MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
OCTOBER 14, 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

4:03 PM

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

INVOCATION

Edward Skiba, Stuart Police Chaplain, gave the Invocation.

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

1. NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH - OCTOBER

Suzy Hutcheson, CEO of Helping People Succeed, accepted the Proclamation and announced the new CEO for Helping People Succeed.

2. BREAST CANCER AWARENESS MONTH - OCTOBER

Chief of Police, Joseph Tumminelli, accepted the Proclamation, thanked the Commission and Staff and announced Stride for Walk event, being held on October 26, at Flagler Park at 8 a.m.

3. FLORIDA CITY GOVERNMENT WEEK - OCTOBER 21 - 27, 2024

Mary Kindel, City Clerk, accepted the Proclamation and thanked everyone for recognizing City Government Week.

4. 24TH ANNUAL BIBLE READING MARATHON - NOVEMBER 4 - 8, 2024

Pastors Eddie and Joann Rodriguez, Step into Grace and New Life Ministries, accepted the Proclamation, thanked the Commission for supporting the event and invited the community to come out and read the bible throughout the week. Dr. Julie Bjornson gave a presentation and speech on the importance of participation in the Bible Reading Marathon.

PRESENTATIONS

5. ENVIRONMENTAL ATTORNEY PRESENTATION BY JAMES "MAC" STUCKEY

4:26 PM

Mac Stuckey, local Attorney, provided background on himself and statistics on the St Lucie River, the discharges from Lake Okeechobee System (LOSOM) and provided suggestions on the hiring of an Environmental Attorney.

City Manager Mortell stated that an agenda item is needed to be presented and voted on and workshops and job descriptions will need to take place.

5:07 PM MOTION: Approve to add as an upcoming agenda item on the October 28th City Commission Meeting to define parameters.
MOVED BY: Christopher Collins
SECONDED BY: Laura Giobbi
Motion approved unanimously.

6. CYBERSECURITY AWARENESS PRESENTATION

Darren Duke, Techonology Director, gave a presentation on cybersecurity awareness.

7. ZONING IN PROGRESS (THE DUANY PLAN) PRESENTATION

5:31 PM Michael Mortell, City Manager, presented the history of the Duany Plan and requested direction for a workshop.

The Commissioners agreed to October 24 at 1:00 PM. for the first workshop.

COMMENTS BY CITY COMMISSIONERS

Commissioner Reed

- Provided his condolences to those who were affected by Hurricane Milton.
- Thanked the City Clerk's Department and City Manager's staff for their hard work.
- Commented on the event he attended by the Florida League of Cities.
- Read a statement on transparency and stated that he does not agree with the addendum being on today's agenda. He announced his support for a workshop for Brightline to work out a deal with the public and plans to table the agenda item after discussion. Requested agenda items be available a week in advance.

Commissioner Giobbi

- Commented that she agrees with Commissioner Reed and stated she received the addendum on Friday evening and also would like the agendas out earlier.
- Stated she would like to see a draft of the Interlocal Agreement prior to voting.

Commissioner Clarke

- Recognized those who were affected by Hurricane Milton and urged residents who have the ability to help to truly be neighborly and assist those in need.
- Thanked IT staff for their hard work on cybersecurity.
- Commented on her appreciation of Attorney, James "Mac" Stuckey.

Commissioner Collins

- Agreed with Commissioner Reed's comment on having the agenda available at least a week earlier for Commissioners to do their due diligence.

Mayor Rich

- Commented on getting the agenda out earlier and how it can be difficult for staff.
- Spoke about unfair criticism towards Commissioner Clarke and City Manager Mortell running the City into fiscal bankruptcy. Provided statistics on the City's Budget.

COMMENTS BY CITY MANAGER

City Manager Mortell

- Commented on the Florida statutes in regards to agendas.
- Responded to comments of "hidden meetings" and stated that he was directed by the Commission to negotiate a deal with Brightline and the County and gave the reason why it is on the agenda for tonight's meeting.
- Thanked all staff throughout the City for helping to get the City of Stuart back up and running after the Hurricane.

