

MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
MARCH 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

5:36 PM

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

INVOCATION

Pastor Jim Harp, Stuart Alliance Church

PLEDGE OF ALLEGIANCE

PRESENTATIONS

1. BOYS AND GIRLS CLUB PRESENTATION

Attendees: Meghan Shirey, Director of External Affairs and Laurie Dockeret, Director of Construction and Safety Operations and Mark Robotic, Board Member and Lead. The Boys & Girls Club, presented the new facility, announcing the groundbreaking scheduled for March 28, 2023 and the partners who contribute to their success.

Commissioner Eula Clarke commented on where the parking will be for the groundbreaking.

COMMENTS BY CITY COMMISSIONERS

Commissioner Rich

- Commented on his trip to Tallahassee and mentioned he attended a remembrance of a young man that was killed riding his bike in the city crosswalk and asked that we work harder to implement the recommendations on policy for the program Vision 0.

Commissioner Clarke

- Commented on the CRA Annual Report and suggested the public contact the CRA Department to get an annual report and get involved.
- Attended her son's graduation as a pilot in the US Army, thanked all who serve and would like to see all work together.
- Thanked all who worked and participated in the Water Fest Event.
- Thanked Reverend Gore, United Methodist Church and all who clean up litter in the community.
- Announced on Palm Sunday, April 2nd, at 2 p.m., Prayer Walk at St. Mary's Apiscopole Church, focusing on children in schools to thank Boys & Girls Club for all they do.

Vice Mayor Bruner

- Recognized the Boys & Girls Club accomplishments.

Mayor McDonald

- Commented on the festivals in downtown, noting outside dining and the positive experience. Stuart is a special place and continues to get better.
- Reported Stuart Main Street statistics, supports their funding, and congratulated the board members, volunteers and Executive Director.
- Provided an update from his trip to Tallahassee, noted he felt this is the most challenging year, with the request for removal of Home Rule; the Solid Waste bill that could potentially increase sanitation service costs and bills that take away the stormwater drainage quality, all very concerning. The session is four (4) weeks in and will continue to end of April and we will need to evaluate at that time.

COMMENTS BY CITY MANAGER

- City Manager Dyess commented on this being his last Commission Meeting, thanked the Commission and noted its been a pleasure.

APPROVAL OF AGENDA

6:03 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. Mark Bellissimo - Halifax Lane; Proposed Dog Park at Poppleton Creek, concerned with traffic issues, wondered if other properties were available, opposed to the project.
2. Debra Bellissimo - Seaside Townhomes resident; Concerned with the addition of traffic, food, alcohol, disruption of habitat, parking; opposed to the K9 Social Club.
3. Paul Capobianco - Jensen Beach; Opposed to the dog park club, feels it should be in a different location.
4. Ron Lange - Palm City, Representative of the Stuart Sailing Club, commented on their activities with sometimes 80 boats on the pond; concerned about the Dog Club and opposes the project.
5. Kevin Knoob - Hobe Sound; Member of the Treasure Coast RC Model Boat Club that also meets at the pond; commented that other similar dog socials are on commercial land not public owned land.
6. Rob Finz - Seaside Townhomes; President of the Homeowner's Association of the Seaside Townhomes, commented on the misuse of alcohol, intrusive to the nearby communities. Other similar dog parks such as the club are not in residential neighborhoods.
7. Michael Streff - Seaside Townhomes resident; Commended the Commission on their work in Tallahassee, Poppleton Creek was part of the Florida Department of Environmental Protection TMTDL Water Quality Restoration Grant and wondered if there were any conditions to the grant. Noted the signage posted at the park states endangered species. Asked if we have a master plan, the park is dangerous with current homeless, suggested we look at the overall plan.
8. Diana Streff - SE Seahunt Way; Commented that she is opposed to the Dog Club, addressed the road's speed limit and stated that there are residential neighborhoods, schools and churches on the road and feels adding alcohol would be detrimental.
9. Nennette Walsh - SE SeaHunt Way; Commented that she and her family frequent the current dog park, lives in Seaside Townhomes across from park; concerned about the City taking a public park and offering it to privatize a section.
10. Luke Latham - Seaside Townhomes; Met with Mr. Ritchey on site; opposed to project. He asked for a revote at March 13 meeting as the initial vote was under false pretences that the Stuart Model Sailing Boat was on board with this and ask for Mayor McDonald to recuse himself from voting .
11. Robin Cartwright - SE Hibiscus Avenue; Thanked Dyess for his response to her email, hydrant on Kanner and Dixie, reviewed the details of her email inquiry and the concerns of seeking answers.
12. Caryn Hall Yost-Rudgg - SW Palm City Road; Agrees with residents about the dog park; read an article.

