

**MINUTES**  
**REGULAR MEETING OF THE STUART CITY COMMISSION**  
**APRIL 11, 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**

**4:03 PM**

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

**PLEDGE OF ALLEGIANCE**

1. ARTS MOMENT - STARSTRUCK ACADEMY & THEATRE PERFORMANCE BY MORGAN ROBERT AND TIERNAN WATKINS

Tiernan Watkins spoke about Starstruck and the positive influence it has had on his life before introducing Morgan Robert who sang "Dont Rain on My Parade".

**PROCLAMATIONS**

2. PUBLIC SAFETY TELECOMMUNICATORS WEEK - APRIL 10-16, 2022

Dispatch Coordinator, Tammy Champion and other Stuart dispatchers accepted the Proclamation, she thanked the team, administration, and the Commission.

3. WATER CONSERVATION MONTH - APRIL 2022

Mayor Matheson thanked Kathy LaMartina of the South Florida Water Management District for her work and announced that the globes in the Chambers were from a water conservation contest among local schools from the Water Fest event.

Kathy LaMartina accepted the Proclamation and complimented the City of its decrease in water usage over the years, providing some statistics.

## **PRESENTATIONS**

**4:19 PM**

### **4. SERVICE AWARDS - APRIL 2022**

Angel Nazario	Utilities & Engineering	10 Years	(Present)
William (Bill) Ritacco	Public Works	15 Years	(Present)
Michael Gerwan	Police	20 Years	(Present)
Nicholas Testa	Fire Rescue	20 Years	(Not Present)

### **5. LOW IMPACT DEVELOPMENT**

Mayor Matheson reported that this presentation would be rescheduled as the presenter was unavailable to attend.

## **COMMENTS BY CITY COMMISSIONERS**

**4:24 PM**

Mayor Matheson

- Requested that they review parking issues in a future meeting and take a look at the parking study that was previously done.
- Provided an update on the numbers of Lake Okeechobee.
- Stated that there is a date set for the "Residential Tree Program" installation ceremony, Saturday, April 23, 2022, 10:00AM at St. Paul African Methodist Church.
- Reminded the public that during Election season, campaigning in public meetings and within the Commission Chambers is not permitted.

Commissioner Meier

- Commented on Hudson's on the River restaurant and how it did not appear to have adequate outdoor general public seating.
- Stated that he had received complaints about the public valet at Hudson's on the River.

Commissioner Clarke

- Pulled item #7 to explain to the public how the relationship works with Stuart Housing Authority.
- Commented about how great the service organizations are within our neighborhoods.
- Praised the Stuart Police Department.
- Congratulated Commissioner Meier for the contribution of a LEGO room he did at Gertrude Walden Daycare Center.

Vice Mayor McDonald

- Thanked Stuart PD for the enforcement happening on Palm City Rd. and thanked Milton Leggett, Public Works Director and his department for the great job they do for our City.

### **COMMENTS BY CITY MANAGER**

City Manager Dyess

- Announced various upcoming birthdays; Commissioner Clarke, Commissioner Brunner, and Police Chief Tumminelli.

### **APPROVAL OF AGENDA**

**4:32 PM MOTION: Approve with #7 pulled.**

**MOVED BY: Mike Meier**

**SECONDED BY: Troy McDonald**

**Motion approved unanimously.**

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

1.) Linda Kay Richards - SW Cabana Pt Cir; Spoke about Judge Folkes order in the lawsuit of Robin Cartwright VS. City of Stuart.

2.) Helen McBride - SE Flamingo Ave; Thanked the Commission for the SAGE awards and asked how long the Taylor property has to clean up and would like to know what to expect as the public.

### **CONSENT CALENDAR**

6. APPROVAL OF 03/28/2022 CCM MINUTES (RC)

7. STUART HOUSING AUTHORITY RATIFICATION APPOINTMENT (RC)

**\*\*\*PULLED\*\*\***

8. AUTHORIZATION TO EXECUTE IRL LICENSE PLATE GRANT AGREEMENT & BA #11 - TRESSLER DRIVE WATER QUALITY IMPROVEMENTS (RC):

RESOLUTION No. 38-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A GRANT AGREEMENT FOR THE INDIAN RIVER LAGOON LICENSE PLATE FUNDING PROGRAM AND AUTHORIZING BUDGET AMENDMENT No. 11 TO THE 2021-2022 ENTERPRISE FUND; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE TRESSLER DRIVE WATER QUALITY IMPROVEMENT PROJECT; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

