City of Stuart

AGENDA

REGULAR MEETING OF THE STUART CITY COMMISSION
MARCH 24, 2025
AT 5:30 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION

Mayor Campbell Rich
Vice Mayor Christopher Collins
Commissioner Eula R. Clarke
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 03/10/2025 CCM MINUTES (RC)

2. PORTION OF S.E. STYPMANN RIGHT-OF-WAY ABANDONMENT (RC):

RESOLUTION No. 15-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA PURSUANT TO CHAPTER 36 OF THE CODE OF ORDINANCES OF THE CITY OF STUART, FLORIDA, DECLARING THE INTENTION OF THE CITY COMMISSION TO ABANDON AND TO SCHEDULE PUBLIC HEARINGS BEFORE THE CITY COMMISSION TO CONSIDER THE ABANDONMENT OF A 15-FOOT WIDE PUBLIC RIGHT-OF-WAY WITHIN THE CITY OF STUART, BEING THE PORTION OF S.E. STYPMANN BOULEVARD BETWEEN S.E. CORTEZ AND S.E. LAKE CLARE PLACE, AND MORE CLEARLY DESCRIBED IN EXHIBIT "A" ATTACHED; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

3. MOU MUTUAL AID OPERATIONAL ASSISTANCE VOLUNTARY COOPERATION COMBINED COUNTY WIDE AGREEMENT (RC):

RESOLUTION No. 23-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MOU COMBINED COUNTYWIDE COOPERATION MUTUAL AID AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

COMMISSION ACTION

4. RELEASE OF UNITY OF TITLE - 505 SW FEDERAL HIGHWAY (RC):

RESOLUTION No. 41-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, RELEASING A UNITY OF TITLE FOR PROPERTY LOCATED AT 505 SW FEDERAL HIGHWAY, STUART, FLORIDA 34994, LEGAL PARCEL ID NUMBER 05-38-41-000-000-00170-1; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE SECOND READING

5. CODE AMENDMENT TO MERGE BOARD OF ADJUSTMENT DUTIES TO THE LOCAL PLANNING AGENCY (RC):

ORDINANCE No. 2540-2025; AN ORDINANCE OF THE CITY OF STUART, FLORIDA

AMENDING PART II, CHAPTER 2 (ADMINISTRATION), ARTICLE III (BOARDS, COMMITTEES, AND COMMISSIONS), DIVISION 1 AND DIVISION 3 OF THE CITY OF STUART'S CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF PRIOR ORDINANCES AND RESOLUTIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE FIRST READING

DISCUSSION AND DELIBERATION

6. ENVIRONMENTAL ATTORNEY 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.

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission

Meeting Date: 3/24/2025 **Prepared by:** Nina Mullin

Title of Item:
APPROVAL OF 03/10/2025 CCM MINUTES (RC)

Summary Explanation/Background Information on Agenda Request:
APPROVAL OF 03/10/2025 CCM MINUTES (RC)

Funding Source:
N/A

Recommended Action:
Approve Minutes.

ATTACHMENTS:
1. 03/10/2025 CCM Minutes

MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
MARCH 10, 2025
AT 4:00 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION

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

ADMINISTRATIVE

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

ROLL CALL

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

INVOCATION

No Invocation.

PLEDGE OF ALLEGIANCE

1. ARTS MOMENT - SINGER, RAMONA FLORIDOR-WHITE PERFORMANCE

Ramona Floridor-White, Jensen Beach High School Student, sang "Astonishing" by Jason Howland.

PRESENTATIONS

2. SERVICE AWARDS - MARCH 2025

Bradford Blankman	Technology Services	20 years
Courtney Jonas	Police Department	10 years
Zachary Pecci	Police Department	10 years (Absent)
Anthony Pesaturo	Fire Department	10 years
Alexa Sucato	Fire Department	5 years (Absent)
Travis Deckers	Fire Department	5 years (Absent)

3. DOWNTOWN STUART NATIONAL REGISTER OF HISTORIC PLACES DESIGNATION

Pinal Gandhi-Savdas, Community Redevelopment Agency Executive Director, introduced the item and the history of Downtown Stuart National Register of Historic Places Designation. Ms. Gandhi-Savdas noted that Paul Weaver, Historical Property Associates, submitted a formal Nomination and Grant Application and it is being reviewed by the Florida Review Board.

Mr. Weaver presented the item.

4. 10TH STREET TRAFFIC CONGESTION

City Manager Mortell reported briefly on a speed study done by the Stuart Police Department.

Chief of Police, JosephTumminelli, explained and shared the steps taken by the Police Department and asked for guidance from the Commission for further steps.

PUBLIC COMMENT:

1. Erin Kirkwood - Stuart; Expressed her concerns about speeding and shared a personal story, agreed with changing the speed limit from 25 mph to 20 mph.
2. Bonnie Moser - Stuart; Shared her concerns on 10th Street and surrounding areas and provided paperwork to show different traffic patterns/solutions. Provided paperwork for Commissioners.
3. Helen McBride - Stuart; Commented on 10th Street and a personal story, believes we need a workshop to all sit down together and come up with a solution.
4. Nina Crotts - Stuart; Commented on the increase of traffic and shared a personal story, believes some medians would help the speeding.
5. Betty Brinkley - Stuart; Commented on 10th Street, shared her personal experience and emphasized on the traffic and speeding.
6. Kasia D'Auria - Stuart; Stated she has eight (8) homes on her street and eleven (11) children, shared her concern with traffic. Provided paperwork for Commissioners.
7. Jennifer Quadir - Stuart; Shared a personal story and stated that many cars speed through Flamingo.
8. Frank McChrystal - Stuart; Commented on the traffic, stated 10th Street is a connector road, not in agreement that lowering the speed limit will fix the problem.
9. Albert Brinkley - Stuart; Commented about the cars speeding down 10th Street and stated Martin Luther King (MLK) is also another dangerous intersection.
10. Luis Rozier - Stuart; Shared a personal story and stated someone is going to be killed on MLK.
11. Vincent Encomio - Stuart; Commented on traffic and shared personal experience and would encourage a workshop on this issue.

City Manager Mortell stated he would work with staff on getting an engineer to do a traffic study and spoke about previous studies that have been done and stated he would bring back a recommendation to the next meeting. He added that the Commissioners can make a decision on future workshops after reviewing the traffic study at the next meeting.

5. POPPLETON CREEK LAKE MAINTENANCE

City Manager Mortell presented the item and stated that a company was hired to solely manage Poppleton Creek and he will have them report their findings at the next City Commission Meeting.

<u>COMMENTS BY CITY COMMISSIONERS</u>

Commissioner Giobbi

- Addressed a noise ordinance issue and stated she would like to revisit the Ordinance due to the complaints received. Provided a handout for fellow Commissioners.

City Manager Mortell informed the Commission that they could rewrite the Ordinance and spoke about the history of the previous Ordinance. Commissioners agreed to bring back an item on the Noise Ordinance.

- Addressed an email from Mr. William Corbin pertaining to the City of Stuart not contributing financing to the Martin County Business Development Board (BDB) for 2025 and announced information on the Pulse Program.

Commissioner Clarke

- Thanked Chief Tumminelli for the job well done as Acting City Manager.
- Commented on the Joint Meeting of County Commission, City Commission, and School Board, in regard to Palm Beach Road; would like staff to continue to work together with the County and stated the City should look at a whole traffic circulation.
- Commented that she went to the Pancake Event at the Kiwanis Park on Saturday, March 8th and that Kiwanis Park is the only park where events occur and would like to see a second large size park.
- Mentioned a public comment from the last Commission Meeting and felt it was derogatory and stated she received an apology behind closed doors.
- Commented on the Beiber Census Report and its statistics.

Vice Mayor Collins

- Asked all Commissioners to have "thick skin" when it comes to comments being made.
- Recapped the Conflict Meeting with Martin County that occurred on March 6th.

<u>COMMENTS BY CITY MANAGER</u>

City Manager Mortell

- Reported the demolition that occurred on SE Ocean next to the Wells Fargo building; will remain a grassed area.
- Announced that at the end of March/beginning of April, reserved parking spaces will be available for delivery trucks until 3 p.m. on Flagler Avenue and Joan Jefferson Way.

- Requested better direction for the East Stuart Workshop Meeting regarding a moderator and if Commissioners want a joint meeting with NAACP.
  Commissioners and City Manager Mortell continued discussions on whether they'd like a moderator and how the East Stuart Workshop meeting should be run.

The City Manager and Commissioners agreed to have a workshop on March 20th at 5:00PM with no moderator, map discussions, adoption of the second reading of the Ordinance, brief discussion of the process of a conditional use application for a duplex, and allowing the residents to speak for four (4) minutes at public comment and can speak more than once.

***** 6:35 PM RECESS *****
***** 6:48 PM RECONVENED *****

<u>APPROVAL OF AGENDA</u>

6:48 PM MOTION: Approve.
MOVED BY: Eula Clarke
SECONDED BY: Christopher Collins
Motion approved unanimously.

<u>COMMENTS FROM THE PUBLIC (Non-Agenda Related) (3 Minutes Max.)</u>

1. Frank McChrystal - Stuart; Commented about the Conflict Resolution meeting and commended Mr. Bagget, Mr. Mortell, and Vice Mayor Collins. He publicly apologized to Commissioner Clarke for crossing the line at the past meeting.
2. Frederick James - Stuart; Would like the Commission to withdraw any and all changes in East Stuart.

<u>CONSENT CALENDAR</u>

6. APPROVAL OF 02/10/2025 CCM, 02/24/2025 SCM ATTORNEY-CLIENT SESSION, AND 02/24/2025 CCM MINUTES (RC)

7. MEMORANDUM OF AGREEMENT - IAFF ARTICLE 36 AMENDMENT (RC):

RESOLUTION No. 27-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING A MEMORANDUM OF AGREEMENT BETWEEN THE CITY AND PROFESSIONAL FIREFIGHTERS OF STUART IAFF LOCAL #2411 WHICH AMENDS ARTICLE 36, PROMOTIONAL POLICY, OF THE COLLECTIVE BARGAINING AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

8. AWARD OF ITB 2025-101 - ANNUAL STREET SWEEPING (RC):

RESOLUTION No. 34-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVING THE AWARD OF ITB 2025-101, ANNUAL CONTRACT FOR STREET SWEEPING TO AMERISWEEPS INC. THE MOST RESPONSIVE, AND RESPONSIBLE BIDDER WITH THE TOTAL AWARD AMOUNT NOT TO EXCEED $39,827.88 ANNUALLY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

9. AMENDMENT #4 OF CITY'S STATE REVOLVING FUND (SRF) LOAN AGREEMENT - WATER TREATMENT PLANT UPGRADES (RC):

RESOLUTION No. 38-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT #4 OF THE CITY'S STATE REVOLVING FUND LOAN AGREEMENT DW430450 - WATER TREATMENT PLANT UPGRADES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

10. FEMA CONTRACT FOR HMGP FUNDING FOR PURCHASE OF SIX (6) PORTABLE GENERATORS (RC):

RESOLUTION No. 39-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR FUNDING FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE PURPOSE OF PURCHASING SIX (6) PORTABLE GENERATORS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

11. MOA BETWEEN CITY OF STUART POLICE DEPT. AND US IMMIGRATION AND CUSTOMS ENFORCEMENT (RC):

RESOLUTION No. 40-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING AN INTERAGENCY MEMORANDUM OF AGREEMENT BETWEEN THE STUART POLICE DEPARTMENT AND THE UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT, A COMPONENT OF THE DEPARTMENT OF HOMELAND SECURITY, FOR THE PURPOSE OF PERFORMING CERTAIN IMMIGRATION ENFORCEMENT POLICIES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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END OF CONSENT CALENDAR

6:53 PM MOTION: Approve.
MOVED BY: Eula Clarke
SECONDED BY: Christopher Collins
Motion approved unanimously.