Commissioner Collins, motioned for reconsideration and schedule the discussion for the next agenda.

**6:51 PM MOTION: Approve.
MOVED BY: Christopher Collins
SECONDED BY: Becky Bruner
Motion approved unanimously.**

CONSENT CALENDAR

2. APPROVAL OF 03/09/2023 SCM, 03/13/2023 SCM ATTORNEY-CLIENT, & 03/13/2023 CCM MINUTES (RC)

3. MODIFICATION TO SFWMD CONSENT ORDER 94-93-CO-93 (RC):

RESOLUTION No. 22-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE EXECUTION A MODIFICATION TO CONSENT ORDER NO. SFWMD 94-93-CO-WU WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT; AND PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

6:37 PM MOTION: Approve.
MOVED BY: Eula Clarke
SECONDED BY: Becky Bruner
Motion approved unanimously.

COMMISSION ACTION

4. NAMING OF CITY RIGHT OF WAY BETWEEN SE JOAN JEFFERSON AND SW OCEAN BLVD. (RC):

RESOLUTION No. 20-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE NAMING OF PUBLIC RIGHT OF WAY LOCATED IN THE TRIANGLE DISTRICT BETWEEN SW JOAN JEFFERSON WAY TO SW OCEAN BLVD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Pinal Gandhi-Savdas, CRA Director, presented on the public right-of-way between Joan Jefferson and Ocean Blvd. Staff is recommending naming the public right of away to Alice Luckhardt Lane to honor the late Alice Luckhardt legacy in Stuart. Staff is requesting approval of Resolution 20-2023.

PUBLIC COMMENT:

1. Julie Preast - Jensen Beach: Commented on and thanked the City for their response to Alice Luckhardt's passing and the attributes, also a thank you for the Sage Award.

City Manager Dyess recognized Jim Turowsky for nominating Alice.

6:40 PM MOTION: Approve.
MOVED BY: Eula Clarke
SECONDED BY: Christopher Collins
Motion approved unanimously.

5. SIGN UP AND SAVE INCENTIVE PROGRAM (RC):

RESOLUTION No. 23-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING A REVISED SIGN UP AND SAVE INCENTIVE TO UNSEWERED PROPERTIES IN THE CITY OF STUART FOR THE PERIOD BEGINNING APRIL 1, 2023, AND ENDING ON MARCH 31, 2024. PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Attorney Mortell read a revised Resolution No. 23-2023 into the record to include the followup changes.

City Manager Dyess commented on the program and provided a brief synopsis of the program. It's been designed to encourage residents that have not signed up, that they may do so. City Manager Dyess opened the floor to any questions.

Commission Members commented on grants or additional funding.

Commissioner Rich commented that he is pleased to see this resolution and this shows the Army Corp that the City is doing what it can, investing in the community and in water.

6:47 PM MOTION: Approve.

MOVED BY: Eula Clarke

SECONDED BY: Christopher Collins

Motion approved unanimously.

PUBLIC COMMENT:

1. Gail Goldi - 12th Terrace; Commented that she is thankful for the program and wondered if this can be offered to businesses.

6. AUTHORIZATION OF MAYOR TO EXECUTE INTERIM CITY ATTORNEY CONTRACT (RC):

RESOLUTION No. 24-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AND EXECUTE AN EMPLOYMENT CONTRACT WITH PAUL J. NICOLETTI, ESQ. FOR THE INTERIM CITY ATTORNEY POSITION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Attorney Mortell reported that all Commissioners have received a copy of the contract, reviewed the details that were compared in surrounding communities, noted the dates that Mr. Paul Nicoletti will be out of town and the meetings he will not be in person for, but will be attending by Zoom.

