

**MINUTES**  
**REGULAR MEETING OF THE STUART CITY COMMISSION**  
**TO BE HELD MARCH 14, 2022**  
**AT 4:00 PM**  
**COMMISSION CHAMBERS**  
**121 SW FLAGLER AVE.**  
**STUART, FLORIDA 34994**

**CITY COMMISSION**

**Mayor Merritt Matheson**  
**Vice Mayor Troy McDonald**  
**Commissioner Becky Bruner**  
**Commissioner Eula R. Clarke**  
**Commissioner Mike Meier**

**ADMINISTRATIVE**

**City Manager, David Dyess**  
**City Attorney, Michael J. Mortell**  
**City Clerk, Mary R. Kindel**

**ROLL CALL**

4:00 PM

PRESENT: Vice Mayor McDonald, Commissioner Bruner, Commissioner Clarke, Commissioner Meier

ABSENT: Mayor Matheson

**PLEDGE OF ALLEGIANCE**

1. ARTS MOMENT - LAYLA FORS, SONG PERFORMANCE

Layla Fors sang "Stay" by Rihanna.

**PROCLAMATIONS**

2. IRISH AMERICAN HERITAGE MONTH - MARCH 2022

Raymond Linch, Florida State President for the AOH accepted the Proclamation and thanked the Commission.

3. COMMEMORATION OF THE 50TH ANNIVERSARY OF THE VIETNAM WAR & VIETNAM WAR VETERANS DAY ON MARCH 29, 2022

Proclamation read, no one in attendance to accept.

(4:37 PM Donna DeBois arrived and accepted the Proclamation on behalf of the DAR.)

#### 4. 50TH ANNIVERSARY OF THE FLORIDA ASSOCIATION OF CITY CLERKS

Mary Kindel, City Clerk and Susej Meleqi, Deputy Clerk, accepted the Proclamation and thanked the Commission for the FACC recognition.

### **PRESENTATIONS**

#### 5. SERVICE AWARDS - MARCH 2022

Jessica Tharp	Community Service	5 Years
James Minor	Fire Rescue	15 Years
Derek Wallace	Fire Rescue	15 Years
John Reddick	Police	25 Years (not in attendance)
Joseph Tumminelli	Police	25 Years

#### 6. EMPLOYEE SPOTLIGHT - MARCH 2022

Postponed until April.

#### 7. OFFSITE IMPROVEMENTS AND INFRASTRUCTURE CONNECTED TO THE AVONLEA MASTER PUD (PLANNED UNIT DEVELOPMENT)

4:23 PM

Kev Freeman, Development Director, presented on the History of the Avonlea PUD, including a map, open space calculations, the improvement plan, and FDOT Tap Grant.

Commissioner Meier commented on staff bringing back the topic for discussion on areas of conservation, sidewalks, and bike lanes.

Commissioner Bruner commented on the improved conditions and noted she would like to see more lighting.

4:37 PM

Donna DeBois arrived and accepted the 50th Anniversary of the Vietnam War & Vietnam Veteran's Day Proclamation on behalf of the DAR.

### **COMMENTS BY CITY COMMISSIONERS**

Commissioner Meier

- Commented on the legislative session, noting his disappointment with some bills, but is hopeful for good relationships with new legislators in the future.

Commissioner Bruner

- Announced that citizen, Helen McBride will be receiving the Sage Award on March 31st.

Commissioner Clarke

- Thanked Helen McBride for all she does in the community.
- Commented on parking in downtown and that the public can use the tram and bring awareness to the program.
- Commended the Commissioners for their participation in community events.

Vice Mayor McDonald

- Commented on the Bike to Work day.

### **COMMENTS BY CITY MANAGER**

City Manager Dyess

- Announced the City won an award from Southern Living, The South's Best Small Towns, coming out soon.

