MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
SEPTEMBER 9, 2024
AT 4:00 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION

Mayor Campbell Rich
Commissioner Eula R. Clarke
Commissioner Christopher Collins
Commissioner Laura Giobbi
Commissioner Sean Reed

ADMINISTRATIVE

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

ROLL CALL

4:00 PM

PRESENT: Mayor Rich, Commissioner Clarke, Commissioner Collins, Commissioner Giobbi, and Commissioner Reed

INVOCATION

Pastor Darrell Orman, Stuart Alliance Church gave the Invocation.

PLEDGE OF ALLEGIANCE

1. ARTS MOMENT - ISABELLA HODGES, 'STARS OVER STUART' STUDENT SINGING "DANNY BOY"

Isabella Hodges, a Murray Middle School student, came forward and sang her song.

PROCLAMATIONS

2. HUNGER ACTION MONTH - SEPTEMBER

Karen Aiello, Donor Relations Manager, Treasure Coast Food Bank, received the Proclamation.

3. TREASURE COAST DAY OF PRAYER - SEPTEMBER 26, 2024

Sherry Way, Administrative Secretary to Treasure Coast Christian Alliance Church,

received the Proclamation.

PRESENTATIONS

4. SERVICE AWARDS - SEPTEMBER 2024

Daniel Duran	Police Department	15 Years	Not Present
Steven Vonya	Fire Department	5 Years	Present

5. LOSOM UPDATE

Mr. Ben Hogarth, Community Affairs Liaison for the City of Stuart, presented the LOSOM update.

COMMENTS BY CITY COMMISSIONERS

Commissioner Collins

- Requested Item #15 be moved before Item #10 and Item #11 on today's agenda.
- Requested to pull Item #7 from the Consent Calendar for discussion.
- Commented on the Sailfish ball fields; concerns on transit oriented development or future development, adjacent issue to Brightline and proposed a D&D (Discsussion & Deliberation) future item for ballfields to go to future referendum.

City Manager Mortell commented that he will update the board at the next meeting on the process for a charter amendment on any type of referendum.

Commissioner Reed

- Commented that he read all the emails from all the citizens and thanked them.

Commissioner Clarke

- Confirmed to pull Item #7 from the Consent Calendar and move Item #15.
- Requested to pull item #9 for staff explanation for the public.
- Commented that staff is working to have a series of neighborhood meetings regarding commercial planned unit development for a vocational training facility at 710 MLK Blvd.- Oct 1, 10, 14 and 28.
- Commented on property purchased and working on getting things done.
- Expressed that she appreciated the comments concerning Brightline.
- Commented on the Mayor attending a funeral service this past weekend, all were so appreciative as the Mayor showed his respect.

Mayor Rich

- Commented on the memorial service he attended and noted what an impact Mr. Allen Gilbert had on the community.
- Commented on the most common ways that local and state governments get things done, and gave examples of private public partnerships, often referred to as a P3 Project.

- Acknowledged former Mayor's Carol Waxler and Becky Bruner in attendance.

COMMENTS BY CITY MANAGER

City Manager Mortell

- Requested the Board consider combining all three (3) Brightline items and take public comment at once.
- Asked for two (2) items to be pulled, Item #13 and Item #7, to be considered on a Special Commission Meeting scheduled for next Monday, September 16, 2024.
- Stated the Budget Meeting, advertised for 5:15 p.m., would be heard but moved to the end of this meeting.
- Announced that on September 11th, Stuart Fire Union will be walking the Roosevelt Bridge in honor of the fallen in New York and all are encouraged to attend.

APPROVAL OF AGENDA

5:00 PM MOTION: Approve a Special Meeting next Monday that includes the Zoning in Progress taken off tonight's agenda and have #13 at that meeting and includes Item #7 at that meeting.
MOVED BY: Christopher Collins
SECONDED BY: Laura Giobbi
Motion approved unanimously.

5:01 PM MOTION: Approve Agenda moving Item #7 [to SCM 9/16/2024] and Pulling Item #9.
MOVED BY: Christopher Collins
SECONDED BY: Eula Clarke
Motion approved unanimously.

