

MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
JUNE 27, 2022
AT 5:30 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

5:30 PM

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

ABSENT: Vice Mayor McDonald

PLEDGE OF ALLEGIANCE

PRESENTATIONS

1. 2024 STRATEGIC PLAN PROGRESS UPDATE

Michelle Berger, Part-Time Project Manager, presented the past Strategic Plan and noted to the Commission that she would like this to be an interactive presentation, asking the Commissioners to participate with their thoughts. Mrs. Berger noted as an outcome, she would like to see staff given direction to begin planning the next 10-Year Strategic Plan. The presentation reviewed past community building goals and accomplishments, goal measurement, and future vision, mission and values.

Upon conclusion, City Manager David Dyess summarized the accomplishments and reported that he has had discussions with Human Resources and stated that the next steps would be for the Commission to move forward with a plan.

Commissioners agreed and are in favor of moving forward with a 10-Year Strategic Plan update.

COMMENTS BY CITY COMMISSIONERS

6:20 PM

Mayor Matheson

- Recognized Pinal Gandhi-Savdas and David Dyess for securing the award of the CDBG Grant of 4.8 million dollars.
- Reminded everyone that we are under the Fertilizer Ordinance and commented that there are magnets and brochures about proper fertilizer usage in the lobby.

Commissioner Meier

- Commented that he was in Colorado at the last meeting, stated that he was struck by how the perimeter of waterways is had by the use of the public, felt we have the opportunity to look into ways to acquire easements along Haney Creek, talked about the long term of the move for City Hall, and thinks we should start preserving the publics access to our waterways.
- Announced his decision not to run for re-election and stated it was a difficult decision to make.

Commissioner Bruner

- Invited everyone out for the 4th of July event in Downtown.

Commissioner Clarke

- Wishing everyone a Happy 4th of July.
- Commented that she was glad the Strategic Plan was brought up.

COMMENTS BY CITY MANAGER

City Manager Dyess

- Stated that the grant received was to purchase the Willie Gary property and to revitalize the property and enter into a relationship with IRC in order to run a trades training center and incubator businesses. However, the property is currently under contract for sale, therefore, working through those details.
- Provided an update on the corner of Florida and Dixie Hwy. All the reflector posts are being removed with the exception of the ones on the south side of the curve. It is agreed upon to take the south sidewalk and move it further south, approx. 3 to 5 ft., in order to have a wider roadway for vehicles; new plans will be brought before the public in approximately 2 months.
- A brief update on the dead-end on Park Ave., stated a new plan was brought forth for

more parking spaces.

- Stated that Brightline will be here at the Regular Commission Meeting on July 11, 2022.

APPROVAL OF AGENDA

6:32 PM MOTION: Approve.

MOVED BY: Mike Meier

SECONDED BY: Eula Clarke

Motion approved unanimously.

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

1) Helen McBride - Flamingo Ave.; Commented on the lack of communication with the public on various items and stated we should have workshops to hear the public's input and stated that Hudson's on the River Restaurant has blocked off public access on the patio with chairs, tables, and stairways.

2) Tom Campenni - St. Lucie Crescent.; Thanked David for the policing program that he started as Police Chief and stated the City would not be as safe if it wasn't for that program.

CONSENT CALENDAR

6:39 PM

* Commissioner Meier made a motion to remove Item #4 from the Consent Calendar.

2. APPROVAL OF 06/13/2022 CCM MINUTES (RC)

3. DECLARING THE 2022 ELECTION AND EARLY VOTING SCHEDULE (RC):

RESOLUTION No. 57-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, DECLARING THE GENERAL MUNICIPAL ELECTION FOR AUGUST 23, 2022; PROVIDING FOR EARLY VOTING BEGINNING ON AUGUST 13, 2022 AND ENDING ON AUGUST 20, 2022 AT THE SUPERVISOR OF ELECTIONS OFFICE, 135 SE MARTIN LUTHER KING, JR. BOULEVARD, STUART, FL; AND PROVIDING FOR VOTING AT REGULAR PRECINCTS ON ELECTION DAY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

5. APPENDIX A; RATES AND FEE ADJUSTMENTS (RC):

RESOLUTION No. 61-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING APPENDIX "A" BY AMENDING CHAPTER 10 AND CHAPTER 36 OF THE CITY'S CODE OF ORDINANCES, AND PROVIDING AN EFFECTIVE DATE.

END OF CONSENT CALENDAR

6:39 PM MOTION: Approve, less Item #4.

MOVED BY: Mike Meier

SECONDED BY: Eula Clarke

Motion approved unanimously.