COMMISSION ACTION

12. BA #9, DONATION FROM TREASURE COAST RUNNING CLUB (RC):

RESOLUTION No. 35-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT NO. 9 TO THE FISCAL YEAR 2025 OPERATING BUDGET; ACCEPTING A DONATION FROM THE TREASURE COAST RUNNING CLUB FOR MAINTENANCE IMPROVEMENTS TO THE RUSSELL HOLLOWAY JR. TRACK AT GUY DAVIS PARK; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

John Trayhem, President of the Treasure Coast Running Club, introduced himself and spoke about the club and how it operates. Is happy to continue working with the City to repair and improve the track. Mr. Trayhem presented the $4,000 donation check to the Mayor.

7:04 PM MOTION: Approve.
MOVED BY: Eula Clarke
SECONDED BY: Laura Giobbi
Motion approved unanimously.

13. OLD CITY OF STUART LANDFILL 3RD DUE DILIGENCE EXTENSION REQUEST (RC):

RESOLUTION No. 37-2025; 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 MARCH 31, 2025 TO SEPTEMBER 30, 2025; AUTHORIZATION FOR THE CITY MANAGER TO DISCUSS AND NEGOTIATE WITH ASHLEY CAPITAL, LLC FOR THE PURCHASE OF SOME OR ALL OF THE OLD CITY OF STUART LANDFILL, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Manager Mortell introduced the item and reported that Ashley Capital has funded studies on the landfill, and he is looking for direction and authorization to put together a contract and work with Ashley Capital on negotiations.

Jill Marasa, Director of Ashley Capital, presented on their company and introduced Richard Morton, Principal and Founder, Ryan Bloss, Director of Leasing, and Mark Quimby, Vice President.

Mr. Quimby presented the due diligence timeline on the work since the September 2024 extension.

7:53 PM MOTION: Approve.
MOVED BY: Eula Clarke
SECONDED BY: None
VOTE: DIED FOR A LACK OF SECOND.

14. BARON BUSINESS PARK MAJOR SITE PLAN LOCATED AT 2601 SE WILLOUGHBY BLVD (RC):

RESOLUTION No. 12-2025: A RESOLUTION TO THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, TO APPROVE A MAJOR SITE PLAN PROPOSED BY STUART AUTOVAULT, LLC, OWNERS OF THE PROPERTY CONSISTING OF APPROXIMATELY 20.35-ACRES LOCATED AT 2601 SE WILLOUGHBY BOULEVARD; PERMITTING THE APPROVAL OF A MAJOR DEVELOPMENT SITE PLAN CONSISTING OF 135 SINGLE STORY FLEX WAREHOUSE UNITS WITH A TOTAL OF 23,522 SQUARE FEET OF OFFICE AND 211.683 SQUARE FEET OF WAREHOUSE SPACE FOR THE PROJECT KNOWN AS BARON BUSINESS PARK; PROVIDING FOR CONDITIONS; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Jodi Kugler, Development Director, presented the item Baron Business Park Major Site Plan and staff recommended approval.

PUBLIC COMMENT:

1. Chris Belland - Jensen Beach; Commented this is good for our local community and is in agreement of approval.

8:06 PM MOTION: Approve.
MOVED BY: Eula Clarke
SECONDED BY: Christopher Collins
Motion approved unanimously.

ORDINANCE SECOND READING

ORDINANCE FIRST READING

15. CODE AMENDMENT TO MERGE BOARD OF ADJUSTMENT DUTIES TO THE LOCAL PLANNING AGENCY (RC):

ORDINANCE No. 2540-2025; AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING PART II, CHAPTER 2 (ADMINISTRATION), ARTICLE III (BOARDS, COMMITTEES, AND COMMISSIONS), DIVISION 1 AND DIVISION 3 OF THE CITY OF STUART'S CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF PRIOR ORDINANCES AND RESOLUTIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Attorney, Lee Baggett, presented this item and gave an explanation of the code amendment.

8:15 PM MOTION: Approve to move Ordinance 12-2025 to second reading.
MOVED BY: Christopher Collins.
SECONDED BY: Eula Clarke.
Motion approved unanimously.

DISCUSSION AND DELIBERATION

16. ZONING MAP CHANGES IN THE CITY OF STUART

City Attorney Baggett introduced item and explained the difference of a zoning map change and a text amendment.

17. DISCUSSION ON WHETHER TO ADD BARBERSHOPS, BEAUTY SALONS, AND SPECIALTY SALONS AS A PERMITTED USE IN THE R-3 ZONING DISTRICT, SECTION 2.02.00 OF THE STUART LAND DEVELOPMENT CODE

Kris McCrain, Principal Planner, presented the R-3 Zoning District, Section 2.02.00 of the Stuart Land Development Code.

PUBLIC COMMENT:

1. Michael Benedetti - Stuart; Stated that the area has two existing houses that were turned into commercial a while ago, downtown is growing, and there is the need to extend urban growth.

Commissioners discussed and agreed to direct staff in pursuing a future land use and zoning change recommendation at the City Commission Meeting on April 10, 2025.

18. WATER SUPPLY DISCUSSION

Peter Kunen, Utilities & Engineering Director, presented the South Florida Water Management District Consumptive Water Permit.

Discussion continued on the water supply, the permit, healthy threshold, production capacity/allocation, and monthly reports.

ADJOURNMENT

9:28 PM

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

Minutes to be approved at the Regular Commission Meeting this 24th day of March, 2025.

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission

Meeting Date: 3/24/2025 **Prepared by:** Mechelle Arbuzow

Title of Item:
PORTION OF S.E. STYPMANN RIGHT-OF-WAY ABANDONMENT (RC):

RESOLUTION No. 15-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA PURSUANT TO CHAPTER 36 OF THE CODE OF ORDINANCES OF THE CITY OF STUART, FLORIDA, DECLARING THE INTENTION OF THE CITY COMMISSION TO ABANDON AND TO SCHEDULE PUBLIC HEARINGS BEFORE THE CITY COMMISSION TO CONSIDER THE ABANDONMENT OF A 15-FOOT WIDE PUBLIC RIGHT-OF-WAY WITHIN THE CITY OF STUART, BEING THE PORTION OF S.E. STYPMANN BOULEVARD BETWEEN S.E. CORTEZ AND S.E. LAKE CLARE PLACE, AND MORE CLEARLY DESCRIBED IN EXHIBIT "A" ATTACHED; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:
The City of Stuart is requesting the abandonment of a portion of S.E. Stypmann Boulevard public right-of-way. The 15-foot right-of-way is located between S.E. Cortez and S.E. Lake Clare Place. The City's Public Works Department has determined that the use of the Right-of-Way is no longer in the public's best interest and does not object to the abandonment of the City's interest.

The procedure for abandonment of the City-owned Right-of-Way is in accordance with Section 36-3 of the City's Code of Ordinances, which requires the City Commission to first pass a Resolution declaring the intent to abandon the Right-of-Way.

The vacation or change of any street, alley, road or public way shall be accomplished by Ordinance. The City Commission, in vacating any street or part of a street or changing the name of any street, may include in one ordinance the changes of name or vacation or narrowing of more than one street, avenue, or alley, but before vacating any street or part thereof, or narrowing any street, avenue or alley, the City Commission shall first pass a resolution declaring its intention to do so.

Funding Source:
N/A

Recommended Action:
Move to approve Resolution No. 15-2025, a declaration of intent to abandon certain Right-of-Way within the City limits.

ATTACHMENTS:
1. R15-2025 SE Stypmann Blvd ROW Abandonment
2. Chapter 36 Streets Sidewalks and Other Public Places

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 15-2025

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA PURSUANT TO CHAPTER 36 OF THE CODE OF ORDINANCES OF THE CITY OF STUART, FLORIDA, DECLARING THE INTENTION OF THE CITY COMMISSION TO ABANDON AND TO SCHEDULE PUBLIC HEARINGS BEFORE THE CITY COMMISSION TO CONSIDER THE ABANDONMENT OF A 15-FOOT WIDE PUBLIC RIGHT-OF-WAY WITHIN THE CITY OF STUART, BEING THE PORTION OF S.E. STYPMANN BOULEVARD BETWEEN S.E. CORTEZ AND S.E. LAKE CLARE PLACE, AND MORE CLEARLY DESCRIBED IN EXHIBIT "A" ATTACHED; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * * * *

WHEREAS, the City of Stuart is requesting the abandonment of the public right-of-way described below, which conforms to the requirements of the City of Stuart Code of Ordinances, Chapter 36.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA THAT:

SECTION 1: The purpose of this Resolution is to state the intention of the City Commission to abandon a portion of public right-of-way and to schedule public hearings before the City

Commission at its regular meeting in the City Commission Chambers to consider the abandonment of public rights-of-way within the City of Stuart, Florida:

<u>SECTION 2</u>: A map depicting the subject right-of-way is attached hereto as **Exhibit "A"**.

<u>SECTION 3</u>: This Resolution shall take effect upon adoption.

Commissioner __________________ offered the foregoing Resolution and moved its adoption. The motion was seconded by Commissioner _________________ and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
CAMPBELL RICH, MAYOR				
CHRISTOPHER COLLINS, VICE MAYOR				
EULA R. CLARKE, COMMISSIONER				
LAURA GIOBBI, COMMISSIONER				
SEAN REED, COMMISSIONER				

ADOPTED this _____ day of ____________, 2025.

