

**MINUTES**  
**REGULAR MEETING OF THE STUART CITY COMMISSION**  
**FEBRUARY 12, 2024**  
**AT 4:00 PM**  
**COMMISSION CHAMBERS**  
**121 SW FLAGLER AVE.**  
**STUART, FLORIDA 34994**

**CITY COMMISSION**

**Mayor Rebecca S. Bruner**  
**Vice Mayor Campbell Rich**  
**Commissioner Eula R. Clarke**  
**Commissioner Christopher Collins**  
**Commissioner Troy McDonald**

**ADMINISTRATIVE**

**City Manager, Michael J. Mortell**  
**City Attorney, Lee J. Baggett**  
**City Clerk, Mary R. Kindel**

**ROLL CALL**

4:03 PM

PRESENT: Mayor Bruner, Vice Mayor Rich, Commissioner Clarke (late), Commissioner Collins, Commissioner McDonald

**INVOCATION**

Pastor Jim Borocious, Stuart Alliance Church, gave the Invocation.

4:04 P.M. Commissioner Clarke arrived.

**PLEDGE OF ALLEGIANCE**

1. ARTS MOMENT - THELMA WASHINGTON, ABC'S OF BLACK HISTORY IN STUART AND THE CHILDREN OF GERTRUDE WALDEN

Chikeba Mincey, Preschool Teacher, read the ABC's of Black History in Martin County and the preschool children of Gertrude Walden Childcare Center performed a song about black history. The Mayor presented a Certificate of Appreciation and took a photo with the guests.

**PROCLAMATIONS**

2. ENGINEERS WEEK (FEBRUARY 18-24, 2024)

Devin Curran, Florida Engineering Society Treasure Coast Chapter Vice President, received the Proclamation and thanked the City for the recognition.

**3. HOUSE OF HOPE 40TH ANNIVERSARY**

Rob Ranieri, CEO of House of Hope, received the Proclamation and thanked the City for their continued support.

**4. NATIONAL CHILDREN'S DENTAL HEALTH MONTH**

Lori Sang, Executive Director and staff of Little Lights Dentistry came forward and received the Proclamation.

**5. BLACK HISTORY MONTH**

Pastor Jerry Gore, NAACP Past-President, received the Proclamation on behalf of Nina Dooley, President of AACES; thanked the City for the recognition.

**6. CHILD TRAFFICKING AWARENESS**

Jonathan Dobbs, Florida Faith Alliance, received a Proclamation, announced national and local statistics, and provided a brief video clip on awareness of Child Trafficking.

Police Chief Joe Tumminelli took a minute to express his appreciation for all that Mr. Dobbs does in the community and reported on the issues of child trafficking, noted a case of child pornography, and encouraged the community to fight back.

**PRESENTATIONS**

**7. FEBRUARY SERVICE AWARDS**

Michael Dacey    Public Works    5 Years (Not present)

**8. 2024 LEGISLATIVE SESSION UPDATE**

Ben Hogarth, Community Services Communications Liaison, provided a presentation on the various legislative bills and reviewed the sessions.

Commissioners asked questions at the conclusion of the presentation.

Commissioner Clarke requested the consideration of voting via Zoom in the Charter and to have it brought back to a meeting for discussion.

**9. OPEN GOV PRESENTATION**

Louis "Joly" Boglioli, Finance Director, demonstrated the budget on Open Gov with a live presentation from the City's website. Commissioners and the Director discussed Open Gov.

**COMMENTS BY CITY COMMISSIONERS**

Commissioner Clarke

- Requested Item #14 be pulled for the Public Works Director to inform everyone about the project.
- Announced multiple events that will be on February 17th; she also requested the City to

recognize the Women's Club for their 110th Anniversary.

- Announced Martin County is celebrating their Centennial in 2025, looking for organizations to reach out to the planning committee, asked that the City reach out to the County to see what the City can offer.
- Commented that residents have asked about crosswalk markings at the corner of MLK and Palm Beach Rd., 10th St. and Palm Beach Rd. and would like the City to follow up with the County.
- Commented on Mr. Hogarth and Mr. Boglioli's informative presentations and requested the City Manager have our Development Director present once a month on issues related to the comp plan.
- Commented the County has a 1/2 cent sales tax and when funds come into the City, there is no limit to what we can do with these funds. Requested the City to work on a plan. (City Manager Mortell noted it is against the law to lobby.)
- Commented that the code review and workshops are there to keep the commissioners well-informed.
- Announced the Arts Fest event coming up this weekend.

