

MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
NOVEMBER 27, 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
City Attorney, Lee J. Baggett
City Clerk, Mary R. Kindel

ROLL CALL

5:30 PM

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

INVOCATION

Captain DeeAnne Jones, Corps Officer of the Salvation Army, gave the Invocation.

PLEDGE OF ALLEGIANCE

COMMENTS BY CITY COMMISSIONERS

Commissioner Collins

- Commented on the tourism and parks and stated he sits on the Tourism Development Council (TDC) and sees a lot of energy in ECHO Tourism, specifically Haney Creek. He wants to bring back the subject of Haney Creek and hopes it will be a trail head and have more development within that park. The 1/2 cent Sales Tax by Commissioner Matheson through the County could be funds to help with structuring Haney Creek and remove the need for a car wash in the park. Preserving this park can make the real estate surrounding Haney Creek more valuable.

City Manager Mortell stated that a referendum was held, and a resolution was authorized to

allow the car wash to do a feasibility study.

Commissioner Clarke

- Stated she agrees with Commissioner Collins, and we should consider keeping Haney Creek as a park.
- Requested Items #2, 3, 4, 5 and 7 be pulled from the Consent Agenda for discussion as they are important to the community in the long term and asked the Chief of Police and Chief of Fire Department to comment on them.
- Stated a correction be made in the minutes, a spelling error in the name of the recipient of a proclamation.
- Announced the Christmas Parade on Friday, December 1, 2023.
- Commented on the Christmas Tree Lighting event and thanked the Visiting Nursing Association for their donation of the tree.

Vice Mayor Bruner

- Commented that the prayer given by Captain DeeAnne Jones was beautiful and thanked her for giving Invocation.

Mayor McDonald

- Commented that the Christmas Tree Lighting was very positive and there was a fabulous crowd.
- Announced the Menorah Lighting Ceremony at Memorial Park on Sunday, December 10, 2023.

COMMENTS BY CITY MANAGER

City Manager Mortell

- Stated that we are moving forward with Brightline proposals.
- Commented that he is receiving a lot of feedback on applying for quiet zones. He explained the only way to get quiet zones is to show safety. Sailfish Circle and Confusion Corner are not perpendicular crossings which are considered safe; as a result, the City will not be applying as the City won't qualify for them on their own. However, if the County applies for the entire County, the City of Stuart could be included. It is to be noted that down south quiet zones have been approved. However, the train horn will still go off if the train conductor sees a reason to blow the horn. To date, we have been working on quiet zones.
- Stated Stuart Feed store needs a referendum to renew the lease at the General Election, and he will be bringing back the process to do a referendum in January and February.
- Stated that Duffy Boats, also known as the Chamber of Commerce, did not have a referendum. Therefore, the lease expired, and the property is vacant. Asked the Commission how they want to proceed. The Commissioners requested the item be brought back to another meeting for discussion.

APPROVAL OF AGENDA

5:50 PM MOTION: Approve pulling Items 2, 3, 4, 5, 6 and 7 for discussion.

MOVED BY: Eula Clarke

SECONDED BY: Christopher Collins

Motion approved unanimously.

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

1. Caryn Hall Yost-Rudge - Palm City Road; Provided a handout to the Commissioners. Stated that there is a federal court order this Friday. Asked that the Commission discuss with City Manager.

The City Manager advised the Commission to not speak with Ms. Yost-Rudge as it is a legal matter and stated she is looking to negotiate a settlement.

2. Janine Alexander - Via Zoom; Stated her citizens' complaint was submitted at the last meeting. Asked the Commissioners if they read the complaint. She expressed she needed to speak in a video format due to her mental health conditions. She commented on what was in the complaint.

CONSENT CALENDAR

1. APPROVAL OF 11/13/2023 CCM MINUTES (RC)

*****PULLED ITEM #2*****

2. LAW ENFORCEMENT ISO CLAIM SEARCH ACCESS MOU (RC):

RESOLUTION No. 113-2023; A RESOLUTION TO APPROVE THE LAW ENFORCEMENT ISO CLAIM SEARCH ACCESS MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF STUART POLICE DEPARTMENT AND THE NATIONAL INSURANCE CRIME BUREAU (NICB); PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

*****PULLED ITEM #3*****

3. CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS) AGREEMENT WITH MARTIN COUNTY SHERIFFS OFFICE (RC):

RESOLUTION No. 114-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING AN INTERLOCAL AGREEMENT FOR THE CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS) AGREEMENT BETWEEN STUART POLICE DEPARTMENT PD AND MARTIN COUNTY SHERIFFS OFFICE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

