

MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
APRIL 10, 2023
AT 4:00 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

Interim City Manager, Michael J. Mortell
Interim City Attorney, Paul J. Nicoletti
City Clerk, Mary R. Kindel

ROLL CALL

4:01PM

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

INVOCATION

Chaplin Hank Breitenkam - Humanist of the Treasure Coast.

PLEDGE OF ALLEGIANCE

1. ARTS MOMENT - DIANE FREANEY FEATURING THE ART OF JIMMY MIRIKITANI.

Before introducing the Arts Moment, Mayor McDonald announced that Mr. Nathan Ritchey withdrew his application for the K-9 Social at Poppleton Creek dog park.

Diane Freaney spoke about the Art of Jimmy Mirikitani. She stated that she is looking for a space to exhibit the art of Jimmy Mirikitani and spoke briefly about the history of Jimmy Mirikitani and the celebration that will be held in the Blake Library for his birthday.

PROCLAMATIONS

2. PUBLIC SAFETY TELECOMMUNICATORS WEEK - APRIL 9-15, 2023

Tammy Champion, Dispatcher Supervisor and Dispatcher Eileen Finley received the

Proclamation with several fellow dispatchers. Police Chief Tumminelli spoke and thanked the Dispatch team for their hard work and dedication.

3. BLACK MATERNAL HEALTH WEEK - APRIL 11-17, 2023

Samantha Suffich, CEO of Black Mamas Matter, Anastasia Anderson, Clinical Provider Liaison, and Ashley Calderone, Vice President of the Board of Directors received the Proclamation. Mrs. Anderson stated statistics of Black Maternity and shared the work the foundation does.

4. SEXUAL ASSAULT AWARENESS MONTH - APRIL 2023

Mindi Fetterman, Founder and CEO of the Inner Truth Project received the Proclamation and spoke on Sexual assault awareness and shared statistics of Sexual Assault within Martin County.

5. WATER CONSERVATION MONTH - APRIL 2023

Kathy LaMartina, Project Manager of South Florida Water Management District received the Proclamation and thanked the City for their work on Water Conservation.

6. LUPUS AWARENESS MONTH - MAY 2023

Pamela Klinger-Milazzo, Ambassador Lupus Foundation of America, received the Proclamation and thanked the City for showing awareness to Lupus.

7. 54TH ANNUAL MUNICIPAL CLERKS WEEK - APRIL 30 - MAY 6, 2023

Mary Kindel, City of Stuart City Clerk, received the Proclamation and stated the responsibilities of City Clerk and thanked the City Commission for their recognition and support.

PRESENTATIONS

8. SERVICE AWARD - APRIL 2023

Judy Browning from Financial Services celebrated 20 years and accepted her service award.

COMMENTS BY CITY COMMISSIONERS

Mayor McDonald

- Recognized Chris Ruediger, a Police Officer, on his retirement.

Officer Ruediger came forward and thanked the Commission and City for allowing him to serve the City.

- Stated that a resident made him aware of the cross walk being too close to the gates at the train tracks, he requested to have staff look at moving the cross walk on the other landscape island.
- Announced that he spoke to Chief Tumminelli for more enforcement on Osceola St as there is a lot of speeding and people running stop signs.
- Reported on the Town Hall meeting that took place in Circle Bay and stated their main

concern was Brightline and Palm City Road.

- Stated he attended the Palm Sunday prayer walk through East Stuart.
- Commented that he has requested City Manager Mortell to have education pieces or a marketing flyer created based on the concern of Senate Bill 102.
- Reiterated that Mr. Ritchey withdrew his application for K-9 Social and that Item #13 will not be heard during this meeting.

Commissioner Rich

- Commented that the Legislative session ends on May 5, he spoke about different bills that are in preemption and how it has the ability to take away Home Rule.
- Announced that there will be a Town Hall on April 19 at Flagler Center to speak about the different bills.

Commissioner Clarke

- Commented on Black Maternal Health week and encouraged all to see a movie on Hulu called "Aftershock".
- Requested clarification on which Commissioner is the river representative, stated she is concerned because she saw an article saying that Commissioner Collins is planning to sue the Army Corps and she doesn't want something he says to be misconstrued.
- Inquired on weather Ms. Gandhi-Savdas will be having a ribbon cutting for the alley way dedication.
- Expressed concern about the darkness on Commerce Blvd and asked if there has been a safety study done in that area.
- Agrees with preparing items to educate all for what is to come with Senate Bill 102.
- Looking forward to spending more time with Mr. Peter Kunen and showing him around the City.
- Thanked Michelle Vicat, Executive Assistant to the City Manager and staff for her birthday card.

Vice Mayor Bruner

- Thanked the staff and City Commissioners and stated she was very grateful to be here.
- Thanked Milton for the trees on Colorado Ave.
- Expressed concern with Mr. Bob Ernst bringing in his poster board and easels to the meeting during public comment.