#### Commissioner Collins

- Commented, in reference to Commissioner Clarke's comment, that he does not agree with the Development Director having to provide information at Commission Meetings about what the commission can and cannot vote on.
- Commented on the ribbon cutting for the HCA adjacent to the EAA reservoir.
- Stated he was discouraged to hear a quote, "large scale Lake Okeechobee discharges are likely a few weeks away." Asked Commission to write a letter to the Army Corps and request them to exhaust all possible options for water before going east, with regard to human health, the estuary, etc. Army Corps is open to communication and encouraged fellow commissioners to contact them.

#### Vice Mayor Rich

- Commented that a few weeks ago he attended the Everglades Conference and communicated with authorities. No objection to sending a formal letter, but can also work with the county and do whatever we can to help the situation; work with shorelines and get as much water out of the river as possible.

#### Commissioner McDonald

- Commented on the House Bill 1317; TC Palm gave Stuart an A grade.
- Thanked Peter Kunen, U&E Director as he has helped to correct issues with residents.
- Stated he has no objection to the letter per Commissioner Collins's request.

#### Mayor Bruner

- Commented in favor of letters to Army Corps for the health of the St. Lucie River.

## **COMMENTS BY CITY MANAGER**

City Manager Michael Mortell

- Commented with regard to having an Agenda Item where the City brings back sections of comp plan back for review. He stated it would be difficult if there was an agenda item at the same meeting, which may persuade the vote. Happy to move forward with Commissioner Clarke on ideas for that.
- Reported that the City received an invitation to the March 16 NAACP Gala, considering purchasing a table with ten (10) seats and requested direction from the commission. (Clarke commented that she felt the City's support of the event was recommended.)

**5:59 PM MOTION: Approve the City Supporting the March 16 NAACP Gala Event and Purchase a Table.**

**MOVED BY: Eula Clarke**

**SECONDED BY: None**

**Died for lack of second.**

City Manager Mortell continued his comments.

- Commented that we have had extremely high tides and the crossings at the railroad/bridge is flooding. When the new bridge is built, it will make the passage way better. In the meantime, Milton and he will work on a plan.
- Stated he was contacted last week from a woman who works for the Roger Dean Stadium. She was checking to see if Stuart is interested in participating in a Roger Dean Stadium Town Spotlight, having Stuart be the first.
- Stated that Resolution regarding 1/2 cent sales tax should be clarified. The City is simply interested in a vote that the Commission will dedicate the funds and it would return to the Commission in the future.
- Commented that Commissioner McDonald talked with him about legislation on the retail legalization of marijuana zoning language, City Attorney will begin working on the language.

Mayor Bruner commented on her past statement about having the Annex building exterior being painted bright white. City Manager noted that the building did not qualify as needing maintenance at this time and can have Milton obtain estimates to bring back to the Commission.

Commissioner Clarke asked about the landscape of the Duffy Boats property. City Manager Mortell stated he is working through ideas but is not prepared with the information at this time.

## **APPROVAL OF AGENDA**

**6:13 PM MOTION: Approve agenda pulling Items 11 and 14.**

**MOVED BY: Troy McDonald**

**SECONDED BY: Eula Clarke**

**Motion approved unanimously.**

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

1. Helen McBride - Flamingo Ave.; Commented regarding the Commission's approval of Hudson's on the River. She was recently in the area and stated cones were marking off parking spaces. She wants the commission to do something about it. City Manager Mortell responded that the valet is not allowed to charge public - valet parking is free and can be used by all.
2. Janine Alexander - Gainseville; Commented that she was at a meeting in October 2023, and stated she was domestically abused in 2015, and unfairly treated by Stuart Police Department. She still carries the title of felon unless she receives the clemency. Submitted a document to the Police Chief to provide to the City Manager.
3. Tom Whittington; Thanked the Commission for continued support of the Stuart Boat Show and commented that it was the smoothest boat show in years.

