



City of Stuart

AGENDA

**REGULAR MEETING OF THE STUART CITY COMMISSION
SEPTEMBER 23, 2024
AT 5:30 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

CITY COMMISSION

**Mayor Campbell Rich
Commissioner Eula R. Clarke
Commissioner Christopher Collins
Commissioner Laura Giobbi
Commissioner Sean Reed**

ADMINISTRATIVE

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

Agenda items are available on our website at <http://www.cityofstuart.us>
Phone: (772) 288-5306. Fax: (772) 288-5305. E-mail: mkindel@ci.stuart.fl.us

In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation to attend this meeting should contact the City's ADA coordinator at 772-288-5306 at least 48 hours in advance of the meeting, excluding Saturday and Sunday.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

(RC) next to an item denotes there is a City Code requirement for a Roll Call vote.

(QJ) next to an item denotes that it is a quasi-judicial matter or public hearing.

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

COMMENTS BY CITY COMMISSIONERS

COMMENTS BY CITY MANAGER

APPROVAL OF AGENDA

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

CONSENT CALENDAR

1. APPROVAL OF 09/09/2024 CCM MINUTES and 09/09/2024 SCM TENTATIVE MILLAGE & TENTATIVE BUDGET MINUTES (RC)
2. MOU FOR THE COORDINATED 19TH JUDICIAL CIRCUIT RESPONSE TO CRIMES AGAINST CHILDREN (RC):

RESOLUTION No. 89-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CHIEF OF POLICE TO ENTER INTO MEMORANDUM OF UNDERSTANDING (MOU) FOR THE COORDINATED 19TH JUDICIAL CIRCUIT RESPONSE TO CRIMES AGAINST CHILDREN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

3. APPROVAL OF A RESOLUTION TO OPT OUT OF THE LIVE LOCAL ACT PROPERTY TAX EXEMPTION (RC):

RESOLUTION No. 94-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, PURSUANT TO SECTION 196.1978(3)(o), FLORIDA STATUTES, ELECTING TO NOT EXEMPT CERTAIN PROPERTY UNDER SECTION 196.1978(3)(d)1.a., FLORIDA STATUTES, REFERRED TO AS THE "LIVE LOCAL ACT PROPERTY TAX EXEMPTION"; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE.

4. OLD CITY LANDFILL 2ND DUE DILIGENCE EXTENSION REQUEST (RC):

RESOLUTION No. 96-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, EXTENDING THE DUE DILIGENCE PERIOD AT THE OLD CITY OF STUART LANDFILL FROM SEPTEMBER 30, 2024 TO MARCH 31, 2025; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

5. ROAD CLOSURE REQUEST FOR THE 2025 STUART BOAT SHOW (RC):

RESOLUTION No. 99-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING A ROAD CLOSURE FOR THE 51st ANNUAL STUART BOAT SHOW FROM 5:00 A.M. ON TUESDAY, JANUARY 7, 2025, THROUGH 5:00 P.M. ON MONDAY, JANUARY 13, 2025, ALONG NW DIXIE HIGHWAY (FORMERLY SR 707) FROM SW ALBANY AVENUE SOUTH OF THE OLD ROOSEVELT BRIDGE TO NW POINSETTIA STREET TO INCLUDE THE FEC RAILROAD CROSSING OF NW FERN STREET AND NW DIXIE HIGHWAY, NORTH OF THE ST. LUCIE RIVER DRAW BRIDGE, SUBJECT TO FLORIDA DEPARTMENT

OF TRANSPORTATION APPROVAL; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

6. RATIFY COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND PALM BEACH COUNTY POLICE BENEVOLENT ASSOCIATION, INC. (RC):

RESOLUTION No. 100-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA RATIFYING AND APPROVING THE THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF STUART AND PALM BEACH COUNTY POLICE BENEVOLENT ASSOCIATION, INC., EFFECTIVE OCTOBER 1, 2024 THROUGH SEPTEMBER 30, 2027; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

7. RATIFY THE PROFESSIONAL FIREFIGHTERS OF STUART, LOCAL #2411, COLLECTIVE BARGAINING AGREEMENT (RC):

RESOLUTION No. 101-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA RATIFYING AND APPROVING THE THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF STUART AND THE PROFESSIONAL FIREFIGHTERS OF STUART, LOCAL #2411, EFFECTIVE OCTOBER 1, 2024 THROUGH SEPTEMBER 30, 2027; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

COMMISSION ACTION

8. FIRST AMENDMENT TO INTERLOCAL AGREEMENT WITH MARTIN COUNTY FOR MAINTENANCE OF TRAFFIC SIGNAL CABINETS (RC):

RESOLUTION No. 98-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF STUART AND MARTIN COUNTY TO PROVIDE MAINTENANCE OF TRAFFIC SIGNAL CABINETS WITH DECORATIVE ART WRAP; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

9. 1251 SW NORTON LANE (STANCAVICH) - DISCUSSION AND DIRECTION BY THE CITY COMMISSION (RC):

RESOLUTION No. 103-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, FINDING APPLICANT/OWNER, ROBERT STANCAVICH'S FAILURE TO COMPLY WITH CERTAIN REQUIRED CONDITIONS SET FORTH IN RESOLUTION NO. 69-2024; PROVIDING CITY STAFF WITH FURTHER DIRECTION; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

10. ADVISORY BOARD "AT LARGE" BOARD MEMBER REVIEW (RC):

RESOLUTION No. 104-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, REVIEWING AND RECONSIDERING THE "AT LARGE" ADVISORY BOARD MEMBER POSITIONS OF THE LOCAL PLANNING AGENCY AND COMMUNITY REDEVELOPMENT BOARD FOR THE REMAINDER OF THE 2024 MEMBER TERMS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER

PURPOSES.