*****PULLED ITEM #4*****

4. STATEWIDE MUTUAL AID AGREEMENT/DEPARTMENT OF EMERGENCY MANAGEMENT - 2023 (RC):

RESOLUTION No. 116-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING A STATEWIDE MUTUAL AID AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF EMERGENCY MANAGEMENT ESTABLISHING PROTOCOLS IN EMERGENCY SITUATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

*****PULLED ITEM #5*****

5. BUDGET AMENDMENT #3 FOR POLICE IMPACT FEES- RELOCATION IMPOUND LOT AND NEW STORAGE BUILDING (RC):

RESOLUTION No. 117-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET ADMENDMENT NO. 3 TO THE 2023-2024 BUDGET; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF POLICE IMPACT FEES FOR THE RELOCATION OF THE POLICE IMPOUND LOT AND A NEW STORAGE BUILDING FOR STORING ASSETS; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

*****PULLED ITEM #6*****

6. INTERLOCAL AGREEMENT FOR THE RIVERSIDE PARK NEIGHBORHOOD IMPROVEMENTS (RC):

RESOLUTION No. 118-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF STUART AND MARTIN COUNTY FOR THE RIVERSIDE PARK NEIGHBORHOOD IMPROVEMENTS PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

*****PULLED ITEM #7*****

7. AUTHORIZING S.A.F.E. PROGRAM GRANT APPLICATION/EXECUTION OF AGREEMENT IF AWARDED (RC):

RESOLUTION No. 119-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE CITY POLICE DEPARTMENT TO SUBMIT AN APPLICATION FOR A FLORIDA DEPARTMENT OF LAW ENFORCEMENT S.A.F.E. PROGRAM GRANT TO CONDUCT INVESTIGATIONS AND RELATED ACTIONS INTENDED TO COMBAT ILLEGAL FENTANYL ACTIVITY; 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

5:56 PM MOTION: Approve with correction in minutes.

MOVED BY: Eula Clarke

SECONDED BY: Christopher Collins

Motion approved unanimously.

2. LAW ENFORCEMENT ISO CLAIM SEARCH ACCESS MOU (RC):

RESOLUTION No. 113-2023; A RESOLUTION TO APPROVE THE LAW ENFORCEMENT ISO CLAIM SEARCH ACCESS MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF STUART POLICE DEPARTMENT AND THE NATIONAL INSURANCE CRIME BUREAU (NICB); PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Chief Joseph Tumminelli, Police Department, stated the reason for the Resolution is an agreement with a federal regulated agency for insurance. Police Department use it as an investigative tool.

Commissioner Collins asked if we actively investigate insurance fraud.

Chief Tumminelli stated we have been working with this company for years and are actively investigating insurance fraud.

Commissioner Clarke asked if this would create additional costs for this year's budget.

Chief Tumminelli confirmed there will be no additional costs.

5:59 PM MOTION: Approve.

MOVED BY: Eula Clarke

SECONDED BY: Christopher Collins

Motion approved unanimously.

3. CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS) AGREEMENT WITH MARTIN COUNTY SHERIFFS OFFICE (RC):

RESOLUTION No. 114-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING AN INTERLOCAL AGREEMENT FOR THE CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS) AGREEMENT BETWEEN STUART POLICE DEPARTMENT PD AND MARTIN COUNTY SHERIFFS OFFICE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Chief Tumminelli stated this agreement is for systems where every law enforcement officer can see what is going on in Martin County and City of Stuart. Chief Tumminelli explained in detail what this system/agreement is for. He stated that the State of Florida is requiring this for our audit to make sure the police department is operating correctly. The cost is \$25,700 per year.

6:04 PM MOTION: Approve.

MOVED BY: Christopher Collins

SECONDED BY: Eula Clarke

Motion approved unanimously.

4. STATEWIDE MUTUAL AID AGREEMENT/DEPARTMENT OF EMERGENCY MANAGEMENT - 2023 (RC):

RESOLUTION No. 116-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING A STATEWIDE MUTUAL AID AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF EMERGENCY MANAGEMENT ESTABLISHING PROTOCOLS IN

EMERGENCY SITUATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Chief Tumminelli stated that the Fire Department and Police Department are working together on this agreement which will be in partner with State of Florida so we can help each other by sharing resources. He provided information on how the agreement would be used and how it is important to the City.

The Commissioners further discussed the item.

6:12 PM MOTION: Approve.
MOVED BY: Campbell Rich
SECONDED BY: Rebecca Bruner
Motion approved unanimously.