ATTEST:

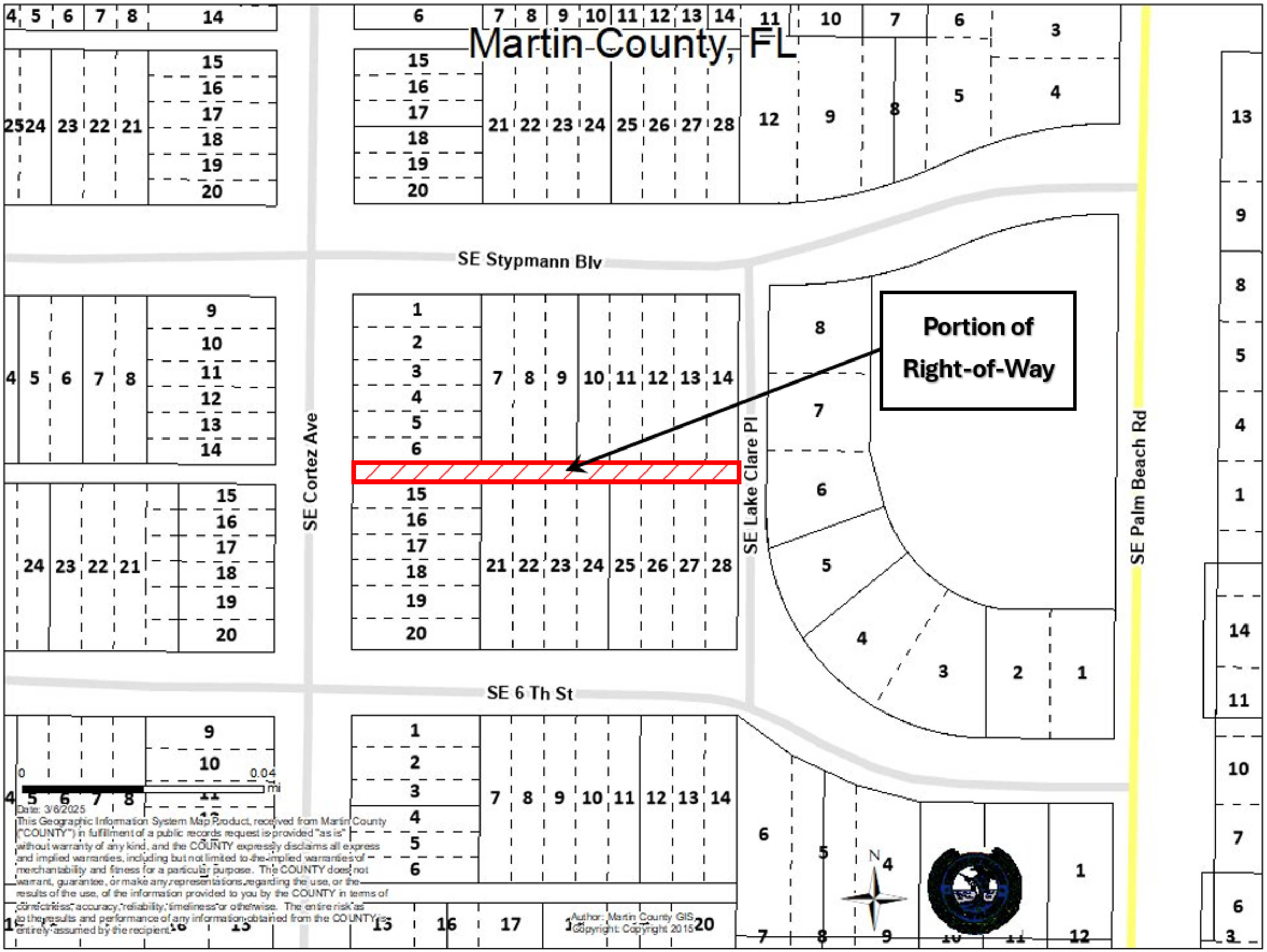
____
MARY R. KINDEL
CITY CLERK

____
CAMPBELL RICH
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

____
LEE J. BAGGETT, ESQ.
CITY ATTORNEY

Exhibit "A"



Martin County, FL
SE Stypmann Blv
SE Cortez Ave
SE Lake Clare Pl
SE Palm Beach Rd
SE 6 Th St
Portion of Right-of-Way
0
0.04
mi
N
Date: 3/6/2025
This Geographic Information System Map Product, received from Martin County ("COUNTY") in fulfillment of a public records request is provided "as is" without warranty of any kind, and the COUNTY expressly disclaims all express and implied warranties, including but not limited to the implied warranties of merchantability and fitness for a particular purpose. The COUNTY does not warrant, guarantee, or make any representations regarding the use, or the results of the use, of the information provided to you by the COUNTY in terms of correctness, accuracy, reliability, timeliness or otherwise. The entire risk as to the results and performance of any information obtained from the COUNTY is entirely assumed by the recipient.
Author: Martin County GIS
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Chapter 36 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE I. IN GENERAL

Sec. 36-1. Obstructing.

No person shall place any wares, merchandise or other personal property upon the sidewalks or streets within the city which obstructs or in any way impairs the free use of the public in and to the sidewalks or streets.

(Code 1981, § 14-1; Code 1995, § 70-1)

Sec. 36-2. Privilege fee for abandoning public property.

(a) There is hereby established a privilege fee, payable by any person petitioning the city for the abandonment and vacation of the interests of the city in and to any real property or street, alleyway, road, highway or other place used for travel, or any portion thereof; such fee to be deposited into the city property management fund to be used exclusively for the acquisition, operation and maintenance of other public properties of the city.

(b) The privilege fee shall be determined and fixed by computing 100 percent of the value added to the adjoining real property of the petitioner by the resulting addition of the interest abandoned by the city; the value added to be determined by the appraisal of a qualified, registered real estate appraiser who practices in the county; such appraisal shall be ordered by the city but shall be paid for by the petitioner in addition to any privilege fee payable. The resulting 100 percent computation shall be established for the fee herein provided for, but in no event shall the privilege fee payable be less than the amount as currently established or as hereafter adopted by resolution of the city commission from time to time in appendix A to this Code.

(c) This privilege fee shall not apply to petitions made by the original gratuitous donor of the city's interest to be abandoned nor when F.S. § 255.22, or a reverter clause in the instrument of conveyance to the city shall take effect.

(d) The privilege fee hereby imposed may, upon proper application, be waived by the city commission in its discretion upon a showing that the abandonment will benefit the public and city residents at large and not the adjoining landowners exclusively.

(Code 1981, § 14-7; Code 1995, § 70-7; Ord. No. 1971, § 1, 2-23-2004)

Sec. 36-3. Vacation or change of name of streets, alleys, etc.

(a) *Ordinance, resolution required.* The vacation or change of name of any street, alley, road or public way shall be accomplished by ordinance. The city commission, in vacating any street or part of a street or changing the name of any street, may include in one ordinance the change of name or vacation or narrowing of more than one street, avenue or alley, but before vacating any street or part thereof, or narrowing any street, the city commission shall first pass a resolution declaring its intention to do so.

(b) *Notice requirement and expenses.* The person applying for a vacation, alteration or change of name of a street, road, avenue or alley shall bear the expense and responsibility of providing due public notice of the time, place and purpose of the hearing to be held on the application to all persons whose property abuts upon the portion of the street, road, avenue or alley to be directly affected by the vacation, alteration or change of name.

(c) *Service of notice by mail.* Notice of road, street or alley abandonment, vacation, alteration and name change shall be furnished to all persons whose property abuts upon that portion of such public way affected by a proposed abandonment, vacation, alteration or name change by certified mail, return receipt requested, to be mailed no later than ten days prior to the date the public hearing which shall be the second reading of an ordinance vacating, altering or changing the name of such public way. The notice so mailed shall be a true and correct copy of the resolution adopted by the city commission clearly setting forth the location of the affected public way and the time, date, and place of the public hearing (second reading of the ordinance) on the abandonment, vacation, alteration, or name change.

(d) *Publication of resolution.* The resolution shall also be published in the legal advertisement classified section in a newspaper of general circulation in the city no earlier than seven calendar days prior to the public hearing.

(e) *Signage.*

(1) The beginning area of the abandonment, location, alteration or change of name as well as its point of termination shall both be posted with signs facing perpendicular to the right-of-way, in plain view of traffic, each being no smaller than 24 inches by 36 inches, which shall be captioned by the following language in bold print:

NOTICE

THIS ROAD IS SUBJECT TO (ABANDONMENT) (ALTERATION) (NAME CHANGE)
BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA. PLEASE
READ THE NOTICE ON THIS SIGN FOR FURTHER INFORMATION.

(2) The signs shall have affixed in weatherproof transparent coverings a copy of the required resolution. The signs shall be clearly visible from the nearest right-of-way other than that sought to be abandoned, altered or otherwise changed.

(3) The sign shall be so displayed for 15 continuous days prior to the scheduled hearing.

(f) *Closure.* The act of the city commission in closing or abandoning any road, alleyway, or street, or in renouncing or disclaiming any rights in any land delineated on any recorded map as a road, alleyway or street, shall abrogate the easement theretofore owned, held, claimed or used by or on behalf of the public and the title of fee owners shall be freed and released therefrom. If the fee of the road, alleyway or street space had been vested in the city, the same will be thereby surrendered and will vest in the abutting fee owners to the extent and in the same manner as in case of termination of an easement for road purposes.

(Code 1981, § 14-8; Code 1995, § 70-8)

Charter reference(s)—Vacation of streets, art. IX.

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission

Meeting Date: 3/24/2025 **Prepared by:**

Title of Item:
MOU MUTUAL AID OPERATIONAL ASSISTANCE VOLUNTARY COOPERATION COMBINED COUNTY WIDE AGREEMENT (RC):

RESOLUTION No. 23-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MOU COMBINED COUNTYWIDE COOPERATION MUTUAL AID AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

Funding Source:

Recommended Action:

ATTACHMENTS:
1. R23-2025 MOU CountyWide Cooperation Mutual Aid
2. R23- 2025 Martin County Law Enforcement Agencies Combined Operational Assistance and Voluntary Cooperation MCSO Legal Review 3 3 2025

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 23-2025

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE EXECUTION OF THE MARTIN COUNTY LAW ENFORCEMENT AGENCIES COMBINED OPERATIONAL ASSISTANCE AND VOLUNTARY COOPERATION MUTUAL AID AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA THAT:

SECTION 1: The execution of the Martin County Law Enforcement Agencies Combined Operational Assistance and Voluntary Cooperation Mutual Aid Agreement. Said agreement shall remain in force until January 7, 2028.

SECTION 2: The City Commission authorizes the Mayor, Chief of Police, and/or any other designated City Official to execute the necessary documents, after review and approval of the City Attorney.

SECTION 3: This resolution shall take effect immediately upon adoption.

Commissioner ________________ offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner ___________ and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
CAMPBELL RICH, MAYOR				
CHRISTOPHER COLLINS, VICE MAYOR				
EULA R. CLARKE, COMMISSIONER				
LAURA GIOBBI, COMMISSIONER				
SEAN REED, COMMISSIONER				

ADOPTED this _____ day of ______________,2025.

ATTEST:

____
MARY R. KINDEL
CITY CLERK

____
CAMPBELL RICH
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

____
LEE J. BAGGETT, ESQ
CITY ATTORNEY

MARTIN COUNTY LAW ENFORCEMENT AGENCIES
COMBINED
OPERATIONAL ASSISTANCE AND VOLUNTARY COOPERATION
MUTAL AID AGREEMENT

WITNESSETH

WHEREAS, THE SUBSCRIPTING Law Enforcement Agencies are so located in relation to each other that it is to the advantage of each to receive and extend Mutual Aid in the form of law enforcement services and resources to adequately respond to:

(1) Intensive situations, including but not limited to, emergencies as defined under Section 252.34, Florida Statutes, and

(2) Continuing, multi-jurisdictional law enforcement problems, so as to protect the public peace and safety and preserve the lives and property of the people; and,

WHEREAS, the subscribing Law Enforcement Agencies have the authority under Section 23.1225, Florida Statutes, *et. seq*., The Florida Mutual Aid Act, to enter into a combined Mutual Aid Agreement (henceforth referred to as "Agreement") for law enforcement services which:

(1) Permits voluntary cooperation and assistance of a routine law enforcement nature across jurisdictional lines, and;

(2) Provides for rendering of assistance in a law enforcement emergency as defined in Section 252.34, Florida Statutes.

