

MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
JANUARY 23, 2023
AT 5:30 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION

Mayor Troy McDonald
Vice Mayor 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

6:12 PM

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

PLEDGE OF ALLEGIANCE

COMMENTS BY CITY COMMISSIONERS

Commissioner Collins

- Requested to move Item #6 up on the agenda as most of the public in attendance plan speak on that item.

Mayor McDonald noted it would be moved just after the approval of the Consent Calendar and there was consensus among the Commission.

Commissioner Clarke

- Announced her attendance at the Treasure Coast Regional Planning Council Meeting and will share information that they have done on Form Based Code.
- Reported on the MLK Day event on the 16th, complimented Nina Dooley and AACES for what they do to educate and unify the community.
- Commented on the presentation on Guy David Park given at the Joint Meeting held today and hopes the Commission will move forward with the East Stuart Advisory

Committee and have that on a future agenda.

- Commented on the request from the City Attorney for an update on Stuart lawsuits, specifically the Rudge and Taylor properties and the City's position.

Mayor McDonald

- Commented on the meeting held at the 10th Street Community Center on Guy Davis Park and per the Joint Meeting today, is happy the plan is moving forward.

COMMENTS BY CITY MANAGER

City Manager David Dyess:

- Commented that a lawsuits update will be scheduled for the next meeting.
- Provided a brief update on the MPO stating he sent out an email to Commissioners related to three alternatives for construction of US1 and Joan Jefferson and traffic coming into downtown. Alternative 1 with modifications was selected by the Commission, the MPO has 2 minor modifications and is inquiring whether the City would support them. Modification 1. paint bike lane sharrows on A1A and 2. on St. Lucie Circle, add a metered light to stop some of the south traffic coming from US1.

APPROVAL OF AGENDA

6:21 PM MOTION: Approve with moving Item #6 just after the Consent Calendar.

MOVED BY: Eula Clarke

SECONDED BY: Christopher Collins

Motion approved unanimously.

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

1. Margaret Bromfield - Thanked the Commissioners for the work done in East Stuart and read a excerpt from the Bible.
2. Michelle Smith - Kanner Hwy.; Commented to offer her volunteer services as a veteran as recently moved from NJ.
3. Caryn Hall Yost-Rudge - Palm City Rd.; Provided 5 handouts, one for each Commissioner.

CONSENT CALENDAR

1. APPROVAL OF 01/05/2023 SCM - ZIP WORKSHOP & 01/09/2023 CCM MINUTES (RC)
2. AWARD RFP# 2023-200, PROFESSIONAL ENVIRONMENTAL SERVICES (RC):

RESOLUTION No. 03-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVES THE AWARD OF RFP #2023-200, PROFESSIONAL ENVIRONMENTAL SERVICES TO TERRACON

CONSULTANTS, INC. OF WEST PALM BEACH, FLORIDA, GFA INTERNATIONAL, INC OF PORT SAINT LUCIE, FLORIDA, EW CONSULTING, INC., OF STUART, FLORIDA ON AN AS NEEDED BASIS, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

3. AWARD RFQL#2022-400, PROFESSIONAL ENGINEERING SERVICES (RC):

RESOLUTION No. 05-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE THE AWARD RFQL# 2022-400, PROFESSIONAL ENGINEERING SERVICES TO THE SIX MOST QUALIFIED FIRMS, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

4. AUTHORIZATION TO APPLY FOR THE FDOT TRANSPORTATION ALTERNATIVE PROGRAM (TAP) APPLICATION (RC):

RESOLUTION No. 06-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY MANAGER TO APPLY FOR A FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TRANSPORTATION ALTERNATIVES PROGRAM (TAP) APPLICATION FOR DIXIE HIGHWAY STREETSCAPE IMPROVEMENTS (SW JOAN JEFFERSON WAY TO S COLORADO AVENUE); PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

6:31 PM MOTION: Approve

MOVED BY: Eula Clarke

SECONDED BY: Christopher Collins

Motion approved unanimously.

Item #6 was heard after the Consent Calendar as requested by Commissioner Collins during Commissioner Comments.

ORDINANCE SECOND READING

6. ADDING INVOCATIONS TO THE COMMISSION MEETING AGENDA (RC):

ORDINANCE No. 2509-2023; 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.

RESOLUTION No. 07-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING A POLICY REGARDING INVOCATIONS AT THE OPENING OF ITS MEETINGS; MAKING FINDINGS; AND PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Attorney Mortell read the Ordinance title for the record and announced that Item #6 included a Resolution adopting policy regarding invocation at the opening of its meetings. This is a text amendment to the Code of Ordinances and is not a quasi-judicial, but a legislative matter of the Commission.

Mayor McDonald noted that he feels there has been some miscommunication in that the City would be removing prayer from its meetings and clarified that is not the case. A moment of silence has been used and prayer has been requested to be added. Therefore, they would not be removing it from the meetings.

Commissioner Collins made a motion and Vice Mayor Bruner seconded it.

Commissioners commented and held a brief discussion on whether the invocation should be left up to the acting Mayor, the decision, and whether it would create a lack of civility and decorum would be affected.

PUBLIC COMMENT:

1. Pastor Darrell Orman - Palm City; Read a prayer and stated this is a Christian nation and that prayer is not imposing on people; in favor.
2. Sharon McMahon Mitchell - Sewalls Point Rd., Stuart; Comes from long line of Stuart family residents and Christians, commented on the businesses her family owned(s) in the community, in favor.
3. Mike Sonnevelatt - Port St. Lucie; is a Pastor and commented on the Pledge of Allegiance, under God, social contract and at the end of the day, we are all a community, as representatives of the people, unless unconstitutional, it's the Commissioners job to vote as the passionate people who have taken the time to come to express themselves, in favor.
4. Todd Mozingo - Fairway W., Stuart; Commented on the process by which elected, note that the majority who have shown up are in favor of prayer at the beginning of meetings, stop trying to make decisions by not offending the minority, in favor.
5. Jan Mozingo - Fairway W., Stuart; Pary for all and is offended and by comments that they were hurtful, in favor.
6. Bessy Mariner - Jensen Beach; Commented that she practiced various religions and feels prayer has had positive effects on our community, ie hurricanes., etc. in favor.
7. Sherry S. Way. - Ocean Blvd., Stuart; Commented in favor of the skate park at Guy Davis but is here in favor of prayer.
- 8.) Olga Abbadie - Sailfish Lane, Stuart; Said a prayer, encouraged the Commissioners to be in sync with the creator of the universe, in favor.
- 9.) James Brocious - Madison Ave., Stuart; Stated prayers are not to force anybody to do anything, in favor.
- 10.) Bill Smithson - Hobe Sound; Stated Commissioner Collins was defiant and arrogant for praying during his comments; opposed.
- 11.) JoAnne Gillespie - Port St. Lucie; Humanist of the Treasure Coast, recommended not invocation, opposed.
12. Joseph Beck - Port St. Lucie; Commented that it is a difficult decision, stated if it ain't broke, don't fix it, opposed.
13. Jenny Starts - Hobe Sound; said a prayer, in favor.
14. Mary Hutchensen - St. Lucie Crescent, Stuart; Commented in favor of keeping the moment of silence and not having prayer at the meetings, opposed.
15. Jackie Vitale - Seminole St., Stuart; Feels the City should move onto other issues but

will vote their conscious on this issue.

16. Rene Borje - Palm City; Commented in favor of the Invocation Policy, in favor.

17. Amber D'Angelo - Palm City; Commented in favor of prayer and apologized to Commissioner Rich on behalf of others for negative comments, in favor.

18. Susan Ruiz - Winnachee Dr., Stuart; Came back to the Christianity at 51 years old and if it wasn't for God she wouldn't be here, in favor.

19. Amymarie Mahery - Belgrave Terr., Stuart; was an agnostic drug dealer in Alabama and now is Christian and at peace, commented that the Commission should not be concerned with offending people, in favor.

21. Ann Limjoco - Belgrave Terr., Stuart; Comented with her thoughts as to not understanding why some are offended and why some feel God should not be included in a public meeting, in favor.

20. Elizabeth Crane - Burnett Ave., Stuart; Commented that she was raised to believe the Theory of Evolution, saw prayer removed from schools and knows the effects, believes we come from The Creator, our complexities did not just happen, asking the Commission not to believe but to appeal and honor, in favor.

21. Natalie Evans - SE Ocean, Stuart; Stated her gathered statistics of the public in favor and opposed to prayer at meetings, in favor.

22. Rick Evans - SE Ocean, Stuart; Pastor and in favor of prayer.

23. Blaine Albright - Pitts Terr, Stuart; Is a Pastor, prays for the Commission and commented that a yes vote will not be a religious action but a corrective action to the prayer being taken away at some time in the past, hope the Commissioners do not feel personally attacked, in favor.

24. Michael Detrilizzi - Palm City; Brought prayer back to the County Commission back in 2012 and the School Board, shared personal story and the effect of prayer in his life, in favor.

25. Amy Pritchett - Horseshoe Pt. Rd., Stuart; Commented that she has been called out for her faith but she knows God loves all, in favor.

26. Jonathan McClain - Jensen Beach; Pastor, commented that it is possible that many negative comments did not come from the true Body of Christ, reminded them that there are many wolves in sheep clothing. Quoted Thomas Jefferson, in favor.

27. Drew Reichmen - Martin Ave., Stuart; Commented that he is atheist and feels that these meetings are for government business only, opposed.

27. Brandon Cooper - Flamingo Ave., Stuart; Apologized for those who offended others with harsh comments, sees God in everyday life, in favor.

29. Dr. Julie Bjornson - Riverboat Dr., Stuart, Commented on Bible prophesy, the non-human agenda and feels we should all pray as evil is coming, in favor.

30. Christi Fuller - Riverside Dr., Stuart, Commented on the separation of Church and State and did research, noted it was created not to take God out of government but to protect the churches from governmental control. It was the basis of our Country's founding, in favor.

31. Carla Harp - St. Lucie Blvd., Stuart; Commented on the similarities because of prayer between Presidents Obama and Trump and others before them and does not understand why the Commissioner feel they are above that, in favor.

32. Lorrie Giobbi - Ocean Blvd., Stuart; Questioned do we really feel a little prayer before the meeting would hurt? In favor.

33. Gail Goldy - 12th Terr., Stuart; Commented that all residents, though may not be City residents, comments should be taken into consideration as they took the time to come here; in favor.

34. Nathan Joiner - 96th Street, Stuart; Commented about the comments about

government building and that prayer doesn't belong here, but feels prayer should be in a public place or anywhere, as a community leader, you represent the public, in favor.

35. Frank McChrystal - Stuart; Said a brief prayer and commented that the County made it simple, in favor.

36. Althea Stoudemire - Diana Terr., Stuart; Commented that prayer is why she is here; comes and communicates with City Commissioners and staff and does not know their beliefs, we just show each other respect. After we pray, there are people out there in the community that need our actions, in favor.

37. Helen McBride - Flamingo Ave.; In the Pledge of Allegiance in high school, she did not say "Under God", it was added in 1974; prays but feels it is not needed in the public meeting, opposed.

38. Linda St. Jullian - ZOOM; Palm City; Commented that she hope they vote yes to simply pray a simple prayer for guidance, in favor.

39. Micha Hartowski - ZOOM; 5th St.; Said a prayer, commented that a moment of silence keeps people from judging each other, opposed.

40. Joe Hatrowski - ZOOM; 5th St.; Feels "if it ain't broke, don't fix it", noted that you do not have to pray publicly in order to pray, opposed.

41. Caryn Hall Yost-Rudge - ZOOM; Commented that the Commissioners are not in charge and prayer is a sign of humility, it's not the Commissioner's money, opposed.

42. Margerate Bromfield - ZOOM; Commented that she was walked through the community to pray for each other, prayer starts at home, in favor.

Commissioner Rich requested clarification from City Attorney Mortell on whether it was required for staff to remain in the room or could they leave while an invocation was being done. Commissioner Rich stated he would like to request the motion be amended to have the invocation ake no longer than 1 minute and that no one is asked to stand during the invocation.

Commissioner Clarke commented that the Ordinance and Resolution are to be approved separately. Her comments on the Resolution are as follows:

- There are two Section 3's, that is a typographical error that needs to be taken care of.
- Section 4, add the language, "Unless the scheduled invocation speaker fails to appear, add 'which will result in a moment of silence,' the invocation shall be voluntarily delivered...

Commissioner Bruner commented that she plans to vote with her heart and conscience.

Commission discussion included the City's legal positions, sitting vs. standing, a time limit, etc.

6:35 PM MOTION: Approve

MOVED BY: Christopher Collins

SECONDED BY: Becky Bruner

VOTE: Motion passed 3/2. 8:57 PM

YES: Clarke, Bruner, Collins

NO: McDonald, Rich

Resolution No. 07-2023

Commissioner Clarke commented on Commissioner Rich's requests for the amendments to the Resolution and made a motion.

PUBLIC COMMENT:

1. Jenny Start - Thanked the Commission.
2. Volunteered to give the invocation on regular basis.
3. Bill Smithson - not opposed to the

Mayor McDonald commented on a sermon at the church he attended, spent more time talking with others, about and thinking about prayer.

8:59 PM MOTION: Approve, renumbering the Sections because 3 is doubled up due to a scrivener's error and in Section 4, add the language, "Unless the scheduled invocation speaker fails to appear, add 'which will result in a moment of silence,' the invocation shall be voluntarily delivered...

MOVED BY: Eula Clarke

SECONDED BY: Christopher Collins

VOTE: Motion passed 4/1. 9:05 PM

YES: McDonald, Collins, Bruner, Clarke

NO: Rich

**** 9:06 PM Recess**

**** 9:11 PM Reconvened**

COMMISSION ACTION

5. INTENTION TO ABANDON A PORTION OF S.E. OCEAN AVENUE RIGHT-OF-WAY(ROW) (RC):

RESOLUTION No. 08-2023, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA DECLARING PURSUANT TO CHAPTER 36 CODE OF ORDINANCES OF THE CITY STUART, FLORIDA, THE INTENTION OF THE COMMISSION TO ABANDON AND TO SET PUBLIC HEARINGS ON FEBRUARY 27, 2023, AND MARCH 27, 2023, AT 5:30 P.M. IN THE CITY COMMISSION CHAMBERS TO CONSIDER THE ABANDONMENT OF A 30' WIDE PUBLIC RIGHT-OF-WAY WITHIN THE CITY, BEING THE PORTION OF S.E. OCEAN AVENUE. MORE CLEARLY DESCRIBED IN EXHIBIT "A" ATTACHED, AND FOR OTHER PURPOSES.

9:12 PM MOTION: Approve

MOVED BY: Eula Clarke

SECONDED BY: Christopher Collins

Motion approved unanimously.

ORDINANCE FIRST READING

7. SAILFISH CAY, 751 SE CENTRAL PARKWAY - SMALL-SCALE FUTURE LAND USE MAP AMENDMENT (QUASI-JUDICIAL) (RC):

(CITY INITIATED CONTINUANCE TO A DATE CERTAIN OF FEBRUARY 13, 2023 CCM)

ORDINANCE No. 2486-2022; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN THEREBY CHANGING THE FUTURE LAND USE DESIGNATION FROM "COMMERCIAL" TO "MULTI-FAMILY RESIDENTIAL" FOR A 4.88-ACRE PARCEL, LOCATED AT 751 SE CENTRAL PARKWAY, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; DECLARING THE PLAN TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; 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 read the title of Ordinances 2486-20222023 and 2487-20222023, request to be continued to February 13, 2023 CCM.

9:14 PM MOTION: Approve both Items #7 & 8 with a motion to continue to a date certain of February 13, 2023 Commission Meeting.

MOVED BY: Eula Clarke

SECONDED BY: Campbell Rich

Motion approved unanimously.

8. SAILFISH CAY, 751 SE CENTRAL PARKWAY -REZONING FROM COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) TO RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) (QUASI-JUDICIAL)(RC):
(CITY INITIATED CONTINUANCE TO A DATE CERTAIN OF FEBRUARY 13, 2023 CCM)

ORDINANCE No. 2487-2022; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP TO REZONE REAL PROPERTY FROM COMMERCIAL PLANNED UNIT DEVELOPMENT "CPUD" TO RESIDENTIAL PLANNED UNIT DEVELOPMENT "RPUD" FOR A 4.88-ACRE PARCEL, LOCATED AT 751 SE CENTRAL PARKWAY; SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; ESTABLISHING THE SAILFISH CAY RPUD CONSISTING OF SIXTY (60) TOWNHOUSE UNITS; APPROVING A MASTER SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS AND A TIMETABLE FOR DEVELOPMENT, DECLARING THE PLAN TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; 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.

DISCUSSION AND DELIBERATION

ADJOURNMENT

9:14 PM

Mary R. Kindel, City Clerk

Troy McDonald, Mayor

**Minutes to be approved at the Regular Commission
Meeting this 13th day of February, 2023.**