

MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
OCTOBER 23, 2023
AT 5:30 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION

Mayor Troy McDonald
Vice Mayor Becky Bruner
Commissioner Eula R. Clarke
Commissioner Christopher Collins
Commissioner Campbell Rich

ADMINISTRATIVE

City Manager, Michael J. Mortell
Interim City Attorney, Paul J. Nicoletti
City Clerk, Mary R. Kindel

ROLL CALL

5:31 PM

PRESENT: Mayor McDonald, Vice Mayor Bruner, Commissioner Clarke, Commissioner Collins, Commissioner Rich

INVOCATION

Pastor Jim Brocious of Stuart Alliance Church gave the Invocation.

PLEDGE OF ALLEGIANCE

COMMENTS BY CITY COMMISSIONERS

Mayor McDonald

- Commented on his discussion with Lisa, the Attorney of Everglades Law Center, and the signing of an Amicus brief. He feels it is important for the City to sign on and beneficial to ensure a reservoir is built. Would like the City to do a Budget Amendment and contribute \$10,000 to the effort and made a motion.

PUBLIC COMMENT:

1. Mark Perry - Ocean Blvd.; May 18, 2009, the City of Stuart did the same Amicus brief on the Rivers Coalition and this brief is very similar. He appreciates the immediate recognition of the importance. Great effort for the City to get reengaged in this effort. He

stated he also appreciates the City hosting the Rivers Coalition meeting every month.

- City Manager Mortell updated the Commission on the Amicus brief. He stated the Everglades Law Center contacted the City and will draft the brief in response for the City to enter into an agreement in advance to include the City in their Amicus brief. City Manager Mortell recommended authorizing them to use the City, and, in addition, the City Attorney bring back a Resolution to the November meeting to formally make the donation and a Resolution authorizing the Mayor's signature to properly manage it.
- Commissioner Collins commented on reaching out to the County with a letter to see if they might follow our lead.

5:42 PM MOTION: Approve support of the Amicus with a Budget Amendment for \$10,000 - Modified motion - to comply with City Manager Mortell's comments.

MOVED BY: Troy McDonald

SECONDED BY: Christopher Collins

Motion approved unanimously.

5:43 PM MOTION: Approve that a letter be sent to the County Commission and County Administrator Donaldson to follow our lead.

MOVED BY: Troy McDonald

SECONDED BY: Christopher Collins

Motion approved unanimously.

Mayor McDonald comments continued:

- Expressed concern for a long-time resident that may have to leave the area because the cost of living is too expensive, made him think of what the City could do to help and to do better.

Vice Mayor Bruner

- Commented that she agreed with the Mayor pertaining to housing costs.

Commissioner Clarke

- Stated that she is wearing purple to advocate for victims of domestic violence and October is pink for Breast Cancer awareness.
- Commented on the Sugar/Water issue, stated she is going on October 27th with a group of citizens on the Sugar Cane Tour.
- Commented on the non-profit group invitation for National Philanthropy Day and wanted to make sure Stuart has representation.
- Commented on Item #7 an Ordinance for 2nd reading, that she is proud of what she does as commissioner and appreciates our staff and their reporting efforts; trees are so important to the City.
- Thanked National Association for the Advancement of Colored People (NAACP) for the run event. It brought community unity and was a great event.

Commissioner Collins

- Commented on affordable housing and the City's approval of 3,000 units in four (4) years. Stated the City has done its part, stop the apartments.

Commissioner Rich

- Attended the two-day conference in Rockledge - low impact development and green stormwater initiative.
- Commented on a topic of great concern; getting stormwater rule passed and stated that the legislative representative is Toby Overdorf. The change needed to be made is to go from a projected model to one that relies on monitoring and implementation.

COMMENTS BY CITY MANAGER

City Manager Mortell

- Attended Spooktacular at the Memorial Park and it was packed, the event was still going on a half hour past closing and a great success.
- Commented Police Chief and he attended United Way event. Chief Tumminelli received an award for Stuart being one of the top ten (10) most generous workplaces.

