

**MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD September 27, 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 Lieutenant George McLain



5:35 PM ROLL CALL

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

PLEDGE OF ALLEGIANCE

COMMENTS BY CITY COMMISSIONERS

Mayor Bruner

- Commented on the Christmas Tree event last year and would like to see it again this year.

Commissioner McDonald

- Commented that the tree event was with the Realtor Association and it is returning.
- Ribbon Cutting event at Shepard's Park, complimented how great the park came out.
- Commented on the City Hall lobby and thanked Michelle Vicat, Executive Assistant to the City Manager for getting it done.

Commissioner Meier

- Request to pull Item #2 from Consent Calendar.
- Echoed comments on Shepard Park, happy with turnout.

Vice Mayor Matheson

- Also commented on Shepard's Park, pleased with outcome.
- Commented that he is interested in examining the City owned property, Duffy's building, and the docks and have City staff and law enforcement to ensure that boats within our City limits are following the pump out regulations.
- Expressed concerns about Brightline being implemented in early 2023, bridge will be down 45 minutes of the hour and only 15 minutes up. Concerned about the safety issues it will cause.
- Working on behalf of the City and Indian River Keeper board to take a board member from the South Florida Water Management governing board members to tour the river on October 6, 2021.
- Cyanobacteria was located at the S80 structure, reported from the Health Department.

Mayor Clarke

- Requested to pull item #5 from Consent Calendar for brief explanation.
- Announced East 10th Street Workshop, improvement to the MLK Jr. Blvd., encouraged public to come out and provide input.
- Requested to know who coordinates the Hobgoblin Parade.
- Complimented all for the Shepard Park Project; especially Jim Chrulski, Tim Voelker, and Mr. Leggett. Commented on the tree event and extending it throughout the community, Shepard's Park, 10th Street.
- Shuffleboard Court, facelift and making it a rental facility.
- Requested City Manager to provide an update on the underground project on Osceola.
- Announced that during the CRA Meeting, there was a conversation pertaining to Form Base Code, encouraged public input.



5:52 PM

COMMENTS BY CITY MANAGER

City Manager Dyess

- Announced that FPL agreed to hold off in switching the poles out in downtown. CRA was given the direction to engage with the designer consultant to move forward with the underground designing for the Osceola section.

Mike Mortell, City Attorney, reported on a petition of an Administrative Hearing challenging the processes and procedure use by the City for Future Land Use Maps, titled Cartwright vs. City of Stuart. It will be a public hearing at City Hall in the form of a public trial on November 15th, 16th, and 17th. Currently conflicts with a Rivers Coalition Meeting, therefore, other location arrangements may be made.

Mortell also update stating that North Stuart Acquisitions filed lawsuit against City and read the Wherefore Clause from the complaint into the record. Provided a brief history of the complaint and noted a Shade Meeting will be scheduled for both.

APPROVAL OF AGENDA



5:56 PM MOTION: Motion to approve the Agenda pulling Items 2 and 5 from the Consent Calendar.

MOVED BY: Vice Mayor Matheson

SECONDED BY: Commissioner McDonald

Motion approved unanimously.



5:57 PM

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

- 1) Richard Maneage - Lonita Street; Commented on petitions submitted to City about speed bumps. Mentioned that there is no storm sewers. Introduced two neighbors Kenneth Jordan and Jim Champaign.
- 2) William Rudge – Palm City Rd.; Commented on his questions from a previous meeting that he has not received answers for.
- 3) Albert Brinkley – Central Ave.; Stated he directed traffic this morning on MLK Jr. Blvd. this morning because people were scared to pull out near the daycare center.



6:07 PM

CONSENT CALENDAR

1. APPROVAL OF 09/13/2021 CCM MINUTES.

(PULLED) 2. ADOPT TRIANGLE DISTRICT MASTER PLAN AND DESIGNATING A NAME:

RESOLUTION No. 74-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING AND ADOPTING THE MASTER PLAN FOR THE “TRIANGLE” STUDY AREA AND DESIGNATING THE NAME OF THE STUDY AREA AS “TRIANGLE DISTRICT”; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

3. RATIFY SECOND-YEAR REOPENERS OF CBA BETWEEN CITY AND IAFF LOCAL 2411:

RESOLUTION No. 89-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA RATIFYING THE SECOND-YEAR REOPENERS OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE PROFESSIONAL FIREFIGHTERS OF STUART, LOCAL 2411 (IAFF), EFFECTIVE OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2023; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

