

MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
OCTOBER 24, 2022
AT 5:30 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION

Mayor Troy McDonald
Commissioner Becky Bruner
Commissioner Eula R. Clarke
Commissioner Christopher Collins
Commissioner Campbell Rich

ADMINISTRATIVE

City Manager, David Dyess
City Attorney, Michael J. Mortell
City Clerk, Mary R. Kindel

ROLL CALL

5:32 PM

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

PLEDGE OF ALLEGIANCE

COMMENTS BY CITY COMMISSIONERS

Mayor McDonald

- Announced the passing of Larry Massing and his positions held with the City of Stuart as the City of Stuart's Building Official while he was the Fire Chief, serving two roles, and then served as Martin County's Building Official. He was a Local Planning Agency Advisory Board Member for the City and dedicated his entire professional career to the City and County and will be missed. He has received calls in regard to naming Fire Station #2 after Larry Massing as he oversaw that station. Mayor McDonald requested the Board's consideration in naming it "The Chief Larry Massing Station".

PUBLIC COMMENT:

1. Steve Leighton - SE Monterey Rd.; Spoke about Larry Massing and thanked the Commission for what they are doing in honor of Larry.

5:35 PM MOTION: For our Fire Station #2 to be renamed the "Chief Larry Massing Station" and do representative plaque and a dedication.

MOVED BY: Eula Clarke

SECONDED BY: Christopher Collins

Motion approved unanimously.

McDonald continued:

- Commented that at the last MPO meeting in efforts to improve traffic, FDOT came up with a plan to redesign Kanner Hwy and US1 to allow 3 lanes of cars to turn northbound.

Commissioner Clarke

- Complimented Pinal Gandhi-Savdas, CRA Executive Director, on her hard work and everything she has done with the CRA.
- Asked that the Community Redevelopment Board members be active and help us to continue to do the planning and work for the City.
- Spoke about the East Stuart Historical Committee Meeting on October 29, 2022 at 10:00 am and stated that they are planning for 2023 and forward. Invites the members of the public to attend as this will be their last meeting and would like to hear everyone's opinion.
- Commented that residents have contacted her about the testing for Brightline, concerns about A1A and Monterey, and the concern on Florida Street.

City Manager Dyess stated that the concern on Florida Street will be fixed on November 22, 2022.

- Announced she will not be here from November 8 - November 16 and will miss the first meeting in November.
- Thanked Mayor McDonald for allowing her to take the Alpha Kapa Proclamation on Saturday and commented that they enjoyed being here around our City.

Commissioner Collins

- Commented that he would like to see local pastors start the meeting in prayer as the School Board and County do. (A brief discussion on past practice and policy, a copy of Martin County's policy will be obtained.)
- Reminded the residents that the Special Commission Meeting - Zoning in Progress is on November 2, 2022 at 4:00 PM and the Bible Marathon will begin on Friday November 11, 2022.

Commissioner Rich

- Stated he does not agree with Commissioner Collins and commented that he is uncomfortable with having an invocation at the City's public meetings and would like to discuss further.
- Commented that he attended the Treasure Coast League of Cities Meeting and stated

that the Florida League of Cities was appointed to be the intermediary between the State and the cities in the event the cities that were impacted by Hurricane Ian were not getting what they needed from their counties. Pointed out that the president of our Treasure Coast Regional organization is the Vice Mayor of Port Saint Lucie, Jolien Caraballo.

- Commented that he attended a 2-day meeting put on by the Marine Resources Council in Rockledge, FL. The City of Stuart was recognized for having the most attendees than other municipalities. The meeting was about low impact development and green stormwater infrastructure. Commissioner Rich shared a story about a newly built house in his neighborhood and how it flooded the area.

COMMENTS BY CITY MANAGER

6:00 PM

City Manager Dyess

- Stated a citizen contacted him in regards to the pond at the dog park on Central Parkway because of the product we use for weed ratification and stated they are concerned because it is used heavily by a remote control sail boat group. The citizen stated this group can not utilize the boats due to the weed structures within the pond and would like us to eradicate. City Manager Dyess asked the Commission if it is their desire to lift the previous instructions to staff to not do the weed ratification or keep it in place.

Commissioners briefly discussed weed products and would like the Marine Resources Council to weigh in on what is being used and what is effective.

APPROVAL OF AGENDA

6:05 PM MOTION: Approve.

MOVED BY: Becky Bruner

SECONDED BY: Christopher Collins

Motion approved unanimously.

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

1. Robin Cartwright - Hibicus St.; Commented about the YouTube video between Chamber of Commerce and a Commissioner talking about Brightline and Costco, asked the Commission to consider an ad hoc committee to hear constituents' concerns and have them reviewed by an independent source and better serve those who have concerns.