### **CONSENT CALENDAR**

10. APPROVAL OF 01/22/2024 CCM MINUTES AND 01/22/2024 SCM MINUTES (RC)

**\*\*\*PULLED ITEM #11\*\*\***

11. AUTHORIZATION TO ACCEPT \$130.5 MILLION FEDERAL MEGA GRANT TO HELP FUND REPLACEMENT OF THE ST. LUCIE RIVER RAILROAD BRIDGE (RC):

RESOLUTION No. 07-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE ACCEPTANCE OF A U.S. DEPARTMENT OF TRANSPORTATION MEGA GRANT TO ASSIST FUNDING THE REPLACEMENT OF THE ST. LUCIE RIVER RAILROAD BRIDGE AND AUTHORIZING FOR THE ADMINISTRATION OF THE GRANT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

12. AUTHORIZE HEALTHY START COALITION CHANGE IN ARPA AWARD SCOPE (RC):

RESOLUTION No. 10-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING A CHANGE IN SCOPE OF WORK IN THE AWARD OF SUBRECIPIENT AGREEMENT TO MARTIN COUNTY HEALTHY START COALITION'S ARPA SUPPORT SUBAWARD. FOR SUPPORT OF RESPONSE TO MITIGATE THE IMPACTS OF THE COVID-19 PANDEMIC. AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EXECUTE THIS TRANSACTION; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

13. AUTHORITY TO CANCEL SOVEREIGNTY SUBMERGED LANDS LEASE BOT#430340696 (NORTHPOINT PROPERTY) (RC):

RESOLUTION No. 15-2024; A RESOLUTION OF THE CITY COMMISSION OF

THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR AND EXECUTIVE DIRECTOR OF THE COMMUNITY REDEVELOPMENT AGENCY TO EXECUTE A CANCELLATION OF SOVEREIGNTY SUBMERGED LANDS LEASE WITH THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**\*\*\* PULLED ITEM #14 \*\*\***

- 14. AWARD OF ITB#2024-102: CITY OF STUART PAVEMENT MAINTENANCE ZONE-1 MILL/OVERLAY AND POINT REPAIRS PROJECT (RC):**

RESOLUTION No. 16-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVING THE AWARD OF ITB #2024-102, CITY OF STUART PAVEMENT MAINTENANCE ZONE-1 MILL/OVERLAY AND POINT REPAIRS PROJECT TO THE LOWEST, AND RESPONSIBLE BIDDER WITH A TOTAL UNIT PRICE OF \$380,099.95 TO M&M ASPHALT MAINTENANCE, INC. D/B/A ALL COUNTY PAVING OF DELRAY BEACH, FLORIDA AUTHORIZING THE CITY TO EXECUTE A FINAL AGREEMENT SUBSEQUENT TO REVIEW AND APPROVAL BY CITY ATTORNEY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

- 15. ADOPTION OF APPENDIX "A," FEES, RATES & CHARGES (RC):**

RESOLUTION No. 17-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING TYPES, FEES, RATES AND CHARGES AS APPENDIX "A" TO THE CITY CODE OF ORDINANCES, AS PROVIDED AND PERMITTED IN VARIOUS CHAPTERS OF THE CITY'S CODE OF ORDINANCES; PROVIDING FOR CONFLICTS, PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

- 16. BA#05-2024 AUTHORIZE AND EXPEND FDLE SAFE PROGRAM GRANT (RC):**

RESOLUTION No. 22-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT #05-2024 TO THE FISCAL YEAR 2024 OPERATING BUDGET AND AUTHORIZING GRANT EXPENDITURES FOR THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT'S STATE ASSISTANCE FOR FENTANYL ERADICATION (SAFE) IN FLORIDA PROGRAM, PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.