COMMENTS BY CITY MANAGER

City Manager Mike Mortell

- Stated he spoke with Misti Guertin, Communications & Digital Marketing Manager, about creating materials for SB 102. He stated that the City is not endorsing these project approvals but believes that starting July 1, the projects will come in fast, and would like to create a policy so there is direction from the Commission to staff.

- Commented on the wrapping of the trams and stated the price to do so from the CRA budget.
- Spoke on the partnership with Kiwanis Club and stated that they are about to enter the largest phase of the updates in the playground area and will provide updates and designs as they come in.

Commissioner Clarke stated that there had been a lot of questions about what is included in the tax rolls and asked City Manager Mortell to put together an account of all city-owned property.

APPROVAL OF AGENDA

5:03 PM MOTION: Approve agenda by pulling Item #12 from Consent Calendar and removing Item #13.

MOVED BY: Christopher Collins

SECONDED BY: Eula Clarke

Motion approved unanimously.

COMMENTS FROM THE PUBLIC (Non-Agenda Related) (3 Minutes Max.)

1. Chris Ruediger - Stated he wanted to speak on the future of the City and spoke about the preemptions coming to our City. He stated that he has traveled to many places within his time in the Navy and his favorite city continues to be the City of Stuart and would like the City to continue to be this way. He spoke on Walking with Warriors Foundation and would like the City to think outside of the box to support them.
2. Michael Streff - Sea Hunt Way; Spoke on Poppleton Creek and requested a master plan. He also spoke about the possible extension of Willoughby and thinks the City should form a task group.
3. Robin Cartwright - Hibiscus Ave; Spoke about different emails that have been sent from her to staff and stated the responses from the City were ambiguous responses.
4. Jonathan Dobbs - Bayleaf Pl; Provided the Commissioners with an update on what is happening with the Walking Warriors Foundation and thanked the Commission for serving the City.
5. Luke Latham - Sea Hunt Way; Spoke on the families who were enjoying Poppleton Creek during half of the renovation, spoke on the future road extensions and another stop light on US-1.
6. Caryn Hall - Palm City Rd; Spoke about Vice Mayor Bruners comment about public comment presentations and Commissioners using their social media for personal posts.

CONSENT CALENDAR

9. APPROVAL OF 03/27/2023 CCM & 03/28/2023 SCM-STRATEGIC PLANNING SESSION MINUTES (RC)
10. MID-YEAR BUDGET AMENDMENT (RC):

RESOLUTION No. 21-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT NO. 10 TO THE 2022-2023 BUDGET; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS TO ACCOUNT FOR ADDITIONAL REVENUES AND APPROPRIATIONS IDENTIFIED AT THE MIDYEAR; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

11. APPOINTING A MAGISTRATE (RC):

RESOLUTION No. 29-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART APPOINTING WENDY H. WERB AS A CODE ENFORCEMENT MAGISTRATE; AND CONFIRMING THE TERMS OF APPOINTMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

12. AUTHORIZATION TO SIGN UPUD APPLICATION (RC):

RESOLUTION No. 28-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE AN APPLICATION FOR CITY PROPERTY LOCATED ON MARTIN LUTHER KING BLVD., TO PARTICIPATE IN A UPUD AS ADVERTISED BY THE CITY IN THE ORIGINAL REQUEST FOR PROPOSALS; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

*****PULLED*****

END OF CONSENT CALENDAR

City Manager Mortell provided an update on the Strategic Plan and the future plans.

5:21 PM MOTION: Approve Consent Agenda with Items #9, 10, and 11.

MOVED BY: Eula Clarke

SECONDED BY: Christopher Collins

Motion approved unanimously.

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City Manager Mortell spoke on the application and provided the history of the two vacant parcels.

Commissioner Collins asked what the use and the zoning of the parcels are.

Commissioners continued the discussion of the parcels, their history, the marketing, and the PUD process.

Anthony Oliverier, Applicant and Owner of 901 Hub, stated that this would be more of a community project and improve the landscape.

Commissioners and applicant had a brief discussion of what the building plans are on this property.

5:37 PM MOTION: Approve.

MOVED BY: Eula Clarke

SECONDED BY: Campbell Rich

VOTE: Motion passes 4/1.

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

NO: Christopher Collins

COMMISSION ACTION

13. REHEARING OF K-9 SOCIAL (RC):

RESOLUTION No. 19-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY MANAGER TO NEGOTIATE A LEASE AGREEMENT FOR THE OPERATION OF AN OFF LEASH DOG CAFÉ AT THE POPPLETON CREEK DOG PARK; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE ANY APPLICATIONS NECESSARY TO OBTAIN SITE PLAN APPROVAL OR A BUILDING PERMIT NECESSARY FOR THE OPERATION OF SAME; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

*****REMOVED FROM AGENDA*****

City Manager Mortell asked the City Clerk to Void Resolution 19-2023, as the applicant withdrew his application.