2. Frank McChrystal - Flamingo Ave.; Spoke on different sections of our Comp Plan.

3. Gwendolyn Hall Brinkley - ZOOM; Spoke about the concerns of Brightline and stated she supported having prayer before meetings and is uncomfortable that one of our Commissioners is uncomfortable about praying.

CONSENT CALENDAR

1. APPROVAL OF 10/10/2022 CCM MINUTES (RC)

2. BA #01-2023; AUTHORIZE AND ACCEPT CSCMC GRANT (RC):

RESOLUTION No. 98-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART AUTHORIZING BUDGET AMENDMENT #01-2023 TO THE FISCAL YEAR 2023 OPERATING BUDGET; MODIFYING THE APPLICATION REQUEST TO THE CHILDREN'S SERVICES COUNCIL OF MARTIN COUNTY GRANT R45-2022 AND AUTHORIZING AND ACCEPTING A NEW FISCAL YEAR 2023 GRANT ALLOCATION FOR THE EAST STUART YOUTH INITIATIVE; AUTHORIZING THE EXPENDITURE OF THE CHILDRENS SERVICES COUNCIL GRANT, COLA, AND EMERGENCY FUNDING PURSUANT TO THE TERMS OF THE GRANT AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

6:14 PM MOTION: Approve.

MOVED BY: Eula Clarke

SECONDED BY: Christopher Collins

Motion approved unanimously.

COMMISSION ACTION

3. HOUSING SOLUTIONS COUNCIL LAND LEASE - **ON 10/19/2022, APPLICANT CANCELLED RESOLUTION FROM BEING HEARD ON THE 10/24/2022 CITY COMMISSION MEETING:**

RESOLUTION No. 96-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE A LAND LEASE BETWEEN THE CITY OF STUART, FLORIDA AND HOUSING SOLUTIONS COUNCIL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

4. AMERICAN TOWER LEASE AGREEMENT (RC):

RESOLUTION No. 102-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO LEASE BETWEEN THE CITY OF STUART, FLORIDA AND AMERICAN TOWER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Michael Mortell, City Attorney, explained the details and changes to the lease and the right of first refusal.

Commissioner Collins asked what the City would lose if we did not agree with the Agreement.

Commissioners and Attorney Mortell held a brief discussion.

6:29 PM MOTION: Approve.
MOVED BY: Christopher Collins
SECONDED BY: Campbell Rich
Motion approved unanimously.

ORDINANCE SECOND READING

- 5. FIRE STATION 3 - SMALL SCALE FUTURE LAND USE AMENDMENT FROM COMMERCIAL TO PUBLIC (RC):
(THIS IS A SINGLE READING ITEM)**

ORDINANCE No. 2503-2022; AN ORDINANCE OF THE CITY OF STUART, SMALL SCALE COMPREHENSIVE PLAN AMENDMENT AS DEFINED IN F.S. § 163.3187; AMENDING THE COMPREHENSIVE PLAN, FUTURE LAND USE MAP FOR AN APPROXIMATELY 1.78-ACRE PARCEL FROM THE FUTURE LAND USE OF COMMERCIAL TO THE FUTURE LAND USE OF PUBLIC; FOR THE PURPOSE OF DEVELOPING THE SITE FOR A NEW FIRE STATION TO SERVE THE NORTHERN PART OF THE CITY; AMENDING THE FUTURE LAND USE MAP; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Bonnie Landry, Consultant Planner, presented the items location, purpose, current future land use, proposed future land use, supporting policies related to capital improvements, and recommended approval of Ordinance.

6:35 PM MOTION: Approve.
MOVED BY: Christopher Collins
SECONDED BY: Eula Clarke
Motion approved unanimously.

ORDINANCE FIRST READING

- 6. MAJOR AMENDMENT TO THE JOHNSON HONDA CPUD (QUASI-JUDICIAL)(RC):**

ORDINANCE No. 2504-2022; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING A MAJOR AMENDMENT TO A COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) FOR A 5.83-ACRE PROPERTY OWNED BY TURQUOISE MOON LLC AT 4200 SOUTHEAST FEDERAL HIGHWAY; SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; ESTABLISHING MODIFICATIONS TO THE EXISTING JOHNSON HONDA AUTOMOBILE DEALERSHIP CPUD TO ADD TWO (2) PARKING GARAGES; PROVIDING FOR CERTAIN DEVELOPMENT DOCUMENTS AND CONDITIONS; DECLARING THE PLAN TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Attorney Mortell swore in (8) people; Kapil Mack, Drew Wilkinson, Steve Mardhart, Pete Anderson, Bonnie Landry, Jodi Nentwick, and 2 unknown. (Sign in sheet attached to

Minutes)

Ms. Landry presented the items location, zoning, proper public notice, elevation and design, sign coverage, site plan, site setbacks, site data, parking provided, massing exhibit, requesting 50% waiver, LPA's approval, development condition of timing which is 3 years for phase 1 and 5 years for phase 2, staff recommends approval.

