

**MINUTES**  
**REGULAR MEETING OF THE STUART CITY COMMISSION**  
**SEPTEMBER 11, 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**

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

**ROLL CALL**

4:03 PM

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

**INVOCATION**

Bishop Edward J. Skiba, OSB - Stuart Police Chaplain gave the invocation and was followed by the Stuart Honor Guard with a Presentation of Colors.

**PLEDGE OF ALLEGIANCE**

**1. ARTS MOMENT**

Kayleigh Kivett from The Grace Place Church sang the National Anthem.

**PROCLAMATIONS**

**2. PATRIOT DAY AND DAY OF SERVICE AND REMEMBRANCE - SEPTEMBER 11, 2023**

Joseph Tumminelli, Police Chief, and Vincent Felicione, Fire Chief, were presented with the Proclamation. Both commented in remembrance of September 11th.

**3. TREASURE COAST DAY OF PRAYER - SEPTEMBER 28, 2023**

Sherry Sway, of the Treasure Coast Chapter American Gold Star Mothers, Inc. arrived late and accepted the Proclamation at 5:52 PM.

**4. GOLD STAR MOTHER'S AND FAMILY'S DAY - SEPTEMBER 24, 2023**

Valerie Collins and Kathy Samburg accepted the Proclamation, thanked the Commission and remembered their sons, Brendan Samburg, U.S. Navy and Jonathon Collins, U.S. Army, who sacrificed their lives and will never be forgotten.

**5. HUNGER ACTION MONTH - SEPTEMBER 2023**

Ruby Aguirre Carnes, Client Services Manager, and Ile Amador, Advisor, were presented with the Proclamation, took a photo with the Commission and thanked them, announcing local statistics and upcoming events.

**6. CHILDHOOD CANCER AWARENESS MONTH - SEPTEMBER 2023**

Barbie DiMatteo, Director of Maddie's Fight Foundation, and her husband, Mike, was presented with the Proclamation. Ms. DiMatteo gave a personal statement on how the Maddie's Fight Foundation began in honor of their daughter. Thanked Commission for acknowledging Childhood Cancer Awareness Month.

**7. 4-H WEEK - OCTOBER 1-7, 2023**

David Hafner, 4-H Youth Development Agent for UF/IFAS Extension Martin County and other 4-H staff members were presented with the Proclamation. Ms. Bailey Burior commented on the experiences she has had by being involved in 4H. Mr. Hafner reported on the various benefits of 4H for young adults.

**PRESENTATIONS**

**8. SERVICE AWARDS - SEPTEMBER 2023**

|             |                         |          |               |
|-------------|-------------------------|----------|---------------|
| Amy Duran   | Police                  | 15 Years | Present       |
| Paula Sesta | Public Works            | 5 Years  | Present       |
| Chad Herzog | Utilities & Engineering | 5 Years  | (Not Present) |

**9. RESILIENCE PRESENTATION**

4:39 PM

Serena Hoermann, FAU for Urban and Environmental Planning, presented the Planning for Resilient City, All About the Water. Presentation included various rain events in recent years throughout South Florida, the connection between the City of Stuart's Sustainability Plan and the Strategic Plan.

Commissioner Rich commented as a part of the Treasure Coast Council of Local Governments (TCCLG) Utilities and Natural Resource Committee, he recently attended a presentation on resiliency, and asked what can be done in trying to concentrate the effort to work together. Commissioner Clarke inquired about a Resiliency Plan. Mr. Mortell noted that a grant is being applied for.

## **COMMENTS BY CITY COMMISSIONERS**

Commissioner Rich

- Commented on the Resiliency Presentation given at the TCCLG meeting he attended. Stated that the Legislature is going to create new legislation where they can intervene and distribute the proceeds more equitably. City Manager Mortell stated that the prospective settlement with 3M, included for the purposes of the class as part of the class, states that any terms or proceeds are excluded and exclusively with the City of Stuart and 3M, however, because DuPont filed for bankruptcy, we are just a class participant in the proceeds from that side of the case.

Commissioner Clarke

- Congratulated Honorable Don Cuozzo and the Navigation District for all they do in our community.
- Announced that September 12th at 7 p.m., the Stuart Heritage Group is hosting Philip Harvey at the Flagler Center for a presentation on the History of East Stuart.
- Thanked the Police Department and Fire Department for helping us to remember September 11th.

Vice Mayor Bruner

- Commented on her neighborhood and stated there are many new residents and noticed homes are being renovated. She is happy to see new people moving in from various parts of the Country.

Mayor McDonald

- Wished resident and audience member, Helen McBride, a Happy Birthday.
- Commented on the number of Fire Fighters whose lives were taken on September 11th.

