

MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD August 23, 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

  **5:53 PM ROLL CALL**

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

PLEDGE OF ALLEGIANCE

1. ELECTION RESULTS

Mary Kindel, City Clerk reported on the election results, announcing percentages of voter participation, total votes cast, and the official results of the 2021 Municipal Election.

Commission Group II	Becky Bruner
Commission Group IV	Troy McDonald

 **5:56 PM 2. OATH OF OFFICE - BECKY BRUNER, GROUP II AND TROY MCDONALD, GROUP IV.**

Commissioner Becky Bruner and Commissioner Troy McDonald were sworn in individually by City Attorney Mike Mortell for a 3-Year Term.

COMMENTS BY CITY COMMISSIONERS

Commissioner Brunner

- Thanked the City for sending her to the Florida League of Cities (FLC) Annual Conference and stated she is grateful for all she learned and to be serving.

Commissioner McDonald


- Thanked the community for his re-election and thanked his wife, Portia for her support.

Commissioner Meier

- Commented that he attended the FLC Conference and learned a lot, glad to be part of the Young Municipal Elected Officials Group and became friends with professionals from Dade City and Zephyrhills, plans to share more from what he learned from their experiences.
- Congratulated and welcomed back Commissioners McDonald and Bruner.

Vice Mayor Matheson

- Congratulated Commissioner McDonald and Bruner.
- Commented that he too used to be a member of the Young Municipal Elected Officials Group but took a step back but is interested in what Commissioner Meier learns and will share.
- Update on Lake Okeechobee including upcoming meeting, on current communications, lake levels, and regulations.
- Commented on the Costco decision but feels the best decision was made overall.

 **6:08 PM MOTION: Motion to have staff bring back how we compare and evaluate wetlands, not in terms of our buffer, but in terms of whether or not we allow mitigation. RESTATED MOTION: Have staff bring back a review of that sort at the next meeting or the meeting after.**

AMENDMENT: I'll amend my motion for it to be at a workshop instead of at a regular meeting.

AMENDED MOTION: To hold a wetland and stormwater mitigation workshop.

(City Manager Dyess noted that stormwater will be coming before the Commission as a draft master plan separately in late September.)


MOVED BY: Vice Mayor Matheson

SECONDED BY: Commissioner Meier

Motion approved unanimously.

Mayor Clarke

- Thanked the Canvassing Board, City Clerk and Supervisor of Elections for the work on the Election.
- Thanked the County and all staff regarding the meeting for Costco.
- Announced her appreciation for all who helped to coordinate and facilitate with the Vaccine Clinic here at City Hall, thanked Gayle Force, Stanley Campbell, and Thelma Washington along with all others who helped.

 **6:17 PM**

COMMENTS BY CITY MANAGER

City Manager Dyess

- Reported that the Shepard Park ribbon cutting ceremony would be announced as soon as the two last oak trees were placed in the park.

APPROVAL OF AGENDA

 **6:17 PM MOTION: Move for approval.**

MOVED BY: Commissioner McDonald

SECONDED BY: Vice Mayor Matheson

Motion approved unanimously.

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

- 1) William Rudge – Palm City Rd.; Commented that he unable to see the July 29th Budget Workshop video on the website; wonders why City continues to work with an attorney that he feels he is misleading and deceiving the Commissioners and the entire justice system; asked if the oath includes Article 7 and 10 because of a comment back in 2011.
- 2) Caryn Hall – Palm City Rd.; Commented on the Agenda that was approved but the Budget #2 is not on the website; referred to three “falsified” documents and read from reports; submitted copy of the document to Clerk for distribution for Commissioners.

City Manager Dyess announced for the record that the Special Commission Meeting Budget Workshop #2 is available on the City’s website via the You Tube Channel and can be found under Meetings and Agendas.

- 3) Tracee Newsome – Jade Circle, Jensen Beach; Commented about home schooling and is thankful her grandchildren will have the opportunity to attend the hybrid school called The Oaks at St. Mary’s Church. Requests the
- 4) Annalise Cooper – Flamingo Ave.; Commented in favor of The Oaks Academy.
- 5) Gail Goldy – 12th Terrace; Thanked Commissioner Matheson on his and the fellow commissioner’s goal to host a workshop on the wetland review. Frustrated as a County resident that she cannot vote in the City but glad to see the City taking the time to review the wetlands.

 **6:30 PM**

Mayor Clarke requested Item #4 be pulled for the City Manager to give a brief summary of Resolution No. 81-2021 for the safe of the public.

CONSENT CALENDAR

3. APPROVAL OF 7/29/2021 SCM BUDGET WORKSHOP #2, 08/05/2021 SCM, AND 08/09/2021 CCM MINUTES

(PULLED) 4. AUTHORIZATION TO EXECUTE AMERICAN RESCUE PLAN ACT AGREEMENT:

RESOLUTION No. 81-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE THE AMERICAN RESCUE PLAN ACT CORONAVIRUS LOCAL FISCAL RECOVERY FUND AGREEMENT BY AND BETWEEN THE CITY OF STUART, FLORIDA, AND THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT, FOR THE PURPOSE OF PROVIDING FUNDS TO LOCAL GOVERNMENTS IN ORDER TO FACILITATE THE ONGOING RECOVERY FROM THE COVID-19 PANDEMIC, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR



6:30 PM MOTION: Approve Item #3 on the Consent Calendar pulling Item #4.