**END OF CONSENT CALENDAR**

**6:29 PM MOTION: Move to approve Consent Agenda, pulling Item #'s 11 and 14.**

**MOVED BY: Troy McDonald**

**SECONDED BY: Campbell Rich**

**Motion approved unanimously.**

**\*\*\* PULLED ITEM #11 FROM CONSENT CALENDAR \*\*\***

11. AUTHORIZATION TO ACCEPT \$130.5 MILLION FEDERAL MEGA GRANT TO HELP FUND REPLACEMENT OF THE ST. LUCIE RIVER RAILROAD BRIDGE (RC):

RESOLUTION NO. 07-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE ACCEPTANCE OF A U.S. DEPARTMENT OF TRANSPORTATION MEGA GRANT TO ASSIST FUNDING THE REPLACEMENT OF THE ST. LUCIE RIVER RAILROAD BRIDGE AND AUTHORIZING FOR THE ADMINISTRATION OF THE GRANT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Manager Mortell provided a brief review of the Resolution and stated it is for the benefit of the new railroad bridge and double tracking that will stop us from having freight trains staging in other intersections throughout the community.

Jacqui May, Ph.D, Grants Administrator, provided a brief presentation of the Mega Grant.

**6:34 PM MOTION: Approve.**  
**MOVED BY: Troy McDonald**  
**SECONDED BY: Eula Clarke**  
**Motion approved unanimously.**

**\*\*\* PULLED ITEM #14 FROM CONSENT CALENDAR \*\*\***

14. AWARD OF ITB#2024-102: CITY OF STUART PAYMENT MAINTENANCE ZONE-1 MILL/OVERLAY AND POINT REPAIRS PROJECT (RC):

RESOLUTION No. 16-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR AND EXECUTIVE DIRECTOR OF THE COMMUNITY REDEVELOPMENT AGENCY TO EXECUTE A CANCELLATION OF SOVEREIGNTY SUBMERGED LANDS LEASE WITH THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Milton Leggett, Public Works Director, presented the Stuart Pavement Maintenance Zone - 1 Mill/Overlay and Point Repairs project.

Commissioner McDonald stated that the City does one zone every year with the milling and overlay. Therefore, every five (5) years the City will do milling and overlay in each zone.

**6:37 PM MOTION: Approve.**  
**MOVED BY: Troy McDonald**  
**SECONDED BY: Eula Clarke**  
**Motion approved unanimously.**

**COMMISSION ACTION**

17. STUART MAIN STREET CONTRIBUTION AND SERVICE AGREEMENT (RC):



RESOLUTION No. 19-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A SERVICE AGREEMENT BETWEEN THE CITY/CRA AND STUART MAIN STREET, INC., FOR ITS CONTRIBUTIONS TO THE CITY AND THE PROMOTION OF ECONOMIC VITALITY, REDEVELOPMENT, AND HISTORIC PRESERVATION OF THE STUART MAIN STREET DISTRICT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Jim Chruslki, Community Services Director, introduced the item.

Candace Callahan, Stuart Main Street Director, thanked the City for the long-standing partnership, reviewed their services and benefit to the City; stated they are planning to expand the district boundaries and do more.

Vice Mayor Rich questioned various projects and expenses in the Stuart Main Street (SMS) budget. City Manager Mortell and Candace Callahan explained some of the expenses questioned. Vice Mayor Rich stated he is uncomfortable with Item #2 in the renewal section of the agreement.

At 6:55 PM a motion was made by Commissioner Rich and Seconded by Commissioner Collins to change Item #2 in the Agreement to a 1-year evaluation and for it to be reviewed by the Commission on an annual basis.

Commissioner McDonald commented on the revitalization of downtown and when SMS was established. Noted the various events run by SMS and its partnerships. Respectfully stated he wants to amend motion to "no" to require a one (1) year evaluation but to when the Commission asks for an evaluation.

City Manager Mortell commented on the past supervision of the Green Market; clarified that the Market on Main and the Rocking Riverwalk was never forced on SMS. Clarified the decision to provide a budget to the SMS.

Commissioners continued with questions and comments.

Ben Hogarth, Community Services Communications Liaison, spoke on the terms and conditions of the agreement.

