

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON August 26, 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
Interim City Attorney, Robert Kilbride
City Clerk, Cheryl White**

PRESENTATIONS

1. EMPLOYEE OF THE MONTH AUGUST:

John LaPadula

John LaPadula came forward and graciously accepted his award and thanked the City Commission.

2. EMPLOYEE SERVICE RECOGNITIONS AUGUST :

Paul Hitchcock	10 Years
Rebecca Sharrock	20 Years

Paul Hitchcock and Rebecca Sharrock both accepted their awards and thanked the City Commission.

3. Plan 6 Presentation for Everglades Restoration.

Mark Perry Executive Director of the Florida Oceanographic Society gave a PowerPoint presentation to the Commission and Public regarding the proposed Plan 6 for the Everglades Restoration.

Commissioner Krauskopf said he read in the newspaper where Commissioner Thurlow Lippish talked about an order of taking and asked if that was one of those items that we can advocate.

Mr. Perry said that the City could adopt a Resolution and Eminent Domain is provided for in chapter 373 of Florida Statutes.

Commissioner Krauskopf directed the City Manager to draft a Resolution to the appropriate agencies and the order of taking and what's involved in that.

City Manager Nicoletti said he would have it on the 9th.

Mr. Nicoletti announced the upcoming Rivers Coalition meeting will be held at the Flagler Center on Thursday at 11:00 a.m. Congressman Murphy will be present.

4. Presentation of the South Carolina Drive Stormwater Project.

Nicoletti gave a brief overview of the proposed South Carolina Stormwater Project.

Public Comments:

Bill Davis 501 North Carolina Drive came forward and expressed concern over the project. He also requested the project be stopped and asked the City to show the homeowners on the canal, in writing, where they get their information that the homeowners do not own their lot to the middle of the canal. He also asked for in writing from the City their information that the two boat ramps at each end of the canal are public space. Those were designed for riparian rights for those property owners who do not have property on the canal. He also said he is trying to find out who put the drainage pipe in the ground in 1959 or 1960 on the South property line down from Palm City Road into the Canal.

Ron Nickleson 514 S Carolina Drive came forward and expressed concern over the proposed project and asked that the project be stopped.

William Sproul 527 SW South Carolina Drive came forward and stated he was aware of the project. He also expressed concern over the project and the negative impact it may have.

Claudia Sproul 527 S Carolina Drive came forward and expressed concern over the proposed project. She said it was unattractive and it is horrible looking. She was opposed to the project.

Kristen Cheskaty 527 SW North Carolina Drive came forward and expressed concern over the proposed project.

Greg Fedele 507 SW North Carolina Drive came forward and expressed concern over the proposed project and is opposed to it. He also stated that he was upset that the residents along the North Carolina Drive were not notified of the project. He asked that the project

be stopped and what was put in place be removed. He asked that the City come up with a better plan.

Andrew Jones 513 N. Carolina Drive came forward and expressed concern over the proposed project. He asked that the project be removed because it is a privately owned canal.

Rich Dee 512 SW S Carolina Drive came forward and asked that this project be removed, and consider putting an outflow pipe into the river not the private canal.

Luanne Cook 515 SW N. Carolina Drive came forward and was opposed to the drainage pipe and noted that the only property owner benefitting from this project is Rod Kennedy, a property owner on South Carolina Drive and Engineer for the project.

Chris Master, 523 North Carolina Drive came forward and requested the pipe be removed and presented pictures of the project to the Commission before and after. He expressed concern over the discharged area and expressed concern over the what appears to be a sand bar.

Allen Falk 507 N Carolina Drive came forward and said he lives at 511 North Carolina Drive and was upset he was not notified of the project. He said the salinity in the canal would go down and said the City decreased the value of his property without notifying me.

Anna Mathews 509 SW N Carolina Drive completed a request to speak form but had to leave the meeting early.

Chris Walls 517 SW North Carolina Drive came forward and expressed concern over the project and that he was not notified. He also expressed concern over the engineer for the project and found out that he lived on the street and that when he asked why the project was not routed to the wide water he remarked in so many words that wasn't going to happen.

Susan Celeste North Carolina Drive came forward and asked that the City remove the drainage pipe.

Vice Mayor McDonald stated that the baffle boxes in the City have been a good way for stormwater and help keep the river clean. He did express concern over the engineer on the project. He also agreed to have the project stopped but did not want to abandon the project.

Commissioner Glass Leighton expressed concern over the lack of notice to the residents. She also asked that staff look at the project.

Commissioner Krauskopf stated he was not convinced that the City has a right to be in the canal. He agreed that the City should remove the pipe.

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL TO HAVE THE PROJECT REMOVED RESTORE THE END OF SOUTH CAROLINA DRIVE ARE BACK TO ITS ORIGINAL STATE OR BETTER AS TO THE BAFFLE BOX IF YOU CAN PUT A PLUG IN THE END WHERE THE PIPE IS GOING OUT UNTIL YOU CAN COME BACK TO US. IF THE SECOND PHASE IS WE WOULD REMOVE THE BAFFLE BOX TO REMOVE ANY AND ALL FUTURE DOUBT AND ASKED THAT STAFF COME BACK TO THE COMMISSION TO SEE WHAT THE OTHER ALTERNATIVE WOULD BE.

SECOND: COMMISSIONER GLASS LEIGHTON

Commissioner Christie apologized to the property owners for the lack of notification. He said that the City was trying to help the neighborhood and before the City just walks away he would like to see if there can be any positive to rectify the problems that are there in terms of the upland and protect the canal and river that we not give up on that.

