

**MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
AUGUST 8, 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: Mayor Matheson, Vice Mayor McDonald, Commissioner Bruner, Commissioner Clarke, Commissioner Meier.

PLEDGE OF ALLEGIANCE

1. ARTS MOMENT - TRI-COUNTY LINE DANCING

The Tri-County Line group danced and were presented with a certificate for participation.

PROCLAMATIONS

None.

PRESENTATIONS

2. SERVICE AWARDS - AUGUST 2022

Marc Rogolino	Utilities & Engineering	20 years	(Not Present)
Michael Sapp	Utilities & Engineering	10 years	(Present)

Michael Sapp thanked the City and stated how much he has enjoyed working for the City.

**3. LOW IMPACT DEVELOPMENT PRESENTATION BY DR. LEESA SOUTO,
EXECUTIVE DIRECTOR OF THE MARINE RESOURCES COUNCIL**

4:08 PM

Dr. Leesa Souto, Ph.D., Executive Director of the Marine Resources Council accompanied by Chris Bogdon, Business Development Manager of Ferguson Water Works, presented on low impact development and provided various successful examples included pervious vs. non-pervious concrete surfaces, going grey to green, Low Impact Development (LID) and green infrastructure, and adding more green in to the roadways and design. Dr. Souto announced the Marine Resources Council's LID Conference on Oct. 20-21, 2022 in Rockledge, Florida.

Mr. Bogdon came forward and commented on the improvements in Cape Canaveral.

Commissioners thanked Dr. Souto, Mr. Bogdon, and the Marine Resource Council for their work and presentation.

4. 2022 FLORIDA LEGISLATIVE SESSION RECAP

4:25 PM

Ben Hogarth, Community Affairs Liaison, presented the Legislative Update to the Commission.

Commissioner Meier commented that SB 974 | HB 985 will come back in the future and noted that there was no population limit. Stated that the legislature is interested in the sovereign immunity caps.

Mr. Hogarth continued and reviewed the bills that failed and the bills that passed.

COMMENTS BY CITY COMMISSIONERS

5:02 PM

Commissioner Bruner

- Commented on a realtor mailer she received and noted she wondered what was the largest home sale.
- Thanked our Fire Department for assisting in the Windemere fire and our Police Chief for the gathering at Ocean Pointe and the Crossings.

Commissioner Clarke

- Commented on the Marine Councils presentation about low impact development.
- Wanted an update on the trees that were recently planted to be checked on to make sure they were doing well.
- Would like to check on the status of the City with regard to COVID.
- Asked when the City will have information on the plans for the \$4.7 million grant and about the plans for the East Stuart Committee meeting through CRA Administrator pertaining to Guy Davis Park.
- Asked the Legal Department if there was an update on Costco at the state level.

Vice Mayor McDonald

- Stated that as the Chair of the Metropolitan Planning Organization, he attended a meeting in Gainesville and provided updates, explaining discussions about asphalt, steel testing, erosion from salt and corrosion. There were pictures of the Roosevelt Bridge and pieces of our bridge for testing and display. The State of Florida is working to make our roads safe, map all the cracks and wear or tear surfaces for optimum value of repaving.

Mayor Matheson

- Thanked the Police Department and Fire Department for National Night Out events.
- Encouraged Commissioners to attend the LID conference.
- Mike Nepper, highlighting the use of herbicides around the state, thanked Jacqui Thurlow Lippisch of South Florida Water Management District. Stated the District removed tons of dead aquatic vegetation.
- Provided an update on levels of Lake Okeechobee.

Commissioner Clarke asked the City Manager to bring back the Low Impact Development group to speak about the code issue and work with the University of Florida to audit our code.