COMMISSION ACTION

4. REQUEST TO SEEK APPROPRIATIONS FUNDING (RC):

RESOLUTION No. 60-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE PUBLIC WORKS DEPARTMENT TO RETAIN JORDAN CONNORS ON BEHALF OF THE CITY TO ASSIST THE CITY IN ITS PURSUIT TO OBTAIN FUNDING FROM THE FREEDOM FIRST BUDGET FUNDS REMAINING AFTER DISBURSEMENT TO THE FIRST RESPONDERS; AND SUBSEQUENTLY APPROVE THE EXPENDITURE OF ANY ADDITIONAL FUNDS ALLOCATED BY THE STATE FROM THE 2022-2023 BUDGET TO FUND THE STORM WATER PROGRAMS THAT ARE CURRENTLY SHOVEL READY; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

ITEM #4 PULLED

6:40 PM

City Attorney Mike Mortell reviewed the Resolution and gave a brief summary of what Mr. Jordan Connors does for the City.

Commissioner Meier spoke about the outstanding lobbying work that Mr. Jordan Connors does and stated he wanted to pull it for the benefit of the public.

6:42 PM MOTION: Approve.

MOVED BY: Mike Meier

SECONDED BY: Eula Clarke

Motion approved unanimously.

6. LETTER TO USCG RELATED TO A PROPOSED RULE CHANGE TO OPERATION OF THE ST. LUCIE RIVER DRAWBRIDGE (RC):

RESOLUTION No. 59-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING A LETTER TO THE UNITED STATES COAST GUARD (USCG) EXPRESSING ITS POSITION ON A PROPOSED RULE CHANGE TO THE OPERATION OF THE DRAWBRIDGE OVER THE SAINT LUCIE RIVER; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Mayor Matheson commented on the importance of the letter and thanked everyone for allowing him to speak on behalf of water quality.

6:46 PM MOTION: Approve.

MOVED BY: Mike Meier

SECONDED BY: Becky Bruner

Motion approved unanimously.

ORDINANCE SECOND READING

7. 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.

6:47 PM

Commissioner Meier commented on the law SB 518 that was passed in the last legislative session for tree trimming. Stated that there still is a prohibition in state statute that still provides some situations in which a local government may not require permits notice. Commissioner Meier read section 1(A)(B) in the City Ordinance and stated that our ordinance and state statute state something different.

Attorney Mortell stated he will remove Section B and our Ordinance will follow FS.163.045, Tree pruning, trimming, or removal on residential property.

PUBLIC COMMENT:

1) Mark Brechbill - SE Osceola St; Commented that provisions should be made in regards to developers and stated that developers will just trim or remove the trees and then come ask for forgiveness. Does not think this ordinance is strong enough.

2) Campbell Rich - Flamingo Ave; Commented about a friend's tree removal and questioned the Commission on how they are seeking to enforce this Ordinance.

3) Gail Goldy - 12th Terrace; Commented on being curious about the fines, referring to the fines for the past developer, and noted a developer being removed from a City vendor listing for a period of time if a violation occurs.

Attorney Mortell spoke about the violation fees and how they work.

6:49 PM MOTION: Approve with amended motion, removing section B to coincide with the Florida Statute.

MOVED BY: Becky Bruner

SECONDED BY: Eula Clarke

Motion approved unanimously.

8. (CONTINUED TO DATE CERTAIN OF JULY 11, 2022 CCM) 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.

7:09 PM MOTION: Approve.
MOVED BY: Mike Meier
SECONDED BY: Becky Bruner
Motion approved unanimously.

ORDINANCE FIRST READING

9. PROPERTY MAINTENANCE CODE CHANGES (RC):

ORDINANCE No. 2496-2022; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING SECTION 10-59 THROUGH 10-84; SECTION 26-30; AND SECTIONS 42-38 THROUGH 42-305; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

City Attorney Mortell reviewed the code changes with the Commission.

Commissioner Meier commented that he would like to strike the painting of the shutters.

Attorney Mortell explained the reason for the code and painted shutters. The code does not allow human habitation to be in a home with shutters up for a period of time.

The Commission continued discussion of the Ordinance.

PUBLIC COMMENT:

1) Campbell Rich - Commented on why the City has Ordinances that are frequently violated and pointed out several items within the Ordinance.

7:13 PM MOTION: Approve with moving the shutters to C(1).
MOVED BY: Becky Bruner
SECONDED BY: Eula Clarke
Motion approved unanimously.

DISCUSSION AND DELIBERATION

ADJOURNMENT

7:31 PM

Mary R. Kindel, City Clerk

Merritt Matheson, Mayor

**Minutes to be approved at the Regular Commission
Meeting this 11th day of July, 2022.**