## **COMMENTS BY CITY MANAGER**

None

## **APPROVAL OF AGENDA**

**5:10 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. Helen McBride - Flamingo Ave.; Commented on a statement made by a Commissioner during the last meeting regarding the committee to review the lawyers, felt public members of the community should be included. Stated that Commissioners used to wear suits and ties, commented on the dress of the Commission that represents the City, asked for respect for those who live in the City.
2. Caryn Yost Rudge - Palm City Rd.; Commented that she is grateful for those who serve, stated that each Commissioner took an oath to support, protect and serve the City. Commented on lawsuit served.
3. Missy Harris - Alamanda Way; Commented that we need the restoration of the Mayflower compact. Thanked the Commission for a great job with parking and restoring the trees. Need the Lord's blessings and offered a blessing for the City.

\*\*\*\* 5:19 PM Recess \*\*\*\*

\*\*\*\* 5:52 PM Reconvene \*\*\*\*

Mayor McDonald presented the Proclamation, Treasure Coast Day of Prayer - September 28, 2023, to the recipient that arrived late. Sherry Sway of the Treasure Coast Chapter American Gold Star Mothers, Inc. accepted the Proclamation and announced their organization. Ms. Sway invited the Commissioners to their Proclamation event to be held at the Port St. Lucie Community Center.

Public Comment Continued:

4. Al Pulvirenti -Poinsettia Street; Commented on the time of the meeting being too early.
5. Lindie Pulvirenti - Poinsettia Street; Commented on her experience with September 11th and asked if there is a way to see the pre-rule crossing. Air quality and noise pollution, in favor of quiet zones.
6. Gil Smart - Ocean Boulevard; Commented that Florida's water crisis is a political crisis, commented on discharges now and a storm would bring us back. The lead role of the attorney in the running worked for Florida Crystal. Be careful that who is hired has the interest of Stuart first and foremost.
7. Maggie Bromfield - ZOOM; Commented on the City recognizing September 11. Thanked resident Helen McBride for speaking on behalf of the residents.

### **CONSENT CALENDAR**

10. APPROVAL OF 08/28/2023 CCM MINUTES (RC)

11. CRA APPOINTMENT FOR CRB BOARD MEMBER NIKOLAUS SCHROTH (RC):

RESOLUTION No. 89-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPOINTING NIKOLAUS SCHROTH AS A BOARD MEMBER OF THE COMMUNITY REDEVELOPMENT AGENCY (CRA); FULL-FILLING A VACANCY ON THE BOARD FOR THE REMAINING CURRENT TERM FROM PRESENT TO DECEMBER 31, 2023; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**END OF CONSENT CALENDAR**

**6:03 PM MOTION: Approve.**

**MOVED BY: Eula Clarke**

**SECONDED BY: Campbell Rich**

**Motion approved unanimously.**

**COMMISSION ACTION**

**12. 342 SE MARTIN LUTHER KING JR. BLVD. - REVOCABLE PERMIT (RC):**

RESOLUTION No. 81-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE A REVOCABLE PERMIT, FOR MAGNIFICO CAPITAL, LLC, OWNER OF PROPERTY LOCATED AT 342 SE MARTIN LUTHER KING JR BLVD, BEING LOT 2, ACCORDING TO THE AMENDED PLAT OF MCDONALDS SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 77, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA; PERMITTING THE USE OF PUBLIC RIGHT-OF-WAY FOR PERVIOUS PAVING OF THE ALLEYWAY LOCATED AT THE REAR OF THE SUBJECT PROPERTY, PROVIDING CONDITIONS; PROVIDING FOR EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Michelle Arbuzow, Planner 1 of the City's Development Department, presented the Magnifico Capital Project which included information on the public notice, location, proposed land and parking, future land use designation of East Stuart and conditions of property 342 SE Martin Luther King Jr. Boulevard. Staff recommends approval.

Mike McCarty, McCarty Land Planning and Design, representing Magnifico Capital, came forward and answered questions from the Commission.

**6:12 PM MOTION: Approve.**

**MOVED BY: Eula Clarke**

**SECONDED BY: Becky Bruner**

**Motion approved unanimously.**

**13. AMENDING APPENDIX "A" (RC):**

RESOLUTION No. 63-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING APPENDIX "A" BY AMENDING VARIOUS CHAPTERS OF THE CITY'S CODE OF ORDINANCES, AND PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Interim City Attorney corrected the title language of this Resolution. Stated that it is not amending the Chapters, but that the Chapters allow for Appendix A to be invented by

Resolution.