4. REQUEST TO SOLICIT RFP FOR EAST OCEAN REDEVELOPMENT:

RESOLUTION No. 97-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA REQUESTS AUTHORIZATION TO SOLICIT RFP #2022-200, REDEVELOPMENT OF THREE ADJOINING PARCELS "OCEAN BLVD", FLORIDA PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(PULLED) 5. ADOPT APPENDIX A, FEES AND RATES:

RESOLUTION 100-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING APPENDIX "A" BY AMENDING CHAPTER 12, CHAPTER 22, CHAPTER 32, CHAPTER 34, AND CHAPTER 42 OF THE CITY'S CODE OF ORDINANCES, AND PROVIDING AN EFFECTIVE DATE.

6. ENTER INTO A NEW INTERLOCAL AGREEMENT FOR FIRE RESCUE:

RESOLUTION No. 101-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF STUART ("CITY") AND MARTIN COUNTY ("COUNTY") FOR FIRE SUPPRESSION AND EMERGENCY MEDICAL SERVICES; AND PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR



6:08 PM MOTION: Move for approval.

MOVED BY: Commissioner McDonald

SECONDED BY: Commissioner Bruner

Motion approved unanimously.

From Consent Calendar:

2. ADOPT TRIANGLE DISTRICT MASTER PLAN AND DESIGNATING A NAME:

RESOLUTION No. 74-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING AND ADOPTING THE MASTER PLAN FOR THE "TRIANGLE" STUDY AREA AND DESIGNATING THE NAME OF THE STUDY AREA AS "TRIANGLE DISTRICT"; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Commissioner Meier announced that he pulled this item for the benefit of the public, he spoke on the project, and gave insight on the improvements being done to the district.



6:10 PM MOTION: Motion to approve Resolution 74-2021.

MOVED BY: Vice Mayor Matheson

SECONDED BY: Commissioner Meier

Motion approved unanimously.

5. ADOPT APPENDIX A, FEES AND RATES:

RESOLUTION No. 100-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING APPENDIX "A" BY AMENDING CHAPTER 12, CHAPTER 22, CHAPTER 32, CHAPTER 34, AND CHAPTER 42 OF THE CITY'S CODE OF ORDINANCES, AND PROVIDING AN EFFECTIVE DATE.

City Manager Dyess discussed the changes being done in each chapter.



6:12 PM MOTION: Move to approve.

MOVED BY: Commissioner McDonald

SECONDED BY: Commissioner Meier

Motion approved unanimously.



6:13 PM

COMMISSION ACTION

7. AUTHORIZATION TO SELL OLD CITY LANDFILL PROPERTY:

RESOLUTION No. 69-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE SALE OF THE OLD CITY LANDFILL PROPERTY AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AND TO EXECUTE A VACANT LAND CONTRACT WITH THE PURCHASER, GOLDSTEIN KITE ENVIRONMENTAL, LLC AND/OR ASSIGNS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Mike McCarty, McCarty and Assoc. Land Planning and Design, Michael Goldstein, and Kelly Kite, presented on the Goldstein Kite Environmental Redevelopment Team to include the founders and principals, acquisition and development of similar projects. Goldstein provided a report on the City's Old City Landfill property and the existence of the FDEP PFAS investigation, the incremental development costs at Goldstein Kites expense, and the past reuse study done by Captec Engineering. No indemnification, City not liable. Reviewed a grant opportunity, environmental insurance, and regulatory guidance.



6:56 PM Commissioner McDonald supports the idea of this project and requests Goldstein provide some details on the closing and the process prior to closing.

Mr. Goldstein provided information on the Phase 1 and 2 and they are then approved by the State to move forward with the cleanup plan. Mr. Goldstein noted that the City already is liable for what is at the site and that their company does not expect to find additional unexpected issues that they are not already aware of. Mr. Goldstein stated that he will not submit any data without City's consent and is willing to pay for a third party to review the data.

Commissioner Meier noted that the City is not the only municipality dealing with PFAS and PFOA and the City has not been able to find a partner to help manage it. Agrees that it is a liability but would like to see them do something about it. Reviewed the use of the land. Agrees that it's a potentially great opportunity.

Discussion continued amongst the Commissioners, Mr. Goldstein, and Mr. Kite.



7:48 PM Commissioner McDonald made a Motion, Meier Seconded followed by discussion.



