

**MINUTES  
REGULAR MEETING OF THE STUART CITY COMMISSION  
HELD November 8, 2021  
AT 4:00 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**



**4:02 PM ROLL CALL**

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

**PLEDGE OF ALLEGIANCE**

1. ARTS MOMENT - RAMONA FLORIDOR-WHITE PERFORMING A SONG, 'EDGE OF GREAT' BY MADISON REYES.



**4:09 PM**

**PROCLAMATIONS**

2. 21st ANNUAL BIBLE READING MARATHON - NOVEMBER 11-15, 2021

Recipients Pastor Eddie and Joanne Rodrigues of Stepping into Grace and New Life Ministries accepted the Proclamation, announced information for the upcoming Bible Marathon as well as the history of the marathon. Julie Bjornson read a speech on God and our Country.

### 3. WREATHS ACROSS AMERICA DAY - DECEMBER 18, 2021

"Regent" Dona Dubois of the Halpatiokee Chapter of the National Society of the Daughters of the American Revolution accepted the Proclamation and announced the various activities in the local Chapter.

### 4. AMERICA RECYCLES DAY - NOVEMBER 15, 2021

Mike Sapp, City of Stuart Team Leader II, Sanitation Department accepted the Proclamation and thanked the Commission.

### 5. SMALL BUSINESS SATURDAY - NOVEMBER 27, 2021

The Proclamation was read outloud and is being mailed to the recipient, Pam Woo of the Small Business Saturday Coalition as she was unable to attend.



**4:26 PM**

### **PRESENTATIONS**

### 6. EMPLOYEE SPOTLIGHT - NOVEMBER 2021

Michael Hazelton of the Stormwater Division, Public Works introduced by Public Works Director, Milton Leggett and was recognized as the November Employee Spotlight.

### 7. SERVICE AWARDS - NOVEMBER 2021

Scott Earl, U & E	40 years
Tammy Champion, Police	20 years
Adrienne Bremekamp, Finance	20 years
Leroy Ehret, Fire Rescue	20 years
Willie Hatcher, U & E	10 years
Claudy Angervil, Police	5 years



**4:37 PM**

### 8. PRESENTATION ON THE CURRENT STATUS OF THE 2022 LAKE OKEECHOBEE SYSTEM OPERATING MANUAL (LOSOM) DEVELOPMENT.

Ben Hogarth, Communications Liaison, presented a LOSOM update of the past two years.

Vice Mayor Matheson reviewed highlighted information with the Commission. Commissioner Bruner commented that she is impressed with what has been accomplished so far and thanked Vice Mayor Matheson and Ben Hogarth for what they have done.



**5:12 PM**

### **COMMENTS BY CITY COMMISSIONERS**

#### Commissioner Bruner

- Requested to add to the Discussion & Deliberation of the Agenda, a workshop to discuss development, land and code, and the message we are sending to the people and what the Commissioners would like to accomplish.

#### Commissioner McDonald

- Commented that he visited the new fire station and was impressed with the setup of the 5<sup>th</sup> wheel camper, thanked all involved.
- Responded to a comment made at a County Commission Meeting about the County needing to hire an additional 40 firefighters because of the Stuart calls they respond to, stated that is not the case.
- Complimented the Stuart Fire and Police Departments.

#### Commissioner Meier

- Commented positively on the FL Legislative Conference last week and their unveiling of their legislative advocacy program called “Local Voices United” to educate on how Tallahassee works; noted a presentation on a book called “13 Ways to Kill your Community,” when done reading it, he will share for anyone who is interested.
- Commented on an idea of a Community Land Trust, tried by negotiating with developers, feels we need to do more, investigate AMI funds, look into how we can use those funds for affordable housing and feels Community Land Trust is an important tool. Interested in working with staff and the TCRPC, put together a workshop,
- Per the Fire Station, requests the City Manager provide an update for communication with the community.

#### Vice Mayor Matheson

- Announced that November is Manatee Awareness Month.
- Thanked Stuart Main Street for the coordination of the Stuart Hobgoblin Parade, commented that it was a joy to participate and judge the costume contest.
- Reported that he serves as the Chair for the Transportation Disadvantaged and that the local coordinating board recently won an award; complimented the City and MPO staff.
- Last Thursday’s LPA (Local Planning Agency) Meeting demonstrated a concern for the City’s future pertaining to growth, commented on the codes approved usually remain unchanged for years. Agreed with Commissioner Bruner on having a Workshop.

#### Mayor Clarke

- Commented on Mr. Hogarth’s presentation and recognized Don Cuozzo in the audience and thanked him for coming.
- Requested clarification on the Workshop discussed and a plan for a separate meeting, not added to this Agenda’s Discussion & Deliberation.

Commissioner Bruner clarified that she would like to schedule a future workshop.

- Reported on a Family Reading Day at the Shuffleboard Court and would like to see improvements budgeted.

- Commented on various upcoming events, including the Mayor's Town Hall on November 16<sup>th</sup> at 6 p.m.
- Announced lawsuit hearings next week.