APPROVAL OF AGENDA

6:06 PM MOTION: Approve the agenda moving the Skate Park Agenda Item 14 to Item 12, Addendum Item as 13, Item 12 to Item 14, Item 13 to Item 15, Item 15 to Item 16, Item 16 to Item 17, Item 17 to Item 18.
MOVED BY: Eula Clarke
SECONDED BY: Christopher Collins
Motion approved unanimously.

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

1. Terry Kogl - Stuart; In opposition to the Brightline and thanked Commissioner Clarke for responding to her email.
2. Bonnie Moser - Stuart; Commented on the opportunity for Community outreach and tips on how to have everyone's voices heard. Where workshops can occur, so all residents can be heard.
3. Robin Cartwright - Stuart; Commented that this meeting should have been postponed due to the hurricane. Commented on death threats and doxing and that she is still receiving them due to Brightline. She asked that the City Manager not to respond when a question is directed to the City Attorney.
4. Robert Hamilton - Stuart; Commented on code citations and questioned why the City cannot cite the contractors on the work done to his property. Thanked Mayor Rich for coming out to see his property.
5. Olga Hamilton - Stuart; Commented on the notifications that were sent to the City in regard to work done by Patriot in regard to the CDBG grant. Asked for a re-inspection and to give citations to the contractors for their violations.
6. Helen McBride - Stuart; Commented that this is the first time in forty (40) years that the Mayor stated the green card needs to be turned in prior to start of meeting in order to speak.
7. Frank McChrystal - Stuart; Read a poem and stated that he prays this Commission is the first in the country that truly represents the people who voted for them.

CONSENT CALENDAR

8. APPROVAL OF 09/16/2024 SCM MINUTES, 9/23/2024 CCM MINUTES, AND 09/23/2024 SCM FINAL MILLAGE AND FINAL BUDGET MINUTES (RC)

9. BUDGET AMENDMENT No. 1 - CHILDRENS SERVICES COUNCIL OF MARTIN COUNTY (RC):

RESOLUTION No. 88-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, AUTHORIZING BUDGET AMENDMENT NO. 1 TO THE FISCAL YEAR 2025 OPERATING BUDGET; AUTHORIZING RECEIPT AND APPROPRIATION AND ACCEPTING AN INCREASE CONTRIBUTION IN THE AMOUNT OF $6,438.00 FROM THE CHILDREN'S SERVICES COUNCIL OF MARTIN COUNTY FOR THE YOUTH CRIME PREVENTION/INTERVENTION PROGRAM GRANT; AUTHORIZING THE EXPENDITURE OF THE NEW GRANT CONTRIBUTION IN ACCORDANCE WITH THE TERMS OF THE GRANT AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

10. 2024 VNA CHRISTMAS PARADE ROAD CLOSURE (RC):

RESOLUTION No. 110-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING A ROAD CLOSURE FOR THE ANNUAL VISITING NURSE ASSOCIATION'S STUART CHRISTMAS PARADE

ON FRIDAY, DECEMBER 6, 2024, BEGINNING AT S. E. MONTEREY ROAD TRAVELING WEST ON S.E. OCEAN BLVD. TO CONFUSION CORNER INTERSECTION; AUTHORIZING THE CITY MANAGER OF THE CITY OF STUART TO SIGN THE FLORIDA DEPARTMENT OF TRANSPORTATION PERMIT FOR THE TEMPORARY CLOSING OF A STATE ROAD; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

11. M&M KANNER CPUD FINAL PLAT (RC):

RESOLUTION No. 111-2024, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE A PLAT TITLED "M & M KANNER CPUD", BEING A REPLAT OF A SUBDIVISION OF A PORTION OF LOT 2, ALL OF LOTS 3, AND ALL OF LOT 4 OF STUART FARMS AS RECORDED IN PLAT BOOK 1, PAGE 63 OF THE PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, AND PORTIONS OF GOVERNMENT LOTS 5, 6, AND 7 ALL LYING IN SECTION 16, TOWNSHIP 38 SOUTH, RANGE 42 EAST AND HANSON GRANT, WITHIN THE CITY OF STUART, MARTIN COUNTY, MARTIN COUNTY, FLORIDA, CITY OF STUART, MARTIN COUNTY, FLORIDA, CONTAINING 48.99 ACRES, MORE OR LESS PREPARED BY MICHAEL T. OWEN, AND FLORIDA MAPPER NO. 5556 FOR M&M KANNER CPUD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

6:27 PM MOTION: Approve
MOVED BY: Eula Clarke
SECONDED BY: Sean Reed
Motion approved unanimously.