8:15 PM Attorney Mortell noted to remove paragraph 11 of the Rider, which is "Delivery of Documents". Attorney Mortell stated that the City is subject to public records and expressed concerns about possible breach of contract as will not produce every record within the 45 days. Per discussion, Commissioner Meier withdrew his Second. Mr. Goldstein stated that they would remove it from the agreement and the records would be requested through a public records request instead.



7:48 PM MOTION: Move to move forward, buyer pay the title, not disclose any information to DEP without consent to City, pay for a third-party environmental consultant chosen by the City to review the data in advance, minimum of 5 acres reforested park, that any redevelopment ensures that any stormwater design complies with applicable standards (remediation plan - when they build).
[Clarification by Meier – 5 acres set aside for a park with forest elements as directed by Commission/staff.]

MOVED BY: Commissioner McDonald

SECONDED BY: Commissioner Meier



8:19 PM Commissioner Meier withdrew his Second, Motion Failed.

Attorney Mortell reviewed his issues of concern; noting the title issues are to be expected and the production of records, which has been solved, and that the City was going to obtain insurance to protect us during this process.

Commission reviewed and deliberated. Goldstein agreed to have the language on the agreement, paragraph 11, lines 142 to 144 be stricken from the agreement.



8:22 PM MOTION: Move to move forward, buyer pay the title, not disclose any information to DEP without consent to City, pay for a third-party environmental consultant chosen by the City to review the data in advance, 5 acres set aside for a park with forest elements, that any redevelopment ensures that any stormwater design complies with applicable standards remediation plan - when they build and striking paragraph 11, line 142 – 144.

MOVED BY: Commissioner McDonald

SECONDED BY: Commissioner Bruner

Motion approved unanimously.  8:34 PM

8. MOU WITH UNITED WAY FOR BORN LEARNING TRAILS:

RESOLUTION 87-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE UNITED WAY OF MARTIN COUNTY

FOR THE INSTALLATION, PROMOTION AND MAINTENANCE OF BORN LEARNING TRAILS, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Carol Houwaart-Diez, President/CEO of United Way of Martin County gave a brief presentation of what is “Born Learning Trail” and why it is important.



8:39 PM MOTION: Move for approval.

MOVED BY: Commissioner McDonald

SECONDED BY: Vice Mayor Matheson

Motion approved unanimously.

9. ACCEPT THE US-1 CORRIDOR MASTER PLAN:

RESOLUTION No. 91-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING AND ACCEPTING THE MASTER PLAN FOR THE “US-1 CORRIDOR” STUDY AREA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Kevin Freeman, Director of Development introduced the plan and spoke on the study components and key recommendations.



8:44 PM MOTION: I move for approval.

MOVED BY: Commissioner Bruner

SECONDED BY: Commissioner McDonald

Motion approved 4-1

Matheson stepped away.

10. CREATING A ST. LUCIE RIVER SINKING FUND:

RESOLUTION 98-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE CREATION OF A ST. LUCIE RIVER SINKING FUND; TO BE FUNDED FROM 1150.531 PROFESSIONAL SERVICES FISCAL YEAR ENDING BALANCE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Manager Dyess explained what the St. Lucie River Sinking Fund would be created from.

Public Comment:

- 1) Helen McBride – Flamingo Ave.; Agrees with the sinking fund but is concerned due to the pending case that is being carried over to next year.



8:46 PM MOTION: I will make a motion to approve Resolution 98-2021 to create a St. Lucie River sinking fund.

MOVED BY: Vice Mayor Matheson

SECONDED BY: Commissioner Meier

Motion approved unanimously.

11. EXECUTE A LETTER OF INTENT WITH HOUSING SOLUTIONS COUNCIL:

RESOLUTION No. 99-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE A LETTER OF INTENT WITH THE HOUSING SOLUTIONS COUNCIL FOR A DUE DILIGENCE PERIOD OF ONE YEAR, NEGOTIATE A LAND LEASE AND RETURN TO COMMISSION FOR APPROVAL, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Attorney Mortell provided clarification in regard to the letter of intent and wants to ensure that the resolution also applies to the contract.



8:49 PM MOTION: I will move for approval.

MOVED BY: Commissioner Meier

SECONDED BY: Commissioner Bruner

Motion approved unanimously.



8:53 PM

ORDINANCE SECOND READING

12. ABANDONMENT OF A PORTION RIGHT-OF-WAY BETWEEN 16th COURT AND 18th STREET:

ORDINANCE No. 2474-2021; AN ORDINANCE 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.

Mayor Clarke will not be voting and has file FORM 8B, noting a potential conflict due to her home address, prohibiting her from voting on this item.



8:54 PM MOTION: Move approval.

