TH COURT AND SE 18TH STREET:


RESOLUTION No. 72-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE ABANDONMENT OF A CERTAIN RIGHT-OF-WAY WITHIN THE CITY LIMITS, BEING THAT PORTION OF LAND, WHICH LIES BETWEEN S.E. 16TH COURT AND S.E. 18TH STREET, WHICH IS MORE FULLY DEPICTED IN EXHIBIT "A" ATTACHED HERETO, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Clarke abstaining from Vote, see Form 8B attached.

 **6:22 PM MOTION: Move to approve.**
MOVED BY: Commissioner McDonald
SECONDED BY: Commissioner Meier
Motion approved 4/1, Clarke abstaining.

ORDINANCE SECOND READING

ORDINANCE FIRST READING

 6:23 PM

6. APPEAL OF DETERMINATION OF COMPARABILITY AT 728 NW DIXIE HWY FOR USE OF RETAIL SALE OF VEHICLE PARTS TOGETHER WITH VEHICLE REPAIR, WITH ALL ACTIVITIES TAKING PLACE WITHIN AN ENCLOSED BUILDING. THE PROPERTY IS ZONED URBAN HIGHWAY. (QUASI-JUDICIAL):

Kev Freeman, Development Director, presented the City's Determination of Compatibility, addressing the location, the urban code uses, the address options of Dixie Hwy and US1.

Nick Schroth, Appellant, presented a power point on his property located at 623 NW Palm Street in Stuart, reviewing the investment made, previous determination, and identifying his disagreement of the address being identified as Dixie Hwy.

Commissioner Meier requested clarification from Attorney as to what they are looking for.

City Attorney Mortell clarified the appeal process and reviewed Section 2.02.01(a) of the Code. The Commission must determine whether the Development Director had ability to make the Determination of Comparability.

Further Commission discussion and review of code took place. Commissioner Meier made a Motion.

 7:01 PM

Commissioner Meier asked Kev Freeman, Development Director to please describe his reasoning pertaining to the address.

Freeman reported that he does think its listed for the urban highway. The question from his point of view is whether that property fronts Federal Hwy or does it not.

Commissioners and staff continued discussion.

Public Comment:

- 1) Chis Klein – NW Federal Hwy.; Commented that he is in favor of this property not becoming an automotive business, it is about the address.
- 2) Blair Scott – property owner; commented that she agrees with everything Mr. Schroth stated, the use proposed by Giant Oil does not conform with Stuart, and concerned with the environmental impact on the community, feels it would be better suited for something more environmentally friendly.

 **6:59 PM MOTION:** Because the use is indeed listed, in the Land Development Code 3.01.03, I move that the Development Director does not have the authority to grant the use, as a finding of fact.

MOVED BY: Commissioner Meier

SECONDED BY: Commissioner McDonald

Motion approved unanimously.  **7:23 PM**

 **7:23 PM MOTION:** Grant the appeal. [Rule in favor of Mr. Schroth]

MOVED BY: Commissioner McDonald

SECONDED BY: Commissioner Meier

Motion approved unanimously.

7. CHAPTER 16- EMERGENCY MANAGMENT:

ORDINANCE No. 2468-2021; AN ORDINANCE OF THE CITY OF STUART AMENDING CHAPTER 16- EMERGENCY MANAGEMENT; PROVIDING FOR A SEVERABILITY CLAUSE AND A CONFLICTS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Commissioner McDonald commented that he feels this is another attack on Home Rule.

 **7:28 PM MOTION:** Move to approve.

MOVED BY: Commissioner McDonald

SECONDED BY: Commissioner Matheson

Motion approved unanimously.

DISCUSSION AND DELIBERATION

 **7:31 PM**

8. DISCUSSION OF A PROPOSED AMENDMENT TO THE CITY'S LAND DEVELOPMENT CODE FOR EXTENDING OR REMOVING THE DEADLINE OF THE AMORTIZATION PERIOD FOR NON-CONFORMING POLE SIGNS WITHIN THE CITY LIMITS.

CRA Administrator, Pinal Gandhi-Savdas briefly reviewed the proposed amendments brought before the Commission pertaining to pole signs, explaining that according to existing Code, all pole signs must come down by January 2022. There are 190 pole signs remaining within City limits. New signs have been prohibited since 1997. Staff has reviewed the Code and come up with the following three options:

- 1) Poles must be removed within 30 days when the sign is damaged or when business closes.
- 2) Code be extended with a 5-year amortization period to January 2027
- 3) Staff return with draft amendment to remove Code all together

Commissioners participated in a discussion with Gandhi-Savdas about extensions, deadlines, business owners that have fixed their signs, and the various options.

Commissioners agreed to Option 3.



7:55 PM ADJOURNMENT

Mary R. Kindel, City Clerk

Eula R. Clarke, Mayor

**Minutes to be approved at the Regular Commission
Meeting this 9th day of August, 2021.**