COMMISSION ACTION

Clerk's Note - Moved to 12th Item on the Agenda.

12. SCOPE OF WORK AMENDMENT FOR SKATE PARK DESIGN (RC):

RESOLUTION No. 106-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING AN AMENDMENT TO THE SCOPE OF WORK TO THE ENGINEERING SERVICES CONTRACT WITH CALVIN, GIORDANO & ASSOCIATES, INC. TO INCLUDE THE CONCEPTUAL AND FINAL DESIGN FOR A SKATE PARK INTO THE OVERALL GUY DAVIS COMMUNITY PARK DESIGN OF IMPROVEMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Pinal Gandhi-Savdas, CRA Director, presented the scope of work for Guy Davis Park.

6:36 PM Motion: Approve as published.
MOVED BY: Eula Clarke
SECONDED BY: None
VOTE: Died for a lack of second.

6:38 PM New Motion made by Commissioner Collins and seconded by Commissioner Giobbi.

PUBLIC COMMENT:

1. Alexis Stuckey - Palm City; Thanked Commissioner Collins for pushing the skate park forward and is in favor of this project.
2. Jordan Showe - Stuart; In favor of the project, stated hypothetical problems that were presented by Calvin Giordano and asked the Commission to please consider moving this project asap.
3. Brock Olsen - Stuart; In favor of the project, referenced a skate park while he lived in Costa Rica, and how it provided a great opportunity for Community Outreach and opportunities.
4. Benjamin Adams - Stuart; In favor of the project, a law student, grew up in Stuart and skateboarding, it's about building a community.
5. Stephen Cooper - Stuart; In favor of the project, he has 22 grandchildren and most of them skate.
6. Brandon Cooper - Stuart; In favor of the project, family moved here 11 years ago and Guy Davis Park is a great location for the skatepark.
7. Paul Gehus-Mackabee - Stuart; In favor of the project, stated this is the type of sport option this City needs and Guy Davis is an ideal location and would not want to separate the project.
8. Matt Price - Stuart; In favor of the project, it was nice to see the community come together and encouraged the Commission to make it safe.
9. Gail Goldy - Stuart; In favor of the project, she feels it is a wonderful idea and the timing is now, will keep children in a good place and separate the skate park from the park.
10. Jimmy Smith - Stuart; In favor of the project, commented for 13 years they have been waiting for something to get done and the skatepark is a great start.

Commission discussion included, cost of the park and building, cost savings if it was done together versus separately, and the timeline.

Jordan Showe, skate park representative, stated that he attempted to raise money but was unable to.

Commissioners continued discussion on the timeline of the project.

6:38 PM: MOTION: Move forward and advance the skate park separate from the overall park plan and secondly dedicate $500,000 in grant money exclusively to the skate park in Guy Davis within the confines of the funding allocation.
MOVED BY: Christopher Collins
SECONDED BY: Laura Giobbi
VOTE: MOTION PASSES 3/2. 7:38 PM
YES: Eula Clarke, Christopher Collins, Laura Giobbi
NO: Campbell Rich, Sean Reed

***** 7:43 PM RECESS *****
***** 7:53 PM RECONVENED *****

ADDENDUM ITEM - BRIGHTLINE

(Moved to the 13th Item on the Agenda.)

13. AMENDMENT TO MARTIN COUNTY INTERLOCAL AGREEMENT FOR TRAIN STATION (RC):

RESOLUTION No. 41A -2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART AUTHORIZING THE MAYOR TO SIGN AN AMENDED INTERLOCAL AGREEMENT WITH MARTIN COUNTY PROVIDING THE RESPONSIBILITIES OF THE PARTIES IN THE CONSTRUCTION OF A PASSENGER RAIL STATION ON FLAGLER AVENUE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

CLERKS NOTE: Resolution on the October 14, 2024 CCM Agenda is herb referred to as 41A-2024. Original Resolution No. 41-2024 was adopted on August 12, 2024.