MOVED BY: Vice Mayor Matheson

SECONDED BY: Commissioner Meier

Motion approved unanimously.

4. AUTHORIZATION TO EXECUTE AMERICAN RESCUE PLAN ACT AGREEMENT:

RESOLUTION No. 81-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE THE AMERICAN RESCUE PLAN ACT CORONAVIRUS LOCAL FISCAL RECOVERY FUND AGREEMENT BY AND BETWEEN THE CITY OF STUART, FLORIDA, AND THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT, FOR THE PURPOSE OF PROVIDING FUNDS TO LOCAL GOVERNMENTS IN ORDER TO FACILITATE THE ONGOING RECOVERY FROM THE COVID-19 PANDEMIC, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Mayor Clarke requested clarification on this Resolution. City Manager Dyess provided a breakdown of the allocation of funds, noting there is a temporary rule at this time, anticipating what the final rule will state and being cautious as we wait to move forward.



6:33 PM MOTION: Move for approval.

MOVED BY: Commissioner McDonald

SECONDED BY: Commissioner Meier

Motion approved unanimously.

COMMISSION ACTION

5. LEGISLATIVE PRIORITIES FOR THE 2022 LEGISLATIVE SESSION:

RESOLUTION No. 76-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE ADOPTION OF LEGISLATIVE PRIORITIES FOR THE 2022 LEGISLATIVE SESSION.

Commissioner Meier read legislative language on PFAS, tree protection and transportation funding.

Ben Hogarth commented that these would be two additional priorities, but it is the pleasure of the Commission. The PFAS would have to be discussed with Mr. David Peters and the legal counsel working on the case.

Discussion Meier on funding and noted that affordable housing was addressed during the last session.

Noted updates to this Resolution – two items and a modification.



6:39 PM MOTION: Approve (Res. 76-2021) including the tree protection ordinance as I read just now, and transportation funding in addition to the existing ones.

MOVED BY: Commissioner Meier

SECONDED BY: Commissioner McDonald

Motion approved unanimously.

6. AUTHORIZATION TO SELL 55 N.W. DIXIE HIGHWAY:

RESOLUTION No. 80-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE A VACANT LAND CONTRACT AND/OR ANY ADDENDUMS BETWEEN THE CITY OF STUART, FLORIDA, AND MIDDLE ISLAND MANAGEMENT AND/OR ASSIGNS, FOR THE SALE OF THE CITY OWNED PROPERTY LOCATED AT 55 N.W. DIXIE HIGHWAY, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Attorney briefly reviewed the offer presented and noted it is expected to be a cash closing. Brief discussion about the title insurance and appraisal. The purchaser is aware of the title history and the litigation issues, clear title. It is the Attorney's opinion that the City has the right to sell this property.



6:49 PM MOTION: Motion to approve.

MOVED BY: Commissioner Meier

SECONDED BY: Vice Mayor Matheson

Motion approved unanimously.

7. AUTHORIZATION TO EXECUTE CONTRACT FOR SALE OF 1.78 ACRES (OSPREY PRESERVE):


RESOLUTION No. 83-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE A VACANT LAND CONTRACT AND/OR ANY ADDENDUMS BETWEEN THE CITY OF STUART, FLORIDA, AND E. CLARK GIBSON, FOR THE SALE OF THE CITY OWNED 1.78 ACRES PARCEL LOCATED SOUTH OF JENSEN BEACH BLVD. AND ADJACENT TO GREEN RIVER PARKWAY, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Manager Dyess provided a brief background, stating this property originally planned for a Fire Station but it was determined that another property would be better suited.

Commissioner McDonald requested to make a change to the contract, specifically on the Assignment where it states they can sign the contract and be released from liability, would like it changed to "May assigned but not be released from liability under the contract." Also, the proceeds from the sale be designated to pay for either land or capital expensed such as building a fire station north of the bridge." Commissioner McDonald stated that he would make it a Motion.

After McDonald's motion, Commissioner Meier commented.

Commissioner Meier commented on his understanding of one of the original ideas of the location was to be a fire station, but expressed his hesitation noting the land at the edge of the City, the wetland impacts, quality pine, etc. unsure about the sale but is looking at the funding for other important projects, preserve part of Windemere Project. Back parcel behind Pine Crest Lakes subdivision. If some proceeds would go to tree program,

 **6:53 PM MOTION: To approve the contact with that language change and to set the net proceeds aside for property or capital improvements for a fire station. [Noted language: May assigned but not be released from liability under the contract." Also, the proceeds from the sale be designated to pay for either land or capital expensed such as building a fire station north of the bridge.**

MOVED BY: Commissioner McDonald

SECONDED BY: Vice Mayor Matheson

Motion approved unanimously.  7:00 PM

ORDINANCE SECOND READING

8. CHAPTER 16- EMERGENCY MANAGEMENT:

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.


