

**MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD December 13, 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



4:03 PM ROLL CALL

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

PLEDGE OF ALLEGIANCE

1. ARTS MOMENT - AL HAGER, LINDSAY HAGER, AND AMY CLARK - PERFORMING A SONG.

2. CERTIFICATE OF APPRECIATION FOR EMANCIPATION DAY VOLUNTEERS, PRESENTED BY EULA CLARKE.


Mayor Eula Clarke presented plaques to various Emancipation Day volunteers.




4:16 PM

Mayor Clarke was presented with an appreciation gift by City Manager Dyess.

3. SELECTION OF MAYOR AND VICE MAYOR

 **4:19 PM MOTION: Move for Merritt Matheson to be Mayor.**
MOVED BY: Commissioner McDonald
SECONDED BY: Commissioner Meier
Motion approved unanimously.

Mayor Matheson announced his appreciation and thanked the community and commissioners.

 **4:22 PM MOTION: I will make a motion to make Troy McDonald the Vice Mayor.**
MOVED BY: Commissioner Clarke
SECONDED BY: Commissioner Bruner
Motion approved unanimously.

2021 – 2022 Mayor Merritt Matheson
2021 – 2022 Vice Mayor Troy McDonald

 **4:23 PM Recess**

 **4:33 PM Reconvened**

PRESENTATIONS

4. EMPLOYEE SPOTLIGHT - DECEMBER 2021

Debbie Smith, Payroll Specialist, was recognized as the December Employee Spotlight, presented by Joly Boglioli, Finance Director.

 **4:43 PM**

COMMENTS BY CITY COMMISSIONERS

Mayor Matheson

- Wished a Happy Birthday to Commissioner Meier and thanked Commissioner Bruner and all the Commissioners for decorating the City's tree for the Holiday of Lights Tree Event.
- Announced housekeeping items asking for patience as he adapts to the new role.
- Happy holiday season to all.

Commissioner Meier

- Congratulated Mayor Matheson, and stated he knows he will serve the Commission well.
- Wished all a Merry Christmas and Happy New Year.

Commissioner Brunner

- Echoed Meiers comments.
- Commented on the Christmas Parade and community participation,
- Commented on the past year and half and the experience with COVID, looks forward to the coming year.

Commissioner Clarke

- Congratulated Mayor Matheson, Vice Mayor McDonald, thanked City Manager, City Attorney, and all Department heads, the tram driver's, and Police Chief for all they do.
- Thanked all who attended her celebration at Mulligans last Friday evening.
- Reported that she was presented with a Mayors for Mentoring Certificate from the National Mentoring Partnership in recognition of positive contributions to the youth mentoring field.

Vice Mayor McDonald

- Wished everyone a Merry Christmas, Happy New Year, and Happy Hannukah.
- Commented that he was contacted by a resident about the speed bump installed on East 10th Street. (Noted: Milton Leggett of Public Works is addressing the issue with the resident.)
- Commented on all the City staff that do such a good job.
- Announced that he is pleased with the public participation in holiday events and handed out Christmas gifts to fellow Commissioners and staff.



4:56 PM

COMMENTS BY CITY MANAGER

No Comments.

APPROVAL OF AGENDA



4:57 PM **MOTION: Move approval.**

MOVED BY: Commissioner Meier

SECONDED BY: Commissioner Clarke

Motion approved unanimously.



4:57 PM

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

- 1) Barbara Grass – Palermo Court; Commented on flooding in her community from the Seaside community.
- 2) Jimmy Wilson – Tarpon Ave.; Resident of East Stuart his whole life and joined in the trip to Ft. Pierce and mentioned he saw how the City reached out to the community, creating a comradery in East Stuart.

- 3) Althea Wiley – Diana Terr.; Thanked the City for taking the time to hear the community and traveled with staff on a bus to Ft. Pierce and had great time, showing what can be done when we work together.
- 4) Jimmy Smith – Apache Ave.; President of NAACP of Martin County, commented you have to expect change and pray for it. Mentioned he prayed for the change and he sees that here. Thanked the Commission.
- 5) Linda Kay Richards – Cabana Point Cir.; Noted that during the 11.22.21 CCM, the Commission did not offer public comment after the D&D; expressed that it is a little to late to stop development.
- 6) Robin Cartwright – Hibiscus Ave.; Commented on the density map provided by Ms. Richards, wondered when the Commission will be proactive and listen to their constituents.
- 7) Gwendolyn Hall-Brinkley – Majorca Ave. PSL; Commented that she thinks there should be a resident spotlight.
- 8) Regionald Mitchell – East Ave.; Thanked Commission, commented on the unity that he perceived during the meeting/trip to Ft. Pierce.
- 9) Helen McBride – Flamingo Ave.; Commented on the positive experience with the trip to Ft. Pierce and commented on the golf cart mini parade on her street.
- 10) Jim Gallegos – Manor Drive; Met Mayor Matheson when running for office and commented on the relationship they have built, noted the Mayor's passion for his position.
- 11) Tom Campenni – St. Lucie Crescent; Thanked and spoke on each Commissioner on the good job they have done.
- 12) Caryn Hall – Palm City Rd.; Commented that she had to file a federal court case to sue the City and City Attorney because she was not listened to initially.