#### PUBLIC COMMENT:

1. Aaron Hawkins - Arapaho Ave.; In support of the SMS, sees how much they do for the community. Feels the community and businesses see the value in it. Commented on Item #19 and would like to assist with a solution to the parking issue.
2. Nik Schroth - Palm St.; Past SMS President, stated when Thondra left the City, it left a void and concept of getting on their feet was just a product of the situation.
3. Inez Roberts - 14th St.; Has worked with SMS since 2000, commented on the downtown businesses, SMS stepped up with the Lyric Theatre and helped to rebuild downtown, as a public private partnership, should not be taken for granted.
4. Helen McBride - Flamingo Ave.; Spoke on the history of the SMS and stated that people get what they pay for and the Commission has to look at the future.
5. Tom Whittington - Appreciates the Commissions work on different items.



6. Merritt Matheson - S. Carolina Dr.; Commented that there are some programs the City does not want to run, in favor.

**6:55 PM MOTION: Move to Approve, Item #2 in Agreement be changed to a 1-year evaluation of the Agreement and for it to be reviewed by the Commission on an annual basis.**

**MOVED BY: Campbell Rich**

**SECONDED BY: Chris Collins**

**Vote: Motion Failed 1/4 at 7:50 PM**

**Yes: Campbell Rich**

**No: Troy McDonald, Chris Collins, Eula Clarke, Becky Bruner**

**7:51 PM Motion: Move to Approve, as drafted, and the City Commission gets to appoint a board member.**

**MOVED BY: Troy McDonald**

**SECONDED BY: Eula Clarke**

**Motion approved unanimously.**

**18. SUPPORT OF HALF-CENT SALES TAX (RC):**

RESOLUTION No. 21-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA SUPPORTING A REFERENDUM ON THE NOVEMBER 2024 BALLOT FOR A 10-YEAR DURATION, HALF-CENT SALES TAX TO PURCHASE AND CONSERVE NATURAL LANDS IN MARTIN COUNTY BEING VOTED ON BY THE MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS ON FEBRUARY 20, 2024; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Merritt Matheson, Member of Indian River Keeper Board of Directors and the Rivers Coalition, was present on behalf of Martin County, and approached the podium for any questions the Commission may have on the Half-Cent Sales Tax.

**7:54 MOTION: Approve.**

**MOVED BY: Troy McDonald**

**SECONDED BY: Eula Clarke**

**Motion approved unanimously.**

**ORDINANCE SECOND READING**

**19. APPLICANT REQUESTED A CONTINUANCE TO A DATE CERTAIN OF MARCH 25, 2024 CCM:**

101 S. COLORADO RESTAURANT - REZONE TO URBAN PLANNED UNIT DEVELOPMENT & SITE PLAN APPROVAL (QJ)(RC):

ORDINANCE No. 2524-2023; AN ORDINANCE OF THE CITY OF COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING A REZONING FROM URBAN WATERFRONT TO URBAN PLANNED UNIT DEVELOPMENT FOR A 0.234 ACRE PROPERTY, LOCATED AT 101 S. COLORADO AVENUE, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED;

ESTABLISHING THE COLORADO WATERFRONT RESTAURANT (UPUD); TO RE-PURPOSE THE EXISTING OFFICE BUILDING FOR A 150-SEAT RESTAURANT AND PROVIDE RELIEF FROM VARIOUS PARKING REQUIREMENTS; APPROVING A FINAL SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS INCLUDING A TIMEABLE FOR DEVELOPMENT, DECLARING THE PLAN 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 OTHER PURPOSES.

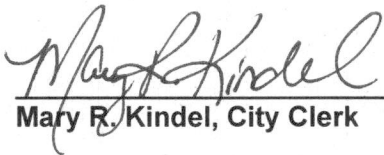
**7:58 PM MOTION: Approve.**  
**MOVED BY: Troy McDonald**  
**SECONDED BY: Eula Clarke**  
**Motion approved unanimously.**


**ORDINANCE FIRST READING**

**DISCUSSION AND DELIBERATION**

**ADJOURNMENT**

7:59 P.M.

  
Mary R. Kindel, City Clerk

  
Rebecca S. Bruner, Mayor

Minutes to be approved at the Regular Commission  
Meeting this 26th day of February, 2024.

