**MINUTES**
**REGULAR MEETING OF THE STUART CITY COMMISSION**
**MAY 28, 2024**
**AT 5:30 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**

**Clerk's Note: The regular Commission Meeting was held on Tuesday, May 28th due to the Memorial Day Holiday on Monday, May 27, 2024.**

## ROLL CALL

5:30 PM

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

## INVOCATION

## PLEDGE OF ALLEGIANCE

## COMMENTS BY CITY COMMISSIONERS

Commissioner Clarke

- Thanked staff for their communications with the Commissioners.
- Thanked Mr. Riordan as the parade correspondent for Memorial Day and for his help with many events.
- Announced her Town Hall Meeting on June 13th at 6 PM.

Vice Mayor Rich

- Commented on a past public comment that stated that the Commissioners should listen and not give their comments. He pointed out that the Sunshine Law restricts them from

speaking to each other outside of public meetings.

- Commented that during public comment, Commissioners should not interrupt a speaker.

Commissioner McDonald

- Thanked all who coordinated the Memorial Day Parade and noted that it was a successful event.

## COMMENTS BY CITY MANAGER

City Manager Michael Mortell

- Requested to pull Consent Calendar Item #2 for discussion due to revised language that is to be read into the record.
- Thanked Mr. Riordan for his parade planning and commented that it may be his last year of service.

Commissioner Clarke announced an additional comment that she was invited to be a member of the Indian River Task Force and plans to attend a meeting.

## APPROVAL OF AGENDA

**5:41 PM MOTION: Approve pulling Item #2 from the Consent Agenda.**
**MOVED BY: Troy McDonald**
**SECONDED BY: Eula Clarke**
**Motion approved unanimously.**

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

1. Audra Creech - Palm City; Commented on the environmental cause of Item #3 and encouraged the Commission to be in favor of the project.
2. Sean Reed - Stuart; Commented on feedback received from residents and his concerns on parking requirements.

## CONSENT CALENDAR

**1.** APPROVAL OF 05/13/2024 CCM MINUTES (RC)

***** PULLED ITEM #2 *****

**2.** SUPPORTING A PETITION FROM THE CBD TO THE EPA ON WATER QUALITY STANDARDS FOR CYANOTOXINS (RC):

RESOLUTION No. 34-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR TO ENDORSE A PETITION FROM THE CENTER FOR BIOLOGICAL DIVERSITY (CBD) REQUESTING THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) TO ESTABLISH NEW HUMAN HEALTH WATER QUALITY CRITERIA FOR CYANOTOXINS IN THE STATE'S CLASS I, II, AND III SURFACE

WATERS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**END OF CONSENT CALENDAR**

**MOTION: Approve, pulling Item #2.**
**MOVED BY: Troy McDonald**
**SECONDED BY: Campbell Rich**
**Motion approved unanimously.**

***** ITEM #2 PULLED FROM THE CONSENT CALENDAR *****

2. SUPPORTING A PETITION FROM THE CBD TO THE EPA ON WATER QUALITY STANDARDS FOR CYANOTOXINS (RC):

   RESOLUTION No. 34-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR TO ENDORSE A PETITION FROM THE CENTER FOR BIOLOGICAL DIVERSITY (CBD) REQUESTING THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) TO ESTABLISH NEW HUMAN HEALTH WATER QUALITY CRITERIA FOR CYANOTOXINS IN THE STATE'S CLASS I, II, AND III SURFACE WATERS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Attorney, Lee Baggett, read the corrected title into the record and the City Manager Mortell clarified the language.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE ~~MAYOR TO ENDORSE~~ **CITY TO BE A CO-PETITIONER IN** A PETITION FROM THE CENTER FOR BIOLOGICAL DIVERSITY (CBD) **AND OTHER ALLIES** REQUESTING THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) TO ESTABLISH NEW HUMAN HEALTH WATER QUALITY CRITERIA FOR CYANOTOXINS IN THE STATE'S CLASS I, II, AND III SURFACE WATERS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Ben Hogarth, Community Affairs Liaison, came forward and provided a brief explanation.

**5:47 PM MOTION: Approve.**
**MOVED BY: Troy McDonald**
**SECONDED BY: Christopher Collins**
**Motion approved unanimously.**

**COMMISSION ACTION**

3. OYSTER GARDEN PROJECT ALONG THE DOWNTOWN RIVERWALK WITH THE CCA (RC):

   RESOLUTION No. 53-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE COASTAL CONSERVATION ASSOCIATION (CCA) OF FLORIDA TO COORDINATE THE INSTALLATION OF VERTICAL OYSTER GARDENS ALONG THE DOWNTOWN RIVERWALK FOR THE PURPOSE OF IMPROVING WATER QUALITY AND PROVIDING SAFE HABITAT FOR OYSTERS AND OTHER MARINE LIFE;

FURTHER AUTHORIZING THE CCA TO MAINTAIN, MONITOR AND COLLECT DATA FROM THE OYSTER GARDENS AS STEWARDS OF THE ENVIRONMENT AND THE PUBLIC TRUST; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Ben Hogarth, Community Affairs Liaison, provided a brief history and introduced Matthew Wisehaupt, Vice President of the Martin County Chapter of the Coastal Conservation Association. Mr. Wisehaupt described the vertical Oyster Garden and provided details of the project being proposed.