### **APPROVAL OF AGENDA**

Commissioner Meier noted that at the time the first Commission Meetings of the month were changed to 4:00 p.m., it was discussed that official business would begin at 5:30 p.m. He inquired whether a recess should be in effect or if the meeting should continue.

City Manager Dyess noted that the meeting continues unless a specific item is identified with a time certain for the meeting. City Attorney Mortell confirmed that the meeting is noticed to begin at 4:00 p.m. but it is at the pleasure of the board.

#### **PUBLIC COMMENT:**

1) Helen McBride - Flamingo Avenue; Commented that she was glad to see the Fire medics on bikes at a recent event and would like to see that at all public events.

#### **MOTION: Approve**

**MOVED BY: Mike Meier**

**SECONDED BY: Eula Clarke**

**Motion approved unanimously.**

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

No Comments.

### **CONSENT CALENDAR**

8. APPROVAL OF 02/28/2022 CCM MINUTES (RC)

9. DOWNTOWN COURTESY DOCK WAVE ATTENUATION PHASE I FIND GRANT APPLICATION AUTHORIZATION (RC):

RESOLUTION No. 30-2022; A RESOLUTION OF THE CITY COMMISSION OF

THE CITY OF STUART, FLORIDA, AUTHORIZING THE UTILITIES AND ENGINEERING DEPARTMENT TO APPLY FOR AND, IF SUCCESSFUL, DESIGNATE THE UTILITIES AND ENGINEERING DIRECTOR AS THE AUTHORIZED REPRESENTATIVE TO EXECUTE THE GRANT, AND SUBSEQUENTLY APPROVE THE EXPENDITURE OF THE GRANT FUNDS FROM THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM, TO FUND THE IMPROVEMENTS ASSOCIATED WITH THE DOWNTOWN COURTESY DOCKS AND WAVE ATTENUATION PROJECT: PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

**10. PLAT OF "AVONLEA PARCEL 16" (RC):**

RESOLUTION No. 33-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE A PLAT TITLED "AVONLEA PARCEL 16", A REPLAT OF LOT 16, NEW AVONLEA P.U.D. RECORDED IN PLAT BOOK 17, PAGE 35, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, LYING IN SECTIN 29,TOWNSHIP 37 SOUTH, RANGE 41 EAST CITY OF STUART, MARTIN COUNTY, FLORID, CONTAINING 4.14 ACRES, MORE OR LESS PREPARED BY RICHARD H. SMITH, PROFESSIONAL SURVEYOR AND MAPPER NO. 5239, PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**END OF CONSENT CALENDAR**

**MOTION: Approve**

**MOVED BY: Mike Meier**

**SECONDED BY: Eula Clarke**

**Motion approved unanimously.**

**COMMISSION ACTION**

**11. LAND USE CHANGE FOR PREVIOUS ANNEXED PROPERTIES (RC):**

RESOLUTION No. 31-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA INITIATING THE PROCESS TO AMEND THE FUTURE LAND USE MAP AND ASSIGN CITY FUTURE LAND USE(S) AND CITY ZONING CATEGORY(S) FOR PROPERTIES PREVIOUSLY VOLUNTARILY ANNEXED INTO THE CITY LIMITS, FLORIDA, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Kev Freeman, Development Director presented and requests a vote to direct staff to commence the City initiated process to amend the FLU of the four properties subject of Resolution No. 31-2022.

City Attorney Mortell noted that Intervenor in the Kanner Hwy. LLC, Mr. DiVentura sent a letter to the City requesting to move forward on this.

Commissioner Meier made a motion and commented on discussion pertaining to the Neme Rice property, and is interested in staff's comments.