NOW, THEREFORE, the Law Enforcement Agencies agree as follows:

SECTION 1: PROVISIONS FOR OPERATIONAL ASSISTANCE

Each of the subscribed Law Enforcement Agencies hereby approves and enters into this Agreement whereby each of the agencies so represented may request and render law enforcement assistance to the others to include, but not necessarily be limited to dealing with civil disturbances, large protest demonstrations, aircraft disaster, fires, natural or man-made disasters, sporting events, concerts, parades, escapes from detention facilities, and incidents requiring utilization of specialized units.

SECTION II: PROVISIONS FOR VOLUNTARY COOPERATION

Each of the subscribed Law Enforcement Agencies hereby approves and enters into this Agreement whereby each of the agencies so represented may request and render law enforcement assistance to the other in dealing with any violations of Florida Statutes, including, but not necessarily be limited to: Investigations, Homicides, Sex Offenses, Robberies, Assaults, Burglaries, Larcenies, Gambling, Motor Vehicle Thefts, Drug Violations Pursuant to Chapter 893, Florida Statutes, Support of Backup Services During Patrol Activities, and Inter-Agency Task Forces and/or Joint Investigations.

SECTION III: PROCEDURE FOR REQUESTING ASSISTANCE

A. In the event that a subscribed Law Enforcement Agency is in need of assistance as set forth above, such agency shall notify the agency or agencies from whom such assistance is required. The Sheriff or his/her authorized designee for the Sheriff's Office and the Chief of Police or his/her designee for the municipal Law Enforcement Agency, whose assistance is sought shall evaluate the situation and his/her available resources and will respond in a manner he/she deems appropriate.

B. The agency head in whose jurisdiction assistance is being rendered may determine who is authorized to lend assistance in his/her jurisdiction, for how long such assistance is authorized and for what purpose such authority is granted. This authority may be granted either verbally or in writing as the particular situation dictates.

C. Should a sworn law enforcement officer be in another subscribed agency's jurisdiction for matters of a routine nature, such as traveling through the jurisdiction on routine business, attending a meeting, or transporting a prisoner, and a violation of Florida Statutes occurs in the presence of that law enforcement officer representing his/her respective agency, he/she shall be empowered to render law enforcement assistance and act in accordance with law. Should law enforcement action be taken, that law enforcement officer shall notify the agency having normal jurisdiction and upon the latter's arrival, turn the situation over to them and offer any assistance requested, including but not limited to, a follow-up written report documenting the event and the actions taken. This provision so prescribed in this paragraph is not intended to grant general authority to conduct investigations, serve warrants and/or subpoenas, but is intended to address critical, life-threatening, or public safety situations, prevent bodily injury to citizens, or secure apprehension of criminals whom the law enforcement officer may encounter.

D. The decision of the agency head in whose jurisdiction assistance is being rendered shall be final.

SECTION IV: COMMAND AND SUPERVISORY RESPONSIBILITY

The personnel and equipment that are assigned by the head of the assisting agency shall be under the immediate command of a supervising officer designated by the agency head of the assisting agency. Such supervising officer shall be under the direct supervision and command of the head of the agency requesting assistance, or his/her designee.

SECTION V: INDEMNIFICATION/LIABILITY

To the extent it is responsible, each subscribed Law Enforcement Agency engaging in any cooperation and assistance, pursuant to this Agreement, agrees with respect to any third party suit or claim for damages resulting from any and all negligent acts, omissions, or conduct of such agency's own employees occurring while engaging in rendering such aid pursuant to this Agreement, to hold harmless, defend and indemnify the other participating agencies and its appointees or employees, and to assume full responsibility for same, subject to provisions and limitations of Section 768.28, Florida Statutes, where applicable, and provided such agency shall have control of the defense of any suit or claim to which said duty to indemnify and assumption of responsibility applies.

SECTION VI: POWERS, PRIVILEGES, IMMUNITIES AND COSTS

A. Employees of each subscribed Law Enforcement Agency when actually engaging in mutual cooperation and assistance outside of their jurisdictional limits, but inside the State of Florida, under the terms of this Agreement, shall, pursuant to the provisions of Section 23.127(1), Florida Statutes, have the same powers, duties, rights, privileges, and immunities as if those employees were performing duties inside the employee's political subdivision in which normally employed.

B. Each subscribed Law Enforcement Agency agrees to furnish necessary personnel, resources and facilities and to render services to any other subscribed Law Enforcement Agency; provided however, that no agency shall be required or obligated to unreasonably deplete its own personnel, equipment, resources, facilities, and services in furnishing such mutual aid.

C. A political subdivision or agency that furnishes equipment pursuant to this Agreement agrees to bear the cost of loss or damage to that equipment and must pay any expense incurred in the operation and maintenance for that equipment.

D. Subject to the reimbursement provisions of Section VIII, the agency furnishing aid or personnel pursuant to this Agreement shall compensate its appointees/employees during the time such aid is rendered and shall pay any amounts due for compensation due to personal injury or death which such employees are engaged in rendering such assistance.

E. The privileges and immunities from liability, exemption from laws, ordinances and rules, and all pension, insurance, relief, disability, workers' compensation, salary, death and other benefits that apply to the activity of an employee of an agency when performing the employee's duties within the territorial limits of the employee's agency apply to the employee to the same degree, manner, and extent while engaged in the performance of the employee's duties extra-territorially under the provisions of this Agreement. The provisions of this section shall apply with equal effect to paid, volunteer, and reserve employees.

F. Nothing herein shall prevent any requesting agency from requesting supplemental appropriation from the governing authority having budgeting jurisdiction to reimburse the assisting agency for any actual costs or expenses incurred by the assisting agency performing hereunder.

SECTION VII: SATISFACTORY PROOF OF INSURANCE

Each subscribed Law Enforcement Agency shall maintain liability insurance in an amount which is, in the judgment of the governing body of that agency, at least adequate to cover the risk to which that agency may be exposed in the fulfillment of its obligations under this Agreement. However, should any part of the insurance coverage provided as proof of insurance be canceled or undergo material change, that agency shall notify all subscribed Law Enforcement Agencies of such change within ten (10) days of receipt of notice or actual knowledge of such change.

SECTION VIII: REIMBURSEMENT FOR COSTS AND EXPENSES

A. The subscribed Law Enforcement Agencies acknowledge and agree that with respect to any aid or services provided pursuant to SECTION II: PROVISIONS FOR VOLUNTARY COOPERATION, there shall be no reimbursement for costs or expenses incurred by the assisting agency. However, this provision shall not be interpreted to prevent the requesting agency requesting assistance from agreeing in advance to pay for the costs or expenses of the operation even if the assisting agency or its employees benefit there from.

B. The subscribed Law Enforcement Agencies acknowledge and agree that with respect to any aid or services provided pursuant to SECTION 1: PROVISIONS FOR OPERATIONAL ASSISTANCE, the assisting agency shall be entitled to reimbursement for investigative expenses including, but not limited to, car rentals, hotel rentals, or their incidental expenses reasonably incurred by the assisting agency in providing operational assistance. Reimbursement under this section does not include compensation for the assisting agency's employees or overtime pay. To be entitled to reimbursement for investigative expenses relating to Operational Assistance, the assisting agency shall first obtain the prior written authorization from the requesting agency which shall ultimately bear the investigative expenses.

SECTION IX: FORFEITURES OR OTHER RECOVERIES

In response to situations where forfeiture of seized property is likely, the subscribed Law Enforcement Agencies shall endeavor to agree in advance to an equitable sharing of all proceeds. If an advance agreement cannot be made, the proceeds shall be equitably distributed in a manner reflective of the time, manpower and resources contributed by each agency. Proceeds shall be defined as the amount of money or properties existing after the forfeiting agency's costs and legal expenses have been paid.

SECTION X: LOST OR ABANDONED PROPERTY

Should any lost property, abandoned property, or unclaimed evidence, as those terms are defined by law, be found, located, or seized by any subscribed Law Enforcement Agency during the performance of this Agreement, the subscribed Law Enforcement Agencies further agree to dispose of said property through public sale or auctions, the net proceeds of which shall be equally distributed among those agencies whose participation was initiated through this Agreement. Individual exceptions to this disposal procedure may occur with mutual written consent of both parties.

SECTION XI: EFFECTIVE DATE

Upon execution and approval by the hereinafter named officials, this Agreement shall take effect upon execution by the subscribing parties and shall continue in full force and effect until January 7, 2028. Under no circumstances may this Agreement be renewed, amended, or extended except in writing and signed by the parties.

SECTION XII: CANCELLATION

Any subscribed Law Enforcement Agency may cancel their participation in the Agreement upon delivery of written notices signed by each respective Agency Head, or his/her designee, to the other subscribed agencies. Cancellation will be at the direction of any subscribed Law Enforcement Agency.

SECTION XIII: CONTINUING CITY OR TOWN INVESTIGATIONS WITHIN COUNTY JURISDICTION

Notwithstanding any limitation on the authority of municipal law enforcement personnel to act outside their jurisdiction, the Sheriff authorizes any sworn municipal law enforcement personnel of the City of Stuart's Police Department, Town of Sewall's Point Police Department and Town of Jupiter Island Department of Public Safety, conducting an investigation regarding any felony or misdemeanor offense that occurred within the municipal law enforcement agency's jurisdiction, to continue such investigation on a pre-approved limited basis within the County's jurisdiction. Prior to conducting such investigation, the municipal law enforcement agency shall advise the Sheriff (or Sheriff's designee) of the nature of the investigation and law enforcement action to be taken. Subject to the approval and any limitation set forth by the Sheriff (or Sheriff's designee), the municipal law enforcement agency's sworn law enforcement personnel may perform any investigative function related to the investigation, including the collection of evidence and suspect interviews, and exercise all law enforcement powers related to the investigation outside of their jurisdiction as it pertains to that investigation.

Subject to notification to a member of the Martin County Jail's command staff, municipal sworn law enforcement officers may visit the Martin County Jail to continue criminal investigation activities. Prior approval of the Sheriff or the Sheriff's Designee is not required to continue an investigation at the premises of the Martin County Jail. This Agreement does not limit municipal law enforcement personnel from exercising their law enforcement investigative duties outside of their jurisdiction, but in the County's jurisdiction, for crimes in which they are engaged in hot/fresh pursuit as proscribed by Section 901.25, Florida Statutes.