9. AWARD OF ITB# 2022-107: TRESSLER DRIVE WATER QUALITY IMPROVEMENTS PROJECT (RC):

RESOLUTION No. 40-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVES THE AWARD OF ITB #2022-107, TRESSLER DRIVE WATER QUALITY IMPROVEMENTS PROJECT TO THE LOWEST, RESPONSIVE, AND RESPONSIBLE BIDDER WITH A TOTAL UNIT PRICE OF \$238,762.23 TO FERREIRA CONSTRUCTION SOUTHERN DIVISION CO., INC. OF HOBE SOUND, FLORIDA PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

10. AUTHORIZING BUDGET AMENDMENT NO. 12 TO THE 2021-2022 POLICE BUDGET (1190) (RC):

RESOLUTION No. 42-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT No. 12 TO THE 2021-2022 POLICE BUDGET (1190); APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE INVESTMENT AND ENHANCEMENT OF TECHNOLOGY AND EQUIPMENT TO EFFICIENTLY RESPOND TO GUN VIOLENCE.

#### **END OF CONSENT CALENDAR**

**4:38 PM MOTION: Approve pulling Item #7.**

**MOVED BY: Mike Meier**

**SECONDED BY: Eula Clarke**

**Motion approved unanimously.**

**4:39 PM PULLED Item 7. Stuart Housing Authority Ratification Appointment.**

Per Commissioner Clerke's request, City Manager Dyess briefly reviewed the agreement with the Stuart Housing Authority.

Commissioner Clarke moved forward with a Motion to approve Item #7.

**4:41 PM MOTION: Move to approve .**

**MOVED BY: Eula Clarke**

**SECONDED BY: Troy McDonald**

**Motion approved unanimously.**

#### **COMMISSION ACTION**

**4:43 PM**

11. SATISFYING THE BALANCE OF PALMETTO HARBOR ASSESSMENT (RC):

RESOLUTION 39-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ABSOLVING THE NON- AD VALOREM

ASSESSMENT ROLL FOR "PALMETTO HARBOR SEWER PROJECT";  
PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Manager Dyess gave a brief history of the Palmetto Harbor Assessment and stated that the residents would like to be absolved of these payments and this was staff's recommendation as well.

Mayor Matheson stated that he is a resident of this neighborhood but does not gain anything financial as his assessment has been paid off previously.

**4:45 PM MOTION: Move for Approval.**

**MOVED BY: Troy McDonald**

**SECONDED BY: Mike Meier**

**Motion approved unanimously.**

**12. PALMETTO COVE RPUD ROW MAINTENANCE AGREEMENT (RC):**

**CONTINUED TO APRIL 25, 2022 CCM** RESOLUTION No. 41-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A MAINTENANCE AGREEMENT BETWEEN 924 SW PALM CITY ROAD AND THE CITY OF STUART RELATING TO THE PROPOSED IMPROVEMENTS WITHIN THE ALLEY-WAY OF 11 FOOT ALLEY-WAY, AS SET FORTH IN THE ACCESS AND MAINTENANCE AGREEMENT, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**4:47 PM MOTION: Move for approval, continued to April 25, 2022 CCM.**

**MOVED BY: Troy McDonald**

**SECONDED BY: Eula Clarke**

**Motion approved unanimously.**

**ORDINANCE SECOND READING**

None.

**ORDINANCE FIRST READING**

None.

**DISCUSSION AND DELIBERATION**

**4:47 PM**

**13. FUTURE LAND USE DISCUSSION**

Michael Mortell, City Attorney, provided a brief background on future land use and spoke about the DOAH Hearing.

Mayor Matheson commented about Judge Folkes order and stated that any future land use annexations would be assigned as soon as possible.

Discussion continued about the DOAH Hearing.

**5:05 PM**

Commissioner Meier stated 2 projects (Avonlea & Crossings at Indian Run) that are specific land uses within the City that contradicted the judge's ruling.

Vice Mayor McDonald questioned the procedures of the DOAH case.

Attorney Mortell stated that he is required to file "exceptions to the ruling". Gave a brief summary and what "exception to the ruling" is.

Commissioner Clarke asked that after this hearing she believes we should look into our procedures for future land use.

Attorney Mortell commented that the exception to the ruling must be filed less than 15 days.

Discussion continued about the DOAH hearing.

Commissioners stated that they would like to wait to discuss the exception to the ruling until after the Administration panel rules.

The Commissioners and Attorney Mortell continued their discussion.

#### **5:27 PM**

Commissioner Meier spoke about Avonlea and asked to put those parcels into conservation.

Kevin Freeman, Development Director spoke about a section in the Avonlea PUD that gives the City the opportunity to move them into conservation.

Commissioner Meier asked what the process is to carve out those parcels.

Discussion continued amongst the Commissioners, the City Manager, City Attorney, and Development Director.

#### **ADJOURNMENT**

**5:34 PM**

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**Mary R. Kindel, City Clerk**

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**Merritt Matheson, Mayor**

**Minutes to be approved at the Regular Commission  
Meeting this 25th day of April, 2022.**