**MOTION: Approve**  
**MOVED BY: Mike Meier**  
**SECONDED BY: Becky Bruner**  
**Motion approved unanimously.**

12. BA #10 ARPA FUNDING - NW DIXIE HIGHWAY DITCH IMPROVEMENTS & SE MANGO PLACE DRAINAGE IMPROVEMENTS PROJECTS (RC):

RESOLUTION No. 32-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET ADMENDMENT No. 10 TO THE 2021-2022 ENTERPRISE FUND; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE NW DIXIE HIGHWAY DITCH IMPROVEMENTS PROJECT & SE MANGO PLACE DRAINAGE IMPROVEMENTS PROJECT; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

City Manager Dyess reported that this item is under Commission Action simply to point out that the funding is coming from the American Rescue Plan fund balance under the category specifically allocated for utilities, designated for stormwater. This gets two projects identified in the master plan design ready so the City can start applying for grants for the construction phase.

**MOTION: Approve**  
**MOVED BY: Mike Meier**  
**SECONDED BY: Becky Bruner**  
**Motion approved unanimously.**

13. NOTICE TO ABANDON RIGHT-OF-WAY FOR PALMETTO COVE RPUD (RC):

RESOLUTION No. 35-2022; 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 MARCH 28, 2022, AT 5:30 P.M. AND APRIL 11, 2022, 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 A PLATTED 11 FOOT WIDE ALLEY AS SHOWN ON THE PLAT OF DYER ESTATES, MORE CLEARLY DESCRIBED IN EXHIBIT "A" ATTACHED; PROVIDING FOR THE REPEAL OF RESOLUTION 106-2021, AND FOR OTHER PURPOSES.

Tom Reetz, Senior Planner briefly explained the notice changes.

**MOTION: Approve**  
**MOVED BY: Mike Meier**  
**SECONDED BY: Eula Clarke**  
**Motion approved unanimously.**

14. LICENSE AGREEMENT DOWNTOWN VALET PARKING:

RESOLUTION 36-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT BETWEEN THE CITY OF STUART AND HUDSON'S ON THE RIVER, LLC TO UTILIZE PARKING LOCATED AT NORTH END OF FLAGLER AVENUE FOR THE PURPOSE OF OPERATING A DOWNTOWN VALET PARKING SERVICES PILOT PROGRAM.

City Manager Dyess provided a brief explanation of the parking agreement and the pilot program. The valet services will be used to maximize the 33 parking in the circle area at the end of Flagler Avenue, there are several spaces not included in the allocated valet area that are used for fisherman.

Commissioner Bruner suggested better lighting in the parking area and would like to see a couple of parking spaces reserved for fisherman using the pier under the bridge.

Commissioner Meier feels the valet parking needs to be monitored and the signage needs to be clear, that the free valet parking is for all the public and not just for the restaurant. Vice Mayor McDonald agrees pertaining to the signage and feels the signage should be reviewed over time.

Commissioner Bruner made a motion to include two parking spots for fisherman closest to the pier.

Commissioner discussion on the specific spaces, enforcement, additional previous parking,

Revised Motion: Approve as is, not including the two designated parking spaces.

**MOTION: Approve as is.**  
**MOVED BY: Becky Bruner**  
**SECONDED BY: Eula Clarke**  
**Motion approved unanimously.**

## **ORDINANCE SECOND READING**

15. AMENDMENT TO THE LAND DEVELOPMENT CODE TO INCORPORATE TREE REMOVAL PENALTIES (RC):

ORDINANCE No. 2478-2022; 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.

5:16 PM

Tom Reetz, Senior Planner, reviewed the changes to the Ordinance at Second Reading;

removed "and/or" statement and added the agreement between the City and the violator to agree on the penalty.

Brief review of the penalty among the Board.

**MOTION: Approve**  
**MOVED BY: Mike Meier**  
**SECONDED BY: Eula Clarke**  
**Motion approved unanimously.**

### **ORDINANCE FIRST READING**

### **DISCUSSION AND DELIBERATION**

### **ADJOURNMENT**

5:20 PM - Meeting Adjourned

---

**Mary R. Kindel, City Clerk**

---

**Merritt Matheson, Mayor**

**Minutes to be approved at the Regular Commission  
Meeting this 28th day of March, 2022.**