Attorney Mortell stated the judge requested the hearings be done via ZOOM only, therefore, hearings will not be held at City Hall.

- Commented on the Co-Lab as it prepares to open.
- Commented on the upcoming cold days and the homeless population in Stuart; encouraged citizens to help any agencies if they can.

 **5:36 PM**

## **COMMENTS BY CITY MANAGER**

City Manager Dyess


- Commented on Fire Station 3, currently evaluating the property as it has low elevation, reviewed the Windemere location and building size plans. Neighborhood has misconceptions and clarified the emergency sirens policy.
- Reported on a meeting with Brightline pertaining to the bridge, the settlement agreement for existing bridge, dimensions, and engineering determinations. The bridge rehabilitation is beginning in early 2022 and explained the projected work schedule.
- Reported on the future bridge, explaining that Brightline is performing a study, a 6-month process to determine what is possible.

## **APPROVAL OF AGENDA**

 **5:42 PM MOTION: Move to approve the Agenda.**  
**MOVED BY: Commissioner McDonald**  
**SECONDED BY: Commissioner Meier**  
**Motion approved unanimously.**

## **COMMENTS FROM THE PUBLIC (3 Minutes Max.)**

- 1) William Rudge – Palm City Rd.; Commented on his repeated request being unanswered.
- 2) Doug Bournique – Pegasus Place, Vero Beach; Complimented the presentation given by Ben Hogarth, recommends we help reconnect the districts for River quality.
- 3) Tom Campenni – St. Lucie Crescent; Commented on the CRB Meeting presentation on the Creek District, mosaic project, and suggested the City get private donations and have Jim Chrulski fundraise.
- 4) Betty Brinkley – Nassau Ave.; Commented on her opposition on the Charrette, on why the trucks come through the black community at 5:30 a.m. and complaint on an Officer still being assigned in their neighborhood.

 **5:53 PM**

## **CONSENT CALENDAR**

## 9. APPROVAL OF 10/25/2021 CCM MINUTES

### END OF CONSENT CALENDAR



**5:53 PM MOTION: Move to approve.**

**MOVED BY: Commissioner McDonald**

**SECONDED BY: Commissioner Meier**

**Motion approved unanimously.**



**5:54 PM**

### COMMISSION ACTION

## 10. 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 4 ON THE NORTH SIDE OF SW INDIAN GROVES DRIVE, LOCATED AT 228 SW INDIAN GROVES DRIVE.

Erin Wohlitka, Development Department Senior Planner, presented that this item had come before the Commission on April 12, 2021 and was neither approved or denied, the Commission had requested this proposal be modified and come back before them. Ms. Wohlitka provided a review of the Comp Plan for property located at 228 SW Indian Groove Drive with a review of the Land Development Code policies on wetlands and zoning setbacks. Presentation included land buffer setbacks, the buildable area, and proposed building footprint of the single-family home, proposed elevations, and review of staff's recommendation.

Doug Bournique, applicant, came forward and confirmed the presentation given by the City.

Commissioner Matheson noted his hesitancy as this was to be a cottage lot and he is concerned with the surrounding homes and amount of buffer proposed to be reduced by.

### Public Comment:


- 1) Joe Flanigan – Indian Grove Drive; Commented on concern for the neighborhood integrity with the size of the home in comparison to its neighbors.

Commissioner Meier clarified that the Commission cannot make decisions on the architecture as it is State law. Talked about possibility of a different way this can be approached.

Attorney Mortell noted this is a Variance and provided a brief history on Board of Adjustment Variance processes.

Public Comment:

- 2) Robin Cartwright – ZOOM; Commented on the equality for wetland setbacks between residential and commercial properties, in favor of this variance.

 **6:39 PM**

Mr. Bournique stated he has issues with the FPL lines and has done what was asked of him by the Commission.


Public Comment:

- 3) Helen McBride – Flamingo Ave.; Commented with her thoughts that the Commissioners should protect the wetland.

Commissioner McDonald expressed his concerns on what the Commission expects from an applicant. Does not support the Motion as is. Commissioners deliberated.


Public Comment:

- 4) Sarah Merckle – Florida Club, ZOOM; Expressed her disappointment in the Commission's decisions and looks forward to what comes in the future.

 **6:37 PM** **MOTION: To approve altering the minimum average width of the upland buffer to 40 ft. and the upland buffer at no point less than 40 ft. for the 2<sup>nd</sup> requested variance, and in doing so, altering the 3<sup>rd</sup> requested variance for the construction setback to be included within the 40 ft. buffer and with the condition of approval for those variances for the rear wetland buffers for the side setbacks to be as proposed in the plan, with 10 ft. with the option to fast track it if it's proposed for a single-family structure, and go right to permitting.**

**MOVED BY: Vice Mayor Matheson**

**SECONDED BY: Commissioner Meier**

**Motion approved 4/5.  6:50 PM**


**Bruner - YES**

**McDonald - NO**

**Meier - YES**

**Matheson - YES**


**Clarke - YES**

 **6:50 PM**

**11. MAJOR SITE PLAN AMENDMENT - MONTEREY MEDICAL PARKING EXPANSION (QUASIJUDICIAL):**


RESOLUTION No. 86-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE AN AMENDMENT TO A MAJOR DEVELOPMENT SITE PLAN AT 'MONTEREY MEDICAL CENTER' LOCATED AT 1050 SE MONTEREY ROAD, STUART TO EXPAND THE PARKING LOT FOR 51 ADDITIONAL PARKING STALLS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.


