

MINUTES

REGULAR MEETING OF THE STUART CITY COMMISSION

OCTOBER 10, 2022

AT 4:00 PM

COMMISSION CHAMBERS

121 SW FLAGLER AVE.

STUART, FLORIDA 34994

CITY COMMISSION

Mayor Troy McDonald

Commissioner 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

4:00 PM

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

Announcement by Mayor McDonald: The Housing Solutions Council has requested to continue Item #15, therefore, the Resolution will not be heard during this meeting.

1. ARTS MOMENT - THE ROYAL HEARTS STUDENT DANCE TEAM, 10TH STREET COMMUNITY CENTER'S ESYI AFTERSCHOOL PROGRAM

All stood for the Pledge of Allegiance.

The Royal Hearts Students of East Stuart Community Center performed a dance to a song called "Mama Will Provide."

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Recognized State Representative, Toby Overdorf in the audience.

2. "CHARACTER COUNTS!" WEEK - OCTOBER 16-22, 2022

Meghan Shirey and Sarah Torres of the Boys and Girls Club of Martin County accepted the Proclamation and thanked the Commission, speaking about the importance of character in Martin County. Several members joined in for a photo.

3. FLORIDA CITY GOVERNMENT WEEK - OCTOBER 17-23, 2022

City Clerk, Mary Kindel and Communications & Digital Marketing Manager, Misti Guertin accepted the Proclamation and announced the plans to introduce and interact with Stuart citizens on social media during the week.

4. DOMESTIC VIOLENCE AWARENESS MONTH - OCTOBER 2022

Dr. Teresa Albizu, Safe Space CEO, came forward to accept the Proclamation and introduced fellow Safe Space Board Members in attendance, announced statistics and the upcoming "Walk a Mile in Her Shoes" event scheduled for November 12th and invited the men of the Commission to participate. Commissioners gathered in red high heel shoes for a group photo in support of the cause.

PRESENTATIONS

4:25 PM

5. SERVICE AWARDS - OCTOBER 2022

Lisa Scott - Police Department - 35 years of service. Lisa thanked the City, especially Police Chief Tuminelli and City Manager Dyess and commented that she looks forward to more years with the City.

Richard Shine - Police Department - 20 years

Michael Cenk, Fire Rescue - 5 Years

Mechelle Arbuzow - Community Services - 5 Years

6. CDBG HOUSING REHABILITATION PROGRAM UPDATE

Pinal Gandhi-Savdas, CRA Executive Director, provided a brief background on the program and the DEO application process and determination. She reviewed the ranked applicants, explained the plan and scope of work of the Consultant, and noted that this plan helps to preserve the City's existing housing stock and address the housing needs.

Commissioners requested clarification on how long the process is expected to take, ranking, etc.

7. NEW LAW ON MULTI-STORY RESIDENTIAL INSPECTIONS

Steve Nicolsi, City of Stuart Building Inspector, presented on the new Senate Bill 4, amending Florida Statute 553.889 of the Florida Building Code. Steve provided two handouts to the Commission; a City of Stuart Milestone Inspection List and Stuart Milestone Inspection Requirements. He presented a power point to review the new code and how it is expected to work and explained the various phases after he inspects a property. He noted that Stuart has not had any major issues and feels property owners have been responsible.

Commission discussion followed the presentation and Mayor McDonald noted that we should create an information sheet and a reminder that inspections are done in a timely manner.

Steve Nicolosi noted that this is a State mandate and not a City mandate.

COMMENTS BY CITY COMMISSIONERS

Commissioner Rich

- Commented on domestic violence awareness and noted when he was in New England, read a headline about the domestic violence shelters in Rhode Island being full and was struck by that. Glad to see the City recognize such organizations and noted recognition creates responsibility and hopes the City helps support these efforts.

Commissioner Clarke

- Thanked Jim Chrulski and his Department, commended the children who participated in Arts Moment and all of Community Services for all they do in the community.
- Commented on it being Columbus Day and the recognition of other designations such as Indigenous Peoples Day and Hispanic Heritage Month and announced that if people in the community are interested in Proclamations, they must contact the City.
- Announced a City Meeting tomorrow at the 10th St. Community Center at 6:00 p.m. to discuss The Creek District and code updates and invited the public to participate.
- Commented that Commissioner McDonald will be giving a Welcome Proclamation to the AKA (Alpha Kappa Alpha Sorority) for them coming to the community.
- Reminded all that October is Breast Cancer Awareness Month and encouraged everyone to get checked and help monetarily with research.

McDonlad

- Thanked City staff for all they had done during Hurricane Ian, feels homeowners will soon feel the pressure of increased insurance rates.

COMMENTS BY CITY MANAGER

City Manager Dyess reported that October 29th is the Annual Hobgoblin Costume Contest and asked the Commissioners to let him know if they plan to attend and judge the costume contest.

APPROVAL OF AGENDA

5:04 PM MOTION: Approve the Agenda pulling Item #8 from Consent Calendar.

