

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON APRIL 8, 2013
AT 5:30 P.M. IN THE CITY COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994**

CITY COMMISSION

**Mayor Eula R. Clarke
Vice Mayor Troy A. McDonald
Commissioner Kelli Glass Leighton
Commissioner Jeffrey A. Krauskopf
Commissioner James A. Christie, Jr.**

ADMINISTRATIVE

**City Manager, Paul J. Nicoletti
City Attorney, Michael D. Durham
City Clerk, Cheryl White**

Mayor Clarke delivered the Invocation, followed by the Pledge of Allegiance led by the Commission.

PRESENTATIONS

- 1. PERFORMING ARTS MOMENT: Singer Jenna Derrenbacker will perform the song “Hallelujah”.**

Jenna Derrenbacker performed the song Hallelujah for the Commission and public.

- 2. PROCLAMATION: Proclaiming April 2013 as Fair Housing Month**

Terry O’Neil, Development Director came forward and graciously accepted the Proclamation and thanked the Commission.

- 3. PROCLAMATION: Proclaiming support of “Parents Who Host, Lose the Most: Don’t be a Party to Teenage Drinking” campaign, April 2013.**

City Manager Nicoletti gave a brief overview to the Commission and Public regarding the programs run by the shared services network.

David Dyess Police Chief and Jill Sheppell, Shared Services Contact came forward and graciously accepted the Proclamation and thanked the City.

- 4. PROCLAMATION: Proclaiming April, 2013 as Water Conservation Month.**

Mary Kindle came forward and graciously accepted the Proclamation and thanked the City. She said the City hosted the 2nd Annual Water Fest in Memorial Park over the past weekend. The event was very well attended.

4.a PROCLAMATION: Proclaiming April 9, 2013 as National Service Recognition Day.

Carol Hodnett of Martin Volunteers came forward and graciously accepted the Proclamation, and thanked the City. She expressed sincere gratitude to Mayor Clarke for being one of the first Mayors in the State of Florida to participate in this program, and one of 20 nationally.

5. PRESENTATION: Genaris Haston of the Stuart Hornets Football Team.

Genaris Haston, Stuart Football and Cheerleading Program he asked for the City's support following he introduced Nina Dooley and Stephen Leighton.

Nina Dooley came forward to support the Stuart Hornets Youth Football. She thanked the City for their support.

Stuart Middle School School Resource Officer came forward and supports the program and thanked the City for their support.

Stephen Leighton came forward in support of the program. He said sign-ups will be announced soon and he praised the City's Parks and Recreation Departments for their support to the program. He noted they have founded a 501C-3 Program. He thanked the City for their support and allowing the use of the fields and City Staff.

6. PRESENTATION: Appreciation to the Treasure Coast Presbyterian Church for their participation in the East Stuart neighborhood Clean-up.

The City of Stuart presented a Certificate of Appreciation to Jason, Chairman of the Deacons of the Treasure Coast Presbyterian Church and other members came forward and accepted the award for their participation in the East Stuart neighborhood Clean-up.

COMMENTS BY CITY COMMISSIONERS

Commissioner Glass Leighton noted a Community Town Meeting to be held at Hoke Library on April 16th. From 6-8 p.m. The event will raise awareness to the residents regarding the pillow case robberies that has plagued the community.

Commissioner Christie noted that he had recently visited Gifford Florida. He said that Ft. Pierce the City partnered with IRSC to build a multi-purpose building that would be for sports, academics and classrooms for kids.

The Commission directed the City Manager to look at the possibility to partner with IRSC in a similar manner. Or "look out there" for partnership and grant opportunities.

Commissioner Krauskopf called the City Engineer's attention to a "nasty pothole" that needs repair near Tropic Tint.

Vice Mayor McDonald noted the passing of former County Commissioner Bud Wilcox. He also addressed the City of Stuart's partnership with the School Board and the Nite Hoops program and is turning out to be a great success. He complimented the staff at the 10th Street Center and their efforts to secure classroom portables for the Center.

As the City's representative on the Business Development Board McDonald wants to re-evaluate the City's commitment to the BDB, and look at the City having its own Economic Development Program with the consent of the Commission. He suggested the Commission have a morning workshop to address the issue.

The City Manager said he would look at the calendar and poll the Commission but recommended early May or middle May.

Mayor Clarke congratulated McDonald for his good press acknowledging his accomplishments. She also noted her activities so far this month including spending April 2 on Jupiter Island in celebration of Viva 500 Ponce de Leon Day. She also stated that she visited and spoke to a 3rd grade class at the Pine School. She spoke to the Martin County Leadership class at the Chamber of Commerce.

She noted the Joint City County School Board Meeting to be held on April 9, 2013 at the Flagler Center beginning at 9:00 a.m. She also noted receiving many comments from residents regarding the parking ordinance parking in grass and "cars stacked on the street in certain areas." She also requested information on the Colorado Avenue opening ceremony.