Attorney Mortell announced that this was First Read at the July 26, 2021 Commission Meeting and its purpose is to bring the City's Code up to date with State Statute and the legislature's newly adopted laws relating to declared emergencies.

 **7:02 PM MOTION: Move approval.**

MOVED BY: Commissioner McDonald

SECONDED BY: Commissioner Meier

Motion approved unanimously.

 **7:02 PM**

ORDINANCE FIRST READING

9. THE OAKS SCHOOL AT ST. MARY'S CHURCH CONDITIONAL USE (QUASI-JUDICIAL):

RESOLUTION No. 75-2021: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING A MAJOR CONDITIONAL USE APPROVAL TO ALLOW A SCHOOL, PRIVATE, PAROCHIAL, OR TECHNICAL, FOR THE OAKS CLASSICAL CHRISTIAN ACADEMY, INC. AT ST. MARY'S EPISCOPAL CHURCH; WITH SAID LANDS BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; PROVIDING FOR CONDITIONS; PROVIDING FOR REPEAL OF ALL DEVELOPMENT ORDERS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

5 People sworn; Kev Freeman, City of Stuart Development Director, Katie Crews, President and Head of School for the Oaks, Ashley Frewling, Parent and Assistant, Kate DeWitt, and Evelyn Duenas, parents.

Kev Freeman presented the on the application with the location, conditions for approval and staff recommendations. Freeman introduced the applicant and stated this item is by Resolution and is a one-time hearing. Dyess clarified the R3 zoning with staff.

Commissioner Bruner made a motion, but Mayor Clarke clarified that the Applicant must present prior to a motion.

Katie Crews and Ashley Frewling came forward and presented on The Oaks, noting the hybrid learning style and the opportunities they plan to provide. Frewling commented that she has been searching for a similar school after homeschooling her four children.

No questions from the commission or the applicant. Student limit is 18 to 25 students, schooling held two (2) days per week. If an increase to the program is requested in the future, it will be brought back before the Commission.

Meier requested clarification from staff whether the City is required to coordinate with the school district. It was determined that we do not in this case.



7:26 PM Public Comment:

- 1) Kate DeWitt – Krueger Parkway; Commented on the options for schooling this past year and noted how nice it would be to have this option available here in our County
- 2) Evelyn Duenas – Coral Tree Lane, Palm City; New to the home schooling and children love the program; in favor of the hybrid opportunity and asks the Commission to vote yes.



7:24 PM MOTION: Move for approval.

MOVED BY: Commissioner Bruner

SECONDED BY: Commissioner Matheson

Motion approved unanimously.



7:31 PM

10. ABANDONMENT OF A PORTION RIGHT-OF-WAY BETWEEN 26 SEMINOLE STREET AND 19 OSCEOLA STREET:

ORDINANCE No. 2470-2021; A 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 PORTION OF A PLATTED 12 FOOT WIDE ALLEY IN BETWEEN 26 S.E. SEMINOLE STREET AND 19 S.E. OSCEOLA STREET (LOTS 5 & 14, BLOCK 3) ACCORDING TO THE AMENDED PLAT OF CHARLES A. PORTER ADDITION, AS RECORDED IN PLAT BOOK 2, PAGE 75 PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, MORE CLEARLY DESCRIBED AND DEPICTED IN EXHIBITS "A" "B" & "C" ATTACHED HERETO; PROVIDING FOR PAYMENT OF A PRIVILEGE FEE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Tom Reetz, Senior Planner briefly presented on the details of the abandonment, noting the parcel on the north is owned by Stephen Vitale and Chuck Geray owns parcel to the south. Reetz identified the location, no objection from the Public Works Department, the staff's recommendations.



7:34 PM MOTION: Move approval.

MOVED BY: Commissioner Meier

SECONDED BY: Commissioner McDonald

Motion approved unanimously.

11. AMENDING CHAPTER 22 FIRE PREVENTION :

ORDINANCE No. 2471-2021; AN ORDINANCE OF THE CITY OF STUART AMENDING CHAPTER 22; FIRE PREVENTION; PROVIDING FOR A SEVERABILITY CLAUSE AND A CONFLICTS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

City Manager Dyess briefly reviewed the amending of the code – stating that it is a requirement to

Vice Mayor Matheson inquired with Fire Chief Felicione on whether open fire pits were allowed. Chief responded that the amendment is simply a language cleanup and works with the Florida Fire Prevention Code, which addresses outdoor fires. If at any time, the Fire official deems something is unsafe, they have the right to shut it down.



7:37 PM MOTION: Move for approval.

MOVED BY: Commissioner McDonald

SECONDED BY: Commissioner Matheson

Motion approved unanimously.

DISCUSSION AND DELIBERATION



7:41 PM ADJOURNMENT

Mary R. Kindel, City Clerk

Eula R. Clarke, Mayor

**Minutes to be approved at the Regular Commission
Meeting this 13th day of September, 2021.**