Mayor Matheson reminded the public that staff will be pushing the Residential Tree Program and plans to install 50 trees.



5:32 PM

CONSENT CALENDAR

5. APPROVAL OF 11/22/2021 CCM MINUTES.

6. APPROVAL OF 2022 MEETING CALENDAR.

7. AWARD RFP# 2022-201, ANNUAL CONTRACT FOR UNIFORM BUILDING CODE INSPECTION SERVICES:

RESOLUTION No. 120-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVES THE AWARD OF RFP #2022-201, ANNUAL CONTRACT FOR UNIFORM BUILDING CODE INSPECTION SERVICES TO THE TOP RANKED FIRM, (JPI) JOE PAINE, PE MBA OF MELBOURNE, FLORIDA PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

8. PURCHASE OF CITY SOFTWARE:

RESOLUTION No. 122-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE PROCUREMENT OF SOFTWARE FOR THE CITY'S ENTERPRISE RESOURCE PROGRAM AND PUBLIC FACING PORTALS UTILIZING INTERLOCAL PURCHASING SYSTEM (TIPS) FOR PARTICIPATION IN THE NATIONAL COOPERTIVE PURCHASING PROGRAM TO UTLIZE VERTOFOFT OPENGOV CLOUD SOFTWARE CONTRACT #200105 ONE YEAR SUBSCRIPTION PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

 **5:33 PM MOTION: Move for Approval.**
MOVED BY: Vice Mayor McDonald
SECONDED BY: Commissioner Meier
Motion approved unanimously.

 **5:33 PM**
COMMISSION ACTION

9. SAVANNA PLACE APARTMENTS RPUD - MINOR AMENDMENT (QUASI-JUDICIAL):

RESOLUTION No. 123-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVING A MINOR AMENDMENT TO THE SAVANNAH PLACE APARTMENTS RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) ON PROPERTY LOCATED ON THE NORTH SIDE OF THE INTERSECTION OF N.E. SAVANNAH ROAD AND N.E. BAKER ROAD., WEST OF THE HOPE CENTER FOR AUTISM AND SOUTH OF JENSEN PARK ESTATES BOTH IN UNINCORPORATED MARTIN COUNTY, THEREBY AMENDING THE DEVELOPMENT CONDITIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attorney Mortell swore in 4 witnesses: Tom Reetz, Kev Freeman, Michael Summers, and Suzanne Hutchinson.

City Senior Planner, Tom Reetz presented on the proposed amendments.

Mr. Terry McCarthy, applicant representative, came forward and reviewed the uses and background.

Michael Summers, owner of property spoke on the minor amendment and answered Commissioner questions.

Suzanne Hutchinson, CEO of Helping People Succeed, commented that she worked closely with the applicant and says that the trees take up her parking spaces, therefore, she is happy with the agreed upon solution.

A brief question and answer discussion took place.



5:33 PM

Public Comment:

- 1) Rosemary Westling – Stuart Ave., Jensen Beach; Commented on the condition of the property and new development near her home; questioned the data on impacts.

Mayor Matheson commented that he would like to see the trees replanted.

Commissioner Clarke confirmed with staff, that the agreement with Helping People Succeed, that there was adequate buffer, and they met all PUD requirements. Tom Reetz confirmed.



5:48 PM MOTION: Move for approval.

MOVED BY: Commissioner Bruner

SECONDED BY: Commissioner Clarke

Motion approved 4/1.

Matheson - NO

McDonald – YES

Bruner – YES

Clarke – YES

Meier - YES



5:57 PM

10. OPPOSING SENATE BILL 620 RELATING TO LOCAL GOVERNMENT AND SENATE BILL 280 RELATING TO LOCAL ORDINANCES:

RESOLUTION No. 117-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, OPPOSING SENATE BILL 620 RELATING TO LOCAL GOVERNMENT AND SENATE BILL 280 RELATING TO LOCAL ORDINANCES; OPPOSING IDENTICAL COMPANION HOUSE BILLS 569 AND 403 RESPECTIVELY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Ben Hogarth, Community Services Communications Liaison, reported on the bills, providing a brief synopsis.



6:05 PM MOTION: Move to approve.

MOVED BY: Vice Mayor McDonald

SECONDED BY: Commissioner Meier

Motion approved unanimously.

