MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
NOVEMBER 25, 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

5:33 PM

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

INVOCATION

Pastor James Harp of Stuart Alliance Church gave the Invocation.

PLEDGE OF ALLEGIANCE

COMMENTS BY CITY COMMISSIONERS

Commissioner Reed

- Requested to pull Agenda Item #1.
- Commented that he has a supply of Stuart Bumper Stickers.
- Commented on Zoning in Progress (ZIP) and the discussion pertaining to extending it, commented on the voting for the changes on the Dec 9th meeting that commercial shouldn't be included in the ZIP.

Commissioner Giobbi

- Thanked all here and online.

Commissioner Collins

- Requested to bring back ban on Plastic Straw Ordinance to an agenda in light of PFAS in the plant based straws. New ordinance to rescind the ban.

Commissioner Clarke

- Wished a Happy Thanksgiving to everyone.

Mayor Rich

- Commented on affordable housing, feels the City is going backwards, that Ocean Point was built thirty (30) years ago and now tax credits are up, rents are going up and The Crossings on Indian Street is loosing its subsidies in 2028.

COMMENTS BY CITY MANAGER

City Manager Mortell

- Informed the Commission he was contacted by Martin County to provide a letter of support for the Brightline grant in late December. If it is the Commissioners' consensus, it will be on the December 9 City Commission Meeting.
- Explained that last week the Florida Surgeon General reported on fluoride in the water. His recommendation is that the City not add fluoride to water until a formal opinion from the Attorney General and/or Surgeon General's office is received and until that time, asked the Commission to authorize the City to temporarily refrain from adding fluoride. The Commission is required to follow the referendum, but because of the nature of this matter, feels it warrants a temporary order and if families have concerns, the City be willing to give out fluoridated toothpaste to accommodate them.

PUBLIC COMMENT:

1. Missy Harris - Stuart; in favor of the motion to remove fluoride from the water.

5:46 PM MOTION: Approve to halt the addition of fluoride in the City's water and include, during this temporary window, if someone from the City did want to have us order fluoridated toothpaste for them, we will be willing to do that.
MOVED BY: Christopher Collins
SECONDED BY: Eula Clarke
Motion approved unanimously. 6:07 PM

APPROVAL OF AGENDA

6:05 PM MOTION: Approve, pulling Agenda Item #1 from Consent Calendar.
MOVED BY: Eula Clarke
SECONDED BY: Christopher Collins
Motion approved unanimously.

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

1. Robert Hamilton - Stuart; Commented on his property issues.
2. Richard Olsen - Stuart; Commented that hiring an Environmental Attorney is a mistake.

CONSENT CALENDAR

***** PULLED ITEM #1 *****

1. MERGE OF BOA TO LPA ADVISORY BOARD (RC):

RESOLUTION No. 119-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MERGER OF THE CITY'S BOARD OF ADJUSTMENT WITH THE CITY'S LOCAL PLANNING AGENCY; AUTHORIZING THE TRANSFER OF THE DUTIES AND RESPONSIBILITIES OF THE CITY'S BOARD OF ADJUSTMENT TO THE CITY'S LAND PLANNING AGENCY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

2. AWARD ITB 2024-108: CITY OF STUART VETERANS MEMORIAL PARK PHASE-4 AMPHITHEATER PROJECT (RC):

RESOLUTION No. 121-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVING THE AWARD OF INVITATION TO BID #2024-108, CITY OF STUART’S VETERANS MEMORIAL PARK PHASE 4 AMPHITHEATER PROJECT TO MCTEAGUE CONSTRUCTION CO INC. OF STUART, FLORIDA, THE LOWEST, MOST RESPONSIVE AND RESPONSIBLE BIDDER WITH A TOTAL UNIT PRICE OF $2,557,284.40; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

3. OCEAN EAST MALL FINAL PLAT (RC):

RESOLUTION No. 125-2024; A RESOLUTION OF THE CITY COMMISSION OF

THE CITY OF STUART, FLORIDA TO APPROVE A PLAT TITLED "OCEAN EAST MALL" BEING A PLAT OF A PARCEL OF LAND LYING SOUTHEAST ONE-QUARTER OF SECTION 3, TOWNSHIP 38 SOUTH, RANGE 41 EAST CITY OF STUART, MARTIN COUNTY, FLORIDA, AS SET FORTH IN INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 110 PAGE 355, MARTIN COUNTY, FLORIDA PUBLIC RECORDS, CONTAINING 11.24 ACRES, MORE OR LESS PREPARED BY ELIZABETH A. LINDSAY, FLORIDA PROFESSIONAL LAND SURVEYOR FLORIDA REGISTRATION NO. 4724; LICENSED BUSINESS NO. 6852 FOR OCEAN EAST MALL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

6:14 PM MOTION: Approve Consent Calendar, less Item #1.
MOVED BY: Eula Clarke
SECONDED BY: Laura Giobbi
Motion approved unanimously.

***** ITEM #1 PULLED FROM THE CONSENT CALENDAR *****

1. MERGE OF BOA TO LPA ADVISORY BOARD (RC):

RESOLUTION NO. 119-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MERGER OF THE CITY'S BOARD OF ADJUSTMENT WITH THE CITY'S BOARD OF ADJUSTMENT WITH THE CITY'S LOCAL PLANNING AGENCY; AUTHORIZING THE TRANSFER OF THE DUTIES AND RESPONSIBILITIES OF THE CITY'S BOARD OF ADJUSTMENT TO THE CITY'S LAND PLANNING AGENCY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Manager Mortell provided a brief report on the proposal to merge the Board of Adjustment (BOA) with the Local Planning Agency (LPA).

