

**MINUTES**  
**REGULAR MEETING OF THE STUART CITY COMMISSION**  
**NOVEMBER 28, 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**

5:31 PM

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

**PLEDGE OF ALLEGIANCE**

**COMMENTS BY CITY COMMISSIONERS**

Mayor McDonald

- Spoke about the tragedy that occurred in East Stuart on Thanksgiving and expressed he was saddened and is hoping for a resolution in the case. He thanked all first responders that were at the scene and the great work that was done.
- Discussed an episode of "60 Minutes" that he saw, stated it was about historic black cemeteries in Clearwater FL and mentioned how these cemeteries were bulldozed and paved over. Recognized Commissioner Clarke for the work she has done and how she has helped protect Moore's Cemetery.
- Expressed his appreciation of all that came to the tree lighting event, he stated it was one of the best attended Tree Lighting events thus far.

Commissioner Clarke

- Saddened about the tragedy that occurred on Thanksgiving, she stated that the

citizens are ready for the Police department to come down to the end of this. She thanked all first responders and appreciates that the department is looking out for the welfare of our community.

- Reflected on the Tree Lighting event and stated it was a great event, she thanked all the volunteers who organized the event.
- Stated that she heard all of what was brought up in the last meeting and does not have anything else to add. As for the land use change, she stated that she wants to follow the process and would like to follow due process and wants to wait for the Governors' decision from the Cabinet meeting. Commented that she has received several messages lately and stated whether it is positive or negative they all count.
- Stated she would like to continue recognizing all neighborhoods and work for them. Commented on all the hard work, City Manager Dyess and Pinal Gandhi-Savdas, CRA Director, are doing to align all the projects in CRA and Development. Thanked Pinal for all the guidance she has given the Commission in regards to the CRA.

Commissioner Rich

- Commented on the meeting he attended for the Treasure Coast League of Cities, he stated the Legislative Liaison, spoke about the Legislative Agenda for the state of Florida and how it will be dominated by the presidential ambitions of Governor DeSantis looking to eliminate Home Rule. The Florida League of Cities is looking to state our points of views and fighting them as best they can.
- Commented on the flood of emails that were received in regards to Costco, he stated the emails were requesting the Commissioners to vote "yes" for Costco but there is no motion to vote on. He asked whoever was soliciting people to send these emails to be precisely informed about the decision the Commissioners have to make and to state correctly what actions the public is asking them to take.

### **COMMENTS BY CITY MANAGER**

5:44 PM

City Manager Dyess

- Provided updates on community events as follows:
- Christmas Parade on December 2, 2022 at 7:00PM.
- Santa's City Lights/Field of Christmas trees on December 9, 2022 at Memorial Park.
- Miracle on 10th Street on December 17, 2022 at Guy Davis Park.

### **APPROVAL OF AGENDA**

**5:45 PM MOTION: Move approval as published.**

**MOVED BY: Eula Clarke**

**SECONDED BY: Christopher Collins**

**Motion approved unanimously.**

### **COMMENTS FROM THE PUBLIC (3 Minutes Max.)**

1.) Suzanne Bowman - SE Winter Haven Ct; Provided a briefing on the apartments behind

Spring tree and stated the different times those developers were inconsiderate to the community and their concerns.

2.) Robin Cartwright - SE Hibiscus Ave; Thanked the Stuart police department for completing an incident report she made due to a threatening comment that was made on a Facebook page and commented on what was before the FL state Cabinet in regards to Costco.

3.) Althea Wiley - SW Diane Ter; Stated she was here for things that affect the community as a whole. She thanked the Mayor and Commissioners for speaking about the recent death, and stated that something has to be done as there have been 3 deaths just in that neighborhood. She is in favor of Costco due to the jobs it will provide.

4.) Valerie Jones - Vero Beach; Commented that she has been looking into Costco and gave statistics of what she found, she spoke on the traffic study by the Department of transportation and stated her opposition to the project.

