

MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
JUNE 26, 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

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

ROLL CALL

5:36 PM

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

INVOCATION

Moment of Silence

PLEDGE OF ALLEGIANCE

PRESENTATIONS

1. 2024 BUDGET INTRODUCTION

Louis "Joly" Boglioli, Finance Director, presented a FY 2024 "sneak peek". Noted highlights included a 10% increase in health for the employer, FRS changes, Workers Comp changes, new position requests, and he reviewed the new expenses in comparison to the increased revenue. Departments are to meet with the City Manager for large capital requests. Finance will provide the budget for the managers' review, and the first workshop will be prior to the Regular City Commission Meeting on July 24th.

Commissioner Clarke commented on Senate Bill 102 (SB 102) and asked if there are any unfunded mandates from the state that will be added to our budget this year. Interim City Manager Mortell responded.

Commissioner Rich commented on SB 102 exemptions and how they apply to the City.

COMMENTS BY CITY COMMISSIONERS

Commissioner Clarke

- Commented that she is proud of what Community Redevelopment Agency (CRA) is doing and the job that Joly is doing on the budget. She was interested in hearing about the additional requested EMT staff.

Mayor McDonald

- Commented that Confusion Corner is open. Reported he is glad to see the Consent Agenda awarding the Fire Station today and asked all to applaud the Fire Fighters in the room and thanked them for their service.

COMMENTS BY CITY MANAGER

Interim City Manager Mortell

- Commented on the Marine Industries Association Board of Director's Meeting. Stated they installed a camera to watch the bridge openings to compare the train and boat traffic. The new rule went into effect last week and is currently in action. As a result, a freight train was stopped and it did not stop traffic very long and did not block Monterey.

APPROVAL OF AGENDA

6:01 PM MOTION: Approve.

MOVED BY: Eula Clarke

SECONDED BY: Christopher Collins

Motion approved unanimously.

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

1. Johnathan Dobbs - Boxley Place; Commented on his connection with the Stuart Police and that he had an opportunity to talk with the emergency staff about Walking with Warriors. He wants to work with the staff to provide a five (5) day clinic with up to five (5) people. As Florida's population grows, they want to provide protection needed for families and help them with their occupation.
2. Chris Rudiger - via Zoom, retired employee of the City of Stuart; Commented on his agreement with Mr. Dobbs in mentioning the Walking for Warriors, and as someone who has served in uniform for thirty-two (32) years, the first responders are like a walking billboard in our community.

CONSENT CALENDAR

2. APPROVAL OF 06/12/2023 CCM MINUTES (RC)

3. SUPPORT FDOT STRATEGIC INTERMODAL SYSTEM (SIS) APPLICATION AND A USDOT GRANT APPLICATION FOR REPLACEMENT OF THE ST. LUCIE RAILROAD BRIDGE (RC):

RESOLUTION No. 43-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, SUPPORTING THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) STRATEGIC INTERMODAL SYSTEM (SIS) APPLICATION AND A USDOT GRANT APPLICATION FOR THE REPLACEMENT OF THE ST. LUCIE RIVER RAILROAD BRIDGE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

4. BUDGET AMENDMENT #13 - FIRE STATION 3 (RC):

RESOLUTION No. 49-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET ADMENDMENT NO. 13 TO THE 2022-2023 BUDGET; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS TO ACCOUNT FOR ADDITIONAL COSTS FOR CONSTRUCTION OF THE FIRE STATION "3" FROM FIRE IMPACT FEES AND OTHER RESERVES; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

5. AWARD OF ITB# 2023-104: CITY OF STUART FIRE STATION 3 (RC):

RESOLUTION No. 44-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVES THE AWARD OF ITB #2023-104, CITY OF STUART FIRE STATION 3 TO THE LOWEST, RESPONSIVE, AND RESPONSIBLE BIDDER WITH A TOTAL UNIT PRICE OF \$4,290,334.00 TO HOOKS CONSTRUCTION COMPANY OF STUART, FLORIDA PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

6:08 PM MOTION: Approve.

MOVED BY: Eula Clarke

SECONDED BY: Christopher Collins

Motion approved unanimously.