Development Director, Kev Freeman requested a continuation of this item to the Dec. 13, 2021 CCM due to stormwater issues.

 **6:52 PM MOTION: Motion to continue Resolution No. 86-2021 to Dec. 13th.**  
**MOVED BY: Vice Mayor Matheson**  
**SECONDED BY: Commissioner Meier**  
**Motion approved unanimously.**

## **12. SRF LOAN APPLICATION - ALTERNATIVE WATER SUPPLY:**

RESOLUTION No. 114-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, RELATED TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE FINANCIAL SERVICES DIRECTOR TO SUBMIT THE LOAN APPLICATION AGREEMENT FOR THE \$17,319,799.00 ALTERNATIVE WATER SUPPLY PROJECT; AUTHORIZING THE MAYOR TO EXECUTE THE LOAN AGREEMENT; DESIGNATING AUTHORIZED REPRESENTATIVES; ESTABLISHING PLEDGED REVENUES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS; SEVERABILITY, AND EFFECTIVE DATE.

 **6:55 PM MOTION: Move for approval.**  
**MOVED BY: Commissioner Meier**  
**SECONDED BY: Vice Mayor Matheson**  
**Motion approved unanimously.**

 **6:57 PM**

## **13. R.O.W. ABANDONMENT OF A PORTION OF AN ALLEY BETWEEN SE 5TH STREET AND SE STYPMANN BLVD):**

RESOLUTION No. 115-2021; 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 NOVEMBER 22, 2021 AT 5:30 PM, AND DECEMBER 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 LAND, WHICH LIES BETWEEN S.E. 5TH STREET AND S.E. STYPMANN BLVD, WHICH IS MORE FULLY DEPICTED IN EXHIBIT "A" ATTACHED HERETO; AND FOR OTHER PURPOSES.



**6:58 PM MOTION: Move for approval.**  
**MOVED BY: Commissioner McDonald**  
**SECONDED BY: Commissioner Meier**  
**Motion approved unanimously.**  
**ORDINANCE SECOND READING**



**7:00 PM**

#### **ORDINANCE FIRST READING**

#### **14. AMENDMENT TO THE LAND DEVELOPMENT CODE - SIGN CODE:**

ORDINANCE No. 2469-2021; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING SECTION 6.11.03 ENTITLED "NONCONFORMING SIGNS; AMORTIZATION OF CERTAIN SIGNS" IN CHAPTER 6 OF THE CITY OF STUART LAND DEVELOPMENT CODE TO REMOVE DEADLINE FOR THE AMORTIZATION PERIOD FOR EXISTING, NON-CONFORMING POLE SIGNS AND PROVIDE PROVISIONS TO ACCELERATE POLE SIGN REMOVAL; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

**Pinal Gandhi-Savdas, CRA Administrator reviewed the Ordinance amended language.**



**7:02 PM MOTION: Move approval.**  
**MOVED BY: Commissioner Meier**  
**SECONDED BY: Commissioner McDonald**  
**Motion approved unanimously.**

#### **15. REQUEST TO CONTINUE THE ITEM TO DATE CERTAIN OF DECEMBER 13, 2021: SILVERTHORN RPUD: (QUASI-JUDICIAL):**

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.

 **7:03 PM MOTION: To continue to December 13<sup>th</sup>.**

**MOVED BY: Vice Mayor Matheson**

**SECONDED BY: Commissioner Meier**

**Motion approved unanimously.**

**16. REQUEST TO CONTINUE TO DATE CERTAIN OF NOVEMBER 22, 2021:**

ABANDONMENT OF A PORTION RIGHT-OF-WAY AS REQUIRED BY THE PALMETTO COVE RPUD:

ORDINANCE NO. 2475-2021; AN 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 PLATTED 11-FOOT-WIDE ALLEY AS SHOWN ON THE PLAT OF HALPATIOKEE PARK, MORE CLEARLY DESCRIBED AND DEPICTED IN EXHIBIT 'A' ATTACHED; FOR PAYMENT OF A PRIVILEGE FEE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

 **7:04 PM MOTION: So moved.**

**MOVED BY: Commissioner Meier**

**SECONDED BY: Commissioner McDonald**

**Motion approved unanimously.**

**DISCUSSION AND DELIBERATION**

 **7:04 PM ADJOURNMENT**

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**Mary R. Kindel, City Clerk**

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**Eula R. Clarke, Mayor**

**Minutes to be approved at the Regular Commission  
Meeting this 22<sup>nd</sup> day of November, 2021.**