### **CONSENT CALENDAR**

1. AWARD OF ITB# 2022-113 ZONE 5 MILL/OVERLAY AND POINT REPAIRS PROJECT (RC):

RESOLUTION No. 114-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVES THE AWARD OF ITB #2022-113, ZONE 5 MILL/OVERLAY AND POINT REPAIRS PROJECT TO THE LOWEST, RESPONSIVE, AND RESPONSIBLE BIDDER WITH A TOTAL UNIT PRICE OF \$230,000.00 TO MUNICIPAL CONTRACTORS OF BOYNTON BEACH, FLORIDA PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

2. BA #4 - TRANSFER DONATION FROM WALMART TO POLICE BUDGET FOR SHOP WITH A COP EVENT (RC):

RESOLUTION No. 117-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT NUMBER #4 TO THE 2023 OPERATING BUDGET; AUTHORIZING RECEIPT AND APPROPRIATION OF A DONATION FROM WALMART CORPORATION AUTHORIZING THE EXPENDITURE OF FUNDS FOR POLICE COMMUNITY EVENTS; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

3. IMPACT FEE REPORT (UPDATED) (RC):

RESOLUTION No. 118-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ACCEPTING THE NEWLY UPDATED IMPACT FEE STUDY REPORT WITH CORRECTIONS AS CONTRACTED; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

### **END OF CONSENT CALENDAR**

**5:58 PM MOTION: Approve.**  
**MOVED BY: Eula Clarke**  
**SECONDED BY: Christopher Collins**  
**Motion approved unanimously.**

**COMMISSION ACTION**

**4. AGREEMENT WITH FLORIDA POWER AND LIGHT FOR EV CHARGING STATIONS AT SAILFISH PARKING LOT (RC):**

RESOLUTION No. 104-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING AN AGREEMENT WITH FLORIDA POWER AND LIGHT COMPANY FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF ELECTRIC VEHICLE CHARGING EQUIPMENT AND RELATED INFRASTRUCTURE AT THE SAILFISH PARKING LOT LOCATED IN DOWNTOWN STUART; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Jim Chrulski, Director of Community Services, introduced the representatives for FPL, Marshall Critchfield, External Affairs Manager, and Peter Martinez, Project Manager for the Evolution Charging program.

Mr. Martinez spoke about the statistics and timeline of the electric charging program.

Commissioner Collins spoke on the residential version of the program, questioned how much it would cost to put in the 4 chargers, stated that FPL has 30 days to walk away but the City has to wait 10 years, and wants to know what the benefit is for the City to have these parking spaces.

Mr. Martinez answered Commissioner Collins' questions and Mr. Critchfield, stated the benefits of these parking spaces for the City.

Commissioners continued discussion.

Commissioner Rich asked to amend language in Section 9, which stated that the City can move the chargers anywhere in the City and eliminate the ability for FPL to say "No".

Attorney Mortell reiterated the motion - Authorize the mayor to execute the agreement in the SF parking lot with amendment in section 9 which would authorize the City to relocate the 4 chargers within the City at FPL cost if, within 10 years. At the end of the term, the chargers will be sold to the City for \$1.00.

**PUBLIC COMMENT**

1.) Frank McCrystal - SE Flamingo Ave; Stated that he would like to see a Commission that looks over the hill and researches items coming before them and stated statistics on EV vehicles.

**6:15 PM MOTION: Approve with conditions.**

**MOVED BY: Campbell Rich**

**SECONDED BY: Becky Bruner**

**YES: Becky Bruner, Eula Clarke, Troy McDonald, Campbell Rich**

**NO: Christopher Collins**

5. ADOPTING LEGISLATIVE PRIORITIES FOR THE 2023 FLORIDA LEGISLATIVE SESSION (RC):

RESOLUTION No. 113-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE ADOPTION OF LEGISLATIVE PRIORITIES FOR THE 2023 LEGISLATIVE SESSION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Ben Hogarth, Community Affairs Liaison, presented the below 2023 Legislative Priorities.