END OF TEXT

IN WITNESS WHEREOF, the agencies hereto cause these presents to be signed on the date specified**.**

Signed, sealed and delivered
In the presence of:

<u>Office of the Sheriff of Martin County</u>

______________________________	BY: ______________________________
Witness as to Sheriff (date)	John M. Budensiek, Sheriff (date)

____
Sheriff's Attorney Review (date)

<u>City of Stuart Police Department</u>

______________________________	BY: ______________________________
Witness as to Chief of Police (date)	Joseph Tumminelli, Chief of Police (date)
______________________________	BY: ______________________________
Attorney Review (date)	Campbell Rich, Mayor – City of Stuart

ATTEST:

____

City Clerk

Town of Sewall's Point Police Department

______________________________________	BY: ___________________________________
Witness as to the Chief of Police (date)	Tina Ciechanowski, Chief of Police (date)
______________________________________	BY: ___________________________________
Attorney Review (date) (date)	Robert Daniels, Town Manager (date)

Town of Jupiter Island Department of Public Safety

______________________________________ BY: ___________________________________

Witness as to the Director of Public Safety (date) Michael Ewing, Dir. of Public Safety (date)

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission

Meeting Date: 3/24/2025 **Prepared by:** Lee Baggett

Title of Item:
RELEASE OF UNITY OF TITLE - 505 SW FEDERAL HIGHWAY (RC):

RESOLUTION No. 41-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, RELEASING A UNITY OF TITLE FOR PROPERTY LOCATED AT 505 SW FEDERAL HIGHWAY, STUART, FLORIDA 34994, LEGAL PARCEL ID NUMBER 05-38-41-000-000-00170-1; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:
On May 10, 2023, Polk Street Hotels, Inc. executed and recorded a Unity of Title combining legal parcel ID number 05-38-41-000-000-00170-7 with legal parcel ID number 05-38-41-000-000-00182-3, and legal parcel ID number 05-38-41-000-000-00180-5. The subject property is fronted along U.S. Highway with its back along Frazier Creek with a street address of 505 SW U.S. Highway, Stuart, FL 34994. Two of the prior legal parcels are zoned Urban Highway and the third prior legal parcel is zoned Urban Waterfront.

On August 28, 2024, an application was submitted by Polk Street Hotels, Inc. to the City of Stuart for the rezoning of the third prior legal parcel from Urban Waterfront to Urban Highway. On February 10, 2025, the Commission held a properly noticed hearing and denied the application for rezoning of the third prior legal parcel via Resolution No. 33-2025. A release of the Unity of Title would be equitable for Polk Street Hotels, Inc. as the subject property currently has inconsistent zoning district assignments. The Unity of Title restricting the land can only be released by the City Commission.

Funding Source:
N/A

Recommended Action:
Approve Resolution 41-2025.

ATTACHMENTS:
1. R 69-2025 Unity of Title Release Polk Street Hotels
2. R41-2025 Exhibit A-Polk Street Hotels Unity of Title Recorded

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 69-2024

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, RELEASING A UNITY OF TITLE FOR PROPERTY LOCATED AT 505 SW FEDERAL HIGHWAY, STUART, FLORIDA 34994, LEGAL PARCEL ID NUMBER 05-38-41-000-000-00170-1; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, on May 10, 2023, Polk Street Hotels, Inc. executed recorded a Unity of Title combining legal parcel ID number 05-38-41-000-000-00170-7 with legal parcel ID number 05-38-41-000-000-00182-3 and legal parcel ID number 05-38-41-000-000-00180-5 which is attached hereto as Exhibit "A"; and

WHEREAS, the front of the subject property is adjacent to U.S. Highway and the rear of the property is adjacent to Frazier Creek. The subject property's street address is 505 SW U.S. Highway, Stuart, FL 34994 and the legal description is contained in Exhibit "A" which is attached to this Resolution; and

WHEREAS, two of the prior legal parcels are zoned Urban Highway and the third prior legal parcel is zoned Urban Waterfront; and

WHEREAS, on August 28, 2024, an application was submitted by Polk Street Hotels, Inc. to the City of Stuart for the rezoning of the third prior legal parcel from Urban Waterfront to Urban Highway; and

WHEREAS, on February 10, 2025, the Commission held a properly noticed hearing and denied the application for rezoning of the third prior legal parcel via Resolution No. 33-2025; and

WHEREAS, a release of the Unity of Title would be equitable for Polk Street Hotels, Inc. as the subject property currently has inconsistent zoning district assignments; and

WHEREAS, the Unity of Title restricting the land can only be released by the City Commission.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA that:

SECTION 1: The above-stated recitals are true, correct and incorporated herein by reference.

SECTION 2: The Unity of Title recorded in Official Record Book 3374 Page 45, of the Public Records of Martin County, Florida, which is attached hereto as Exhibit "A," is hereby released.

SECTION 4: This Resolution shall be recorded in the Public Records of Martin County.

SECTION 5: This Resolution shall take effect upon adoption.

Commissioner ____________offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner _________ and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
CAMPBELL RICH, MAYOR				
CHRISTOPHER COLLINS, VICE MAYOR				
SEAN REED, COMMISSIONER				
EULA R. CLARKE, COMMISSIONER				
LAURA GIOBBI, COMMISSIONER				

ADOPTED this ____ day of March, 2025.

ATTEST:

MARY R. KINDEL, MMC
CITY CLERK

CAMPBELL RICH
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

LEE J. BAGGETT, ESQ.
CITY ATTORNEY

EXHIBIT A – UNITY OF TILE AND LEGAL DESCRIPTION

Prepared by and Return to:
Jared Gaylord, Esq.
Marc R. Gaylord, P.A.
12000 SE Old Dixie Hwy.
Hobe Sound, Florida 33455

UNITY OF TITLE

BY THESE PRESENTS, **Polk Street Hotels, Inc., a Florida for profit corporation,** hereinafter referred to as "Owner", for the sum of TEN AND 00/100 DOLLARS ($10.00) and other good and valuable consideration, hereby agree restrict the use of lands described in **Exhibit "A"**, attached hereto, in the following manner:

1. That said property shall be considered as one plot and parcel of land and that no portion of said plot and parcel of land shall be sold, transferred, devised or assigned separately except in its entirety as one plot or parcel of land.

2. The undersigned further agrees that this condition, restriction and limitation shall be deemed a covenant running with the land, and shall remain in full force and effect, and be binding upon the undersigned, their heirs and assigns, until such time as the same may be released in writing by the City Commission for Stuart, Florida, a municipal corporation, or its successors and assigns.

3. The undersigned further agrees that this instrument shall be recorded in the Public Records of Martin County, Florida.

Signed, acknowledged and notarized on this 9 day of May, 2023.

WITNESSES:

Witness Name: Jared Gaylord

Witness Name: Denise M. Decker

"OWNER"

Polk Street Hotels, Inc.

By:
Nimesh M. Patel, President & Director of
Polk Street Hotels, Inc., a Florida for profit corporation

STATE OF FLORIDA
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me by means of [x] physical presence or [ ] online notarization, this 9 day of May, 2023 by Nimesh M. Patel, Director and President of Polk Street Hotels, Inc., a Florida for profit corporation, who is [ ] personally known to me or [x] has produced a driver's license as identification.

NOTARY PUBLIC

JARED E. GAYLORD
Notary Public-State of Florida
Commission # HH 45185
My Commission Expires
October 20, 2024

Exhibit "A"

LEGAL DESCRIPTION

PARCEL A:

South 100 feet of the North 743.41 feet of the West 220.00 feet of Government Lot 7, Section 5, Township 38 South, Range 41 East, lying West of Frazier Creek.

PARCEL B:

Start at the Northwest corner of Government Lot 7, Section 5, Township 38 South, Range 41 East, thence run South along the West line of said Government Lot 7, a distance of 763.41 feet; thence run East 33.00 feet to the East right of way of State Road No. 5 (U.S. 1) for the point of beginning; thence run North along said East right of way a distance of 20.00 feet; thence run East a distance of 187.00 feet; thence run South a distance of 20.00 feet; thence run West a distance of 187.00 feet to the point of beginning.

PARCEL C:

Start at the Northwest corner of Government Lot 7, Section 5, Township 38 South, Range 41 East, thence run South 00°03' East, along the West line of said Lot 7, a distance of 643.41 feet; thence run North 89°54' East a distance of 220 feet to the Point of Beginning; thence run South 00°03' East, a distance of 100 feet; thence run North 89°54' East a distance of 167.09 feet to the Southwesterly right of way line of Frazier Creek right of way as recorded in Deed Book 16, Pages 587 and 589, Public Records of Martin County, Florida; thence run Northwesterly 132.27 feet along arc of curved right of way line, said curve having a radius of 732 feet and being concave to the Northeast and chord of said arc being 132.09 feet in length with a bearing of North 40°53'44" West, to the Point of Intersection with a line bearing North 89°54' East from the Point of Beginning; thence run South 89°54' West, along lastly described line, a distance of 80.61 feet to the Point of Beginning.

PARCEL D:

The West 119.10 feet of the following described parcel:

Start at the Northwest corner of Government Lot 7, Section 5, Township 38 South, Range 41 East, thence run South along the West line of said Government Lot 7, a distance of 763.41 feet; thence run East 220 feet to the point of beginning; thence run North 20 feet; thence run East 161 feet; more or less to the waters of Frazier Creek thence meander Southeasterly the waters of Frazier Creek a distance of 195 feet; more or less, to a line which bears East and is 102 feet South of the point of beginning; thence run West a distance of 319 feet, more or less, to a point 102 feet South of the point of beginning; thence run North 102 feet to the point of beginning.

PARCEL E:

Start at the Northwest corner of Government Lot 7, Section 5, Township 38 South, Range 41 East, thence run South along the West line of said Government Lot 7 a distance of 865.41 feet; thence run East 33.00 feet to the East right of way of State Road 5, the Point of Beginning. Thence run North along said East right of way a distance of 102.00 feet; thence run East a distance of 187.00 feet; thence run South a distance of 102.00 feet; thence run West a distance of 187.00 feet to the Point of Beginning, subject to a 10 feet street right of way easement along South Lot line, lying and being in Martin County, Florida.

CONTAINING 68,891 SQUARE FEET OR 1.58 ACRES, MORE OR LESS.

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission

Meeting Date: 3/24/2025 **Prepared by:** Lee Baggett

Title of Item:
CODE AMENDMENT TO MERGE BOARD OF ADJUSTMENT DUTIES TO THE LOCAL PLANNING AGENCY (RC):

ORDINANCE No. 2540-2025; AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING PART II, CHAPTER 2 (ADMINISTRATION), ARTICLE III (BOARDS, COMMITTEES, AND COMMISSIONS), DIVISION 1 AND DIVISION 3 OF THE CITY OF STUART'S CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF PRIOR ORDINANCES AND RESOLUTIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:
The City Commission for the City of Stuart, Florida is authorized by provisions in Chapter 166, Florida Statutes, to establish and adopt ordinances which are intended to serve and provide public benefit to the residents and visitors of the City of Stuart. Part I, Article IV of the City's Charter permits the City Commission to create and establish boards and committees to serve at the pleasure of the City Commission. From time to time, the City Commission updates its regulations to provide benefits to the community, clarify any ambiguities, and be consistent with state and federal laws. The City Commission finds that the Code of Ordinances needs to be amended and updated to consolidate rules of administration and bylaws for City Advisory Boards.

