

MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
JUNE 13, 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

4:01 PM

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

ABSENT: Commissioner Meier

PLEDGE OF ALLEGIANCE

1. ARTS MOMENT - MR. ALESSANDRO ANZALONE PERFORMING VOTRE TOAST, THE TOREADOR SONG FROM CARMEN.

Mr. Alex Anzalone entertained all with an opera song.

PROCLAMATION (added to the Agenda during the meeting)

JUNETEENTH FREEDOM DAY - Proclamation was presented to Nina Dooley, President of ACCES of East Stuart. Ms. Dooley noted a correction to the Juneteenth Celebration event. It will be held June 18th at Guy Davis Park from 11 a.m. to 6 p.m., fun for the whole family.

PRESENTATIONS

2. SERVICE AWARDS - JUNE 2022

Michael "Mick" Jacobson - Technology Services - 20 years (will be recognized at the July CCM as he is out of the Country)

Janine Wilde - Utilities & Engineering - 15 years
Dar Monique Butler - Community Services - 10 years
Janet Kemp - Police Dispatch - 5 years
Bruce Duncan - Building / Development - 5 years

3. BUSINESS DEVELOPMENT BOARD OF MARTIN COUNTY PRESENTATION

Joan Goodrich, Business Development Board Executive Director, presented on the Board, its projects and partnerships, 2021 highlights, and new announcements. The presentation included the various businesses moving into the area, provided labor force and employment numbers, and a review of the BDB's new Business Recruitment Campaign "Now's the Time". Also noted the "Hubs of Excellence," the areas of interest in which the community would like to see more economic industry and development and discussed the Grow Our Own Program and talent team. Goodrich shared how the community can help.

4. STUART HOUSING AUTHORITY

4:43 PM

Rosetta Bartell and Rhonda Corrodus of the Stuart Housing Authority (SHA) provided a brief presentation on the current status of the SHA. They reviewed the financial Capital Funds Program (CFP) they use for maintenance and services, discussed inspections being done since the beginning of COVID, and the benefits of both agencies in Stuart and Ft. Pierce. Stuart is considered a small authority with a maximum of 70 units; anything over 250 units is considered a medium authority, such as Ft. Pierce.

City Manager Dyess clarified that in Martin County, Stuart is the only one that has a HUD and that other areas of the County do not have one. SHA confirmed that is correct. He confirmed that Ft. Pierce does not own the Housing Authority, and that they are similar to the City of Stuart in that they approve Board Members. SHA confirmed.

Commissioner Clarke inquired about the SHA's Hurricane Plan and vouchers. SHA does have a plan and would receive FEMA funding and apply for grants. Hurricane and shelter information is provided for residents. Vouchers and emergency vouchers are a challenge for the SHA. Clarke noted that she would like to see better communication between our two entities to share information with residents about various happenings in the community and she would like to meet with the Board.

Commissioner McDonald inquired about the capital costs and challenges.

SHA employees, Nancy Johnson and Heidy LaBoid came forward and reviewed their Board Meetings schedule and thanked the Commission.

COMMENTS BY CITY COMMISSIONERS

Commissioner Clarke

- Thanked Commissioners for coming to the Unity Rally sponsored by the NAACP.
- Thanked all who participated in the Joint City/County/School Board Meeting on June 2nd and is looking forward to finding a way to be a force in finding attainable housing.

Vice Mayor McDonald

- Commented on the flooding around the City and knows we are working on the stormwater management plan and prioritizing projects, feels due to climate change and sea level rise, expect to see more if that but noted that it still drained quickly after the 7-plus inches of rain received.
- Thanked the City's law enforcement and fire fighters and asked all to keep the family of an officer killed in the line of duty in a Ft. Pierce traffic accident, in your prayers.

Mayor Matheson

- Commented on the start of hurricane season and Lake Okeechobee levels in comparison to last year, reported on his meeting with the Army Corp of Engineers, going on a boat ride with General Kelly and Colonel Booth to share the perspective of City residents and build relationships. Thanked all who helped, including Officer Joe Hogan with the Stuart Police boat, Captain Mike Holiday, and Jim Moyer.

Commissioner Bruner commented on the Senate Bill 2508 that Governor DeSanitis vetoed. The Mayor agreed and thanked the Governor for prioritizing the environment.

Matheson continued:

- Commented on the Brightline and the Railroad Bridge and that Congressman Mast held a meeting on a raised RR bridge as it compares to our aged bridge with a proposed plan in 2023, if all goes well, estimated completion date of 5 years. He explained the benefits and encouraged the public to participate in the "open comment" that is available until July 5th. Commented on the draft letter in front of all Commissioners for review and requests the City put the City's stance on social media and promote the open public comment period.

Commissioner McDonald suggested the Commission have more time to review the letter before them and it come back before them as an agenda item at the next meeting. (June 27th). City Manager confirmed.