APPROVAL OF AGENDA

5:57 PM MOTION: Approve.

MOVED BY: Eula Clarke

SECONDED BY: Christopher Collins

Motion approved unanimously.

COMMENTS FROM THE PUBLIC (Non-Agenda Related) (3 Minutes Max.)

1. Janine Alexander - Former resident; Commented on her emotional and physical stress, held up photos and continued to explain her timeline of events with the City and Police.
2. Kim Coffee - Former resident; Stated he has known Janine Alexander for eleven (11) years, came to help with the clemency so she can regain her rights. Commented on the police behavior, called Mr. Gallas to tell him to lighten up on her. He stated Mr. Gallas planned to put her in jail and keep her in jail.
3. Jerry Gore - Lake Street; Stated in California, a few weeks ago, learned about the bottle deposit and feels we can be educated on this.
4. Althea Wiley - Stuart; Thanked the CCM for being very instrumental in helping with the movie. Commented on the housing issue and asked that we please do something. There is more housing going up than there are jobs.
5. Chief Tumminelli - Police Chief; Gave an incident update regarding a missing person. It was an isolated incident, deemed a homicide and two (2) arrests were made.

CONSENT CALENDAR

1. APPROVAL OF 10/09/2023 CCM MINUTES (RC)
2. AUTHORIZING THE ASSIGNMENT OF AMENDED LEASE TO SUNSET BAY OWNER, LLC (RC):

RESOLUTION No. 82-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE ASSIGNMENT OF THE AMENDED LEASE AGREEMENT PREVIOUSLY ENTERED INTO BETWEEN THE CITY OF STUART AND SUNSET BAY MARINA AND ANCHORAGE, LLC FOR LEASE OF THE PROPERTY AT 615 N.W. ANCHORAGE WAY TO SUNSET BAY OWNER, LLC FOR THE BALANCE OF THE LEASE TERM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

3. AUTHORIZING HAZARD MITIGATION GRANT PROGRAM APPLICATION, EXECUTION OF AGREEMENT & MINOR MODIFICATIONS (RC):

RESOLUTION No. 106-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE UTILITIES AND ENGINEERING DEPARTMENT TO SUBMIT A FEMA HAZARD MITIGATION GRANT PROGRAM APPLICATION FOR LIFT STATION GENERATORS; AND AUTHORIZING EXECUTION OF A GRANT AGREEMENT IF AWARDED; AND FURTHER AUTHORIZING ANY MINOR AMENDMENTS TO THE GRANT AGREEMENT TO FACILITATE THE PROGRAM AS APPROPRIATE; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

6:12 PM MOTION: Approve.

MOVED BY: Eula Clarke

SECONDED BY: Becky Bruner

Motion approved unanimously.

COMMISSION ACTION

4. AUTHORIZATION TO ALLOW ASHLEY CAPITAL TO ACCESS THE OLD LANDFILL TO EVALUATE PROPERTY (RC):

RESOLUTION No. 107-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING CITY STAFF TO ENTER INTO A DUE DILIGENCE INVESTIGATION RELATED TO CONVERTING THE OLD CITY LANDFILL PROPERTY INTO A BROWNFIELD REUSE PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Manager Mortell reported that an unsolicited offer was made by Ashley Capital. The purpose of this Resolution is to authorize the City to enter into agreement with Ashley Capital to allow them to go on site and perform testing at their expense and agreed that

they would bring site back to what it was before they started. Commented that it would be beneficial to the City to convert. He spoke with Dave Peters about other landfill use options and there is not a downside to allowing them to do the investigation.

Commissioner Rich commented that he will not be comfortable if we agree to the condition that if they find something they don't tell us about it, he understands the difficulty it poses for the City, but it cannot be our policy. He will advocate to be fully informed.

PUBLIC COMMENT:

1. Helen McBride - Flamingo Avenue; If they do find something, whatever it is, the public must be told about it.

6:20 PM MOTION: Approve.

MOVED BY: Christopher Collins

SECONDED BY: Becky Bruner

Motion approved unanimously.