In Part II, Chapter 2 (Administration), Article III (Boards, Committees, and Commissions) Division 1, Section 2-82 (a) of the City's Code of Ordinances, the Board of Adjustment reference needs to be deleted due to the Board's dissolution; Part II, Chapter 2 (Administration), Article III (Boards, Committees, and Commissions) Division 3 (Board of Adjustment), Sections 2-102 through 2-105 of the City's Code of Ordinances requires deletion in its entirety and is reserved for future use; and Part II, Chapter 2 (Administration), Article III (Boards, Committees, and Commissions) Division 6 (Local Planning Agency), Section 2-116 (a) of the City's Code of Ordinances requires the addition of three (3) additional duties and responsibilities as a result of the dissolution of the City's Board of Adjustment.

Funding Source:
N/A

Recommended Action:
Staff recommends that the City Commission approve Ordinance No. 2540-2025.

ATTACHMENTS:
1. 2540-2025 Amendments to Code of Ordinances (BOA and LPA)
2. 2540-2025 EX. A ARTICLE III. BOARDS COMMITTEES AND COMMISSIONS

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2540-2025

AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING PART II, CHAPTER 2 (ADMINISTRATION), ARTICLE III (BOARDS, COMMITTEES, AND COMMISSIONS), DIVISION 1 AND DIVISION 3 OF THE CITY OF STUART'S CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF PRIOR ORDINANCES AND RESOLUTIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

*****

WHEREAS, the City Commission for the City of Stuart, Florida is authorized by provisions in Chapter 166, Florida Statutes, to establish and adopt ordinances which are intended to serve and provide public benefit to the residents and visitors of the City of Stuart; and

WHEREAS, Part I, Article IV of the City's Charter permits the City Commission to create and establish boards and committees to serve at the pleasure of the City Commission; and

WHEREAS, from time to time, the City Commission updates its regulations to provide benefit to the community, clarify any ambiguities, and be consistent with state and federal laws; and

WHEREAS, the City Commission finds that the Code of Ordinances need to be amended and updated to consolidate rules of administration and bylaws for City Advisory Boards; and

WHEREAS, in Part II, Chapter 2 (Administration), Article III (Boards, Committees, and Commissions) Division 1, Section 2-82 (a) of the City's Code of Ordinances the Board of Adjustment reference needs to be deleted due to the Board's dissolution; and

WHEREAS, in Part II, Chapter 2 (Administration), Article III (Boards, Committees, and Commissions) Division 3 (Board of Adjustment), Sections 2-102 through 2-105 of the City's Code of Ordinances requires deletion in its entirety and is reserved for future use; and

WHEREAS, in Part II, Chapter 2 (Administration), Article III (Boards, Committees, and Commissions) Division 6 (Local Planning Agency), Section 2-116 (a) of the City's Code of Ordinances requires the addition of three (3) additional duties and responsibilities as a result of the dissolution of the City's Board of Adjustment.

NOW THEREFORE BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA:

SECTION 1: **Recitals**. The foregoing recitals are hereby ratified and incorporated as the legislative intent of this Ordinance.

SECTION 2: The City of Stuart Code of Ordinances, Chapter 2 – Administration, Article III, Boards, Committees, and Commissions is hereby repealed and replaced with such language as set forth in **Exhibit "A"** attached hereto.

SECTION 3: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4: If any word, clause, sentence, paragraph, section, or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void, or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

SECTION 5: The provisions of this Ordinance shall be codified.

SECTION 6: This Ordinance shall take effect immediately upon adoption.

Passed on first reading the ______ day of March, 2025.

Commissioner ______________ offered the foregoing Ordinance and moved its adoption. The motion was seconded by Commissioner ______________ and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
CAMPBELL RICH, MAYOR				
CHRISTOPHER COLLINS, VICE MAYOR				
EULA CLARKE, COMMISSIONER				
LAURA GIOBBI, COMMISSIONER				
SEAN REED, COMMISSIONER				

ADOPTED on second and final reading this ______day of March, 2025.

ATTEST:

____
MARY R. KINDEL, MMC
CITY CLERK

____
CAMPBELL RICH
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

____
LEE J. BAGGETT, ESQ.
CITY ATTORNEY

ARTICLE III. BOARDS, COMMITTEES AND COMMISSIONS

DIVISION 1. GENERALLY

Sec. 2-82. Standing boards; applicability of regulations.

(a) The standing boards which are established by the city commission include the ~~board of adjustment (hereinafter "BOA"),~~ local planning agency (hereinafter "LPA"), community redevelopment board (hereinafter "CRB"), and East Stuart Historical Advisory Committee (hereinafter "ESHAC"). The Stuart Community Redevelopment Agency (hereinafter "CRA") and the Stuart Housing Authority (hereinafter "SHA") are standing boards which have been created by the city commission and exist pursuant to Florida law.

(b) The regulations set forth in this article shall apply to all standing boards unless superseded by applicable ordinance or statute. Additional regulations set forth herein may apply to a particular board.

(Ord. No. 2450-2020, § 1(Att. A), 9-28-2020; Ord. No. 2525-2024, § 3(Exh. B), 3-25-2024)

Sec. 2-83. Location of board meetings; clerical and legal support; compensation of members.

(a) Board meetings shall be held in the city commission's chambers at city hall, except for the SHA which should be set in accordance with Florida's Housing Authorities Law, F.S. § 421.01 et seq.

(b) The city manager shall provide the clerical support necessary to enable each board to perform its duties and responsibilities. The secretary shall attend all board meetings, record the proceedings, and prepare minutes of meetings promptly thereafter. The secretary shall maintain all records of the board as public records of the city. This section does not apply to the SHA.

(c) The legal advisor to the standing boards shall be the city attorney, or his/her designee. The city attorney shall attend board meetings when necessary or as requested by the board. Any designee of the city attorney shall also be an attorney licensed to practice law in the State of Florida.

(d) Board members shall serve without compensation.

(e) The city clerk or his/her designee shall provide proper notice of meetings to the public and to the board members in compliance with state law.

(Ord. No. 2450-2020, § 1(Att. A), 9-28-2020; Ord. No. 2525-2024, § 3(Exh. B), 3-25-2024)

Editor's note(s)—Ord. No. 2525-2024, § 3(Exh. B), adopted March 25, 2024, amended the title of § 2-83 to read as herein set out. The former § 2-83 title pertained to location of board meetings; clerical and legal support; compensation of members; expenses.

Sec. 2-84. Minimum membership requirements.

(a) *Qualifications; membership on more than one standing board prohibited.* To be qualified for appointment, a prospective appointee shall be over 18 years of age, have maintained permanent residency within the City of Stuart for at least 12 consecutive months immediately preceding the appointment, or be property owners of real estate within the geographic limits of the City of Stuart for at least 12 consecutive months immediately preceding the appointment. No elected official, other than sitting city commissioners on the CRA, may serve on any of the standing boards.

(b) *Members to maintain qualifications throughout terms.* A board member shall maintain all applicable appointment qualifications during the term of membership.

(Ord. No. 2450-2020, § 1(Att. A), 9-28-2020; Ord. No. 2525-2024, § 3(Exh. B), 3-25-2024)

Editor's note(s)—Ord. No. 2525-2024, § 3(Exh. B), adopted March 25, 2024, amended the title of § 2-84 to read as herein set out. The former § 2-84 title pertained to members.

Sec. 2-85. Appointment; orientation.

(a) With the exception of the city commissioners on the CRA, board members shall be appointed to fill specific one-year terms. The city commission shall ratify the members of each board during its annual reorganization meeting. The term shall begin at the first annual meeting of the board and shall expire at the end of December in the same year. Upon appointment by the city commission, the city clerk shall notify the appointee.

(b) The city clerk shall also provide to the appointee information regarding the then current provisions of the Florida Government-in-the-Sunshine and the Code of Ethics for Public Officers and Employees statutory laws. The city attorney shall be available to appointees in order to explain and/or answer questions for such laws.

(c) The secretary of the board to which an appointment has been made shall provide to an appointee such information as is appropriate to adequately advise the member of the duties and responsibilities of board membership.

(Ord. No. 2450-2020, § 1(Att. A), 9-28-2020; Ord. No. 2525-2024, § 3(Exh. B), 3-25-2024)

Editor's note(s)—Ord. No. 2525-2024, § 3(Exh. B), adopted March 25, 2024, amended the title of § 2-85 to read as herein set out. The former § 2-85 title pertained to certificate of appointment; orientation.

Sec. 2-86. Rules of procedure; voting; attendance; decorum.

(a) Board members shall faithfully attend and participate at meetings of the board. Any member who fails to attend three successive board meetings shall be deemed to have resigned from the board and a vacancy shall be deemed to exist.

(b) All meetings shall be conducted informally. If a dispute arises regarding the proper procedure to be followed, Robert's Rules of Order shall take precedence. The chair of each respective board shall be the arbiter of the application of Robert's Rules of Order.

(c) Voting shall be by voice and shall be recorded by individual "aye," "yes," "nay," or "no."

(d) Board members shall conduct themselves in accordance with the provisions of F.S. ch. 112 regarding ethics for public officials. Board meetings shall be held in accordance with the requirements of F.S. § 286.011 (i.e., Government-in-the-Sunshine). All board records shall be maintained in accordance with F.S. ch. 119 (Public Records Law).

(e) Each member present must cast a vote on each question before the board. Any member who has a personal interest in a matter should abstain from participating as a member of the board in that matter. A member who abstains in any matter in which the member has a personal interest must file a memorandum of voting conflict with the secretary of the board within 15 days after such vote.

(f) Each board shall follow the order of business as set forth in the agenda prepared by the secretary for each meeting. The order of business may be suspended by a majority of members present.

(g) No member of any board shall represent a client(s) before such board in any matter that will be considered by that board. This prohibition does not preclude board members from representing a client(s) before any other board in the City of Stuart.

(h) The chair or presiding officer shall be responsible for maintaining the order and decorum of meetings. It shall be the duty and responsibility of the chair or presiding officer to ensure that the rules of operation and decorum contained herein are observed. The chair or presiding officer shall maintain control of communication between the board members with each other, and with city staff and the public.

(i) All members of the boards shall accord the utmost courtesy to each other, to city employees, and to public members appearing before the board and shall refrain at all times from interruptions, rudeness, derogatory remarks, reflections as to integrity, and abusive comments. Board members shall confine their remarks to the issues before their respective board.

(j) All members of the boards should request the floor from the presiding officer before speaking. When one member of the board has the floor and is speaking, other board members shall not interrupt or otherwise disturb the speaker.

(k) In all quasi-judicial hearings, the rules set forth in chapter 11, City of Stuart Land Development Code shall apply.