MOVED BY: Christopher Collins

SECONDED BY: Eula Clarke

Motion approved unanimously.

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

- 1) Frank McChrystal - Flamingo Ave.; Commented that his door to door polling of residents are unhappy with the direction of the City and do not want density, feels people will be more organized for next election and do not want radical visions.
- 2) Phyllis Mills - Terrace Rd., North River Shores - Commented on the Haney Creek property low income development and her concerns for conservation, traffic, and opposes the project.
- 3) Don Cuzzo - Not present.
- 4) Mark Brechbill - Osceola St.; Commented on the zoning in progress and feels the City

should stop and look at anything approving three stories and over as an additional process as a ZIP because it may be a burden relative to inspections and safety.

CONSENT CALENDAR

5:12 PM

*** PULLED * Item #8** - (see COMMISSION ACTION) Correction noted to the 09/26/22 CCM Minutes due to Item #10's Motion. Commissioner Rich seconded the motion, not Commission Collins, as published in the draft Minutes.

9. INVESTMENT POLICY UPDATE (RC):

RESOLUTION No. 85-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY OF STUART INVESTMENT POLICY FOR PUBLIC FUNDS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

10. RATIFY COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND PROFESSIONAL FIREFIGHTERS OF STUART, LOCAL #2411 (RC):

RESOLUTION No. 90-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA RATIFYING THE THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE PROFESSIONAL FIREFIGHTERS OF STUART, LOCAL 2411 (IAFF), EFFECTIVE OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2024; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

11. RATIFY COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND PALM BEACH COUNTY POLICE BENEVOLENT ASSOCIATION, INC. (RC):

RESOLUTION No. 91-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA RATIFYING THE THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND PALM BEACH COUNTY POLICE BENEVOLENT ASSOCIATION, INC. (PBA), EFFECTIVE OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2024; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

12. TRESSLER DRIVE WATER QUALITY IMPROVEMENT PROJECT - IRL COUNCIL COST-SHARE AGREEMENT CHANGE ORDER 2 (RC):

RESOLUTION No. 92-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER 2 TO THE COST-SHARE AGREEMENT FOR THE TRESSLER DRIVE WATER QUALITY IMPROVEMENT PROJECT WITH THE INDIAN RIVER LAGOON (IRL) COUNCIL; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

13. GRANT AGREEMENT AMENDMENT 4 - ALTERNATIVE WATER SUPPLY STATE APPROPRIATION (RC):

RESOLUTION No. 94-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING AMENDMENT 4 TO AGREEMENT NO. LPA0046 FOR THE ALTERNATIVE WATER SUPPLY PROJECT; AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT 4; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

5:12 PM MOTION: Approve, less Item #8.

MOVED BY: Eula Clarke

SECONDED BY: Becky Bruner

Motion approved unanimously.

COMMISSION ACTION

8. APPROVAL OF 09/26/2022 SCM FINAL BUDGET MINUTES AND 09/26/2022 CCM MINUTES (RC)

5:13 PM MOTION: Approve

MOVED BY: Becky Bruner

SECONDED BY: Campbell Rich

Motion approved unanimously.

14. ZONING IN PROGRESS (RC):

RESOLUTION No. 93-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, DIRECTING STAFF TO PREPARE AN ORDINANCE TO ADOPT A TEXT AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS ADDRESSING SECTION 2.07.00(I), DENSITY AND PARKING CALCULATION WITHIN AN URBAN PLANNED UNIT DEVELOPMENT, PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

RESOLUTION No. 95-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, DIRECTING STAFF TO PREPARE AN ORDINANCE TO ADOPT A TEXT AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS ADDRESSING SECTION 2.03.03 ADDRESSING THE DENSITY ALLOWED BY RIGHT WITHOUT COMMISSION APPROVAL, PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

City Attorney Mike Mortell noted that two separate Resolutions were being brought before the Commission and explained the reasons. He reviewed Resolution No. 93-2022 and

explained that a workshop that would include public input may be scheduled.

The Commissioner's discussion included comments such as being glad to see this coming before the public and a brief overall description the Resolution's meaning.

PUBLIC COMMENT:

1) Frank McChrystal - Flamingo Ave.; Requested clarification on the two Resolutions and which of the scenarios protects the public the most.

5:17 PM MOTION: Approve Resolution No. 93-2022.

MOVED BY: Christopher Collins

SECONDED BY: Campbell Rich

Motion approved unanimously. 5:25 PM

Resolution No.95-2022: City Attorney, Mike Mortell discussed Resolution No. 95-2022.

Commissioner's discussion included public input, density, PUD's, zoning in progress,the Comp Plan vision, the strategic plan, and workshops held.

PUBLIC COMMENT:

1) Robin Cartwright - Hibiscus Ave.; Commented on the school availability and recommended they look at the totality for what is best for the community and supports the zoning in progress; working on a point based system to present to City and County.

2) Laura Giobbi - Ocean Blvd.; Read the definition of preserve and asked the Commission to vote responsibly.

