# MINUTES

## 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**

**ROLL CALL**

6:18 PM

PRESENT: Mayor Rich, Commissioner Clarke, Commissioner Collins, Commissioner Giobbi, and Commissioner Reed

**INVOCATION**

Pastor James Harp, Stuart Alliance Church gave the Invocation.

**PLEDGE OF ALLEGIANCE**

**COMMENTS BY CITY COMMISSIONERS**

Commissioner Reed

- Requested to have Item #12 first, Item #13 second and Item #10 be rescinded.

Commissioner Collins

- Agreed with Commissioner Reed to pull Item #10 and Item #4 from the Consent Calendar for discussion.
- Asked to have Attorney James "Mac" Stuckey come to a future Commission Meeting for a D&D concerning an environmental attorney.
- Clarified some confusion from the last meeting and provided why he felt the way he did

on Brightline Station. Read through previous Settlement Agreements, Interlocal Agreement proposal, and RFP response, along with the March 4, 2024 Brightline letter of congratulations with changes. Pointed out the changes and how that made the decision for him to vote to rescind and renegotiate.

Commissioner Clarke

- Commented on the Code of Conduct and to make sure all are aware of its content and the Florida League of Cities (FLC) sessions for newly elected officials, requested the Clerk and Manager provide information to the Board.
- Thanked Community Redevelopment Agency (CRA) staff and the City Manager; commended them for responding to issues.

Mayor Rich

- Commented on meeting conduct and noted the confusion of a motion and second to begin a discussion; most importantly, public comment comes after a motion.
- Complimented Milton Leggett, Public Works Director, for his quick response to a citizen's recent issue.

**COMMENTS BY CITY MANAGER**

City Manager Mortell

- Commented that the City of Stuart received a recognition letter on September 9th for Police Detectives, Zachary Pecci and David Jacobson, complimenting the officers in solving a case.
- Announced an event, Coffee with a Cop, being held on October 2nd in downtown.
- Informed Commissioners of an upcoming Institute for Elected Municipal Officials (IEMO) program from the Florida League of Cities (FLC) for first time Commissioners; a two (2) day meeting on October 4th and 5th, in Tampa, and if interested to notify him.

**APPROVAL OF AGENDA**

**6:49 PM MOTION: Approve Agenda moving Items #11, #12 and #13 up in front of Item #8, table Item #10, and pull Item #4 from Consent Calendar for discussion.**
**MOVED BY: Sean Reed**
**SECONDED BY: Eula Clarke**
**Motion approved unanimously.**

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

1. Suzanne Mogavero - Stuart; Owner of Ramey One, commented on the need for minor improvements and the complications of the Zoning In Progress.
2. Linda Kay Richards - Stuart; Supports Zoning In Progress, provided an update on the Kanner CPUD project.
3. Frank McChrystal - Stuart; Commented on the train station density, thanked new Commissioners for representing people of Stuart.
4. Lucie McGuire - Port St. Lucie; Requested clarification of what has been spent on rail

construction and the discussions to renegotiate the deal.

## 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.

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

**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.

**<u>END OF CONSENT CALENDAR</u>**

**7:00 PM MOTION: Approve pulling Item #4.**
**MOVED BY: Eula Clarke**
**SECONDED BY: Laura Giobbi**
**Motion approved unanimously.**

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

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; DATE; AND FOR OTHER PURPOSES.

Jill Marasa, Director of Development, and Mark Quimby, Graphic Development Manager of Ashley Capital, presented and reported on the Stuart Old City Landfill.

Commissioner Collins commented on the use of the land and noted that he will vote not to move forward.

Rick Morton, CEO and Founder of Ashley Capital, commented on the alternate location for debris, the liability, fire hazards, etc. Agreed to carve out a piece of land for the City's debris storage.

Mr. Quimby stated they plan to negotiate terms come March with the City.

**7:02 PM MOTION: Approve.**
**MOVED BY: Eula Clarke**
**SECONDED BY: Sean Reed**
**VOTE: 4/1 Approved 7:47 PM**
**YES: Campbell Rich, Eula Clarke, Laura Giobbi, Christopher Collins**
**NO: Sean Reed**

**COMMISSION ACTION**

**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.

**7:49 PM MOTION: Approve.**
**MOVED BY: Eula Clarke**
**SECONDED BY: Christopher Collins**
**Motion approved unanimously.**

**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.

City Attorney Baggett explained Ex Parte communication as being the disclosure of communications with anyone concerning the project.

Three (3) people sworn; Kris McCrain, Principal Planner of the City of Stuart, Morris Crady, Lucido & Associates, John Maiucci, Applicant, and all three (3) individually gave a presentation on the Item.

Commissioner Clarke explained that this Resolution is under the Second Reading because the Resolution is a one-time approval.

A brief discussion to review the conditions occurred.