ORDINANCE SECOND READING

11. ABANDONMENT OF S.E. ARAPAHO AVENUE - CARLA WILLIAMSON AND TODD BRITT (RC)

ORDINANCE No. 2534-2024: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, TO PROVIDE FOR THE ABANDONMENT OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY BEING THAT CERTAIN 50-FOOT RIGHT-OF-WAY, AS SET FORTH ON THE PLAT OF ELDORADO HEIGHTS, AS RECORDED IN PLAT BOOK 1, PAGE 5, OF MARTIN COUNTY, FLORIDA PUBLIC RECORDS, AS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO; AND REQUESTING THE \$19,000 PRIVILEGE FEE FOR ABANDONING PUBLIC PROPERTY TO BE WAIVED IN ITS ENTIRETY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

12. 55 S.E. OSCEOLA STREET - FLAMINIA, LLC MAJOR URBAN CODE CONDITIONAL USE (QJ):

RESOLUTION No. 87-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING A MAJOR URBAN CODE CONDITIONAL USE APPROVAL FOR FLAMINIA, LLC LOCATED AT 55 SE OSCEOLA STREET, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTION; GRANTING RELIEF TO DEVIATE FROM CERTAIN CODE REQUIREMENTS, INCLUDING REQUIRED PARKING, PAYMENT IN LIEU OF PARKING (PILOP), SIDEWALKS, BUILDING SETBACKS, POOL LOCATION, DRIVEWAY WIDTH, FENCE HEIGHT, AND ARCHITECTURAL STANDARDS FOR THE PROFESSIONAL OFFICE BUILDING AND PROPOSED SINGLE-FAMILY DWELLING; REQUIRING SPECIFIC POLICIES TO BE CONSIDERED INCLUDING PARKING REQUIREMENTS, PAYMENT IN LIEU OF PARKING (PILOP) PROGRAM, AND VARIOUS DESIGN STANDARDS; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

13. 2300 S.E. OCEAN BOULEVARD - STARBUCKS AT OCEAN EAST MALL MAJOR CONDITIONAL USE PETITION (RC):

RESOLUTION No. 97-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING A MAJOR CONDITIONAL USE PETITION FOR THE STARBUCKS AT OCEAN EAST MALL LOCATED AT 2300 SE OCEAN BOULEVARD, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTION; GRANTING RELIEF TO DEVIATE FROM REQUIRED BUILDING SETBACKS, MINIMUM LOT COVERAGE, LOCATION OF PARKING, AND LANDSCAPING REQUIREMENTS FOR THE S.E. OCEAN BOULEVARD OVERLAY ZONE STANDARDS OUTLINED UNDER LAND DEVELOPMENT CODE SECTION 3.03.00; REQUIRING CERTAIN DESIGN STANDARDS TO BE CONSIDERED; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

ORDINANCE FIRST READING

14. TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE SECTION 2.6.23 - NON-MEDICAL MARIJUANA DISPENSARIES (RC):

ORDINANCE No. 2531-2024; 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 2.06.23 ENTITLED "RESERVED" AND INSERTING SUPPLEMENTAL USE STANDARDS FOR NON-MEDICAL MARIJUANA DISPENSARIES; AMENDING THE LAND USE TABLE IN SECTION 2.02.02 TO INCLUDE NON-MEDICAL MARIJUANA DISPENSARY AS AN ALLOWABLE USE UNDER CERTAIN CONDITIONS; AMENDING SECTION 3.01.03 TO ESTABLISH PARKING REQUIREMENTS FOR NON-MEDICAL MARIJUANA DISPENSARIES WITHIN THE URBAN CODE DISTRICTS; AMENDING SECTION 6.01.13 TO ADD OFF-STREET PARKING REQUIREMENTS FOR NON-MEDICAL MARIJUANA DISPENSARIES; AMENDING CHAPTER XII DEFINITIONS FOR CONFORMING TERMS; AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES TO PROHIBIT SMOKING IN PUBLIC PARKS AND RECREATIONAL AREAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

DISCUSSION AND DELIBERATION

15. BRIGHTLINE RESPONSE TO RFP DISCUSSION

ADJOURNMENT

WHAT IS CIVILITY? Civility is caring about one's identity, needs and beliefs without degrading someone else's in the process. Civility is more than merely being polite. Civility requires staying "present" even with those persons with whom we have deep-rooted and perhaps strong disagreements. It is about constantly being open to hear, learn, teach and change. It seeks common ground as a beginning point for dialogue. It is patience, grace, and strength of character. Civility is practiced in our City Hall.

PUBLIC COMMENT: If a member of the public wishes to comment upon ANY subject matter, including quasi-judicial matters, please submit a Request to Speak form. These forms are available in the back of the Commission Chambers, and should be given to the City Clerk prior to introduction of the item number you would like to address.

CONSENT CALENDAR: Those matters included under the Consent Calendar are self-explanatory, non-controversial, and are not expected to require review or discussion. All items will be enacted by one motion. If discussion on an item is desired by any City Commissioner that item may be removed by a City Commissioner from the Consent Calendar and considered separately. If an item is quasi-judicial it may be removed by a Commissioner or any member of the public from the Consent Calendar and considered separately.

QUASI-JUDICIAL HEARINGS: Some of the matters on the Agenda may be "quasi-judicial" in nature. City Commissioners will disclose all ex-parte communications, and may be subject to voir dire by any interested party regarding those communications. All witnesses testifying will be "sworn" prior to their testimony. However, the public is permitted to comment without being sworn. Unsworn testimony will be given appropriate weight and credibility by the City Commission.

INVOCATION: Any invocation that may be offered at the opening of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission, and the Commission is not allowed by law to endorse the religious beliefs or views of this, or any other speaker.