5. AUTHORIZATION TO NEGOTIATE A LEASE A PORTION OF THE OLD CITY LANDFILL (RC):

RESOLUTION No. 108-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY TO ENTER INTO NEGOTIATION TO LEASE A PORTION OF THE OLD CITY LANDFILL PROPERTY TO CUSTOM AUTO CENTER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Manager Mortell reviewed the unsolicited offer, stating both came in at the same time. Custom Auto Center asked if the City would be willing to enter into a lease for thirty (30) years with options. Mr. Mortell stated that he informed Custom Auto Center that before any expenses are incurred he would need to get approval from the Commission. They have been in business for thirty-five (35) years and are looking to expand into the back of the landfill property.

6:25 PM MOTION: Approve.

MOVED BY: Christopher Collins

SECONDED BY: Eula Clarke

Motion approved unanimously.

6. KIWANIS EQUIPMENT AND MATCHING GRANT (RC):

RESOLUTION No. 109-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, DECLARING CERTAIN PLAYGROUND EQUIPMENT CURRENTLY LOCATED AT KIWANIS PARK AS SURPLUS AND GIVING THE PROPERTY TO KIWANIS AT NO COST; FURTHER AUTHORIZING THE CITY MANAGER TO PROVIDE A MATCHING GRANT TO KIWANIS FOR NEW SIGNS AT THE PARK; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Manager Mortell reviewed the purpose of the Resolution which is to replace the swing set.

6:29 PM MOTION: Approve.
MOVED BY: Christopher Collins
SECONDED BY: Eula Clarke
Motion approved unanimously.

ORDINANCE SECOND READING

7. US-1/FEDERAL HIGHWAY STREET TREE MASTER PLAN/PROGRAM AND LAND DEVELOPMENT CODE AMENDMENTS (RC):

ORDINANCE No. 2520-2023; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING AND RESTATING THE CITY'S LAND DEVELOPMENT CODE; MORE SPECIFICALLY AMENDING SECTION 2.04.06 ENTITLED "SUPPLEMENTAL BUILDING SETBACKS ON CERTAIN STREETS" IN CHAPTER II AND SECTION 3.01.03 ENTITLED "URBAN STANDARDS AND REGULATIONS FOR DESIGNATED URBAN SUBDISTRICTS" IN CHAPTER III; AMENDING SECTION 11.01.03 ENTITLED "MINOR DEVELOPMENT PLAN APPLICATION" IN CHAPTER XI; AND CHAPTER XII DEFINITIONS OF THE CITY OF STUART LAND DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Pinal Gandhi-Savdas, CRA Director, briefly reviewed the Ordinance and the amendments for second reading and stated there have been no changes to Ordinance since first reading on August 28, 2023.

6:32 PM MOTION: Approve.
MOVED BY: Eula Clarke
SECONDED BY: Christopher Collins
Motion approved unanimously.

ORDINANCE FIRST READING

DISCUSSION AND DELIBERATION

8. UPDATE REGARDING CITY HALL, WELLS FARGO AND POSSIBLE STATION LOCATIONS

City Manager Mortell provided a brief review. He stated that there is a vacancy in the Wells Fargo Building in January 2024 and the Human Resource Department may be moving there. A train station was considered toward Flagler Park in front of Congressman Mast's office, but the incline does not suit the route in having the train stop. Other sites have been identified that are near the Courthouse and closer to Lyric Theatre. The train cars are only 500 to 600 feet right now, but with future expansion, they would be at the 1,000 foot mark. The City is working with Brightline and some activity related to a federal grant is pending. The City is also working with the County and will come back to the Commission for the final offer to Brightline.

Mayor McDonald stated that with Human Resource moving to Wells Fargo, as several departments occupy the space, exterior signage should be considered.

Commissioners continued a conversation regarding train station and City Hall.

ADJOURNMENT

6:43 PM

Mary R. Kindel, City Clerk

Troy McDonald, Mayor

**Minutes to be approved at the Regular Commission
Meeting this 13th day of November, 2023.**