- Appropriation Request - \$500,000.00
- Stormwater improvement project - Woods Point Basin
- Policy Priorities:
  - Home Rule Protection
  - Homeowners Insurance Crisis
  - Affordable Housing and Renters Assistance
  - Water Quality & Sustainability
  - Resiliency & Land Acquisition for Conservancy
  - Investments in Alternative Energy & Transportation
  - Funding for remediation of PFAS contamination

6:24 PM

Commissioners discussed the different legislative priorities.

PUBLIC COMMENT:

1.) Tom Campenni - St Lucie Crescent; Spoke about the Zubowski funds and commented on what a great job our Governor has done for the water.

2.) Jimmy Smith - SE Apache Ave; Asked if we have anybody who regulates the boats' sewage.

Mayor McDonald stated the County has a boat called Ms. Poop and it regulates the sewage for boats.

**6:46 PM MOTION: Approve moving #4 to #1.**

**MOVED BY: Eula Clarke**

**SECONDED BY: Christopher Collins**

**Motion approved unanimously.**

## **ORDINANCE SECOND READING**

## **ORDINANCE FIRST READING**

**6. IMPACT FEE UPDATES (RC):**

ORDINANCE No. 2508-2022; AN ORDINANCE OF THE CITY OF STUART, AMENDING CHAPTER 32 ARTICLE III IMPACT FEES, ADJUSTING FEES AND LANGUAGE FOR COLLECTION AND NOTIFICATION PROCEDURES; PROVIDING FOR A SEVERABILITY CLAUSE AND A CONFLICT CLAUSE; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES

6:56 PM

City Manager Dyess spoke about the revisions that were made to the Impact fee and minor language changes.

Commissioner Collins questioned the fees for developers and stated he believes there is more of an impediment to developing certain types of housing due to the high impact fees. Stated he would like to see the numbers off set so the Multi-family impact fee and Single Family impact fees are closer together.

Commissioners, Attorney Mortell, and City Manager Dyess discussed the impact fees.

**7:09 PM MOTION: Approve as published.**

**MOVED BY: Eula Clarke**

**SECONDED BY: Campbell Rich**

**Motion approved unanimously.**

**7. ADDING INVOCATIONS TO THE AGENDA (RC):**

ORDINANCE No. 2509-2022; AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING THE STUART CITY CODE, CHAPTER 2, ADMINISTRATION AMENDING ARTICLE II DIVISION 2; PROVIDING FOR SEVERABILITY OF THE PARTS HEREOF; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Dyess stated the changes that were made to the City Code, Chapter 2.

Commissioner Collins questioned the Resolution in the Ordinance. City Manager stated it was just an example, but it would be approved at the second reading.

Commissioner Rich spoke about the changes and read several whereas clauses. He also requested that when the invocation takes place people are not asked to stand, as he does not believe that people should have to stand if they are not comfortable with it.

Commissioners had a discussion about having an invocation and stated that the Resolution is an almost replica of the Counties resolution.

**PUBLIC COMMENT**

1.) Missy Harris - SE Alamanda St; Thanked the Commission for the job that they do and stated she is in favor of the invocation.

2.) Nathan Joiner - SW 96th St; Thanked the Commission for having this brought up and read a prayer from George Washington. Is in favor of the invocation.

3.) Laura Joiner - SW 96th St; Read an excerpt from the Declaration of Independence

and stated she is in favor of the invocation.

4.) Mary Hutchinson - St Lucie Crescent; Is against the invocation and agrees a moment of silence is sufficient.

5.) Frank McChrystal - SE Flamingo Ave; Is in favor of the invocation.

**7:13 PM MOTION: Approve with modification removing "maintain" and add "create" in the whereas clause.**

**MOVED BY: Eula Clarke**

**SECONDED BY: Christopher Collins**

**YES: Becky Bruner, Eula Clarke, Christopher Collins**

**NO: Troy McDonald, Campbell Rich**

### **DISCUSSION AND DELIBERATION**

### **ADJOURNMENT**

7:46 PM

---

**Mary R. Kindel, City Clerk**

---

**Troy McDonald, Mayor**

**Minutes to be approved at the Regular Commission  
Meeting this 12th day of December, 2022.**