PUBLIC COMMENT:

1. Frank McChrystal - Stuart; comments on the parking spaces and the scale of the home.

**8:42 PM MOTION: Approve, in lieu of staff recommendation, Mr. John Maiucci would dedicate a two-foot right of way on Seminole St. and Denver St. and restripe to create two additional spaces in his parking lot in exchange for the City waiving the payment in lieu of parking and the requirement to file the affidavit.**
**MOVED BY: Eula Clarke**
**SECONDED BY: Christopher Collins**
**Motion approved unanimously.**

**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.

Quasi-Judicial - Four (4) people sworn; Kris McCrain, Principal Planner, Kristina Belt, Kimley-Horn, Stefanie Guerra, Kimley-Horn, Alan Esquenazi, Ocean East Mall.

Kris McCrain, Principal Planner, presented on Item.

Bob Raynes, Land Use Attorney for the Applicant, introduced Kristina Belt, Stefanie Guerra, and owner Alan Esquenazi.

Kristina Belt, Kimley-Horn, presented on the shopping center, existing and improvements.

Stephanie Guerra, Transportation Engineer for Kimley-Horn who specializes in traffic studies, reported the study.

Commissioners discussed the impact on East Ocean Boulevard, shade trees, traffic and having no additional out parcels.

Hearing closed 9:27 PM.

**9:31 PM MOTION: Approve with shade trees and set back deviation, pervious parking, no additional out parcels.**
**MOVED BY: Eula Clarke**
**SECONDED BY: Christopher Collins**
**Motion approved unanimously.**

**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.

**9:33 PM MOTION: Approve.**
**MOVED BY: Christopher Collins**
**SECONDED BY: Eula Clarke**
**Motion approved unanimously.**

**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.

City Manager Mortell provided a brief history as a reminder to the board; noted the requirements were clear and they did not take place.

The Commissioners asked Mr. Stancovich if he is given an extension, could he get it done.

Mr. Stancovich responded that he can take care of it within ninety (90) days. Mr. Stancovich explained the series of events that led up to this current situation.

Commissioners and City Manager had further discussion.

Jodi Kugler, Development Director, reported on the timeline.

Lou Hatten, Building Official, reported that only completed applications would be accepted and provided photographs to the Commission.

**10:17 PM MOTION: Approve to extend the deadline set forth in the Resolution until November 23, 2024, and it will be automatically directed through the City Attorney to adjudicate the lien and move forward with foreclosure.**
**MOVED BY: Christopher Collins**
**SECONDED BY: Eula Clarke**
**VOTE: Passed 3/2**
**YES: Eula Clarke, Christopher Collins, Sean Reed**
**NO: Campbell Rich, Laura Giobbi**

***** TABLED ITEM #10 *****

**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

## 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.

Ben Hogarth, Community Affairs Liaison, presented the Item.

Commissioners requested Staff bring back maps showing 500 to 2,500 feet from schools, churches, daycares, etc. and locations that will be permitted.

PUBLIC COMMENT:

1. Frank McChrystal - Stuart; Commented in favor of allowing the sales in the downtown.
2. Robert Hamilton - Stuart; Commented that the Board has the power to resolve this.
3. Carol Ann Leonard - Stuart; Commented that the limitations are getting a bit overboard, should be fair to everyone.

**10:53 PM MOTION: Approve.**
**MOVED BY: Laura Giobbi**
**SECONDED BY: Christopher Collins**
**Motion approved unanimously.**

**DISCUSSION AND DELIBERATION**

**15.** BRIGHTLINE RESPONSE TO RFP DISCUSSION

City Manager Mortell reported and clarifified his current authority and stated he is requesting direction from the Board.

PUBLIC COMMENT:

1. Walter Loyd - Stuart; Thanked the Commission for slowing down on the Brightline agreement.
2. Diego Jarrin - Palm City; Travels 3 times a week to Miami for work, commented for the youth and the future opportunities of high-paying jobs in Miami and Orlando if the transportation needs are met.
3. Carl Ann Leonard - Stuart; Supports the Brightline station and parking garage, feels transportation should be available to the medical facilities.
4. Nina Brody - Stuart; representing Sailfish Cove, requests that the City Manager be given authority and rally today in support of Brightline.
5. David Hugal - Stuart; Moved from West Palm to Stuart and is speaking as one of the young people; in favor.
6. Frank McChrystal - Stuart; Thanked the Commission for the decision on the matter. Commented to remember there's only one Stuart and one Martin County; opposed to Brightline.
7. Steven Vitale - Stuart; Complimented the board for their leadership on decisions, would like to see the same leadership with Brightline; in favor.

Commissioner's discussion included the Brightline agreement, emails received, upcoming direction, and parking.

City Manager Mortell reviewed the direction given from the Board; that he is to communicate with Brightline that the City will pay for the parking necessary to comply with the RFP if Brightline pays for half of the station and track work.

**ADJOURNMENT**

11:37 PM

**Mary R. Kindel, City Clerk**

**Campbell Rich, Mayor**

**Minutes to be approved at the Regular Commission Meeting this 14th day of October, 2024.**