Commissioner discussion included:

- Rates.
- Item #4, refer to the person we are hiring as Mr. Nicoletti for consistency.
- Benefits, Item #6, city car.
- Participation in meetings. Planned trips.
- Item #9 clarification. Make sure we are paying for 10 hours a week.
- List of all municipalities Mr. Nicoletti provides services for.

Commissioner Rich had additional statements with regard to the process and appointment of Mr. Nicoletti that City Attorney Mortell provided answers to.

PUBLIC COMMENT:

1. Caryn Hall Yost Rudge - NW Palm City Road; Questioned, whether Mr. Nicoletti was going to be the Code Enforcement Magistrate for the City, the Magistrate for the County and be the attorney for the City of Stuart. Attorney Mortell responded that the contract clearly states he will not be serving as the City Magistrate during that period. Ms. Hall Yost-Rudge stated she wants an Environmental Lawyer.

6:55 PM MOTION: Approve.

MOVED BY: Eula Clarke

SECONDED BY: Campbell Rich

Motion approved unanimously.

7. 90 DAY EXTENSION FOR DUE DILIGENCE ON OLD CITY LANDFILL PROPERTY (RC):

RESOLUTION No. 25-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING AN EXTENSION OF NINETY (90) DAYS OF DUE DILIGENCE TO THE VACANT LAND CONTRACT ENTERED INTO WITH PURCHASER, GOLDSTEIN KITE ENVIRONMENTAL, LLC AND THE CITY OF STUART, FLORIDA RELATED TO THE SALE OF THE OLD CITY LANDFILL PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Commissioner Rich asked if there is a reason for the extension. City Manager Dyess clarified.

7:08 PM MOTION: Approve.

MOVED BY: Eula Clarke

SECONDED BY: Becky Bruner

Motion approved unanimously.

8. AUTHORIZATION TO NEGOTIATE LEASE FOR 2 ACRE VACANT PARCEL NORTH OF ROOSEVELT BRIDGE (RC):

RESOLUTION No. 26-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY MANAGER TO NEGOTIATE A VACANT LAND LEASE WITH REPRESENTATIVE(S) FROM SLC COMMERCIAL FOR THE LEASE OF THE CITY OWNED HANEY CREEK TWO (2) ACRE PARCEL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Commissioner's discussion included:

- Designation of land.
- Preserve green space.
- Development order.
- Cost
- Referendum

Mayor McDonald requested research to reverse on the action and table the resolution, as all the Commissioners have reservations about this vacant parcel. Requested cost of a special election to be held for a referendum.

Commissioner Collins motioned to table until we receive more information regarding the undoing of the referendum.

Mayor McDonald stated to revisit two (2) meetings from now, April 24th.

PUBLIC COMMENT:

1. Nick Blount - Sandpiper Lane; Interested if property came available, does not know the effect, but local organizations, working with local government is best. Concerned about SB 102.
2. Douglas Ashley - Jensen Beach; Asked that Commission looks at the long term and what the value will be twenty (20) years from now.

Attorney Mortell read to record SB 102.

Commissioner Clarke announced the Strategic Plan Meeting, tomorrow for the staff at the Flagler Center starting at 9 a.m.

7:26 PM MOTION: To table for two meetings.

MOVED BY: Christopher Collins

SECONDED BY: Becky Bruner

Motion approved unanimously.

ORDINANCE SECOND READING

9. FS PROPRTIES LLC., ZONING MAP AMENDMENT (RC):

ORDINANCE No. 2513-2023; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP; TO REFLECT THE REZONING OF A 0.68 ACRE PARCEL; LOCATED AT 2970 SE DOMINICA TERRACE; BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; FROM COMMERCIAL PLANNED UNIT DEVELOPMENT "CPUD" TO BUSINESS – GENERAL (B-2) ZONING DISTRICT; 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.

7:38 PM MOTION: Approve.

MOVED BY: Becky Bruner

SECONDED BY: Eula Clarke

Motion approved unanimously.