**6:06 PM MOTION: Approve.**
**MOVED BY: Troy McDonald**
**SECONDED BY: Eula Clarke**
**Motion approved unanimously.**

**ORDINANCE SECOND READING**

4. CLARITY POINTE PUD - SMALL-SCALE COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT LOCATED AT 500 SE INDIAN STREET (LEGISLATIVE) (RC):

ORDINANCE No. 2529-2024; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP FOR AN APPROXIMATE 9.46-ACRE PARCEL OF LAND FROM MULTI-FAMILY RESIDENTIAL TO THE COMMERCIAL FUTURE LAND USE DESIGNATION; AMENDING THE FUTURE LAND USE MAP; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE; AND OTHER PURPOSES.

City Attorney announced, as a reminder, the two Clarity Pointe items as one being Quasi-Legislative and one being Quasi-Judicial.

Jodi Kugler, Development Director, presented the various requirements of the City staff pertaining to this project and reviewed the current and proposed land use and evaluation criteria. Staff recommended approval of the land use amendment.

Brad Currie, Applicant Representative, presented a PowerPoint to include the property's history and surrounding area land uses.

Jason Ackner, applicant, commented that the property was vacant for over twelve (12) years and land use had not been an issue up to this point. He asked when and why it became an issue and stated the land use change would turn it back into what the use was intended for in the past.

PUBLIC COMMENT:

1. James Nehmer - Stuart; Commented that Willoughby Trace is located behind the land, opposed to the project.
2. Sean Reed - Stuart; Commented on Code 3.86b and 3.86d, opposed to the project.
3. Walter Loyd - Stuart; Request the Commissioners consider the residents and

disapprove of this land use change.
4. Diane Asker - Stuart; Commented that her clientele as a realtor is often elderly and memory care facilities are not available right now. Hopeful property will continue as an assisted living.
5. Jason Ackner - Applicant; Stated there is not a shortage of memory care facilities.
6. Mark Brechbill - Stuart; Commented on the intersection being the busiest intersection in Stuart and asked Commissioners to consider the increase in traffic at that location.
7. Jack Nafpliotis - Stuart; Pointed to his residence on the presentation; nervous about the proposed project; opposed.
8. Jim Ladd - Stuart; Concerned about land use change, opposed.
9. Michael Girardi - Stuart; Lives in Willoughby Glenn - concerned about the project; opposed to land use change.

Mr. Currie came forward and stated that the switch between land uses had been made multiple times on this property.

**6:45 PM MOTION: Approve.**
**MOVED BY: Campbell Rich**
**SECONDED BY: - - -**
**Motion died for lack of second.**

**6:46 PM MOTION: Motion to Deny.**
**MOVED BY: Campbell Rich**
**SECONDED BY: Troy McDonald**
**Motion approved unanimously. [to deny approval of Ordinance #2529-2024]**

5. CLARITY POINTE PUD - REZONE FROM THE CITY OF STUART OFFICIAL ZONING ATLAS FROM RESIDENTIAL PLANNED DEVELOPMENT (RPUD) TO THE MIXED-USE PLANNED UNIT DEVELOPMENT (MXPUD) ZONING DESIGNATION LOCATED AT 500 SE INDIAN STREET (QJ)(RC):

   ORDINANCE No. 2530-2024; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, REZONING THE CITY OF STUART OFFICIAL ZONING ATLAS FROM RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) TO THE MIXED-USE PLANNED UNIT DEVELOPMENT (MXPUD) DESIGNATION FOR AN APPROXIMATELY 9.46 ACRE PARCEL OF LAND LOCATED ON THE SOUTH SIDE OF SE INDIAN STREET AND APPROXIMATELY 540 FEET EAST OF KANNER HIGHWAY, TO CONVERT THE EXISTING 84-BED ASSISTED LIVING FACILITY (ALF) WITH MEMORY CARE KNOWN AS CLARITY POINTE TO ALLOW FOR AN INPATIENT PRIMARY MENTAL HEALTH AND RESIDENTIAL DRUG AND ALCOHOL FACILITY WITH MEDICAL DETOX; PROVIDING FOR MASTER SITE PLAN APPROVAL; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR SPECIFIED COMMERCIAL USES; PROVIDING FOR SIGNAGE REQUIREMENTS; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE; AND OTHER PURPOSES.

Brad Currie, Applicant Representative, came forward to request a withdrawal.

**ORDINANCE FIRST READING**

**DISCUSSION AND DELIBERATION**

**ADJOURNMENT**

6:58 PM

Mary R. Kindel, City Clerk

Rebecca S. Bruner, Mayor

**Minutes to be approved at the Regular Commission Meeting this 28th day of May, 2024.**