Terry McCarthy, attorney representing the applicant, stated that this was a successful business investing in a project within the City and this is not a business that generates much traffic.

Drew Wilkinson, representing Johnson Honda on behalf of Turquoise Moon LLC, spoke about the project and how he feels it is needed.

Steve Mardhart, Captec Engineering, stated why they felt it was important to build vertically vs. horizontally.

Pete Anderson, Mike Flaugh Landscape Architecture, stated that no trees are being removed but instead, they will be relocated within the project.

Commissioners engaged in questions and answers with the applicant.

6:58 PM MOTION: Approve.

MOVED BY: Becky Bruner

SECONDED BY: Eula Clarke

Motion approved unanimously.

7. MAJOR AMENDMENT TO THE WALLACE VOLVO PUD (QUASI-JUDICIAL)(RC):

ORDINANCE No. 2505-2022; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING A MAJOR AMENDMENT TO A COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) FOR A 5.78-ACRE PROPERTY OWNED BY WALLACE J 2755 SE FEDERAL HIGHWAY, LLC AT 2675 SE FEDERAL HIGHWAY; SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; ESTABLISHING MODIFICATIONS TO THE EXISTING PUD TO DEMOLISH ONE SINGLE-STORY BUILDING AND ADD A SHOWROOM WITH OFFICE AND GENERAL STORAGE SPACE, AUTO REPAIR BAYS, OUTDOOR DISPLAY AREA, AND ADDITIONAL PARKING INCLUDING ELECTRIC VEHICLE CHARGING STATIONS; PROVIDING FOR CERTAIN DEVELOPMENT DOCUMENTS AND CONDITIONS; DECLARING THE PLAN TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Attorney Mortell swore in (5) people; Russy Wallace, Susan O'Rourke, Scott Montgomery, Bonnie Landry, and Jodi Nentwick. (Sign in sheet attached to Minutes)

Ms. Landry presented the items location, zoning, elevation, parking provided, waiver for 50% interior landscaping requirement, LPA's approval, and staff recommended approval.

Mr. McCarthy, attorney representing the applicant, spoke briefly on the scope of the project.

Russy Wallace, Wallace Volvo owner, spoke about the project and how long the dealership has been there and the jobs it provides.

Commissioner Collins asked the applicant to confirm the number of square feet being added, if any trees are being removed and stated that for every tree being removed he would like one added, and asked about the storm drainage system.

Scott Montgomery, C Calvert Montgomery & Associates, confirmed the square footage of the project, spoke on the trees being removed and the ones being replanted, how much pervious will be inputted, and their storm drainage plan.

7:09 PM MOTION: Approve
MOVED BY: Becky Bruner
SECONDED BY: Eula Clarke
Motion approved unanimously.

8. FIRE STATION 3 - REZONE FROM CPUD TO PUBLIC (QUASI-JUDICIAL)(RC):

ORDINANCE No. 2506-2022; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP; TO REZONE A 1.78-ACRE PARCEL; LOCATED AT 3473 NW GREEN RIVER PARKWAY; BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; FROM COMMERCIAL PLANNED UNIT DEVELOPMENT "CPUD" TO PUBLIC; DEVELOPING THE SITE FOR A NEW FIRE STATION WITH 6,523 SQ FT TO SERVE THE NORTHNERN PART OF THE CITY; DECLARING THE PROJECT TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Attorney Mortell swore in (5) people; Bonnie Landry, Jodi Nentwick, 3 unknown. (Sign in sheet attached to Minutes)

Ms. Landry presented the items previously rezoning, concurrency, current zoning, parking, preliminary landscape, site and building details, LPA's approval, and staff recommended approval.

City Manager Dyess and Commissioners had a brief discussion on the project and Commissioner Clarke commended the Fire Department.

7:17 PM MOTION: Approve.
MOVED BY: Becky Bruner
SECONDED BY: Eula Clarke
Motion approved unanimously.

DISCUSSION AND DELIBERATION

ADJOURNMENT

7:21 PM

Mary R. Kindel, City Clerk

Troy McDonald, Mayor

Minutes to be approved at the Regular Commission
Meeting this 14th day of November, 2022.