

MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
JANUARY 22, 2024
AT 5:30 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION

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

ADMINISTRATIVE

City Manager, Michael J. Mortell
City Attorney, Lee J. Baggett
City Clerk, Mary R. Kindel

ROLL CALL

5:30 PM

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

INVOCATION

Pastor Jim Harp of Stuart Alliance Church gave the Invocation.

PLEDGE OF ALLEGIANCE

COMMENTS BY CITY COMMISSIONERS

Commissioner McDonald

- Commented on his trip to Tallahassee, he felt there was a more moderated mood and shared some legislation bill information, such as; House Bill 665 regarding utility fees, reclaimed water nutrient loads, septic to sewer conversion inspections, and preemptions of Senate Bill 102.

Vice Mayor Rich

- Commented that he also visited Tallahassee, went as a representative of the Treasure Coast Regional League of Cities (TCRLC) and serves on the Utilities and

Natural Resources Committee. The primary focus is to update the current stormwater regulations; reviewed the data and effects on the insurance industry and is confident that changes will occur.

- Expressed that Tallahassee wants to make all the decisions and defund cities by putting three (3) amendments on the ballot to decrease taxes, increase millage rate, and add a percentage to homestead exemptions.

Commissioner Collins

- Commented with encouragement for the public to get involved, he quoted Marjory Stoneman Douglas on "be a nuisance when it counts." Noted community leaders such as Maggie Hurchalla; commented that they, as Commissioners, represent residents. Thanked the public for showing up and speaking up.

Commissioner Clarke

- Requested to pull Item #4.
- Thanked the Commission for their participation in the Martin Luther King Day Events.
- Commented on Bills 102 and 328 being on the agenda for Item #5, requested a workshop or some other way to get information to the public and asked if the City Attorney knows if other cities have done anything with these Bills and if they are incorporated into other plans; she had spoken with the Development Director but wanted to communicate about it publicly.

City Manager Mortell commented in response to Commissioner Clarke's comment, stating that Senate Bill 102 was codified as Florida Statute 166.04151. The amended House Bill 328 includes language that the approved projects under SB102 that would be in violation of our Comp Plan will be allowed to remain after the thirty (30) years that they are entitled to be there.

COMMENTS BY CITY MANAGER

City Manager Mortell

- Commented that the Police Department hosted a Jiu Jitsu Tournament on Saturday and Sunday, participants came from all over the State.
- Announced that the Finance Department has received the Distinguished Budget Presentation Award and has arranged for the Finance Director to do a presentation of our online budget at the February 12th Commission Meeting.

APPROVAL OF AGENDA

5:57 PM MOTION: Approve pulling Item #4.

MOVED BY: Troy McDonald

SECONDED BY: Eula Clarke

Motion approved unanimously.

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

1. Caryn Hall Yost-Rudge - Palm City Rd; Commented on the last meeting in which the Mayor made a statement on calling law enforcement on another Commissioner; submitted a document filed with the US District Court in Ft. Pierce for the Mayor.
2. Bob Ernst - Commented that he emailed the Commission, thanked Collins for bringing up past leaders, Marjory Stoneman Douglas; please vote no on the Creekside Hotel and the restaurant. Roads are over capacity now, citizens are outraged.

CONSENT CALENDAR

1. APPROVAL OF 01/08/2024 CCM MINUTES (RC)
2. AWARD OF ITB# 2024-103, CITY OF STUART DOWNTOWN FLOATING DOCK REPLACEMENT PROJECT (RC):

RESOLUTION No. 08-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVING THE AWARD OF ITB #2024-103, CITY OF STUART DOWNTOWN FLOATING DOCK REPLACEMENT PROJECT TO THE LOWEST, RESPONSIVE, AND RESPONSIBLE BIDDER WITH A TOTAL UNIT PRICE OF \$49,097.00 TO UNDERWATER ENGINEERING SERVICES, INC., OF FORT PIERCE, FLORIDA; AUTHORIZING THE CITY TO EXECUTE A FINAL AGREEMENT SUBSEQUENT TO REVIEW AND APPROVAL BY CITY ATTORNEY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

3. MARTIN COUNTY SHERIFF'S OFFICE AND THE STUART POLICE DEPARTMENT MUTUAL AID AGREEMENT (RC):

RESOLUTION No. 09-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE STUART POLICE DEPARTMENT AND THE MARTIN COUNTY SHERIFF'S OFFICE TO ENTER INTO A MUTUAL AID AGREEMENT, FOR HOMICIDES, SEX OFFENSES, ROBBERIES, ASSAULTS, BURGLARIES, LARCENIES, GAMBLING, MOTOR VEHICLE THEFTS, DRUG VIOLATIONS PURSUANT TO CHAPTER 893, FLORIDA STATUTES, SUPPORT OF BACK UP SERVICES DURING PATROL ACTIVITIES, AND INTER-AGENCY TASK FORCES AND/OR JOINT INVESTIGATIONS AND RELATED INVESTIGATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**** PULLED - ITEM #4 FROM CONSENT CALENDAR ****

4. AUTHORIZATION TO EXECUTE AN ACCESS AGREEMENT WITH ASHLEY CAPITAL FOR THE OLD CITY LANDFILL (RC):

RESOLUTION No. 13-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY TO EXECUTE THE BROWNFIELDS SITE ACCESS AGREEMENT WITH TREASURE COAST REGIONAL PLANNING COUNCIL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

6:06 PM MOTION: Approval of Items 1, 2, and 3 on the Consent Calendar.