(Ord. No. 2450-2020, § 1(Att. A), 9-28-2020; Ord. No. 2525-2024, § 3(Exh. B), 3-25-2024)

Editor's note(s)—Ord. No. 2525-2024, § 3(Exh. B), adopted March 25, 2024, amended the title of § 2-86 to read as herein set out. The former § 2-86 title pertained to rules of procedure; quorum; voting; attendance.

Sec. 2-87. Removal of board members without cause; vacancies.

(a) Members on standing city boards shall serve at the pleasure of their respective appointing city commissioner. A board member may be removed from membership by the city commissioner without cause and without notice and hearing.

(b) A vacancy shall be deemed to exist upon the resignation, death, or removal of a member. Vacancies, however created, shall be promptly reported to the city manager by the board secretary. Vacancies shall be filled by the city commission in the same manner as original appointments as soon as is practicable.

(Ord. No. 2450-2020, § 1(Att. A), 9-28-2020; Ord. No. 2525-2024, § 3(Exh. B), 3-25-2024)

Editor's note(s)—Ord. No. 2525-2024, § 3(Exh. B), adopted March 25, 2024, amended the title of § 2-87 to read as herein set out. The former § 2-87 title pertained to removal of board members without cause; vacancies; holding over.

Secs. 2-88—2-95. Reserved.

DIVISION 2. RESERVED[1]

Secs. 2-96—2-101. Reserved.

[1]Editor's note(s)—Ord. No. 2525-2024, § 3(Exh. B), adopted March 25, 2024, repealed Div. 2, §§ 2-96—2-101, which pertained to Stuart Independent Review Board and derived from Ord. No. 2450-2020, § 1(Att. A), adopted September 28, 2020.

DIVISION 3. ~~BOARD OF ADJUSTMENT~~ RESERVED

Sec. 2-102~~. General.~~ –2-105. Reserved.

~~(a) *Name, purpose, objectives and authority.* The board of adjustment ("BOA") shall be a quasi-judicial board of the city and shall accordingly perform the duties and responsibilities described herein. The BOA has been granted the authority from the city commission to grant variances and lot splits in compliance with the city's Code of Ordinances and land development code.~~

~~(b) All sections of division 1, generally, hereinabove are hereby incorporated as if set forth here in this division.~~

~~(Ord. No. 2525-2024, § 3(Exh. B), 3-25-2024)~~

~~Sec. 2-103. Membership; officers and staff.~~

~~(a) *Number.* The BOA shall consist of five members. Each city commissioner shall appoint a single member to the BOA.~~

~~(b) *Staff liaison.* The city's development director, or his/her designee, shall serve as the staff person to the BOA.~~

~~(c) *Secretary.* The city clerk, or his/her designee, shall be the secretary for the BOA, and as such, shall prepare BOA agendas, be the custodian of all books and records of the BOA, keep the minutes and a recording of all votes in all BOA meetings, and send out all notices of meetings and shall perform such other duties as may be requested by the BOA.~~

~~(d) *Officers.* Regular officers of the BOA shall include a chair and a vice-chair who shall be appointed by the BOA at its annual reorganization meeting. The chair shall preside at all BOA meetings and shall execute instruments in the name of the BOA as may be required. The vice-chair, in the absence, disqualification, resignation or death or disability of the chair or at the chair's discretion, shall exercise the functions of the chair. Upon vacancy in the office of chair and/or vice-chair, the BOA members shall select one of them to fill the position at the next regular meeting following the creation of vacancy.~~

~~(Ord. No. 2525-2024, § 3(Exh. B), 3-25-2024)~~

~~Sec. 2-104. Meetings; conduct of business.~~

~~(a) *Regular meetings.* Regular meetings shall be held on the fourth Thursday of each month. No meeting will be convened in the event there is no matter to be considered by the board.~~

~~(b) *Special meetings.* Special meetings may be held at the discretion of the BOA as necessary. Special meetings may be held at the discretion of the board as necessary. Special meetings may be called by the chairperson, the request by any two members of the board to the city's development director, or by the city's development director.~~

~~(c) A quorum of the BOA shall be three members and an affirmative vote of a majority of those present shall be necessary to conduct business. If any meeting cannot be conducted because a quorum is not present, the members present may receive information only, and take no action other than to adjourn the meeting to a date/time certain and notice of such adjourned meeting shall be given to each member.~~

~~(d) The city's development director shall provide the personnel, equipment and materials necessary to enable the [BOA] to conduct its business.~~

~~(Ord. No. 2525-2024, § 3(Exh. B), 3-25-2024)~~

~~Sec. 2-105. Duties and responsibilities.~~

~~(a) The BOA shall have the following duties and responsibilities:~~

~~(1) Review, hold a hearing and consider applications for variances as provided in section 8.05.00 of the city land development code;~~

~~(2) Interpret the provisions of the city Code of Ordinances and land development code so as to accomplish the intent and purpose of the city comprehensive plan; and~~

~~(3) Conduct such hearings as may be necessary to perform the foregoing duties and responsibilities.~~

(Ord. No. 2525-2024, § 3(Exh. B), 3-25-2024)

DIVISION 4. COMMUNITY REDEVELOPMENT BOARD

Sec. 2-106. General.

(a) *Name and purpose.* The community redevelopment board ("CRB") shall be an advisory board to the city commission and the city administration in performing the duties and responsibilities described herein. In addition, the CRB shall provide quasi-judicial proceedings as set forth in the City of Stuart Land Development Code.

(b) All sections of division 1, generally, hereinabove are hereby incorporated as if set forth herein this division.

(Ord. No. 2525-2024, § 3(Exh. B), 3-25-2024)

Sec. 2-107. Membership; officers and staff.

(a) *Number.* The CRB shall consist of seven members. Each city commissioner shall appoint a single member to the CRB. The two remaining CRB members shall be selected by the majority vote of the city commission.

(b) *Staff liaison.* The city's CRA director, or his/her designee, shall serve as the staff person to the CRB.

(c) *Secretary.* The city clerk, or his/her designee, shall be the secretary for the CRB, and as such, shall prepare CRB agendas, be the custodian of all books and records of the CRB, keep the minutes and a recording of all votes in all CRB meetings, and send out all notices of meetings and shall perform such other duties as may be requested by the CRB.

(d) *Officers.* Regular officers of the CRB shall include a chair and a vice-chair who shall be appointed by the CRB at its annual reorganization meeting. The chair shall preside at all CRB meetings and shall execute instruments in the name of the CRB as may be required. The vice-chair, in the absence, disqualification, resignation or death or disability of the chair or at the chair's discretion, shall exercise the functions of the chair. Upon vacancy in the office of chair and/or vice-chair, the CRB members shall select one of them to fill the position at the next regular meeting following the creation of vacancy.

(Ord. No. 2525-2024, § 3(Exh. B), 3-25-2024)

Sec. 2-108. Duties and responsibilities.

(a) The CRB shall:

(1) Review, hold a hearing, approve, approve with conditions or deny applications for minor urban code conditional use;

(2) Review development applications which pertain to historic buildings and recommend approval, approval with conditions, or denial of an application for such development to the city commission;

(3) Review all proposed amendments to the urban code, including proposed amendments on its own volition, and recommend approval, approval with conditions, or denial to the city commission;

(4) Review all proposed amendments to the community redevelopment plan and recommend approval, approval with conditions, or denial to the city commission;

(5) Review and recommend programs, projects, plans and grant applications to implement the community redevelopment plan to the city commission;

(6) Review, hold a hearing and make recommendations to the city commission on applications for zoning changes for properties within the community redevelopment area as proscribed in section 3.00.00 of the city land development code;

(7) Review, hold a hearing and make recommendations to the city commission on major amendment applications to previously adopted planned unit development ordinances for properties within the community redevelopment area as proscribed in section 3.00.00 of the city land development code;

(8) Review, hold a hearing and approve, approve with conditions, or deny applications for public art, as provided in section 3.01.00 of the city land development code; and

(9) Conduct such hearings and workshops as may be necessary to perform the foregoing duties and responsibilities.

(Ord. No. 2525-2024, § 3(Exh. B), 3-25-2024)

Sec. 2-109. Meetings; conduct of business.

(a) Regular meetings shall be held on the first Tuesday of each month. No meeting will be convened in the event there is no matter to be considered by the board. Special meetings may be held at the discretion of the board as necessary. Special meetings may be called by the chairperson, the request by any two members of the board to the city's CRA director, or by the city's CRA director.

(b) A quorum of the CRB shall be four members and an affirmative vote of a majority of those present shall be necessary to conduct business. If any meeting cannot be conducted because a quorum is not present, the members present may receive information only, and take no action other than to adjourn the meeting to a date/time certain and notice of such adjourned meeting shall be given to each member.

(c) The city's CRA director shall provide the personnel, equipment and materials necessary to enable the CRB to conduct its business.

(d) Decisions of the CRB in matters that are quasi-judicial in nature shall be based upon the evidence presented to the board at a quasi-judicial hearing. The board shall make findings of fact and conclusions of law in making its advisory decision. The decisions or orders of the board shall be promptly reduced to writing and signed by the chairperson and secretary.

(Ord. No. 2525-2024, § 3(Exh. B), 3-25-2024)

DIVISION 5. COMMUNITY REDEVELOPMENT AGENCY

Sec. 2-110. General.

(a) The Stuart Community Redevelopment Agency ("CRA") is established as provided by part II, chapter 32, article VI, division 1 of the City of Stuart's Code of Ordinances, and the Florida Community Redevelopment Act of 1969, F.S. § 163.330 et seq. The CRA shall constitute a legal entity, separate, distinct, and independent from the city commission.

(b) The purpose of the CRA is to formulate a workable program for utilizing appropriate private and public resources to eliminate and prevent the development or spread of slum and blighted areas within designated areas of the city, as proscribed in section 3.00.00 Stuart Land Development Code, consistent with the City of Stuart Community Redevelopment Plan adopted by the city commission in Resolution No. 16-02, dated August 12, 2002, as such plan may from time to time be amended.

(c) Unless otherwise noted in this section of Stuart Code of Ordinances, the terms used herein shall have the same meaning as defined in F.S. § 163.340, as may be amended from time to time.

(d) All sections of division 1, generally, hereinabove are hereby incorporated as if set forth herein this division.

(Ord. No. 2525-2024, § 3(Exh. B), 3-25-2024)

Sec. 2-111. Membership and officers.

(a) The CRA shall be made up of the currently elected city commissioners and two current members of the city's community redevelopment board ("CRB"). On an annual basis, the CRB shall recommend two current CRB board members to serve on the CRA for the city commission's approval.

(b) Members of the CRA shall serve annual terms. In no event shall any member serve beyond the length of their city commission term or CRB term.

(c) Nomination and election of officers shall occur at the annual reorganization meeting of the CRA. The reorganizational meeting shall occur after the annual reorganization meeting of the city commission.

(d) Regular officers of the CRA shall be a chair and a vice-chair who shall be appointed by the CRA at its annual reorganization meeting.

(e) The chair shall preside at all meetings of the CRA and shall execute instruments in the name of the CRA as may be required. The vice-chair shall preside at any meeting wherein the absence, disqualification, resignation or death or disability of the chair or at the chair's direction.