COMMENTS BY CITY MANAGER

NONE

APPROVAL OF AGENDA

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF THE AGENDA

SECOND: COMMISSIONER GLASS LEIGHTON

MOTION APPROVED UNANIMOUSLY

COMMENTS FROM THE PUBLIC (Non-Agenda Matters Only – 5 min. max)

Howard Gilman came forward and explained how and why he decided to settle in Stuart and praised the City's many celebratory events noting the attendance of many dogs with their owners. He was dismayed that dogs were not allowed at the recent Arts Fest and recommended that when the Commission give permission to close off streets there should be no restriction on dogs.

CONSENT CALENDAR

- 7. RESOLUTION 34-2013: Supporting Martin County's efforts to designate MC-2 (Bird Island) as a Critical Wildlife Area in the interest of protecting the natural resources and associated economies that are integral to Martin County.**
- 8. RESOLUTION 36-2013: Supporting Neighborhood Wildlife Corridors.**
- 9. RESOLUTION 37-2013: Authorizing the settlement of case 08-1917 CA between Wonderful T. Monds and Lois Smith-Monds v. City of Stuart.**
- 10. RESOLUTION 38-2013 : Authorization to execute an extension to the lease agreement between the City and The Pelican Café, LLC for that certain property known as "The Coast Guard Auxiliary Building", 351 SW Flagler Avenue, Stuart, Florida for an additional term to October 31, 2021.**

11. **RESOLUTION 39-2013: Assessing the cost incurred by the City pursuant to Chapter 20, Environment” of the City of Stuart Code of Ordinances (2010), As amended, to bate nuisances on Non-Public real properties within the City and including an administrative charge of \$100 per property; and providing that the assessments shall bear interest at the rate of twelve percent (12%) until paid.**

12. **RESOLUTION 40-2013: Authorization to the award of RFP No. 2013-125 to the most qualified bidder, Farmer and Irwin Corporation of Riviera Beach, Florida in the amount not to exceed \$64,005.49, for the standpipe system installation at the Courtesy Dock.**

END OF CONSENT CALENDAR

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL CONSENT CALENDAR

SECOND: COMMISSIONER GLASS-LEIGHTON

ROLL CALL

COMMISSIONER GLASS LEIGHTON	YES	COMMISSIONER CHRISTIE	YES
VICE MAYOR MCDONALD	YES	COMMISSIONER KRAUSKOPF	YES
MAYOR CLARKE	YES		

COMMISSION ACTION

13. **Petition by Joseph Calabria for contraction of property owned by Jomar Properties, LLC, at the S.W. corner of US-1 & Indian Street.**

City Attorney Durham gave a brief overview of the petition by Joseph Calabria for contraction of his property. He stated the Mr. Calabria reported to be unavailable for tonight’s hearing and was also unavailable at the last Commission Meeting. The City is in a respondent position and the obligation by the City was a feasibility study and this hearing all in a timely manner. Mr. Calabria has requested a continuance to April 22, 2013.

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL TO CONTINUE ITEM 13 TO APRIL 22, 2013

SECOND: COMMISSIONER CHRISTIE

ROLL CALL

COMMISSIONER GLASS LEIGHTON	YES	COMMISSIONER CHRISTIE	YES
VICE MAYOR MCDONALD	YES	COMMISSIONER KRAUSKOPF	YES
MAYOR CLARKE	YES		

ORDINANCE FIRST READING

- 13a. **ORDINANCE 2258-2013 Expanding the “OLD DOWNTOWN (WAIVED PARKING) DISTRICT” to include (6) six parcels on the North Side of SW Seminole Street between SW Saint Lucie Avenue and S. Colorado Avenue; Providing for the deletion of conflicting language regarding the City’s Payment-in-Lieu of Parking (PILOP) program; Providing that exemptions to parking requirements in the old downtown district do not apply to any use of a property’s exterior premises which generates additional parking demand.**

Sworn were:

Terry O'Neil, Boyd Bradfield, Tom Lucido, and Bob Summers.

Terry O'Neil gave a brief presentation to the Commission and public regarding the proposed Riverwalk extension, improvements to the Street end Park with a 50% funding by FIND if approved.

Boyd Bradfield came forward in favor of the proposal.

Tom Lucido came forward and stated he is a property owner along Colorado Ave. He asked that his concerns be addressed prior to second reading. The following concerns are:

Explore some sort of percentage or program to expand parking waiver credits. Also look at credit for demolished properties.

Commissioner Krauskopf stated he did not have backup material for item 13a, and asked this item be continued.

Bob Summers on behalf of his mother Nancy Summers Seminole Street property owner came forward in support of the proposed Ordinance.

Armond Pasquale came forward and expressed concern over the riparian rights to the property owners along Seminole Street. He asked that the parking exemption not be granted until the boardwalk is built.

MOTION: VICE MAYOR MCDONALD: MOVED APPROVAL ORDINANCE 2258-2013 ON FIRST READING AND DIRECT STAFF TO MEET WITH THE PROPERTY OWNERS TO WORK OUT ANY OTHER DETAILS TO BRING BACK FOR DISCUSSION ON SECOND READING.
SECOND: COMMISSIONER GLASS-LEIGHTON

Mark Brechbill came forward and commented regarding Stuart Main Street and said that Main Street has been working on this project for two years. He said this has been in the planning for some time.