COMMENTS BY CITY MANAGER

5:37 PM

City Manager Dyess

- Reported that the Airport Advisory will be at the 1st Meeting in July (July 11, 2022) to discuss the DNL.
- Brightline will also attend the July 11th Commission Meeting for the train bridge issue.
- Announced the upcoming Special Commission Meeting Budget Workshop on June 20th at 4 p.m. in the Commission Chambers.
- Commented on the stormwater and storm detains and how fast draining occurs. Public Works Director, Milton Legget is working on observations to reprioritize, do more design work, request funding from grants and appropriation funding next year to help resolve some issues.

APPROVAL OF AGENDA

5:39 PM MOTION: Approve

MOVED BY: Troy McDonald

SECONDED BY: Eula Clarke

Motion approved unanimously.

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

1) Ryan Goessel - Mimosa St.; Owner of Wags About You pet store, commented on the new Ordinance banning the retail sale of dogs, cats and rabbits, this decision directly affects his business and he received no notice of this decision and was not given the opportunity to provide his business practices. Has a vet who verified his pets' health and he is personally affected as he has a 5-year lease, invited Commissioners to his store and opposes the ban.

2) Althea Wiley - Dianna; Commented on the railroad tracks at Dixie Hwy. and Florida St. and feels it is dangerous, and asks that the Commission do something to correct it.

City Manager responded to the comment stating he has been to the intersection and has already arranged onsite meetings and contacted Brightline, the County Engineer, and FEC to rectify the situation.

3) Gwendylene Hall-Brinkley - ZOOM; Commented on the Brightline and wondered if they could meet with the community and if more affordable housing could be brought into the Business Development Boards plan.

4) Helen McBride - Flamingo Avenue; Commented on the poor design on the corner of Florida and Dixie Hwy., knows the City Manager and will take motion.

CONSENT CALENDAR

5:59 PM

5. APPROVAL OF 5/23/2022 CCM MINUTES (RC)

6. AID CONTRIBUTION TO THE BUSINESS DEVELOPMENT BOARD OF MARTIN COUNTY FOR ECONOMIC DEVELOPMENT (RC):

RESOLUTION No. 52-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF STUART AND THE BUSINESS DEVELOPMENT BOARD OF MARTIN COUNTY CONTRIBUTING AID TO SUPPORT ECONOMIC DEVELOPMENT PROJECTS, PROGRAMS, AND SERVICES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

7. RENEWAL OF STUART MAIN STREET ASSOCIATION, INC. 'MARKET ON MAIN' LICENSE AGREEMENT (RC):

RESOLUTION No. 56-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE RENEWAL OF A NON-EXCLUSIVE LICENSE FOR PREVIOUSLY AWARDED RFP #2021-203 FOR THE TERM OF ONE (1) YEAR TO STUART MAIN STREET ASSOCIATION, INC. A

DESIGNATED 501(c) ORGANIZATION, FOR THE OPERATION OF A WEEKLY OUTDOOR MARKET PLACE FOR SALES TO THE GENERAL PUBLIC INCLUDING FRESH PRODUCE, GREEN PRODUCTS, BAKED GOODS, PLANTS, ASSORTED FOODS, AND OTHER PRODUCTS AND SERVICES BY INDEPENDENT VENDORS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

5:59 PM MOTION: Approve
MOVED BY: Troy McDonald
SECONDED BY: Becky Bruner
Motion approved unanimously.

COMMISSION ACTION

ORDINANCE SECOND READING

5:59 PM

8. STUART COURTHOUSE (ELIZABETH) UPUD (QUASI-JUDICIAL) (RC):

ORDINANCE No. 2489-2022; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING A REZONING FROM URBAN CENTER (UC) TO URBAN PLANNED UNIT DEVELOPMENT (UPUD), PROPERTY LOCATED AT 151 & 191 S.E. OCEAN BLVD, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; ESTABLISHING THE STUART COURTHOUSE (ELIZABETH) UPUD CONSISTING OF FIFTY-SEVEN (57) RESIDENTIAL UNITS AND 15,521 SQUARE FEET OF OFFICE/COMMERCIAL USE IN ACCORDANCE WITH SECTION 2.07.00 OF THE STUART LAND DEVELOPMENT CODE; ALLOWING A DENSITY OF 29.7 DWELLING UNITS PER ACRE ON A 1.06 ACRE SITE; APPROVING A FINAL SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS INCLUDING A TIMETABLE FOR DEVELOPMENT, DECLARING THE PLAN TO BE CONSISTANT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Two (2) people sworn; Kev Freeman, City of Stuart Dev Director, and Tim Hernandez, New Urban Communities

Kev Freeman reviewed the change requested by the Commission at First Reading, adding over 13,000 square feet of pervious paving in the parking area outside the building.

Tim Hernandez, applicant, came forward and reported that the entire service parking area has been changed to pervious paving, no other changes were made to the design.

6:03 PM Hearing closed, Commissioner McDonald made a motion.

PUBLIC COMMENT:

1) Mark Brechbill - SE Osceola Street; Commented that project is approximately 60 parking spaces short of what the requirement would be for the area, hasn't provided for additional retail space/mixed used or affordable housing, have given a REDA payment estimated at 1/4 M dollars +, missing opportunity on the property. Feels it's a good project but could be better, but parking issues.