COMMENTS BY CITY MANAGER

City Manager David Dyess

- Commented that Rosa Walls, Engineer in Training, would attend the conference for Stormwater.
- Stated that staff did start with revamping the code and will revisit it when the Development Department has more staff.
- Stated that Milton took pictures of all the planted trees and they were healthy.
- Commented that the COVID response is unstable.
- Stated that he would like to have a D&D on the \$4.7 million grant after the new Commission is seated. He will bring forward two options and provide information.
- Commented on the plan for 10th Street. He stated that the Historical Committee moved the progress back several months but the community input is good. Will move forward with the engineering portion in 2023's budget and construction in 2024.

Mike Mortell, City Attorney, updated the Commission and public on the Costco hearing. Stated that the proposed final judgment was due on August 9th and was not sure if the City is on the August 23rd Cabinet agenda. Stated he may not be able to attend the August 22nd Commission Meeting if placed on the agenda. Attorney Mortell stated that we would hear the final ruling by mid to late September.

Commissioner Clarke asked for an update on the money that was given to the Taylor property. Mr. Dyess provided the update.

APPROVAL OF AGENDA

5:29 PM MOTION: Approve.

MOVED BY: Becky Bruner

SECONDED BY: Mike Meier

Motion approved unanimously.

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

- 1) Frank McChrystal - Flamingo Avenue; Spoke on the City of Stuart's Comprehensive Plan, affordable vs attainable housing.
- 2) Campbell Rich - Flamingo Avenue; Commented on an article in TC Palm about fighting for the waterways.
- 3) Tom Campenni - St. Lucie Crescent; Spoke on behalf of a Member of the Indian River Lagoon Management Board, stated that cities are not reporting their projects and asked for a couple years worth of projects in our City.
- 4) Christopher Collins - Flamingo Avenue; Commented positively on the low impact development presentation and noted some of the terms used in the presentation. Stated he hopes that in the future we can keep more green space, water set backs, and lower density.

Mr. Dyess commented about the urban center, stated that the impact fee Ordinance is separate and does not speak about density. He clarified that the original Comp Plan that was sent was kicked but and was not sure if that was the one Mr. McChrystal was reading.

Commissioner Meier clarified the state law that the median income, which is \$62,380 per household, per unit rental base income of \$1,871.41 is defined as affordable by the state.

CONSENT CALENDAR

5. APPROVAL OF 07/25/2022 CCM MINUTES (RC)

6. BUDGET AMENDMENT No. 16, PURCHASE A FRONT LOADER (RC):

RESOLUTION No. 68-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT No. 16 TO THE 2021-2022 ENTERPRISE FUND; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR A FRONT LOADER; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

7. AWARD OF ITB #2022-111: SAILFISH BALL FIELD FORCE MAIN REPLACEMENT PROJECT (RC):

RESOLUTION No. 69-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVES THE AWARD OF ITB #2022-111, CITY OF STUART SAILFISH BALL FIELD FORCE MAIN REPLACEMENT PROJECT TO THE LOWEST, RESPONSIVE, AND RESPONSIBLE BIDDER WITH A TOTAL UNIT PRICE OF \$1,205,916.00 TO DBE MNAGEMENT, INC. OF LOXAHATCHEE, FLORIDA PROVIDING AN EFFECTIVE DATE; AND FOR

OTHER PURPOSES.

8. EASEMENT FOR RIPARIAN RIGHTS - SUBMERGED LAND LEASE (RC):

RESOLUTION No. 70-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE EXECUTION OF EASEMENT BETWEEN THE CITY OF STUART AND MIDDLE ISLAND MANAGEMENT AND DEVELOPMENT, LLC FAT 59 W. FLAGLER AVENUE IN ACCORDANCE WITH THE LEASE AUTHORIZED IN RESOLUTION 28-2022; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

5:43 PM MOTION: Approve.

MOVED BY: Troy McDonald

SECONDED BY: Eula Clarke

Motion approved unanimously.