City Manager Mortell presented details on the Brightline item and specifics on the proposal. Requested the Commissioners to have discussion on whether to move forward with the proposal to Brightline.

8:20 PM Commissioner Clarke made a motion and Mayor Rich passed gavel to Commissioner Collins and seconded the motion.

Commissioner Reed stated he is waiting for questions to be answered before making a decision.

Brian Kornberg, Senior Vice President of Development and Construction for Brightline, thanked Commissioner Reed for taking his time to ride the train and learn about their business model. He agreed to the City of Stuart contribution of $30 million being reduced to $5 million as they work with the City and County to pursue a grant..

Commissioner's discussion continued with Mr. Kornberg.

PUBLIC COMMENT:

1. Tara Zwehen - Stuart; Expressed gratitude to Brightline and Commissioner Reed for taking time to understand, in favor of the project.
2. Steven Vitale - Stuart; Commented on the negotiation of a Commissioner, tax benefit will be the raising of property values, in favor of the project.
3. Sohyla Bohlooli - Stuart; Commented give this opportunity for our kids to be able to work out of town, in favor of the project.
4. Mark Miller - Palm City; Strongly suggests to accept the proposal that is consistent with what the Commission asked for, in favor of the project.
5. Susan Warner - Stuart; Commented this is a good deal, in favor of the project.
6. Frank McChrystal - Stuart; In opposition to the project, feels it should be at the fair grounds.
7. Keynan Bohlooli - Stuart; In favor of the project, rejecting it will be a mistake for the integrity of the City.

8. Walter Loyd - Stuart; Appreciated Commissioner Reed, in opposition to the project.
9. Robert Hamilton - Stuart; Commented on the conduct of the Commission Members.
10. Paul Nunley - Stuart; trains coming through has been part of this community since Flagler Avenue, in favor of the project.
11. Judith Farley - Stuart; Commented there is no harm in moving to approve, in favor of the project.
12. Christopher Vitale - Stuart; Thanked Commission for listening to all public comments, in favor of the project.

Commissioner Collins commented that he will not approve this item unless it is the original 2018 Interlocal Agreement in which Brightline is responsible for 50 percent, Martin County is responsible for 50 percent, and the City of Stuart is responsible for the parking garage.

8:19 PM MOTION: Approve this item as presented including any discussions had. AMENDED 9:38 PM ceiling of $5 Million dollars.
MOVED BY: Eula Clarke
SECONDED BY: Campbell Rich
VOTE: MOTION FAILED 3/2 9:52 PM
YES: Eula Clarke, Campbell Rich
NO: Christopher Collins, Laura Giobbi, Sean Reed

10:07 PM Commissioner Collins passed the gavel back to Mayor Rich.

10:07 PM MOTION: Approve to have this item come back at the next Commission meeting on October 28, 2024.
MOVED BY: Sean Reed
SECONDED BY: None
10:08 PM COMMISSIONER REED REVOKED MOTION.

10:11 PM MOTION: Approve to move to a date/time certain.
MOVED BY: Eula Clarke
SECONDED BY: None
DIED FOR A LACK OF SECOND

14. 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.

City Manager Mortell gave an explanation and description of the Building Resilient Infrastructure and Communities (BRIC) program.

Commissioner Giobbi gave her perspectives of the program that no money is given, they make recommendations to the City and if the City does not want to follow their recommendation, then the City goes to bottom of the list.

A discussion to clarify the BRIC program of the City Manager and City Commissioners continued.

City Attorney Baggett commented that the Agreement states it is not legally binding and can be terminated with ten (10) day notice on a three (3) year contract.

10:20 PM MOTION: Approve.
MOVED BY: Eula Clarke
SECONDED BY: Sean Reed
Motion approved unanimously 10:36 PM.

15. LEASE AGREEMENT WITH STUART HERITAGE, INC. FOR CITY PROPERTY LOCATED AT 161 SW FLAGLER AVENUE (RC):

RESOLUTION No. 102-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE CITY OF STUART TO ENTER INTO A LONG-TERM LEASE AGREEMENT WITH STUART HERITAGE, INC. FOR THE CITY OWNED PROPERTY KNOWN AS THE STUART FEED STORE, LOCATED AT 161 SW FLAGLER AVENUE, STUART, FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Attorney Lee Baggett gave an explanation of the lease.

PUBLIC COMMENT:

1. Gary Maxwell - Palm City; Thanked the voters of the City and stated he would like to see it as a twenty (20) year lease with an option to renew.
2. Helen McBride - Stuart; Would like to see a fifty (50) year lease.
3. Jimmy Smith - Stuart; Commended the job well done from the Museum and supports them.

10:38 PM MOTION: Approve. 10:44 PM Amended motion to twenty (20) years with renewal terms.
MOVED BY: Christopher Collins
SECONDED BY: Eula Clarke
Motion approved unanimously. 10:48 PM

16. EMERGENCY REPAIR FOR CHILLER AT COURTHOUSE COMMONS (RC):

RESOLUTION No. 112-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT NO. 2 TO THE FY 2025 BUDGET; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR EMERGENCY REPAIRS FOR CHILLER AT COURTHOUSE COMMONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

10:50 PM MOTION: Approve.
MOVED BY: Christopher Collins
SECONDED BY: Eula Clarke
Motion approved unanimously.

ORDINANCE SECOND READING

17. TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE SECTION 2.6.23 - NON-MEDICAL MARIJUANA DISPENSARIES (RC):

ORDINANCE No. 2531-2024; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AMENDING AND RESTATING THE CITY'S LAND DEVELOPMENT CODE; MORE SPECIFICALLY AMENDING SECTION 2.06.03 ENTITLED "RESERVED" AND INSERTING SUPPLEMENTAL USE STANDARDS FOR NON-MEDICAL MARIJUANA DISPENSARIES; AMENDING THE LAND USE TABLE IN SECTION 2.02.02 TO INCLUDE NON-MEDICAL MARIJUANA DISPENSARY AS AN ALLOWABLE USE UNDER CERTAIN CONDITIONS; AMENDING CHAPTER XII DEFINITIONS FOR CONFORMING TERMS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Ben Hogarth, Community Affairs Liaison, presented the ballot language and spoke about the changes that were made from the First Reading.

PUBLIC COMMENT:

1. Frank McChrystal - Stuart; Does not believe there should be restrictions and believes that this should be treated like establishments with alcohol.
2. Gail Goldy - Stuart; Commented about medical marijuana.
3. Helen McBride - Stuart; Commented about marijuana.
4. Robert Hamilton - Stuart; Asked if weaker marijuana is what would be sold once it is passed.

11:08 PM MOTION: Approve.
MOVED BY: Christopher Collins
SECONDED BY: Sean Reed
Motion approved unanimously. 11:22 PM

ORDINANCE FIRST READING

18. 710 SE MARTIN LUTHER KING JR. BOULEVARD - MAJOR AMENDMENT TO THE EXISTING COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) ZONING DISTRICT (RC):

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, FOR MAJOR AMENDMENT TO THE EXISTING COMMERCIAL

PLANNED UNIT DEVELOPMENT (CPUD) ZONING DESIGNATION TO ALLOW A VOCATIONAL TRAINING FACILITY ONLY; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

PUBLIC COMMENT:

1. James Christie - Port St. Lucie; Commented on the great work that this program provides but is not happy with the way the Commission has gone about it.
2. Bob Zaccheo - CEO of Project LIFT; Thanked Mr. Christie for going on a tour of Project LIFT and better understand it. Thanked the Commissioners for the work they do.
3. Jimmy Smith - Stuart; Spoke on the great things Project LIFT has to offer.

Commissioner Giobbi commented on her concerns regarding the fourteen (14) week program and how effective it is.

Mr. Zaccheo provided an explanation and gave examples of the program.

Commissioner Reed commented on conditions he would like to see, such as one spot for the NAACP, lease terms, notices being sent to the entire community versus the 300-foot surrounding area, and room to carve out a business office space.

11:23 PM MOTION: Approve to move Ordinance 2532-2024 to second reading.
MOVED BY: Eula Clarke
SECONDED BY: Christopher Collins
Motion approved unanimously. 11:41 PM

DISCUSSION AND DELIBERATION

ADJOURNMENT

11:41 PM

Mary R. Kindel, City Clerk

Campbell Rich, Mayor

Minutes to be approved at the Regular Commission Meeting this 12th day of November, 2024.