11. TRAIN BRIDGE REPLACEMENT LETTER



6:06 PM MOTION: Move for approval.

MOVED BY: Commissioner Meier

SECONDED BY: Vice Mayor McDonald

Motion approved unanimously.

 **6:07 PM**

12. COMMISSION LIAISON AND AT LARGE APPOINTMENTS / RE-APPOINTMENTS TO ADVISORY BOARDS OF THE CITY.

City Clerk, Mary Kindel, reviewed the change to the Board of Adjustments (BOA) and named the new appointee Mr. Werner Bols.

Public Comment:

- 1) Robin Cartwright – Commented on the duties of Advisory Board Members and noted the newsletter of Board Member Tom Campenni, feels it is inappropriate for him to serve as a City representative, feels should be a board member's Code of Conduct.
- 2) Tom Campenni - St. Lucie Crescent; Commented that he writes in his newsletter after votes have been made; therefore it does not affect decision-making.

Commissioners discussed the board members Code of Conduct with Attorney Mortell.

 **6:08 PM MOTION: Move for approval.**
MOVED BY: Vice Mayor McDonald
SECONDED BY: Commissioner Clarke
Motion approved unanimously.

 **6:20 PM**

13. APPOINTMENTS OF CITY COMMISSIONERS TO COMMUNITY BOARDS.

David Dyess, City Manager reviewed the list of the boards and asked if there were any changes the Commissioners wanted to make.

 **6:23 PM MOTION: Move to approve.**
MOVED BY: Vice Mayor McDonald
SECONDED BY: Commissioner Meier
Motion approved unanimously.

ORDINANCE SECOND 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, stated that there were no changes from the Ordinance First Reading.

 **6:24 PM MOTION: Move for approval.**
MOVED BY: Vice Mayor McDonald
SECONDED BY: Commissioner Meier
Motion approved unanimously.

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

ORDINANCE No. 2473-2021; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AMENDING THE COMPREHENSIVE PLAN; ESTABLISHING 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 the changes since the Ordinance First Reading.


Public Comment:

- 1) Caryn Hall – ZOOM, Palm City Rd.; Commented in favor of Ordinance but encourages that the Commissioners and Attorney follow it.

 **6:28 PM MOTION: So moved.**
MOVED BY: Commissioner Meier
SECONDED BY: Vice Mayor McDonald
Motion approved unanimously.

16. ABANDONMENT OF A PORTION RIGHT-OF-WAY BETWEEN S.E. 5TH STREET AND S.E. STYPMANN BOULEVARD:

ORDINANCE No. 2476-2021; 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. 5TH STREET AND S.E. STYPMANN BOULEVARD, WHICH IS MORE FULLY DEPICTED IN EXHIBIT “A” ATTACHED HERETO, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

 **6:30 PM MOTION: Move for approval.**
MOVED BY: Vice Mayor McDonald
SECONDED BY: Commissioner Clarke
Motion approved 4/1.

Matheson - YES
McDonald – YES
Bruner – YES
Clarke – YES

Meier - NO

17. THREE HOUR PARKING DISTRICT CHANGE:

ORDINANCE No. 2477-2021; AN ORDINANCE OF THE CITY OF STUART, FLORIDA; AMENDING THE CODE OF ORDINANCES AT CHAPTER 40 ARTICLE II, SEC. 40-43; PROVIDING FOR A REVISION/AMENDMENT TO THE 3 HOUR DOWNTOWN PARKING DISTRICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCE IN CONFLICT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Mr. Dyess stated that there were no changes from the Ordinance first reading.



6:31 PM MOTION: Move for approval.

MOVED BY: Vice Mayor McDonald

SECONDED BY: Commissioner Meier

Motion approved unanimously.

ORDINANCE FIRST READING

18. AMENDMENT TO THE LAND DEVELOPMENT CODE TO INCORPORATE TREE REMOVAL PENALTIES:

ORDINANCE No. 2478-2021; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING SECTION OF CHAPTER V RESOURCE PROTECTION STANDARDS OF THE CITY'S LAND DEVELOPMENT CODE, ESTABLISHING "PENALTIES FOR VIOLATIONS" FOR THE REMOVAL OF TREES IN VIOLATION OF THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Tom Reetz, Senior Planner, presented on the LDR text amendment, providing history, and a penalty table of fines.

Mayor Matheson initiated discussion, commenting that an exemption should apply for improved single-family homes and use a multiplier vs a dollar amount.

Commissioners discussed trees that are deemed "historical", historical issues, discussed using a multiplier, and penalties.

No Motion – staff has direction.

DISCUSSION AND DELIBERATION



7:12 PM ADJOURNMENT

Mary R. Kindel, City Clerk

Merritt Matheson, Mayor

**Minutes to be approved at the Regular Commission
Meeting this 10th day of January, 2022.**