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

1. Albert Brinkley - Stuart; Upset children being moved from the 10th Street Recreation Center - parents did not have a say.
2. Karl Thonnes - Stuart; Not present.
3. Travis Deckers - Stuart; President of Stuart Firefighter Benevolent Association, reporting the Ocean Republic Event on September 22, 2024 at 10 a.m.
4. Bonnie Moser - Stuart; Commented on her son who was with her and who wants to be a planner, commented that they are not coming to CCM's because of language being used and asked the Commission to be a good example and to engage with community workshops, not on social media.
5. Barbara Grass - Stuart; Commented on speed limit and speed bumps on Central Parkway. [Spoke after approval of Consent Calendar]

CONSENT CALENDAR

6. APPROVAL OF 8/26/2024 SCM - BUDGET WORKSHOP #2 AND 08/26/2024 CCM MINUTES (RC)

***** ITEM #7 - PULLED & MOVED TO SCM ON 9/16/2024 *****

7. COLLABORATION WITH FEMA UNDER BRIC PROGRAM (RC):

RESOLUTION No. 83-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE CITY OF STUART TO ENTER A NON-FINANCIAL DIRECT TECHNICAL ASSISTANCE AGREEMENT TO COLLABORATE WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) UNDER THE BUILDING RESILIENT INFRASTRUCTURE AND COMMUNITIES (BRIC) PROGRAM; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

8. APPENDIX A UPDATE (RC):

RESOLUTION No. 85-2024; 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.

***** PULLED ITEM #9 *****

9. OPPOSITION TO DEP DEVELOPMENT PROPOSAL AT JONATHAN DICKINSON STATE PARK (RC):

RESOLUTION No. 93-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA OPPOSING ANY PROPOSAL BROUGHT FORWARD BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION TO CONVERT HUNDREDS OF ACRES OF CONSERVED LAND WITHIN JONATHAN DICKINSON STATE PARK INTO THREE PUBLIC GOLF COURSES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

5:10 PM MOTION: Approve Consent Calendar pulling Item #9 and moving #7.
MOVED BY: Christopher Collins
SECONDED BY: Eula Clarke
Motion approved unanimously.

***** ITEM #9 PULLED FROM THE CONSENT CALENDAR *****

9. OPPOSITION TO DEP DEVELOPMENT PROPOSAL AT JONATHAN DICKINSON STATE PARK (RC):

RESOLUTION No. 93-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA OPPOSING ANY PROPOSAL BROUGHT FORWARD BY THE FLORIDA

DEPARTMENT OF ENVIRONMENTAL PROTECTION TO CONVERT HUNDREDS OF ACRES OF CONSERVED LAND WITHIN JONATHAN DICKINSON STATE PARK INTO THREE PUBLIC GOLF COURSES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Manager Mortell provided a brief explanation. The formal position of the city is to not want any development in JD State Park.

5:13 PM MOTION: Approve.
MOVED BY: Eula Clarke
SECONDED BY: Christopher Collins
Motion approved unanimously.

*Clerk's Note: Public Comment, Barbara Grass came forward; see Public Comment #5.

ORDINANCE FIRST READING

15. ABANDONMENT OF S.E. ARAPAHO AVENUE - CARLA WILLIAMSON AND TODD BRITT (RC)

ORDINANCE NO. 2534-2024: 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 50-FOOT RIGHT-OF-WAY, AS SET FORTH ON THE PLAT OF ELDORADO HEIGHTS, AS RECORDED IN PLAT BOOK 1, PAGE 5, OF MARTIN COUNTY, FLORIDA PUBLIC RECORDS, AS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO; AND REQUESTING THE $19,000 PRIVILEGE FEE FOR ABANDONING PUBLIC PROPERTY TO BE WAIVED IN ITS ENTIRETY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Attorney, Lee Baggett read the Ordinance into record; First Reading.

5:20 PM MOTION: Approve to move Ordinance #2534-2024 to the next meeting.
MOVED BY: Christopher Collins
SECONDED BY: Eula Clarke
Motion approved unanimously.

COMMISSION ACTION

Clerk's Note: Mayor Rich announced that Items 10, 11, and 12 be grouped together for presentation and public comment purposes.

City Attorney Lee Baggett read the titles of Items #10, 11 and 12 on the record.

City Manager Mortell provided a presentation on the history of how the City of Stuart came to negotiations with Brightline.

City Attorney Baggett provided a presentation of Robert's Rules of Order and legal issues regarding the Brightline Train Station.