(f) Upon a vacancy in the office of chair and/or vice-chair, the CRA members shall select one of them to fill the position at the next scheduled meeting following the creation of the vacancy.

(g) The City of Stuart's CRA director shall serve as the senior staff person and liaison to the CRA.

(h) The city Clerk, or his/her designee, shall act as a secretary of the CRA and as such shall prepare CRA agendas, be the custodian of all books and records of the CRA, keep the minutes and a recording of all votes of the CRA's meetings, and send out all notices of meetings and shall perform such other duties as may be requested by the CRA.

(i) The City of Stuart's director of finance shall serve as the treasurer of the CRA to keep financial records of the CRA and administer the CRA's budget; shall keep full and accurate accounts and receipts and disbursements of the CRA; shall have custody of all funds of the CRA in the preparation of a proposed annual budget; and shall make and file all financial reports and statements necessary to be made and filed by the CRA.

(Ord. No. 2525-2024, § 3(Exh. B), 3-25-2024)

Sec. 2-112. Duties and responsibilities.

(a) *Authorized actions.*

(1) The CRA is authorized to carry out all community redevelopment and related activities specified in F.S. §§ 163.358 and 163.370; with the exception of:

a. The power to authorize the issuance of revenue bonds as set forth in F.S. § 163.385; and

b. The power to approve the acquisition, demolition, removal, or disposal of property as provided in F.S. § 163.370(4)(a) and the power to assume the responsibility to bear loss as provided in F.S. § 163.370(4)(b).

(2) The foregoing specifically enumerated powers shall be retained by the city commission.

(3) The CRA may recommend to the city commission amendments to this division.

(Ord. No. 2525-2024, § 3(Exh. B), 3-25-2024)

Sec. 2-113. Meetings; conduct of business.

(a) Regular meetings shall be held as necessary in the city commission chambers at the city hall of Stuart. No meeting will be convened in the event there is no matter to be considered by the CRA.

(b) Special meetings may be held at the discretion of the CRA as necessary. Special meetings may be called by the CRA director, by any two members of the CRA, or by the chair by requesting the CRA director give notice of such special meetings in compliance with the City of Stuart's Code of Ordinances.

(c) The CRA shall follow the order of business as set forth in the noticed agenda for the respective meeting. The order of business may be suspended by a majority vote of the present members.

(d) A quorum of the CRA shall be four members. Four affirmative votes shall be necessary to conduct business. If any meeting cannot be conducted because a quorum is not present, the members who are present may receive information only, and take no action other than to adjourn the meeting to a time certain and notice of such adjourned meeting shall be given to each member.

(e) No member of the CRA shall represent a client before the CRA in any matter that will be considered by the CRA.

(Ord. No. 2525-2024, § 3(Exh. B), 3-25-2024)

DIVISION 6. LOCAL PLANNING AGENCY

Sec. 2-114. General.

(a) The local planning agency ("LPA") is established as provided by the City of Stuart Code of Ordinances and F.S. § 163.3174. The LPA shall constitute the local planning agency as that term is defined and construed in F.S. § 163.3164;

(b) The LPA shall be an advisory board to the city commission and to the city administration in performing the duties and responsibilities described herein. The LPA has been granted the authority from the City Commission to grant variances and lot splits in compliance with the City's Code of Ordinances and Land Development Code.

(c) All sections of division 1, generally, hereinabove are hereby incorporated as if set forth herein this division.

(Ord. No. 2525-2024, § 3(Exh. B), 3-25-2024)

Sec. 2-115. Membership; officers and staff.

(a) The LPA shall consist of seven members. Each city commissioner shall appoint a single member to the LPA. The two remaining members shall be selected by majority vote of the entire city commission.

(b) Nomination and election of officers shall occur at the annual organizations meeting of the LPA. The organizational meeting shall occur after the annual reorganization meeting of the city commission.

(c) Regular officers of the LPA shall be a chair and a vice-chair who shall be appointed by the LPA at its annual reorganization meeting.

(d) The Chair shall preside at all meetings of the LPA and shall execute instruments in the name of the LPA as may be required. The vice-chair shall preside at any meeting wherein the absence, disqualification, resignation or death or disability of the chair or at the chair's direction.

(e) Upon a vacancy in the office of chair and/or vice-chair, the LPA members shall select one of them to fill the position at the next scheduled meeting following the creation of the vacancy.

(f) The City of Stuart's development director shall serve as the senior staff person and liaison to the LPA.

(g) The city clerk, or his/her designee, shall act as a secretary of the LPA and as such shall prepare LPA agendas, be the custodian of all books and records of the LPA, keep the minutes and a recording of all votes of the LPA's meetings, and publish all notices of meetings in the newspaper and shall perform such other duties as may be requested by the LPA.

(Ord. No. 2525-2024, § 3(Exh. B), 3-25-2024)

Sec. 2-116. Duties and responsibilities.

(a) The LPA shall:

(1) Review, hold a hearing and make recommendations to the city commission regarding proposed amendments to the text of the Stuart Comprehensive Plan;

(2) Review, hold a hearing and make recommendations to the city commission regarding proposed amendments to the text of the Stuart Land Development Code;

(3) Review, hold a hearing, and make recommendations to the city commission regarding proposed amendments to the future land use map component of the future land use element of the Stuart Comprehensive Plan;

(4) Review, hold a hearing and make recommendations to the city commission on applications for zoning changes for properties located outside of the community redevelopment area as proscribed in section 3.00.00;

(5) Review, hold a hearing and recommendations to the city commission on applications for a major amendment to a previously adopted planned unit development ordinance for properties located outside of the community redevelopment area as proscribed in section 3.00.00;

(6) Review, hold a hearing and make recommendations to the city commission regarding proposed annexations to the city;

(7) Consider and make recommendations regarding the consistency of proposed developments with the various elements of the Stuart Comprehensive Plan;

(8) Conduct such public hearings as may be required to gather information necessary for the preparation, establishment, and maintenance of the Stuart Comprehensive Plan, as well as all other public hearings required by these regulations or by the city commission; ~~and~~

(9) Make other recommendations to the city commission and the city administrative staff upon the request of either regarding land use in the City and the regulation thereof by the city;

(10) Review, hold a hearing and consider applications for variances as provided in section 8.05.00 of the Stuart Land Development Code;~~.~~ and

(11) Interpret the provisions of the City of Stuart Code of Ordinances and Stuart Land Development Code to accomplish the intent and purpose of the Stuart Comprehensive Plan.

(Ord. No. 2525-2024, § 3(Exh. B), 3-25-2024)

Sec. 2-117. Meeting; conduct of business.

(a) Regular meetings shall be held on the second Thursday of each month. No meeting will be convened in the event that there is no matter to be considered by the LPA.

(b) Special meetings may be held at the discretion of the LPA as necessary. Special meetings may be called by the chairperson, the request by any two members of the board to the city's development director, or by the city's development director.

(c) The LPA shall follow the order of business as set forth in the noticed agenda for the respective meeting. The order of business may be suspended by a majority vote of the present members.

(d) A quorum of the LPA shall be four members and an affirmative vote of a majority of those present shall be necessary to conduct business. If any meeting cannot be conducted because a quorum is not present, the members who are present may receive information only, and take no action other than to adjourn the meeting to a time certain and notice of such adjourned meeting shall be given to each member.

(e) Prior to any quasi-judicial hearing, each LPA member shall disclose any ex-parte communications with the applicant.

(f) In all quasi-judicial hearings, the rules set forth in section 11.03.00 of the City of Stuart's Land Development Code shall apply.

(g) No member of the LPA shall represent a client before the LPA in any matter that will be considered by the CRA.

(Ord. No. 2525-2024, § 3(Exh. B), 3-25-2024)

DIVISION 7. EAST STUART HISTORICAL ADVISORY COMMITTEE

Sec. 2-118. General.

(a) The East Stuart Historical Advisory Committee ("ESHAC") shall be an advisory board to the city commission and to the city administration in performing the duties and responsibilities described herein.

(b) All sections of division 1, generally, hereinabove are hereby incorporated as if set forth herein this division.

(Ord. No. 2525-2024, § 3(Exh. B), 3-25-2024)

Sec. 2-119. Membership; officers and staff.

(a) The ESHAC shall consist of seven members. Each city commissioner shall appoint a single member to the ESHAC. The two remaining members shall be selected by the majority of the city commission.

(b) Nomination and election of officers shall occur at the annual organizations meeting of the ESHAC. The organizational meeting shall occur after the annual reorganization meeting of the city commission.

(c) Regular officers of the ESHAC shall be a chair and a vice-chair who shall be appointed by the ESHAC at its annual reorganization meeting.

(d) The chair shall preside at all meetings of the ESHAC and shall execute instruments in the name of the ESHAC as may be required. The vice-chair shall preside at any meeting wherein the absence, disqualification, resignation or death or disability of the chair or at the chair's direction.

(e) Upon a vacancy in the office of chair and/or vice-chair, the ESHAC members shall select one of them to fill the position at the next scheduled meeting following the creation of the vacancy.

(f) The city's CRA director shall serve as the senior staff person and liaison to the ESHAC.

(g) The city clerk, or his/her designee, shall act as a secretary of the ESHAC and as such shall prepare ESHAC agendas, be the custodian of all books and records of the ESHAC, keep the minutes and a recording of all votes of the ESHAC's meetings, and send out all notices of meetings and shall perform such other duties as may be requested by the ESHAC.

(Ord. No. 2525-2024, § 3(Exh. B), 3-25-2024)

Sec. 2-120. Duties and responsibilities.

The ESHAC shall provide recommendations to the CRA director which celebrate and commemorate the history of the East Stuart community.

(Ord. No. 2525-2024, § 3(Exh. B), 3-25-2024)

Sec. 2-121. Meetings; conduct of business.

(a) Regular meetings shall be held on a quarterly basis. No meeting will be convened in the event that there is no matter to be considered by the ESHAC.

(b) Special meetings may be held at the discretion of the ESHAC as necessary.

(c) A quorum of the ESHAC shall be three members and an affirmative vote of a majority of those present shall be necessary to pass any motion or adopt any order. Three members is only needed for a quorum and should not be interpreted to mean that only three votes are necessary to pass a matter if all seven members of the ESHAC are present. If any meeting cannot be conducted because a quorum is not present, the members who are present may receive information only, and take no action other than to adjourn the meeting to a time certain and notice of such adjourned meeting shall be given to each member.

(Ord. No. 2525-2024, § 3(Exh. B), 3-25-2024)

Secs. 2-122—2-138. Reserved.

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission

Meeting Date: 3/24/2025 **Prepared by:** Lee Baggett

Title of Item:
ENVIRONMENTAL ATTORNEY DISCUSSION

Summary Explanation/Background Information on Agenda Request:
The Environmental Attorney Screening Committee has met and has a recommendation for the City Commission to narrow the field of candidates. The City Commission needs to discuss the candidates, the committee's recommendation and decide which candidates that the Commission wants to interview.

Funding Source:

Recommended Action:

ATTACHMENTS: