

MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
FEBRUARY 27, 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

5:33 PM

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

INVOCATION

Pastor Dr. Darrell Orman - First Baptist Church of Stuart

PLEDGE OF ALLEGIANCE

COMMENTS BY CITY COMMISSIONERS

Mayor McDonald

- Announced City Manager David Dyess has given his official notice and thanked him for all of his work and stated he will greatly be missed.
- Attended the MPO meeting and announced he was re-elected as chair and spoke about the grant the City received and the work that needs to be done on it.
- Attended the Martin County little leagues and mentioned that our City Manager was recognized.
- Would like to revisit the option for "Request to Speak" buzzer for all Commissioners during the Commission Meetings.
- Spoke on Senate Bill 102 and stated it is very likely to pass and stated he believes the way the Senate wants to do it is not the way it will fit in Stuart. Read the Senate Bill and stated why it would not work for the City of Stuart. Stated that he finds it disturbing that

the Bill will pass and hopes that there is change. He would like City staff to do an analysis of the bill, work with our lobbyist to see how it affects us and our future buildout, and changes that we can do and propose it to the Senate.

Commissioner Clarke

- Appreciated all the work City Manager Dyess has done in his tenure at the City.
- Announced she attended two birthday parties of people who turned over 90.
- Stated that when she was Mayor, the little league won the State Champion.
- Stated the Heritage Festival was a great event and thanked Jackie May, Grants Writer and others for their work on the festival.
- Spoke about the Rivers Coalition and stated the presentation Ms. Jackie Thurlow Lippish presented and would like to have her come in during a workshop to present her presentation.
- Announced the annual banquet for the NAACP on March 11, 2023 and encouraged everyone to go.
- Spoke about an award she received from the National Forum for Black Public Administrators as a Trailblazer in the community.
- Would like the Metropolitan Planning Organization (MPO) to look into the alignment on Wright Blvd and Alice Ave.

Mayor McDonald responded that it is on the priority list for the MPO.

Commissioner Clarke continued:

- Would like a grant schedule to be published and have more information available for residents and business owners to take advantage of it.
- Would like Attorney Mortell to provide an update on legal cases.

Commissioner Collins

- Spoke on Senate Bill 102 and thinks we have to weather the storm as he doesn't believe this development boom will always be the issue.
- Provided an update on the St Lucie River.
- Read an excerpt of the article from the TC Palm and thanked Ed Killer, TC Palm Editor.
- Complimented the presentation given by Jackie Thurlow Lippish and paraphrased a part of her presentation.
- Announced the Special Commission Meeting on March 9, 2023 to review the replacement of City Manager Dyess and stated he would like Mike Mortell, City Attorney, to potentially be the next City Manager; stating, it would open up the possibility of having an Environmental Attorney.

Commissioner Rich

- Stated he will be meeting with Ben Hogarth, Community Affairs Liaison and Lt. Kernall Polk, Deputy Commander of South Florida at US Army Corps of Engineers to begin

negotiations about not receiving discharges.

- Stated he is on the Advocacy Committee for the Treasure Coast Region and stated that he believes Senate Bill 102 is off the list but will provide the Mayor an update. He stated that the group is asking to look at the following bills - Sovereign Immunity, Permits, Partisan Elections, Solid Waste Management, Financial Disclosure, Homestead taxes, and Local Employment. Announced he will be in Tallahassee from March 14-16 and would like to put it on the Commission Meeting agenda for March 13, 2023 to discuss Stuart's stance and be able to speak about it in Tallahassee.

COMMENTS BY CITY MANAGER

City Manager David Dyess

- Introduced the new Utilities & Engineering Director - Peter Kunen.
- Announced the Special Commission Meeting on March 9, 2023.

City Attorney Mortell stated that Commissioner Rich's vote was not recorded during the last meeting (02/13/2023) for Resolution No. 10-2023. City Attorney Mortell read the Resolution and asked Commissioner Rich to vote.

Commissioner Rich voted Yes.

City Manager Dyess continued:

- Stated that the last item on the agenda is a brief discussion of a litigation update by the City Attorney.

APPROVAL OF AGENDA

6:15 PM MOTION: Approve, pulling item #3.

MOVED BY: Campbell Rich

SECONDED BY: Eula Clarke

Motion approved unanimously.

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

1.) Yvette Wirta-Clarke - SW Atlanta Ave; Provided a brief history about herself and stated she wanted to work with the City about the flooding near Gilbert Coffee Shop, stated there is no drainage and would like to find a way to get a surface drain.

CONSENT CALENDAR

1. APPROVAL OF 02/13/2023 CCM MINUTES (RC)

2. AWARD OF RFP #2023-201 DEBRIS REMOVAL SERVICES (RC):

RESOLUTION No. 13-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE THE AWARD OF RFP #2023-201, DEBRIS REMOVAL SERVICES TO THE TWO TOP RANKED FIRMS,

CROWDER GULF OF MOBILE, ALABAMA AS THE PRIMARY CONTRACTOR, AND DRC EMERGENCY SERVICES OF WEST PALM BEACH, FLORIDA AS THE SECONDARY CONTRACTOR, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

3. AWARD OF RFP #2023-202: DEBRIS MONITORING SERVICES (RC):

RESOLUTION No. 14-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE THE AWARD OF RFP #2023-202, DEBRIS MONITORING SERVICES TO THE TWO TOP RANKED FIRMS, THOMPSON CONSULTING SERVICES, LLC. OF MAITLAND, FLORIDA AS THE PRIMARY CONTRACTOR, AND TETRA TECH, INC. OF MAITLAND, FLORIDA AS THE SECONDARY CONTRACTOR, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

PULLED

4. BUDGET AMENDMENT #10 FROM ARPA FUNDS TO MATCH KIWANIS FOR PARK ENHANCEMENTS (RC):

RESOLUTION No. 16-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET ADMENDMENT NO. 10 TO THE 2022-2023 BUDGET; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE IMPROVEMENT AND ENHANCEMENT OF KIWANIS PARK; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

6:19 PM MOTION: Approve.

MOVED BY: Eula Clarke

SECONDED BY: Becky Bruner

Motion approved unanimously.

PUBLIC COMMENT:

1.) Marc Brechbill - SE Osceola St; Wanted to congratulate Kiwanis Park and the City for their work and effort on the park and the vision the club had to create this park.

2.) Virginia Hill - SW Blue Water Way; She is the President of the Kiwanis Club and thanked the Commission for their support and stated the club has met their fulfillment in raising the matching funds to complete this project. Invited everyone to the Pancakes and reading on March 4, 2023.

3. AWARD OF RFP #2023-202: DEBRIS MONITORING SERVICES (RC):

RESOLUTION No. 14-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE THE AWARD OF RFP #2023-202, DEBRIS MONITORING SERVICES TO THE TWO TOP RANKED FIRMS, THOMPSON CONSULTING SERVICES, LLC. OF MAITLAND, FLORIDA AS THE PRIMARY CONTRACTOR, AND TETRA TECH, INC. OF MAITLAND, FLORIDA AS THE SECONDARY CONTRACTOR, PROVIDING AN

EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Vice Mayor Bruner questioned if the companies for the debris items are related as they are both from Maitland.

David Peters, Utilities and Engineering Project Manager, stated that it is just a location for both firms and they are not related.

6:26 PM MOTION: Approve.
MOVED BY: Becky Bruner
SECONDED BY: Christopher Collins
Motion approved unanimously.

COMMISSION ACTION

5. GREEN REUSE AREA DESIGNATION (RC):

RESOLUTION No. 09-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA MAKING CERTAIN FINDINGS AND DESIGNATING THE REAL PROPERTY LOCATED AT 980, 1050, AND 1120 SE MONTEREY ROAD EXTENSION, STUART, FLORIDA, IDENTIFIED BY MARTIN COUNTY FOLIO NUMBERS 16-38-41-000-000-00013-0, 16-38-41-000-000-00014-0, AND 16-38-41-000-000-00016-0 (COLLECTIVELY, THE "SUBJECT PROPERTY"), AS FURTHER IDENTIFIED BY THE ATTACHED MAPS, COMMONLY REFERRED TO AS "THE LANDFILL", PURSUANT TO SECTION 376.80, FLORIDA STATUTES OF FLORIDA'S BROWNFIELD DEVELOPMENT ACT FOR THE PURPOSE OF ENVIRONMENTAL REHABILITATION, JOB CREATION AND PROMOTING ECONOMIC DEVELOPMENT; AUTHORIZING THE CITY CLERK TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION; PROVIDING FOR IMPLEMENTATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Manager Dyess stated that there were no changes since the first reading.

6:28 PM MOTION: Approve.
MOVED BY: Becky Bruner
SECONDED BY: Eula Clarke
Motion approved unanimously.

ORDINANCE SECOND READING

6. STUART AUTO VAULT, LLC., PETITION FOR VOLUNTARY ANNEXATION ON MONTEREY ROAD (RC):

ORDINANCE No. 2510-2023; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, ANNEXING A PARCEL OF LAND FRONTING SE MONTEREY ROAD, CONSISTING OF 0.34-ACRES, SAID PARCEL BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED

HERETO; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Commissioner Collins questioned if "Flex Warehouse" is a part of our code and the parking on the site.

Mayor McDonald stated this item does not have a site plan and preferred the question to be asked during the "Zoning" discussion.

Commissioner Clarke asked that her motion was based on a staff report in regard to all of the factors of FL Statue.

6:30 PM MOTION: Approve.

MOVED BY: Eula Clarke

SECONDED BY: Campbell Rich

Motion approved unanimously.

7. STUART AUTO VAULT, LLC., PETITION FOR REZONE TO THE OFFICIAL ZONING ATLAS ON MONTEREY ROAD (RC):

ORDINANCE No. 2512-2023; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP; TO REZONE A 0.34-ACRE PARCEL; LOCATED ON THE SOUTH SIDE OF SE MONTEREY ROAD; BEING MORE DESCRIBED IN EXHIBIT "A" ATTACHED, FROM B-1 BUSINESS (COUNTY) ZONING DESIGNATION TO B-4 LIMITED BUSINESS/MANUFACTURING (CITY) ZONING DESIGNATION; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Commissioner Collins questioned the "Flex warehouse" designation and is concerned about the parking. Would like to know how the City can guarantee that the business isn't maximizing the square footage as a warehouse just to get less on the parking requirement.

Commissioners and Attorney Mortell had a discussion on flex warehouse space and parking.

6:45 PM MOTION: Approve.

MOVED BY: Christopher Collins

SECONDED BY: Eula Clarke

Motion approved unanimously.

ORDINANCE FIRST READING

8. 751 SE CENTRAL PARKWAY - SMALL-SCALE FUTURE LAND USE MAP AMENDMENT (QUASI-JUDICIAL) (RC):
(THIS IS A SINGLE READING ITEM)

ORDINANCE No. 2486-2023; 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.

Commissioners provided their ex-parte communications. Attorney Mortell swore in (4) four potential witnesses; Jodi Nentwick Kugler, Development Director, Susan O'Rourke, O'Rourke Engineering, Ryan Johnston, CEO of Johnston Group Development & Construction, Steven Fischer, Chief Development Lead at Freddie Mac.

Commissioner Clarke commended Ms. Kugler for her work on this project and ensuring that the applications meet the requirements.

Ms. Kugler presented the location, history, existing future land use, small scale future land use map, topography, wetlands, strategic habitat conservation areas, wellfield protection, soils, traffic concurrency, public services, maximum buildout, historic resources, LPA comments, and stated staff recommendation of approval.

Bob Raynes, Land Use Attorney with Gunster Law Firm introduced Audra Creech, Land Use Attorney with Gunster Law Firm. Ms. Creech presented the responsibility of the City and provided FL Statutes, data required for land use amendments, property location, comprehensive plan compliance, current land use, Towne Park support, original development plan, requirement to prevent Urban Sprawl, long range traffic analysis, expected population increase over 10 year planning period, City of Stuart population, determined maximum buildout for the City 23,648 people, imbalance, why the project is appropriate and better suited for the City, the proposed future land use, and staff analysis.

7:21 PM

Commissioner Collins and applicant representatives had discussion and stated that he would like to keep this piece of property as commercial zoning.

Commissioner Rich stated he believes this current piece of property is an eye sore and stated there have been several attempts to develop this property and have failed.

Commissioners continued discussion.

PUBLIC COMMENT:

- 1.) Marc Brechbill - SE Osceola St; Stated that taking commercial property and turning it into multi-family housing multiplies the problem of affordable housing. He believes this project should carve out a piece for "affordable housing".
- 2.) Sean Reed - SW 6th St; Stated there was a lot of good public comment that evening and stated that Commissioner Bruner would never again for zoning changes from commercial to multi-family and hopes she sticks to her word.
- 3.) Danielle Dominico - SE Central Pkwy; Stated she lives in Towne Park and prefers that

property stays as Commercial.

7:36 PM MOTION: Approve.

MOVED BY: Campbell Rich

SECONDED BY: Eula Clarke

VOTE:

YES: Eula Clarke, Troy McDonald, Campbell Rich

NO: Becky Bruner, Christopher Collins

9. 751 SE CENTRAL PARKWAY - REZONING FROM COMMERCIAL TO RESIDENTIAL PLANNED UNIT DEVELOPMENT (QUASI-JUDICIAL) (RC):

ORDINANCE No. 2487-2023; 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.

Commissioners provided their ex-parte communications. Attorney Mortell swore in (5) five potential witnesses; Jodi Nentwick Kugler, Development Director, Susan O'Rourke, O'Rourke Engineering, Ryan Johnston, CEO of Johnston Group Development & Construction, Steven Fischer, Chief Development Lead at Freddie Mac, and 1 (one) unknown.

Ms. Nentwick-Kugler presented the public notice, existing and proposed zoning, building area and site layout, access and circulation, parking, overall landscaping, architecture, concurrency, three requested waivers, LPA board approval, and staff recommendation.

Ryan Johnston, Johnston Construction Group presented the original development plan, latest approved site plan, approved building evaluations, mission statement, low impact development, proposed site plan, perspective renderings, townhome concept benefits, planned unit development benefits, highlights and public benefits, Towne Park flooding resolved, tree preservation, sidewalk extension, low impact development techniques implemented, sidewalk widths, neighborhood participation, Towne Park north sign easement to be granted, LPA recommendation, and staff analysis.

8:30 PM

Mayor McDonald stated he would like the HOA documents to state that the owners will own the property for 2 years prior to renting the property.

Commissioners had the following discussions:

- Low Impact Development techniques
- Percentage of native landscape
- Treatment of water
- Types of Oak trees
- Storm water excess capacity

8:44 PM MOTION: Approve with (3) three conditions: owning for 2 years prior to rental, HOA agreement regarding the maintenance of the Low Impact Development and annual report, ensuring the flooding issue is corrected if not, the applicant will need to revisit.

MOVED BY: Eula Clarke

SECONDED BY: Campbell Rich

VOTE:

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

NO: Christopher Collins

DISCUSSION AND DELIBERATION

10. NORTHPOINT VENTURES, LLC V. CITY OF STUART

City Attorney Mortell provided a history on the lawsuit and stated that the trial would be around May 1 - 12. City Attorney Mortell stated he was looking for a motion to designate the Mayor to attend mediation. Attorney Mortell provided the Commission with an option to have an Attorney - Client meeting on March 13 prior to the Commission Meeting.

8:52 PM MOTION: Approve for the Mayor to be the representative.

MOVED BY: Christopher Collins

SECONDED BY: Eula Clarke

Motion approved unanimously.

8:52 PM MOTION: Approve for Attorney - Client meeting.

MOVED BY: Christopher Collins

SECONDED BY: Campbell Rich

Motion approved unanimously.

ADJOURNMENT

8:53 PM

Mary R. Kindel, City Clerk

Troy McDonald, Mayor

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