Commissioner Collins made a motion to approve that we merge the BOA into LPA but also add that the ESHAC schedule meetings as needed.

PUBLIC COMMENT:

1. Nik Schroth - Stuart; Consider that with the results of ZIP it can affect this decision.

Commissioner Reed agrees to merge the two boards, not in support of ESHAC as needed, without their input. ESHAC should be an agenda item for the board members to review.

6:28 PM MOTION: Approve that we merge the BOA into LPA but also add that the ESHAC meetings be scheduled as needed.
6:38 PM AMEND MOTION. Approve, pull out, ESHAC meetings be scheduled as needed, from original motion to be brought back on the December 9, 2024 meeting.
MOVED BY: Christopher Collins
SECONDED BY: Sean Reed
Motion approved unanimously.

__COMMISSION ACTION__

4. EXTENSION OF ZONING IN PROGRESS (RC):

RESOLUTION No. 120-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, EXTENDING THE “ZONING IN PROGRESS” UNDER SECTION 1.04.04, STUART LAND DEVELOPMENT CODE, AS AUTHORIZED IN RESOLUTION 95-2024, AS IT RELATES TO NEW DEVELOPMENT WITH THE EXCEPTION FOR SINGLE-FAMILY DWELLINGS, REQUESTS THAT DO NOT INCREASE THE DENSITY OR INTENSITY OF AN EXISTING USE OR STRUCTURE, OR ANY COMMERCIAL PROJECT THAT DOES NOT INCLUDE A RESIDENTIAL COMPONENT AND THAT DOES NOT INCREASE THE SQUARE FOOTAGE OF ANY STRUCTURE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

City Attorney Baggett noted an update to the Resolution as provided on the dias for each Commissioner and reviewed the proposed extension to the Zoning in Progress (ZIP).

PUBLIC COMMENT:

1. Deb Frazier - Port St. Lucie; Opposed to the extension of the ZIP, suggested the Board not take a salary if they are not allowing City members from making money,
2. Nik Schroth - Stuart; Opposed to the ZIP extension, feels it is to shut down construction activity; should be that if it is commercial and does not include a residential component, it should move forward.
3. Douette Pryce - Stuart; Gave statements on "concepts of zoning".

City Manager Mortell reviewed the process and timeline for the Commission if they voted yes today to the extension.

A discussion continued with the Commissioners and the City Manager.

Commissioner Clarke commented that zoning changes can and have been made without a ZIP. Referred to the new Resolution on Page 2, it states exemption with regard to commercial. Commented that in the three (3) or more meetings there has not been much input from all Commissioners on what is needed to be functioning and vibrant in our community. Concerned about lot sizes and does not agree with extension of ZIP.

Commissioner Collins requested the City Manager explain cottage lots and City Manager Mortell provided an explanation of the ordinance.

Commissioners expressed their comments and views, for and against, on the ZIP.

7:24 PM MOTION: Approve as the Resolution reads.
MOVED BY: Christopher Collins
SECONDED BY: Laura Giobbi
VOTE: 3/2 Motion Passed.
YES: Christopher Collins, Laura Giobbi, Sean Reed
NO: Eula Clarke, Campbell Rich

5. OPIOID SETTLEMENT EXPENDITURES, AED'S AND PSA (RC):

RESOLUTION No. 122-2024: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT No. 3 TO THE FISCAL YEAR 2025 BUDGET; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE OPIOID SETTLEMENT TO PURCHASE AUTOMATED EXTERNAL DEFIBRILLATORS, OTHER FIRST AID SUPPLIES, AND CREATING A PUBLIC SERVICE ANNOUNCEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

7:33 PM MOTION: Approve.
MOVED BY: Sean Reed
SECONDED BY: Eula Clarke
Motion approved unanimously.

6. SHOP WITH A COP EXPENDITURE (RC):

RESOLUTION No. 123-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT No. 4 TO THE FISCAL YEAR 2025 BUDGET; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR SHOP WITH A COP; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

7:36 PM MOTION: Approve.
MOVED BY: Eula Clarke
SECONDED BY: Sean Reed
Motion approved unanimously.

7. LEGISLATIVE PRIORITIES FOR THE 2025 LEGISLATIVE SESSION (RC):

RESOLUTION No. 116-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE ADOPTION OF LEGISLATIVE PRIORITIES FOR THE 2025 LEGISLATIVE SESSION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Ben Hogarth, Community Affairs Liaison, provided a brief update on the legislative priorities specifically related to Guy Davis Park.

7:46 PM MOTION: Approve.
MOVED BY: Eula Clarke
SECONDED BY: Christopher Collins
Motion approved unanimously. 7:51 PM

Commissioner Clarke inquired about the letter to the County in support of Brightline. The Commission determined that the vote for Resolution No. 116-2024 had not yet taken place and returned to that item. 7:46 PM

DISCUSSION AND DELIBERATION

Commissioner Clarke's inquiry continued a discussion among the Commissioners about the letter to the County in support of Brightline.

7:47 PM MOTION: Approve to authorize the City Manager to prepare a request for support letter for the Federal Railroad Administration Grant Brightline Station, Martin County.
MOVED BY: Eula Clarke
SECONDED BY: None
Motion died for lack of second. 7:55 PM

ADJOURNMENT

7:57 PM

Mary R. Kindel, City Clerk	**Mayor**

Minutes to be approved at the Regular Commission Meeting this 9th day of December, 2024.