ORDINANCE SECOND READING

14. COMPREHENSIVE PLAN TEXT AMENDMENT - ZONING IN PROGRESS (RC):

ORDINANCE No. 2514-2023; AN ORDINANCE OF THE CITY OF COMMISSION OF THE CITY OF STUART, COMPREHENSIVE PLAN AMENDMENT AS DEFINED IN F.S. §163.3187; AMENDING THE TEXT TO THE COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT 1, USE OBJECTIVE 1.A7. FUTURE LAND USE CATEGORIES, POLICY 1.A7.2. GROSS DENSITIES AND TABLE OF LAND USE DENSITIES AND INTENSITIES, OBJECTIVE 1.C1. URBAN CODE OVERLAY ZONE; AND OBJECTIVE 3.A7. DEVELOPMENT INCENTIVES;

AMENDING THE TEXT TO THE FUTURE LAND USE ELEMENT 1; 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.

5:39 PM

City Manager Mortell stated that there were no changes from first reading.

PUBLIC COMMENT:

1. Bob Ernst - Johnson Ave; Stated his concern about Stuart losing its small town feel.

5:40 PM MOTION: Approve.

MOVED BY: Becky Bruner

SECONDED BY: Eula Clarke

VOTE: Motion passed 4/1.

YES: Troy McDonald, Becky Bruner, Eula Clarke, Christopher Collins

NO: Campbell Rich

15. LAND DEVELOPMENT CODE TEXT AMENDMENT - ZONING IN PROGRESS (RC):

ORDINANCE No. 2515-2023; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY' LAND DEVELOPMENT CODE; MORE SPECIFICALLY AMENDING THE EXISTING SECTION 2.07.00.I OF CHAPTER II ENTITLED "URBAN PLANNED UNIT DEVELOPMENT (UPUD) DISTRICTS, TABLE 2.07.A. UPUD UNIT DENSITY AND PARKING SPACE CALCULATION TO REDUCE THE MINIMUM UNIT SIZE REQUIREMENTS; 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.

5:44 PM

City Manager Mortell read the changes from the first reading and Jodi Nentwick, Development Director, presented them on a PowerPoint.

Commissioners stated there was a discrepancy with the numbers presented and had a brief discussion.

Vice Mayor Bruner stated what her condition was from the first reading, as clarified below:

500 Sq Ft - 1.25 parking

700 Sq Ft - 1.5 parking

1 Bedroom - 2.0 parking

PUBLIC COMMENT:

1. Bob Ernst - Johnson Ave; Spoke on The Crossings and how its affordable housing and a model project to follow.

City Manager Mortell read the transcript from the March 27, 2023 Commission meeting into the record to reflect the motion that was made then.

5:50 PM MOTION: Approve with the condition of 1.25, 1.5, and 2.0 parking spots.

MOVED BY: Becky Bruner

SECONDED BY: Eula Clarke

VOTE: Motion passed 4/1.

YES: Troy McDonald, Becky Bruner, Eula Clarke, Christopher Collins

NO: Campbell Rich

ORDINANCE FIRST READING

DISCUSSION AND DELIBERATION

16. DISCUSSION CONCERNING THE CITY'S TWO (2) ACRE PARCEL ON THE EAST SIDE OF US HIGHWAY 1, ADJACENT TO NW RIVER SHORES BLVD.

City Manager Mortell stated the history of the parcels and discussed what led to having the Discussion and Deliberation requested.

Interim City Attorney Nicoletti provided the Commission the various options in reference to the parcel.

Mayor McDonald stated what the previous Commissioners wanted to do with this piece of property and how they promised the residents to fund these environmental projects.

Commissioner Collins would like this to be put in for referendum and allow the residents to choose what can be done with the property. He believes the residents will want to keep that land in conservation.

The Commissioners continued their discussion.

City Manager provided alternatives to what could be done on this property, the different special election options, and stated that no vote needed to be made but just a consensus to bring the Resolution back and then have the Commission vote.

Commissioner Bruner stated she would like to move forward with the referendum that was done previously (2011) and would like to negotiate with an applicant to sell the property.

PUBLIC COMMENT:

1. Gail Goldy - Jensen Beach; Stated that the City Commission check their budget and create a plan to keep that property as is and to not turn it into a fast food place.
2. Helen McBride - Flamingo Ave; Stated that the Commissioners need to uphold what their predecessors did and acknowledge the votes that happened 10 years ago. She said the Commissioners promised the citizens those 2 acres would be for revenue.

3. Caryn Yost-Rudge - Palm City Rd; Stated it doesn't hurt to have a referendum and thinks the Commission should hold a special election.
4. Bob Ernst - Johnson Ave; Agrees with making Haney Creek trails and trail heads.

ADJOURNMENT

6:38 PM

Mary R. Kindel, City Clerk

Troy McDonald, Mayor

Minutes to be approved at the Regular Commission Meeting this 24th day of April, 2023.