Kev Freeman and Attorney Mortell discussed whether this went before the CRA for the REDA program, Freeman mentioned it being on the next agenda.

6:04 PM MOTION: Move to approve staff recommendation with the changes outlined today.

MOVED BY: Troy McDonald

SECONDED BY: Eula Clarke

Motion approved unanimously.

ORDINANCE FIRST READING

6:06 PM

9. REPEAL & REESTABLISH CHAPTER 36, ARTICLE V, CODE OF ORDINANCES (RC):

ORDINANCE No. 2488-2022; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, REPEALING AND REESTABLISHING CHAPTER 36, ARTICLE V, COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS OF WAY, OF THE CITY OF STUART CODE OF ORDINANCES; PROVIDING INTENT AND PURPOSE, APPLICABILITY AND AUTHORITY TO IMPLEMENT; PROVIDING DEFINITIONS; PROVIDING FOR NOTICE OF TRANSFER, SALE, OR ASSIGNMENT OF ASSETS; PROVIDING FOR REGISTRATION FOR PLACING OR MAINTAINING COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY; PROVIDING THE REQUIREMENT OF A PERMIT; PROVIDING FOR APPLICATION REQUIREMENTS AND REVIEW PROCEDURES; PROVIDING FOR CONSTRUCTION METHODS FOR PLACING OR MAINTAINING FACILITIES IN PUBLIC RIGHTS-OF-WAY; PROVIDING DEVELOPMENT AND OBJECTIVE DESIGN STANDARDS; PROVIDING FOR INSURANCE AND INDEMNIFICATION; PROVIDING FOR FEES AND TAXES; PROVIDING FOR A RESERVATION OF RIGHTS AND REMEDIES; PROVIDING ENFORCEMENT AUTHORITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITIES; PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Mike Mortell reported the in 2019 the State of Florida adopted legislation authorizing the expansion of what is commonly referred to as 5G phone systems and the state statute placed restrictions on municipalities with regulations and fees for entenas. In response to this Ordinance, the City received some letters stating we did not include all the language from the Florida Statute but in developing the Ordinance, the State Statute language was purposely not included as we simply refer to the Statute instead of including all the same language. He reviewed some of the concerns in the letters received.

The brief Commissioner discussion included the past statute requirements of the City, a concrete pole installed in a neighborhood, permit cost,

6:15 PM MOTION: Move to approve to bring back for Second Reading along with the response to comments by the communications industry and additional restrictions/commissioners comments.

MOVED BY: Troy McDonald

SECONDED BY: Becky Bruner

Motion approved unanimously.

10. TREE REMOVAL PENALTIES TEXT AMENDMENT (RC):

ORDINANCE No. 2491-2022; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING CHAPTER V, RESOURCE PROTECTION STANDARDS OF THE CITY'S LAND DEVELOPMENT CODE; AMENDING SECTION 5.05.08 PENALTIES FOR THE WRONGFUL REMOVAL OF TREES; REPLACING ORDINANCE 2478-2022; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Attorney Mortell explained that the language in the Ordinance needed to be clarified and reviewed the updates with the Commission.

The Mayor clarified the intent of this Ordinance is to prohibit the unauthorized clearing of vegetation on development projects and the removal of historic specimen trees; not to burden single-family homeowners.

6:23 PM MOTION: Approve the Ordinance with the language specified by Mayor Matheson (to prohibit the unauthorized clearing of vegetation on development projects and the removal of historic specimen trees; not to burden single-family homeowners.)

MOVED BY: Troy McDonald

SECONDED BY: Eula Clarke

Motion approved unanimously.

DISCUSSION AND DELIBERATION

6:24 PM

**11. ELECTRIC VEHICLE CHARGING STATIONS IN DOWNTOWN STUART
DISCUSSION**

Ben Hogarth, City Communications Liaison, presented a power point beginning with the review of the City's Sustainability Action Plan (SAP) adopted in 2020, the electric vehicle (EV) market, future options, local government examples and financial considerations, and location options. He reported that Florida Power and Light (FPL) is offering the City fast chargers with a lease of property, needs up to 4 spaces with a 10-year commitment.

City Manager Dyess informed the Commission that Commissioner McDonald requested this discussion and McDonald asked Hogarth questions pertaining to the presentation on the focus on downtown and if other companies had been contacted. Hogarth responded that he had reached out to additional companies.

The Commission reviewed the topic of paying for electricity, the City putting out an RFP that can look at different charging companies that can put chargers on any city property, locations such as Poppleton Creek, Haney Creek, Sailfish Park or parking lot, Guy Davis or downtown, revenue generation, etc. CRA funding was discussed.

City Manager Dyess summarized the discussion, stating the following would be brought back before the Commission:

1. An evaluation of the Wells Fargo west side of the building for the FPL Agreement location
2. CRA incentive Program for commercial property
3. RFP with a revenue generator component (outside parking deficit area)

ADJOURNMENT

7:19 PM

Mary R. Kindel, City Clerk

Merritt Matheson, Mayor

**Minutes to be approved at the Regular Commission
Meeting this 27th day of June, 2022.**