ORDINANCE FIRST READING

10. 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 ELECMENT 1, USE OBJECTIVE 1.A7. FUTURE LAND USE CATEGORIES, POLICY 1.A7.2. GROSS DENSITIES AND TABLE OF LAND USE DENSITIES AND INTENSITIES, OJECTIVE 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.

Jodi Nentwick-Kugler, Development, presented Item 10, first reading of Ordinance No. 2514-2023.

Commissioner Collins commented on the LPA Meeting and the discussion of fractional units and stated these need to be struck entirely from the Comprehensive Plan.

Commissioners discussion:

- Affordable housing, establishing a maximum.
- Parking requirements.

City Manager Dyess stated he recalls in one of our workshops establishing a maximum and it doesn't look like that was done. The width of the new law is not one (1) mile per density, it's the whole city.

Commissioner Rich with City Attorney Mortell, further discussed the count of units in the Comprehensive Plan.

Commissioner Bruner wants 2 parking spaces per unit, so to add more parking. Further discussion ensued with Commission and City Attorney Mortell.

PUBLIC COMMENT:

1. Laura Giobbi - SE Ocean Blvd.; Commented that Talahassee will not fix affordable housing, thanked those who went.
2. Robin Cartwright - Hibiscus Ave.; Neighborhood special district, the Commission has the opportunity to grant variances; affordable housing cannot be mandated by this Commission or the County Commission. Thanked Mortell for providing better council, by right the developer has 15 units per acre, by variance they have 30. Need to look at the planning and the totality of what has happened and is going to happen.
3. Corey Winer - Woodmill Pond; Economist for a private equity group. Commented on his knowledge of South Florida politics. When people are elected they are trying to accomplish things such as mandates, statutes, and ordinances. Elected officials should reach out to other communities that have put such mandates in place and ask how others handled it. Mr. Winer offered his help.
4. Bob Ernst - Johnson Avenue; Handed stickers to the Commission that stated, More Trees Less Cement, we need to talk about no more density in small town Stuart. He displayed a power point of all new businesses that he feels destroyed small town Stuart community.

5. Douglas Ashley - NE Dixie Highway; Talked about his history with traveling all over the state of Florida. Stated the State DOT can't keep up with the cities and we have to fight for everything we have and keep our city special and unique.
6. Richard Geisingler - Asked if the old city landfill has anything to do with SB 102? Mayor McDonald and City Attorney Montell responded.

8:01 PM MOTION: Approve Comprehensive Plan Text Amendment as written with the typos corrected conditioned upon Item 11 being adopted as a land development regulation where a 500 square foot unit would require 1.25 spaces per unit and a 700 sq foot unit would require 1.5 per unit and the rest of the units 2.0 spaces for all units full credit.

MOVED BY: Becky Bruner

SECONDED BY: Eula Clarke

VOTE:

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

NO: Campbell Rich

11. 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 ADMENDING THE EXISTING SECTION 2.07.00.1 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.

Commissioner Collins asked commissioners not to waive parking requirements for future projects.

PUBLIC COMMENT:

1. Douglas Ashley - NE Dixie Highway; Commented on the density and traffic, asked commission to not over do it.
2. Bob Ernst - Johnson Avenue; Everyday we sit in traffic and can't get through traffic lights. He blames the Mayor and Commission. We are over capacity. There is nothing we can do to make traffic move on Kanner Highway.

8:27 PM MOTION: Approve to replace Table 2.07A; max cap at 50%.

MOVED BY: Eula Clarke

SECONDED BY: Christopher Collins

VOTE:

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

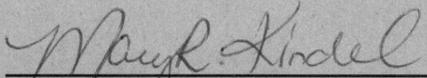
NO: Campbell Rich

DISCUSSION AND DELIBERATION

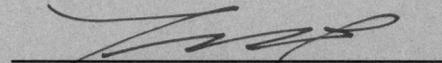
Vice Chair Bruner stated she has been getting emails about the river and wanted to relay that if you go to "Vote Water" there is a judgment that came down and is an excellent read, came out March 31.

ADJOURNMENT

8:31 PM



Mary R. Kindel, City Clerk



Troy McDonald, Mayor

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