Mike Braid came forward and supports the proposed Ordinance and plan to

ROLL CALL

COMMISSIONER GLASS LEIGHTON	YES	COMMISSIONER CHRISTIE	YES
VICE MAYOR MCDONALD	YES	COMMISSIONER KRAUSKOPF	YES
MAYOR CLARKE	YES		

ORDINANCE SECOND READING

DISCUSSION & DELIBERATION

14. Discussion and Development of an Annexation Policy for future annexations.

City Manager Nicoletti explained City staff had communicated with County staff regarding the issue of a property owner wanting to annex into the City.

Development Director Terry O'Neil gave a brief overview regarding the a proposal by the property owner to annex into the City. He said the property owner contacted the City a year ago and staff

contacted Martin County to make them aware of the property owner's interest in annexing into the City.

The proposal is to build a hotel and series of commercial buildings. When the LPA reviewed this they asked that it be brought in with a Commercial PUD title with a time table for development. He added that he expected to get comment from Martin County and noted the City position on the Turbo Combustor proposed developed site is to annex into the City as well.

He said on the City's radar are 2 annexations and in the past the City has worked on a dozen at a time and did not feel that this was not a "run on the bank" as terms of annexation. He said the City is aware that Martin County has concerns. He asked that the Commission direct staff to spend the time necessary with County staff to get down to the specific details of what the concerns may be at staff level, understand them address them. The Commissions policy on annexation is extremely important to staff.

Commissioner Krauskopf recalled previous annexations north of the Bridge that "set off a knock down drag out between the City and County." He said it would serve the City well if staff sat down with the City Commission first before they grab the bat and whack the piñata. Years ago we required an economic analysis before we would annex into the City. He wants to meet, to understand the geographic and economic analysis before approaching the County.

He felt the Interlocal on Fire Rescue and Rescue is working well and did not want to give the appearance of taking away the County's MSTU. He suggested a workshop "targeted to the map" and said we need to fully understand so the City can clearly explain our 10-year future to them.

Commissioner Christie agreed and said he had no problem with an "enclave within the City" but this piece of property "sits by itself, is in the County and is next to residential." He wants staff to hear from the Board before moving on and also addressed the Turbo Combustor site.

Vice Mayor McDonald also agreed with Krauskopf that annexation should be looked at as part of our economic plan.

Commissioner Krauskopf said we need to "clearly communicate to the County that we are not off to the races on annexation" and we want to do our workshop. He asked the City Manager to notify the County that the City wants to do its own in-house workshop.

City Manager Nicoletti wanted to clarify this was not initiated by the City.

Commissioner Krauskopf said he supports annexation on "an infill basis" but we need to address the Fire Rescue Interlocal. He said the workshop must include a clear understanding, for instance; we are serving an unincorporated Cedar Point and Snug Harbor are both "in fill."

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL TO SET A WORKSHOP IN THE MAY TIME FRAME COMMUNICATE TO THE COUNTY AND BEGIN TO INCORPORATE EITHER SOME IF IT FITS INTO THIS THE ECONOMICS.

SECOND: VICE MAYOR MCDONALD

Terry O'Neil said the applicant will be made aware of this discussion.

MOTION APPROVED UNANIMOUSLY

Mayor Clarke asked about the time frame for a new City Attorney.

City Manager Nicoletti said it would be “right in that time frame and we are taking applications now.”

MOTION: VICE MAYOR MCDONALD: MOVED APPROVAL TO APPOINT A SEARCH COMMITTEE FOR THE CITY ATTORNEY POSITION INCLUDING COMMISSIONER GLASS LEIGHTON, CITY MANAGER NICOLETTI, LINDA TOPPI, ATTORNEY SCOTT KINAPCA.

SECOND: COMMISSIONER KRAUSKOPF

ROLL CALL

COMMISSIONER GLASS LEIGHTON	YES	COMMISSIONER CHRISTIE	YES
VICE MAYOR MCDONALD	YES	COMMISSIONER KRAUSKOPF	YES
MAYOR CLARKE	NO		

Mayor Clarke was not in favor of the recommended law firm.

MOTION: VICE MAYOR MCDONALD: MOVED APPROVAL TO APPOINT A SEARCH COMMITTEE FOR THE CITY ATTORNEY POSITION INCLUDING COMMISSIONER GLASS LEIGHTON, CITY MANAGER NICOLETTI, LINDA TOPPI, ATTORNEY SCOTT KINAPCA AND ADDING ATTORNEY RICHARD LEVINSTEIN AS AN ALTERNATE MEMBER

SECOND: COMMISSIONER KRAUSKOPF

ROLL CALL

COMMISSIONER GLASS LEIGHTON	YES	COMMISSIONER CHRISTIE	YES
VICE MAYOR MCDONALD	YES	COMMISSIONER KRAUSKOPF	YES
MAYOR CLARKE	YES		

ADJOURNMENT: 7:34 PM

Cheryl White, CMC, City Clerk

Eula R. Clarke, Mayor

Minutes to be approved at the Regular Commission Meeting This 13th Day May, 2013