MOVED BY: Troy McDonald

SECONDED BY: Eula Clarke

Motion approved unanimously.

4. AUTHORIZATION TO EXECUTE AN ACCESS AGREEMENT WITH ASHLEY CAPITAL FOR THE OLD CITY LANDFILL (RC):

RESOLUTION No. 13-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY TO EXECUTE THE BROWNFIELDS SITE ACCESS AGREEMENT WITH TREASURE COAST REGIONAL PLANNING COUNCIL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Manager Mortell provided the background on the Old City Landfill and a review of the Resolution before the Commission, for clarification purposes.

6:11 PM MOTION: Approve.

MOVED BY: Eula Clarke

SECONDED BY: Troy McDonald

Motion approved unanimously.

COMMISSION ACTION

5. SUPPORTING SENATE BILL 328 RELATING TO AFFORDABLE HOUSING AND THE LIVE LOCAL ACT (RC):

RESOLUTION No. 12-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, SUPPORTING SENATE BILL 328 RELATING TO AFFORDABLE HOUSING AND IMPROVING UPON THE "LIVE LOCAL ACT," PREVIOUSLY ADOPTED DURING THE 2023 FLORIDA LEGISLATIVE SESSION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Commissioner McDonald noted that he requested this item on the agenda and provided a brief history. City Manager Mortell elaborated on Commissioner McDonald's comments.

City Attorney Baggett reviewed the Bill. Commissioner Collins inquired on City's position and expressed concerns over the Pasco County lawsuit; if the Commission supports this Resolution, will it then prevent the City from participating in a lawsuit. City Manager Mortell commented that a "Whereas clause" could be added, with specific language. Commissioner McDonald echoed the City Manager adding specific language.

PUBLIC COMMENT:

1. Robin Cartwright – Hibiscus Ave; Commented on the vagueness of the Bill, statistics on housing, past voting record on affordable housing, and noted Jacksonville Corner Lot.

6:19 PM MOTION: Approve.
MOVED BY: Troy McDonald
SECONDED BY: Eula Clarke
Motion approved unanimously.

ORDINANCE SECOND READING

6. HCA FREESTANDING EMERGENCY ROOM - MAJOR AMENDMENT TO THE PLANNED UNIT DEVELOPMENT & SITE PLAN (QJ)(RC):

ORDINANCE No. 2526-2024; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA GRANTING A THIRD MAJOR AMENDMENT TO ORDINANCE NO. 2297-2014, AKA THE 7.24-ACRE, 4-LOT WAWA GAS STATION & CONVENIENCE STORE MASTER COMMERCIAL PLANNED UNIT DEVELOPMENT (“CPUD”), THEREBY APPROVING A MASTER DEVELOPMENT PLAN FOR LOT 3 CONSISTING OF AN 11,570 SQUARE FOOT FREE STANDING EMERGENCY ROOM AND PROVIDING FOR NEW, RESTATED, AND AMENDED DEVELOPMENT CONDITIONS, INCLUDING A TIMETABLE FOR DEVELOPMENT; SAID PROPERTY BEING GENERALLY LOCATED AT THE SOUTH EAST CORNER OF SR 76 & S.E. MONTEREY ROAD, BEING MORE FULLY DESCRIBED BY EXHIBIT “A” ATTACHED; DECLARING THE PROPOSED DEVELOPMENT TO BE CONSISTENT WITH THE CITY’S COMPREHENSIVE PLAN; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR A SEVERABILITY CLAUSE; ACCEPTABLE BY THE APPLICANT; AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Commissioners noted their ex parte communications. Two (2) people sworn; Jodi Nentwick-Kugler, Development Director City of Stuart, and Michael Barbera, Chief Operating Officer of HCA.

Audra Creech, Gunster Real Estate Law, Attorney for the applicant, presented the changes to the typographical errors of the Ordinance. Development timetable was noted at June 25, 2024 and June 30, 2025, change requested is to extend dates to June 30 2025, and June 30, 2026, both increased by 1 year. Exhibit B is referenced but not included, requested it be added.

Michael Barbera, Chief Operating officer of HCA, came forward to answer questions.

6:36 PM MOTION: Approve with conditions.
MOVED BY: Eula Clarke
SECONDED BY: Chistopher Collins
Motion approved unanimously.