COMMISSION ACTION

NONE

ORDINANCE SECOND READING

NONE

ORDINANCE FIRST READING

6. A REQUEST FROM WILLIS CUSTOM YACHTS TO CONSIDER A SMALL-SCALE COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT (RC):

ORDINANCE No. 2516-2023; AN ORDINANCE OF THE CITY OF COMMISSION 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 1.794-ACRE PARCEL FROM THE INDUSTRIAL FUTURE LAND USE TO THE MARINE/INDUSTRIAL FUTURE LAND USE; AMENDING THE FUTURE LAND USE MAP; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Kris McCrain, Principal Planner, provided a power point presentation on the Willis Custom Yachts showing the site plan, site history, existing and proposed future land use, the topography, wetlands, habitat conservation, wellfield, soil, and historic preservation. He reviewed the floodplain and traffic concurrence. Staff recommendation is for the Commission to grant approval for the Small Scale Future Land Use Amendment from the Industrial Future Land Use to the Marine/Industrial Land Use.

6:17 PM MOTION: Approve

MOVED BY: Eula Clarke

SECONDED BY: Christopher Collins

Motion approved unanimously.

7. APPLICATION REQUESTING A MAJOR URBAN CODE CONDITIONAL USE AMENDMENT FOR WILLIS CUSTOM YACHTS (QUASI-JUDICIAL) (RC):

RESOLUTION No. 42-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA. GRANTING A MAJOR URBAN CODE CONDITIONAL USE APPROVAL FOR WILLIS CUSTOM YACHTS LOCATED AT 151 NW FLAGLER AVENUE, ADJACENT TO THE ST. LUCIE RIVER, PARALLEL TO NW FLAGLER AVENUE, NORTH DIXIE HIGHWAY, AND THE FEC RAILWAY, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTION; REQUIRING SPECIFIC POLICIES TO BE CONSIDERED INCLUDING ALLOWED USES AND CONDITIONAL USES INCLUDING FENCING REQUIREMENTS, SHORELINE BUFFER REQUIREMENTS, AND CERTAIN ARCHITECTURAL ELEMENTS; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A TIMETABLE OF DEVELOPMENT; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

Two (2) people were sworn in; Kris McClain, City of Stuart Principal Planner, and Matthew Barns, Owner of Willis Yachts.

Kris McClain, Principal Planner, presented the project location and stated that existing marine industrial land uses are conditionally permitted, the history of the property and former adopted Resolutions. He listed the Major Urban Code Conditional Use & Major Site Plan approvals and demonstrated the storage. He presented the proposed

development plan, and identified the conditions requested by the applicant, including a shoreline protection zone. The architectural elements and boat hoist crane was discussed, followed by the proposed conditions of approval. Staff recommends that approval is granted for the Major Urban Code Conditional Use for Willis Custom Yachts, via Resolution 42-2023, to allow for boat sales and services, provide relief from the Shoreline Protection Zone fencing requirements and certain architectural elements.

Matthew Barnes, Senior Project Manager of WGI, introduced Tyson Waters, Land Use Attorney for Willis, and Doug West, President and CEO of Willis Custom Yachts, then presented on Willis Custom Yachts' previously approved site plan, noting there was not enough parking on the site.

Commissioners asked the applicant and staff questions for clarification.

Commissioner Rich complimented the Community Redevelopment Board (CRB) for the sensible location selected for this project. He asked applicants about liveaboard vessels and incidental repairs being provided indoors.

Doug West, President and CEO of Willis Custom Yachts, was sworn in for testimony. He stated that this facility is a delivery facility, sea trials, and minor service work (no destructive work), all hazardous materials will be stored properly and removed by an authorized hazardous materials company.

Mayor McDonald commented that this an amazing contribution to economic development.

Commissioner Collins commented on a resident's concern, Robin Nunley, who expressed concerns on parking, etc. He is in favor of the project but stated he wants language that this site could never be a PUD in light of SB 102. The City Manager Mortell responded that the density is already used up in this site and it cannot happen, the Harbor Development uses up all the anchorage for the whole acreage.