COMMISSION ACTION

9. CENTRAL PARK II PUD MINOR AMENDMENT (QUASI-JUDICIAL) (RC):

RESOLUTION No. 58-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING APPROVAL OF A MINOR PUD AMENDMENT TO THE CENTRAL PARK II COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) TO ALLOW AN AMENDMENT TO THE ORIGINALLY APPROVED TIMETABLE OF DEVELOPMENT. THE SUBJECT PROPERTY IS LOT THREE (3) (LESS S 50') OF THE CENTRAL PARK II CPUD AND IS APPROXIMATELY 1.6-ACRES OF LAND. THE PROPERTY IS GENERALLY LOCATED APPROXIMATELY 150 NORTHWEST OF THE INTERSECTION SE CENTRAL PARKWAY AND SE RAYS WAY AT 640 SE CENTRAL PARKWAY; PROVIDING FOR CONDITIONS; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A TIMETABLE OF DEVELOPMENT; AND FOR OTHER PURPOSES.

Attorney Mortell swore in 2 people - Erin Wohlitka, Interim Development Director, and Marcela Cambelor, Applicant.

Mrs. Wohlitka reviewed the amendment including the location, conditions, staff analysis and noted the updates to the Resolution. City Attorney reviewed the changes, noting them as the whereas clauses within the Resolution.

Ms. Cambelor is requesting a timetable extension and is hoping to present a project soon.

PUBLIC COMMENT:

1) Mark Brechbill - Osceola St. - Commented on the importance of the review when we have the opportunity to change the Code.

2) Christopher Collins - Flamingo Avenue; Inquired on when it is set to expire.

6:03 PM MOTION: Approve.
MOVED BY: Troy McDonald
SECONDED BY: Eula Clarke
Motion approved unanimously.

ORDINANCE SECOND READING

- 10. REPEAL & REESTABLISH CHAPTER 36, ARTICLE V, CODE OF ORDINANCES (REQUEST TO CONTINUE TO DATE CERTAIN OF AUGUST 22, 2022 CCM):**

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.

6:04 PM MOTION: Approve.
MOVED BY: Troy McDonald
SECONDED BY: Eula Clarke
Motion approved unanimously.

ORDINANCE FIRST READING

- 11. WATERBLASTING - MAJOR AMENDMENT TO IPUD (QUASI-JUDICIAL) (RC):**

ORDINANCE No. 2497-2022; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE WATERBLASTING INDUSTRIAL PLANNED UNIT DEVELOPMENT (IPUD) LOCATED ON THE SOUTH SIDE OF MARKET STREET AND WEST SIDE OF COMMERCE AVE TO ALLOW THE ADDITION OF 28,327 SQUARE FEET OF INDUSTRIAL/WAREHOUSE BUILDING; APPROVING A FINAL SITE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR CERTAIN DEVELOPMENT DOCUMENTS AND CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attorney Mortell swore in 3 people - Kev Freeman, Part Time Project Manager, Erin Wohlitka, Interim Development Director, and Deanna Foriere, Economic Development Council.

Mr. Freeman presented on the project's site location, future land use, site plan, landscaping, architecture, and storm water.

Ms. Foriere stated she believes this will be a great expansion of an already successful business within the City and stated why this is a positive project.

Commissioners asked questions to applicant and staff about the Stormwater process and pervious/impervious parking.

Mayor Matheson requested thoughts/discussion to be done to go above and beyond in planting a few extra trees in the area.

Commissioner Meier requested that the new parking stalls being built be built with pervious parking to offset the additional 2600 sq feet.

Vice Mayor McDonald provided a brief history explaining that a master drainage plan was created. He also noted he has been working on this site for years and thinks it is fantastic that products being made here in Stuart are being sold world wide.

6:26 PM MOTION: Approve taking staff recommendation and taking the comments from Commissioner Meier and Mayor Matheson into consideration.

MOVED BY: Troy McDonald

SECONDED BY: Mike Meier

Motion approved unanimously.

DISCUSSION AND DELIBERATION

ADJOURNMENT

6:27 PM

Mary R. Kindel, City Clerk

Merritt Matheson, Mayor

Minutes to be approved at the Regular Commission Meeting this 22nd day of August, 2022.