5:45 PM PM MOTION: Approve Resolution No. 95-2022.

MOVED BY: Christopher Collins

SECONDED BY: Becky Bruner

Motion approved unanimously.

15. HOUSING SOLUTIONS COUNCIL LAND LEASE (RC):

RESOLUTION No. 96-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE A LAND LEASE BETWEEN THE CITY OF STUART, FLORIDA AND HOUSING SOLUTIONS COUNCIL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

5:46 PM MOTION: Approve Motion to continue to October 24, 2022 CCM

MOVED BY: Eula Clarke

SECONDED BY: Becky Bruner

Motion approved unanimously.

16. ACCEPT DONATED PROPERTY FROM MARTIN COUNTY (RC):

RESOLUTION No. 97-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING AND ACCEPTING THE DONATION OF .25 ACRES OF LAND LOCATED IN EAST STUART BEING CONVEYED BY MARTIN COUNTY TO THE CITY OF STUART, FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Manager David Dyess provided a brief overview of the background on this Resolution, noted there is no desire to develop the property at this time but is currently off the tax roll and poses no harm in accepting it as ownership in the City.

Commissioner Clarke commented in full disclosure that she is a member of St. Monica's Church and an alleyway abuts or is associated with this property.

5:51 PM MOTION: Approve to approve Resolution 97-2022.

MOVED BY: Eula Clarke

SECONDED BY: Christopher Collins

Motion approved unanimously.

ORDINANCE SECOND READING

ORDINANCE FIRST READING

17. 751 SE CENTRAL PARKWAY - SMALL-SCALE FUTURE LAND USE MAP AMENDMENT FROM COMMERCIAL (C) TO MULTI-FAMILY RESIDENTIAL (MF-RES) (QUASI-JUDICIAL) (RC):

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.

New Development Director, Jodi Nentwick-Kugler, was introduced and provided a brief summary of her experience. Erin Wohlitka, Senior Planner, presented via Zoom, on the 751 SE Central Parkway, also known as Sailfish Cay, small-scale future land use map amendment.

Ryan Johnston, Cypress Holding, LLC, Applicant, presented their presentation. Read into the record, past objections to Towne Park Condominiums.

Attorney Mortell clarified that the Ordinance only pertains to the future land use, and not zoning.

Commissioners comments included preferences for the property to remain commercial, whether commercial or residential property is selling better at this time, and on staff's analysis of the site.

Jane Cornett, attorney, spoke on behalf of Towne Park Condominium and the decision of the board to support the project.

Bob Raynes, Applicant Representative, came forward and noted the property's highest and best use for the property.

PUBLIC COMMENT:

- 1) Robin Cartwright - Hibiscus Ave.; Commented on the flaws in the project, noting that the round-a-bout was not indicated on the map, a sidewalk not included; suggested to look at the process in totality with compatibility to area.
- 2) Linda Lundblad - Central Parkway; Commented on traffic and wondered if the study was done before or after the building that is already being built.
- 3) Linda Kay Richards - Commented on land use being changed easily, hopes the Commission stops the development process.
- 4) Sean Reed - Commented that he thinks most citizens have pushed back, hopes they vote right.

Applicant, Ryan Johnston summarized the presentation and pointed out the reduced land use being requested, noting the property is inappropriate for commercial use.

6:56 PM MOTION: Approve this as provided based on the staff analysis and what we've discussed with regard to ensuring that we're following all of our Comp Plan amendment guidelines and to show that it has met the requirements.

MOVED BY: Eula Clarke

SECONDED BY: None

Died for lack of second. Motion FAILED.

18. 751 SE CENTRAL PARKWAY - REZONING FROM COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) TO RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) (QUASI-JUDICIAL)(RC):

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.

6:59 PM MOTION: Table this until such time as they decide to revisit it or bring it back.

MOVED BY: Christopher Collins

SECONDED BY: Eula Clarke

Motion approved unanimously.

19. **REQUEST TO CONTINUE TO DATE UNCERTAIN - DOGSWORLD URBAN CODE CONDITIONAL USE (QUASI-JUDICIAL):**

RESOLUTION No. 73-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, CONSIDERING A MAJOR URBAN CODE CONDITIONAL USE APPROVAL TO JUSTIN PHILLIPS, (CONTRACT PURCHASER) FOR THE PROPERTY LOCATED AT 400 SW 7TH STREET, CONSISTING OF APPROXIMATELY 1.62 ACRES; TO ALLOW THE USE OF KENNELS FOR DOGSWORLD; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A TIMETABLE OF DEVELOPMENT; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

6:59 PM MOTION: Approve request to continue to date uncertain.

MOVED BY: Eula Clarke

SECONDED BY: Campbell Rich

Motion approved unanimously.

DISCUSSION AND DELIBERATION

ADJOURNMENT

7:00 PM

Mary R. Kindel, City Clerk

Troy McDonald, Mayor

**Minutes to be approved at the Regular Commission
Meeting this 24th day of October, 2022.**