PUBLIC COMMENT:

1. Marcela Cambor - Osceola Street; Supports the plan but the language for indoors or outdoors is critical and would like it to remain as is. Currently the Harbor Condo's are responsible for the road. They want the City to take back that portion.
2. Mark Brechbill - Osceola Street; Commented on the land use change from industrial to marine, submerged land, for the project but feels the changes need to be conservative.

7:23 PM MOTION: Approve.

MOVED BY: Eula Clarke

SECONDED BY: Becky Bruner

Motion approved unanimously.

8. A REQUEST FROM COMMERCE AVENUE, LLC TO CONSIDER A PETITION FOR A VOLUNTARY ANNEXATION (QUASI-JUDICIAL) (RC):

ORDINANCE No. 2517-2023; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, ANNEXING A PARCEL OF LAND FRONTING

ON SE COMMERCE AVENUE, CONSISTING OF 1.45-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.

Two (2) witnesses sworn in, Kris McCrain, Principal Planner, and Mike McCarty, McCarty and Associates Land Design.

Mr. McCrain provided the public notice of the public hearing, project location, level of service, impact analysis, staff recommendation, Benchmark/Commerce Avenue.

Mike McCarty, McCarty and Associates Land Planning Design, stated the reason for annexation to the Commission.

7:40 PM MOTION: Approve.

MOVED BY: Becky Bruner

SECONDED BY: Eula Clarke

Motion approved unanimously.

9. A REQUEST BY COMMERCE AVENUE, LLC, FOR A SMALL-SCALE COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT (RC):
(THIS IS AN INFORMATIONAL ITEM ONLY - NO ACTION IS REQUIRED)

ORDINANCE No. 2518-2023; AN ORDINANCE OF THE CITY OF COMMISSION OF THE CITY OF STUART, SMALL-SCALE COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT AS DEFINED IN F.S.§163.3187; AMENDING THE COMPREHENSIVE PLAN, FUTURE LAND USE MAP FOR AN APPROXIMATELY 1.45-ACRE PARCEL FROM THE FUTURE LAND USE OF INDUSTRIAL (COUNTY) TO THE FUTURE LAND USE OF INDUSTRIAL (CITY); AMENDING THE FUTURE LAND USE MAP; 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.

Kris McCrain, Principal Planner, presented on this Ordinance for informational purposes only; no vote is required. The data and analysis was provided and reviewed. Applicants have submitted a signed and sealed survey; no wetlands identified on site.

10. A REQUEST FROM COMMERCE AVENUE, LLC TO CONSIDER A REZONE PETITION (QUASI-JUDICIAL) (RC):

ORDINANCE No. 2519-2023; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP; TO REZONE A 1.45-ACRE PARCEL; LOCATED ON THE SOUTH EAST SIDE OF SE COMMENRCE AVENUE; BEING MORE DESCRIBED IN EXHIBIT "A" ATTACHED, FROM M-2 INDUSTRIAL (COUNTY) ZONING DESIGNATION TO IPUD INDUSTRIAL PLANNED UNIT DEVELOPMENT (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.

Two (2) witnesses sworn in during Item #9; Kris McCrain, Principal Planner, and Mike McCarty, McCarty and Associates Land Design.

Mr. McCrain presented on this Ordinance, identifying the public notice information, project location, surrounding parcels, proposed zoning, the proposed development plan. Staff recommends the City Commission grant approval of the First Reading for a rezone petition to assign the Industrial Zoning District for a 1.45-acre parcel located on SE Commerce Avenue.

Mr. McCarty came forward and noted that the staff in the Development Department are different than the staff they originally worked with. Not looking for relief or waivers.

Commission discussion.

8:01 PM MOTION: Approve
MOVED BY: Eula Clarke
SECONDED BY: Becky Bruner
Motion approved unanimously.

DISCUSSION AND DELIBERATION

ADJOURNMENT

8:02 PM

Mary R. Kindel, City Clerk

Troy McDonald, Mayor

Minutes to be approved at the Regular Commission
Meeting this 10th day of July, 2023.