City Manager Mortell reviewed the changes and stated the vast majority of the changes are based on the utility studies previously presented and approved by the Commission. Mr. Mortell prepared a power point and presented the details of the impacts as related to zoning, the current City garage area depicted on an area map, the parking, the proposed site plan and reviewed the Sanitation rate adjustments. If Appendix A is adopted as presented, it gives the authorization to move forward with the new facility's plan.

Commissioner Rich thanked Mr. Mortell for his explanation, felt the complex should not remain in that location because the Boys & Girls Club will be nearby and could cause dangers. Stated it is a sensible plan.

**PUBLIC COMMENT:**

1. Helen McBride - Flamingo Avenue; Commented on the parking spots, especially on the weekends.
2. Sherry Sway - Ocean Boulevard; Commented she likes that we can make improvements with a small increase.

**6:33 PM MOTION: Approve.**

**MOVED BY: Campbell Rich**

**SECONDED BY: Eula Clarke**

**Motion approved unanimously.**

**14. RELEASE AND TERMINATION OF CONTRACT WITH GOLDSTEIN KITE (RC):**

RESOLUTION No. 84-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ACCEPTING THE RELEASE AND TERMINATION OF CONTRACT WITH GOLDSTEIN KITE ENVIRONMENTAL REDEVELOPMENT PARTNERS STUART I, LLC FOR THE OLD CITY LANDFILL PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Manager Mortell commented that the due diligence period expired. As a result, the contractor did not want to move forward or close. It was negotiated that if termination was agreed upon, the contract would be terminated.

**6:41 PM MOTION: Approve.**

**MOVED BY: Eula Clarke**

**SECONDED BY: Becky Bruner**

**Motion approved unanimously.**

**15. SELECTION OF CITY ATTORNEY AND NEGOTIATING OF CONTRACT (RC):**

RESOLUTION No. 90-2023, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA SELECTING A CITY ATTORNEY AND DIRECTING THE CITY STAFF TO NEGOTIATE A CONTRACT TO BE APPROVED BY THE CITY COMMISSION; PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Nicoletti reviewed that there are three (3) candidates and passed out

voting cards to each Commissioner.

Commissioners were instructed on the vote process to put their first choice candidate and sign the card. Results: Four (4) votes Lee Baggett and one (1) vote Zoe Panarites.

Mayor McDonald thanked all the candidates, stated it was a difficult decision.

**6:51 PM MOTION: Approve. [Lee Baggett as the selected candidate for the City of Stuart Attorney position.]**

**MOVED BY: Christopher Collins**

**SECONDED BY: Eula Clarke**

**Motion approved unanimously.**

### **ORDINANCE SECOND READING**

### **ORDINANCE FIRST READING**

#### **16. WOJNAR - ABANDONMENT OF S.E. OCEAN AVENUE (RC):**

ORDINANCE No. 2521-2023; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, TO PROVIDE FOR THE ABANDONMENT OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY BEING THAT CERTAIN 30-FOOT RIGHT-OF-WAY, AS SET FORTH ON THE PLAT BROADWAY SECTION OF ST. LUCIE ESTATES SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 4, MARTIN COUNTY, FLORIDA PUBLIC RECORDS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO; REQUESTING THE PRIVILEGE FEE FOR ABANDONING PUBLIC PROPERTY BE WAIVED IN ITS ENTIRETY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE: AND FOR OTHER PURPOSES.

Jodi Nentwick-Kugler, Development Director, reviewed the application including the aerial demonstrating the intention to abandon the right-of-way.

Public Comment:

1. Helen McBride - Flamingo Avenue; Commented that this property is an asset to the neighborhood.

**7:00 PM MOTION: Approve.**

**MOVED BY: Becky Bruner**

**SECONDED BY: Eula Clarke**

**Motion approved unanimously.**

#### **17. AMENDING CHAPTER 26, LAW ENFORCEMENT. ARTICLE II AND CHAPTER 28, OFFENSES, ARTICLE 1, OF CODE OF ORDINANCES, ADDING A NEW SECTION (RC):**

ORDINANCE No. 2523-2023; AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING THE STUART CITY CODE AT SECTION 26-30 SCHEDULE OF FINES; AND BY AMENDING SECTION 28-30 RESERVED,

ADDING A NEW SECTION PROHIBITING DESTRUCTION OF PUBLIC PROPERTY AND SETTING A FINE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**7:03 PM MOTION: Approve.**  
**MOVED BY: Christopher Collins**  
**SECONDED BY: Eula Clarke**  
**Motion approved unanimously.**

**DISCUSSION AND DELIBERATION**

**ADJOURNMENT**

7:03 PM

---

**Mary R. Kindel, City Clerk**

---

**Troy McDonald, Mayor**

**Minutes to be approved at the Regular Commission  
Meeting this 25th day of September, 2023.**