PUBLIC COMMENT ON ITEM #10, #11 AND #12:

1. Erin - Stuart; Supports and in favor of Brightline.
2. Rick Olsen; Stuart; Think of next generation; in favor of Brightline
3. Glenn Kellis; Stuart; Not about money but quality of life; in favor.
4. Albert Brinkley - Stuart; East Stuart's location and feels they will get pushed out; opposed.
5. Raj Patel - Palm City; Commented on Stuart's status in 2008; in favor.
6. Lisa Councilman - Stuart; Owner of Cafe Martiea, past season not as well as other past seasons; in favor
7. Bill Moore - Stuart; Kilwins owner and president of DBA commented on why we need the train stop; in favor.
8. Steven Vitale - Stuart; Owner of Colorado Inn, told tale of two cities, Stuart then and now; in favor.
9. Michelle Smith - Stuart; New homeowner in Stuart, questioned why this was not on a ballot; in favor.
10. Walter Loyd - Stuart; Commented on Costco issue being the location, wants the train with renegotiations; opposed as is.
11. Brett Nordmann - Palm City; Commented with questions on why we need a train, why not take three (3) parcels for parking lots; opposed.
12. Eric Wickstrom - Stuart; Didn't speak; passed.
13. Betty Brinkley - Stuart; Not present.
14. Christopher Vitale - Stuart; Visited businesses and all 80 plus were in favor except one; in favor.
15. Deana Peterson - Stuart; Not against the train, but concerns about the cost to taxpayers; opposed.
16. Helen McBride - Stuart; 51 years ago, Stuart was a ghost town, she and many worked hard to make Stuart the town it is today; in favor.
17. Nicki Van Vonno - Stuart; Former Growth Manager Director for County, railroads help cement the country; in favor.
18. Elizabeth Baker - Stuart; Resident for 70 years, gave reasons why we would benefit from the train; in favor.
19. Valerie Jones - formerly Stuart; Commented the City is overflowing; opposed.
20. Inez Van Ravenzwaai - Stuart; Commented that we must look for new ways for economic vitality; in favor.
21. David Brellamy - Stuart; Came to Stuart in 1972, train is used to transport and can help business growth in this town; in favor.
22. Nina Brody - Stuart; Speaking for neighbors, came because it's a charming town, need train for continued prosperity; in favor.
23. Max Ducherm - Stuart; Not present.
24. Jon Eberst - Stuart; Need to continue with the train, it is here and we should benefit from it, we have the winning lotto ticket; in favor.
25. Bill West - Stuart; danger of highway driving and prefer use of the train; in favor.
26. Sherry Lee - Stuart; Train will better connect family and friends, complimented presentations, Commissioners should not feel they know better than the history; in favor.
27. Walter Oden - Not present.
28. Ed Lucente - Not present, Marty Bieliek came forward and made a brief comment for Ed Lucente.
29. Elizabeth Earl - Not present.
30. Mickey Donn - Stuart; Stuart has need to keep the station, with all election materials received in mail, Brightline was never mentioned; in favor.

31. Terry Kogl - Stuart; For and against, commented on money
32. Marty Bieliek - Stuart; Commented for #28.
33. Joe Hartowski - Stuart; If the City Commissioners do not move forward with the train, you will be the commission known to ruin Stuart's future and violated the Comp Plan; in favor.
34. Patricia Swicick - Stuart; Not present.
32. Marty Bielocki - Stuart; Commented on a train station in Portugal; in favor.
35. Aida Fry - Stuart; Not present.
36. Stephen Ngo - Palm City; Family has been in area for over 40 years, please do not loose this deal; in favor.
37. Kevin Sharkey - Not present.
38. Ron Frenkel - Stuart; Commented it is wrong to rescind the decision, he is an Ophthalmologist who hears from many patients, don't amend if there is a chance to lose it; in favor.
39. Vernon Glennon - Not present.
40. Mark Miller - Palm City; Train will benefit the community for decades and provided four reasons to keep the train; in favor.