ORDINANCE FIRST READING

7. 101 S. COLORADO RESTAURANT – REZONE TO URBAN PLANNED UNIT DEVELOPMENT & SITE PLAN APPROVAL (QJ)(RC):

ORDINANCE No. 2524-2023; AN ORDINANCE OF THE CITY OF COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING A REZONING FROM URBAN WATERFRONT TO URBAN PLANNED UNIT DEVELOPMENT FOR A 0.234 ACRE PROPERTY, LOCATED AT 101 S. COLORADO AVENUE, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; ESTABLISHING THE COLORADO WATERFRONT RESTAURANT (UPUD); TO RE-PURPOSE THE EXISTING OFFICE BUILDING FOR A 150-SEAT RESTAURANT AND PROVIDE RELIEF FROM VARIOUS PARKING REQUIREMENTS; APPROVING A FINAL SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS INCLUDING A TIMEABLE FOR DEVELOPMENT, DECLARING THE PLAN WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.

Commissioners provided ex parte communications.

Four (4) people sworn; Jodi Nentwick-Kugler, Development Director City of Stuart, Nik Schroth, NAI Southcoast Realtor, Mike McCarty, McCarty & Associates Land Planning and Design, and Dr. Mark Schumback, Applicant.

Jodi Nentwick-Kugler, Development Director, presented the project's details and provided the petitioner's requests.

Mike McCarty of McCarty and Associates, presented the plans for the existing building and the improvements planned for the property. Reviewed the public response from the January Community Redevelopment Board (CRB) Meeting, and announced they held a neighborhood meeting to include the neighbors in the project. The public response was simply no valet. Requested an exemption to the parking, as parking throughout downtown is all that is needed.

Dr. Shambeck, property owner, commented on his personal history with the property.

Commissioner Clarke requested the uses on the urban waterfront.

Ms. Nentwick-Kugler listed the uses.

Commissioners continued questions and discussion.

Mr. McCarty provided clarification to Commission's concerns regarding the noise ordinance, existing structure, parking, egress and ingress space for delivery services, etc.

City Attorney Baggett, commented that an option for the parking may be to lease the parking and make it available to their clientele. City Manager Mortell stated another option is to pay the City to cost the lease.

PUBLIC COMMENT:

1. Dennis Steelman – Seminole St; commented on how this is being considered when the City does not know what type of restaurant it will be, opposed to the project.
2. Chip Hazard – Seminole St; Commented that there is not enough information nor notice for the project, stated Seminole St. is not an alleyway but a neighborhood. Opposed to the project.
3. Edward Lucente – Seminole St; Commented on the boundaries, requests that the legal boundary protects the neighbors, opposed to project.
4. Bruce Laraway – Seminole St; Commented that he has been a resident for fifteen (15) years, noted the descriptions of Seminole Street being an alley; opposed to the project.
5. Tom Campenni – St. Lucie Crescent Rd; noted the parking spaces and feels the 42 spaces should be considered; feels the music needs to be strictly enforced as the Ordinance is not enforced.
6. Mark Brechbill – Osceola Ave; Commented as the no vote on the Community Redevelopment Board (CRB) for this project, the alternative, after meeting with the neighborhood, feels it should be done within the existing plan for downtown, put it in the saturation district.
7. LouAnn Steelman – Seminole St; being called an alley, the street is beautiful, feels it will bring lots of traffic, opposed to the project.
8. Robert Ernest - Commented on the past approvals by the Commission and parking in downtown. Didn't receive notice; traffic issues.
9. Jim Spurgeon – Osceola Ave; Commented on the parking and delivery trucks.
10. Sean Reed – Sixth St; Commented that most support the concept, but traffic is the issue; seating enforcement, six letters in support of the project, stated Stuart is losing its unique charm.
11. Marty Bielicki – Seminole St; Commented on the opposition of the restaurant, don't bend rules.
12. Helen McBride – Flamingo Ave; Commented that some of what was said tonight is not accurate; noise issues, feels there should be no music, one handicap parking space in the area, part of Seminole was known as an alleyway for the businesses on Osceola.
13. Annie McMillian – Harbor Point Dr; Opposed to the project and is present to support the Seminole Street neighbors; taxpayers need to understand what is allowable, voice opinions, to be given an explanation of what can be changed in the code if necessary.

Mike McCarty, McCarty and Associates, responded to the public comments. Noted the residents purchased within a mixed use Community Redevelopment Agency. There are many uses in a CRA area and the allowance of these projects has made the city what it is today. Commented on the parking lease, would like to meet with someone from the City to lease what is available.

Mayor, Vice Mayor, and Commissioners stated their positions on the approval and added their comments.

Nik Schroth and Mike McCarty provided some final remarks.

8:31 PM NO MOTION - NO VOTE.

DISCUSSION AND DELIBERATION

ADJOURNMENT

8:32 PM

Mary R. Kindel, City Clerk

Rebecca S. Bruner, Mayor

Minutes to be approved at the Regular Commission
Meeting this 12th day of February, 2024.