5. BUDGET AMENDMENT #3 FOR POLICE IMPACT FEES- RELOCATION IMPOUND LOT AND NEW STORAGE BUILDING (RC):

RESOLUTION No. 117-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT NO. 3 TO THE 2023-2024 BUDGET; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF POLICE IMPACT FEES FOR THE RELOCATION OF THE POLICE IMPOUND LOT AND A NEW STORAGE BUILDING FOR STORING ASSETS; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Chief Tumminelli stated that some of their impound vehicles involved in certain crimes have to be saved for 99 years. These cars will be moved to the rear of the public safety building. By moving the impound lot it will provide much more storage with easier access. This request is for expansion and protection of assets.

Commissioner Clarke asked will there be additional fencing or lighting in areas.

Chief Tumminelli stated the impound area will have an entire lit area with cameras, but storage of assets does not need lighting. The impact fees will be used for expenditures.

Commissioner Collins asked if this is typically included in the budget or thought of after the fact.

Chief Tumminelli explained this has been ongoing and finally approved after the fact and did not make the budget.

City Manager commented that this was mentioned during the budget process, however, the approval process was ongoing as a rate study was being done.

Commissioner Collins asked how much land is the current impound going to be freeing up in the garage. City Manager stated it is all within the existing space.

6:21 PM MOTION: Approve.
MOVED BY: Eula Clarke
SECONDED BY: Christopher Collins
Motion approved unanimously.

6. INTERLOCAL AGREEMENT FOR THE RIVERSIDE PARK NEIGHBORHOOD

IMPROVEMENTS (RC):

RESOLUTION No. 118-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF STUART AND MARTIN COUNTY FOR THE RIVERSIDE PARK NEIGHBORHOOD IMPROVEMENTS PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Manager explained that this is an Interlocal agreement with the County in order to use their Local Agency Program (LAP) certification for this grant.

6:25 PM MOTION: Approve.

MOVED BY: Christopher Collins

SECONDED BY: Campbell Rich

Motion approved unanimously.

7. AUTHORIZING S.A.F.E. PROGRAM GRANT APPLICATION/EXECUTION OF AGREEMENT IF AWARDED (RC):

RESOLUTION No. 119-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE CITY POLICE DEPARTMENT TO SUBMIT AN APPLICATION FOR A FLORIDA DEPARTMENT OF LAW ENFORCEMENT S.A.F.E. PROGRAM GRANT TO CONDUCT INVESTIGATIONS AND RELATED ACTIONS INTENDED TO COMBAT ILLEGAL FENTANYL ACTIVITY; 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.

Commissioner Clarke stated she pulled this item to ask the Police Department and Fire Department if we have an idea of the amount of fentanyl and narcan incidents in our City.

Chief Tumminelli stated that within the last few days there has been five (5) overdoses that lead to two (2) deaths. He stated he can provide a full report to Commissioner Clarke. Explained, this grant will also provide us with funding for investigating as well.

Chief Vince Felicione, Fire Department, stated that they don't have an exact number but estimated a little over 100 overdoses this year.

Commissioner Clarke stated this S.A.F.E. program grant is essential.

6:32 PM MOTION: Approve.

MOVED BY: Rebecca Bruner

SECONDED BY: Christopher Collins

Motion approved unanimously.

COMMISSION ACTION

ORDINANCE SECOND READING

ORDINANCE FIRST READING

8. **APPLICANT REQUESTED A CONTINUANCE TO A DATE CERTAIN OF 01/08/2024 CCM:**
101 S. COLORADO RESTAURANT - REZONE TO URBAN PLANNED UNIT DEVELOPMENT & SITE PLAN APPROVAL (RC):

ORDINANCE No. 2524-2023; REQUESTING APPROVAL OF AN URBAN PLANNED UNIT DEVELOPMENT TO PROVIDE RELIEF FROM VARIOUS PARKING REQUIREMENTS WITH CONCURRENT SITE PLAN APPROVAL TO CONSTRUCT A 150-SEAT WATERFRONT RESTAURANT WITHIN THE URBAN CODE DISTRICT.

6:33 PM MOTION: Approve to continue item to date certain.

MOVED BY: Eula Clarke

SECONDED BY: Christopher Collins

Motion approved unanimously.

DISCUSSION AND DELIBERATION

ADJOURNMENT

City Manager Mortell commented that he missed acknowledging a thank you letter in his comments earlier and read a thank you note he received from Kristin Mullaney, Educational Director of the Christian Autism Program, to thank Paula Sesta, Team Leader Tram Operations, for setting up a tram field trip with a group of special needs students.

6:34 PM

Mary R. Kindel, City Clerk

Troy McDonald, Mayor

**Minutes to be approved at the Regular Commission
Meeting this 11th day of December, 2023.**