***** 8:31 PM Recess *****
***** 8:40 PM Reconvened*****

41. Peter Upton - Stuart; Commented for the excuse of Brightline being an environmental issue, will bring direct and indirect development; in favor.
42. KC Ingram Mullen - Palm City; Commented on Brighline being a private company and the funds; opposed and supports rescinding the agreement.
43. Lucie McGuire - Port St. Lucie; here to serve the people and the yellow in the room, supports Brightline, appalled at the attempt to rescind; in favor.
44. Jeff Dougherty - Stuart; Commented he loves Stuart, does not love the commute to airports and does not want to fund a lawsuit; in favor.
45. Gail Goldy - Stuart; Questioned why the Mayor signed the agreement without authorization, for train, but concerned about the cost; opposed.
46. Bonnie Moser - Stuart; Wants her tax dollars to be spent on this for her children's future and safety, the station is a one-time payment compared to road repairs annually; in favor.
47. Judith Farley - Stuart; Owner of Radiant Outfitters, the majority wants the station, and we have enough CRA funding to rescind would be irresponsible with tax dollars; in favor.
48. Joe Cooper - Stuart; Train could benefit the community and his family, okay with getting a better deal without jeopardizing the deal; in favor.
49. Merritt Matheson - Stuart; Touch on meetings and lawsuits that are going to come, and the City of Stuart negotiated with Brightline, your reputation is critical and will be ruined to rescind; in favor.
50. Marcela Camblor - Stuart; Many ran on being the Commissioners who would respect our Comp Plan and not remove the train; in favor.
51. Douette Pryce - Stuart; Listen to the people for guidance, not social media; in favor.
52. Frank McChrystal - The globalist dream to take cars off the road, the people who elected you are not in the room, affects East Stuart negatively; opposed.
53. Johan - Stuart; Choice to evolve or remain, listen wisely.
54. Susan Warner - Stuart; As a Business Attorney, explained "rescind" and the deal will be dead. Three of five commissioners had the opportunity to negotiate it.
55. Andrew Walter - Palm City; Interested in traveling to Miami, keep the ideal alive; in favor.
56. Eric Wickstrom - Stuart; Commented on revitalizing The Creek District and adding new businesses, foolish to take train away.

57. Denise Chesley - Palm City; Commented on Brightline prices, should look into Tri-Rail, do not want increase in crime and traffic; opposed.

9:21 PM
Mayor Rich stated he is ruling the prior motion out of order.

Commissioner Collins challenged his decision.

Commissioner Clarke requested clarification that the motion on the floor was for Item #12. Discussion of whether Items 10, 11, and 12 should be voted on in order. Requested a legal opinion on the challenge of Robert's Rules of Order.

City Attorney Baggett commented that we have an agenda and the items should go in order. However, Commissioner Collins was recognized by the Chair and made a motion and it was seconded. Recommended a secondary motion to either stay in order or move forward with the motion on the floor. A conversation among the Commissioners, City Attorney and City Manager ensued.

Chair Rich requested the City Attorney move forward in reading the title of Item #10.

10. RESCIND INTERLOCAL AGREEMENT WITH MARTIN COUNTY FOR TRAIN STATION (RC):

RESOLUTION No. 90-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, RESCINDING THE INTERLOCAL AGREEMENT WITH MARTIN COUNTY, DATED DECEMBER 12, 2023, AUTHORIZING THE SUBMISSION OF A JOINT PROPOSAL TO BRIGHTLINE TRAINS LLC FOR THE DEVELOPMENT OF A TRAIN STATION IN DOWNTOWN STUART; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attorney Lee Bagget read Item #10 Resolution 90-2024 on the record.

9:46 PM MOTION: Approve Item #10 - Move that the City Commission maintains this Agreement and all the terms of the Agreement as previously published and agreed to and there be no rescission of this Resolution.
MOVED BY: Eula Clarke
SECONDED BY: None
VOTE: Died for lack of second.

11. RESCIND GROUND LEASE AGREEMENT WITH BRIGHTLINE TRAINS FLORIDA, LLC (RC):

RESOLUTION No. 92-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, RESCINDING THE GROUND LEASE AGREEMENT WITH BRIGHTLINE TRAINS FLORIDA, LLC, DATED AUGUST 12, 2024, PROVIDING FOR THE LONG-TERM LEASE OF PROPERTY AND CONSTRUCTION OF A TRAIN STATION IN DOWNTOWN STUART ON FLAGLER AVENUE; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Attorney Lee Baggett read Item #11, Resolution 92-2024 on the record.

