



City of Stuart

AGENDA

**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**

Agenda items are available on our website at <http://www.cityofstuart.us>
Phone: (772) 288-5306. Fax: (772) 288-5305. E-mail: mkindel@ci.stuart.fl.us

In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation to attend this meeting should contact the City's ADA coordinator at 772-288-5306 at least 48 hours in advance of the meeting, excluding Saturday and Sunday.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

(RC) next to an item denotes there is a City Code requirement for a Roll Call vote.
(QJ) next to an item denotes that it is a quasi-judicial matter or public hearing.

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

1. ARTS MOMENT

PROCLAMATIONS

2. PATRIOT DAY AND DAY OF SERVICE AND REMEMBRANCE - SEPTEMBER 11, 2023
3. TREASURE COAST DAY OF PRAYER - SEPTEMBER 28, 2023
4. GOLD STAR MOTHER'S AND FAMILY'S DAY - SEPTEMBER 24, 2023
5. HUNGER ACTION MONTH - SEPTEMBER 2023
6. CHILDHOOD CANCER AWARENESS MONTH - SEPTEMBER 2023
7. 4-H WEEK - OCTOBER 1-7, 2023

PRESENTATIONS

8. SERVICE AWARDS - SEPTEMBER 2023
9. RESILIENCE PRESENTATION

COMMENTS BY CITY COMMISSIONERS

COMMENTS BY CITY MANAGER

APPROVAL OF AGENDA

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

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

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.

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.

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.

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.

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 HERERO; REQUESTING THE PRIVILEGE FEE FOR ABANDONING PUBLIC PROPERTY BE WAIVED IN IT'S ENTIRETY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE: AND FOR OTHER PURPOSES.

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.

DISCUSSION AND DELIBERATION

ADJOURNMENT

WHAT IS CIVILITY? Civility is caring about one's identity, needs and beliefs without degrading someone else's in the process. Civility is more than merely being polite. Civility requires staying "present" even with those persons with whom we have deep-rooted and perhaps strong disagreements. It is about constantly being open to hear, learn, teach and change. It seeks common ground as a beginning point for dialogue. It is patience, grace, and strength of character. Civility is practiced in our City Hall.

PUBLIC COMMENT: If a member of the public wishes to comment upon ANY subject matter, including quasi-judicial matters, please submit a Request to Speak form. These forms are available in the back of the Commission Chambers, and should be given to the City Clerk prior to introduction of the item number you would like to address.

CONSENT CALENDAR: Those matters included under the Consent Calendar are self-explanatory, non-controversial, and are not expected to require review or discussion. All items will be enacted by one motion. If discussion on an item is desired by any City Commissioner that item may be removed by a City Commissioner from the Consent Calendar and considered separately. If an item is quasi-judicial it may be removed by a Commissioner or any member of the public from the Consent Calendar and considered separately.

QUASI-JUDICIAL HEARINGS: Some of the matters on the Agenda may be "quasi-judicial" in nature. City Commissioners will disclose all ex-parte communications, and may be subject to voir dire by any interested party regarding those communications. All witnesses testifying will be "sworn" prior to their testimony. However, the public is permitted to comment without being sworn. Unsworn testimony will be given appropriate weight and credibility by the City Commission.

INVOCATION: Any invocation that may be offered at the opening of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission, and the Commission is not allowed by law to endorse the religious beliefs or views of this, or any other speaker.