MOVED BY: Commissioner McDonald

SECONDED BY: Vice Mayor Matheson

Motion approved 4/1 – Mayor abstained – See Form 8B.



8:55 PM

ORDINANCE FIRST READING

13. REQUEST TO CONTINUE THE ITEM WITH NO SET DATE: SPORTFISH MARINA UPUD:

REZONING TO UPUD (QUASI-JUDICIAL):

ORDINANCE No. 2464-2021; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP, THEREBY APPLYING A LAND DEVELOPMENT ZONING DESIGNATION OF UPUD "URBAN PLANNED UNIT DEVELOPMENT" TO A PARCEL OF LAND TOTALING 0.63 ACRES, LOCATED AT 304 NE FLAGLER AVENUE, BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; ESTABLISHING THE "SPORTFISH MARINA" URBAN PLANNED UNIT DEVELOPMENT (UPUD) CONSISTING OF A 51 ROOM HOTEL, 64 SEAT RESTAURANT AND 49 SLIP MARINA, AND ALLOWING USES PERMITTED IN THE URBAN DISTRICT; PROVIDING FOR APPROVAL OF A SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS; 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.



8:56 PM MOTION: Move to continue.

MOVED BY: Commissioner McDonald

SECONDED BY: Commissioner Meier

Motion approved unanimously.

14. REQUEST FOR THE ITEM TO BE CONTINUED TO THE NOVEMBER 8, 2021 CITY COMMISSION MEETING:

SILVERTHORN RPUD:

ORDINANCE No. 2472-2021; 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 CHANGING THE FUTURE LAND USE DESIGNATION FROM "COMMERCIAL" TO "MULTI-FAMILY RESIDENTIAL" FOR A 9.43 ACRE PARCEL ANNEXED BY ORDINANCE NO. 1527-97, OWNED BY TED GLASRUDD ASSOCIATES FL LLC, LOCATED ON THE SOUTH EAST CORNER OF SE INDIAN STREET AND SE COMMERCE AVENUE, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; AND FURTHER PROVIDING THAT SAID LANDS SHALL CONCURRENTLY BE REZONED FROM COMMERCIAL PLANNED UNIT DEVELOPMENT "CPUD" TO RESIDENTIAL PLANNED UNIT DEVELOPMENT "RPUD" ON THE CITY'S OFFICIAL ZONING MAP; ESTABLISHING THE SILVERTHORN RPUD CONSISTING OF EIGHTY SIX (86) ATTACHED HOMES; APPROVING A MASTER 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.



8:58 PM MOTION: Move to continue to November 8, 2021.

MOVED BY: Commissioner McDonald

SECONDED BY: Commissioner Meier

Motion approved unanimously.

15. ADDITION OF A NEW PROPERTY RIGHTS ELEMENT TO THE COMPREHENSIVE PLAN:

ORDINANCE No. 2473-2021; AN ORDINANCE OF THE CITY OF STUART AMENDING THE COMPREHENSIVE PLAN; ADDING ELEMENT 12 - A NEW PROPERTY RIGHTS ELEMENT; AMENDING ELEMENT 1 - FUTURE LAND USE ELEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Erin Wohlitka, Senior Planner presented on the Comprehensive Plan Amendment, reviewing the stricken language, and recommended that staff return to the Commission around the other pieces of this which is far more impactful on the Comp Plan and the Land Development Code and the way the City process development applications. Noted the State DEO will not accept any future land use amendments at this point and recommend moving forward as such with element 12 at this time.

Attorney Mortell noted that the LPA approved the item as well. Mortell stated that the County added one condition and it was the condition that made the minority control.

Vice Mayor Matheson commented on the policy and a discussion clarifying the elements, whether the City was rushing the change. Discussion continued amongst the Commissioners and Staff.

Public Comment:

- 1) Marcela Cambelor – ZOOM; Supports the motion and has worked with others that have made similar modifications. Commends the Commission for the motion.



9:16 PM MOTION: Motion to have policy and objections 1 - 4 as required by code and remove sections 5 on, as it is not required. And approve the staff's recommendation to modify the table of densities and intensities with respect to marine industrial.

MOVED BY: Commissioner Meier

SECONDED BY: Vice Mayor Matheson

Motion approved unanimously.

DISCUSSION AND DELIBERATION



9:25 PM ADJOURNMENT

Mary R. Kindel, City Clerk

Eula R. Clarke, Mayor

Minutes to be approved at the Regular Commission Meeting this 11th day of October, 2021.