Motion was made by Commissioner Collins and seconded by Commissioner Giobbi.

Commissioner Giobbi stated that she answered 98% of emails received and stated this agreement is about a private public partnership, Brightline has no skin in the game and if they were to default on the mortgage, rhetorically asked what would happen. City Manager Mortell responded that it is a Triple Net Non-Subordinant Land Lease and does not allow them to put a lien on the land, only allows the mortgage of structures above it. They must continue to perform the terms of the lease.

Commissioner Reed provided pros and cons. Martin County had a good opportunity to negotiate the parking rates and revenue generated from parking. Commissioner Reed continued with more remarks regarding parking and parking garage details on the lease agreement in comparison to costs for the train station in the City of Boca.

Commissioner Clarke thanked staff for the information they brought to this meeting and thanked the young people who came to be a part of the process. Passenger rail creates connectivity with several benefits. She feels we should trust our staff, they can always come forward with any amendments that are needed. This is a test for the Commission to do for the greater good.

Commissioner Collins stated that it is not a good deal for the City.

Mayor Rich commented that the City needs to avoid litigation, it took decades to get downtown where it is, and the City created a Comprehensive Plan that should be followed.

***** 10:22 PM Recess *****
***** 10:29 PM Reconvene *****

9:48 PM MOTION: Approve Resolution 92-2024 of the City Commission of the City of Stuart, rescinding the Ground Lease Agreement with Brightline.
MOVED BY: Christopher Collins
SECONDED BY: Laura Giobbi
VOTE: Motion passed 3/2 10:31 PM
YES: Reed, Collins, Giobbi
NO: Clarke, Rich

12. RESCIND AMENDED INTERLOCAL AGREEMENT WITH MARTIN COUNTY FOR TRAIN STATION (RC):

RESOLUTION No. 91-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, RESCINDING THE AMENDED INTERLOCAL AGREEMENT WITH MARTIN COUNTY RELATING TO THE DEVELOPMENT OF A TRAIN STATION IN DOWNTOWN STUART; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

10:32 PM

City Attorney Baggett read Item #12 Resolution 91-2024 on the record.

6:47 PM - Again at 10:32 PM MOTION: Approve Resolution 91-2024 of the City Commission to Rescind the Amended Interlocal Agreement with Martin County for a train station.
MOVED BY: Christopher Collins
SECONDED BY: Laura Giobbi
VOTE: Motion passed 3/2 10:43 PM
YES: Reed, Collins, Giobbi
NO: Clarke, Rich

***** ITEM #13 - PULLED & RESCHEDULED FOR DATE CERTAIN OF 9/16/2024 SCM *****

13. DECLARATION OF ZONING IN PROGRESS (RC):

RESOLUTION No. 95-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, DECLARING "ZONING IN PROGRESS" UNDER SECTION 1.04.04, STUART LAND DEVELOPMENT CODE, FOR NEW DEVELOPMENT EXCEPT FOR SINGLE-FAMILY DWELLINGS OR REQUESTS THAT DO NOT INCREASE THE DENSITY OR INTENSITY OF AN EXISTING USE OR STRUCTURE; DIRECTING CITY STAFF TO REVIEW AND PROPOSE CERTAIN AMENDMENTS TO THE STUART LAND DEVELOPMENT CODE, THE COMPREHESIVE PLAN AND THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

ORDINANCE SECOND READING

14. POSTPONED - THIS MATTER WILL BE RE-NOTICED FOR A FUTURE DATE. 710 SE MARTIN LUTHER KING JR. BOULEVARD - REZONE TO BUSINESS AND MIXED-USE (BMU) ZONING DISTRICT :

ORDINANCE No. 2532-2024; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP, TO REZONE A 2.4-ACRE PARCEL, LOCATED AT 710 SE MARTIN LUTHER KING JR. BOULEVARD, BEING MORE DESCRIBED IN EXHIBIT "A" ATTACHED, FROM COMMERCIAL PLANNED UNIT DEVELOPMENT TO BUSINESS AND MIXED-USE ZONING DESIGNATION; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

DISCUSSION AND DELIBERATION

None.

ADJOURNMENT

10:44 PM

Mary R. Kindel

Mary R. Kindel, City Clerk

Campbell Rich, Mayor

Minutes to be approved at the Regular Commission Meeting this 23rd day of September, 2024.