Commissioner Krauskopf asked that the project be removed and left in boy scout manner, put a plug in the end of baffle box where the pipe was coming out until he can come back to the Commission.

ROLL CALL

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

Sam Amerson asked if he could meet with the residents before the pipe is removed and see about alternatives.

MOTION: COMMISSIONER KRAUSKOPF: SINCE THERE WAS A COMMITMENT MADE AT THE EAST END OF THE CREEK WHERE THE ORIGINAL PIPE WENT OUT AND WAS SUBSEQUENTLY THE PIPE WAS REMOVED, AND THE MANHOLE WAS BLOCKED UP THE MOTION IS TO IDENTIFY THE RESPONSIBLE PARTY AND IF IT'S THE CITY REPAIR THE SEAWALL AND PROPERLY BACKFILL WHERE THE PIPE WAS, IF IT IS NOT THE CITY IMPRESS UPON THOSE WHO INSTALLED IT TO DO THAT, AND IF IT DRAGS OUT TOO LONG THEN WE STEP IN THEIR SHOES AND DO IT.

SECOND: COMMISSIONER GLASS LEIGHTON

Sam Amerson asked for private property right of entry access to repair the existing pipe.

ROLL CALL

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

Martin County Commissioner Ed Fielding came forward and stated that the County has deferred maintenance of around \$236 million dollars, and we have to address that. He stated that around \$142 million dollars is stormwater and so we have to do that, and we

have to do that over a short period of time, 10-15 years, and must be addressed. He said that some of us are still actively working on the Property Appraiser and Utilities offices and their current leases. He promised to bring it back up for discussion at a future meeting. He also stated that Martin County is seeking to work together with six counties and various Cities to get help and a solution to the dying lagoon.

Commissioner Krauskopf said the City is supportive for a 1 cent for 10 year sale tax initiative because the City has many items it would like to accomplish as well. He said as part of that the City is willing to educate its voters as to what that means. He encouraged support from Martin County because the City's hands are tied but will help support them.

Vice Mayor McDonald said he appreciates Mr. Fielding and his comments regarding the discussion for the property transfer on Martin Luther King Jr. Blvd. He said the City will be discussing tonight about putting the matter to the voters. He said it is a win win for the County and a win win to the community. He said he is hopeful that the City can out the issue to rest and thanked Mr. Fielding for his support.

Mayor Clarke appreciates the dialog with Martin County and looks forward to improving the relationship with them.

COMMENTS BY CITY COMMISSIONERS

Commissioner Krauskopf asked when the Final Budget hearing would be held.

City Clerk Cherie White stated the final budget hearing would be held on September 23, 2013 at 5:30 p.m.

Vice Mayor McDonald asked the City Manager to pull item 10 from consent, and he stated that an application for a permit for a rally at Flagler Park was pulled today for the St. Lucie River to be held in September. He encouraged support by the City.

Mayor Clarke was given a baseball by North County Little League in celebration and remembrance of the 2013 as State Champions. She said she recently attended the Florida League of Cities and received valuable information for the City regarding many things. She also announced many upcoming community events. She encouraged participation by the City in the upcoming walk for the American Cancer Society. She also announced there will be a remembrance of the devastating hurricanes of 1928 at the Port Mayaca Cemetery at 10:00 am on September 16, 2013. She also announced that on September 6, 2013 at 2:30 p.m. at the Blake Library, Dr. Farley of IRSC will be hosting a program to commemorate the 50th year of Dr. Martin Luther King Jr. Speech. The program is open to the public and encouraged all citizens to attend.

COMMENTS BY CITY MANAGER

City Manager Nicoletti announced the following:

Item 10 is being pulled for separate discussion by Vice Mayor McDonald.

Item #13 Resolution 101-2013, slight modification to the Resolution to include a reference to permits by the SFWMD as well as DEP.

Item #18, Ordinance 2265-2013, asking that that be continued to 9/23/2013.

He also stated that the City has been asked to apply for Brownfield designation at the City landfill as a means of facilitating future joint use of the property by County, School Board for vehicle maintenance. He suggested to the Commission that that entire process be slowed down until the designation of the brownfields are completed. He said there is currently no funding for it at this time.

Vice Mayor McDonald suggested that if this is a request by the County for the Brownfield designation that the County bear the burden of the cost in advance.

Mr. Nicoletti announced that the roof at the Crush Wine Bar may need replacement or repair. He also announced that he authorized an extension to the Food Truck Invasion in Memorial Park for an additional 2 weeks.

APPROVAL OF AGENDA

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL OF THE AGENDA AS NOTED
SECOND: COMMISSIONER GLASS LEIGHTON
MOTION APPROVED UNANIMOUSLY

- **Mayor Clarke announced that Commissioner Christie had to leave the meeting at this time.**

COMMENTS FROM THE PUBLIC (5 min. max)

Albert Brinkley came forward and expressed concern the street paving is not being done in East Stuart. He stated that Martin Luther King Blvd holds water and floods. He also suggested the City turn over the vacant City Owned land for affordable housing. He also wanted to know if the City contacted the property owner before they go on their private property to cut the grass. He also expressed concern over the homeless people in Stuart.

Armond Pasquale came forward and expressed concern over the recent Dancing in the Streets event. He also complained that the City is buying too much property and was concerned over the proposed Fire Assessment Fee being proposed.

Commissioner Krauskopf explained that the property owners will all be assessed and explained to Mr. Pasquale that he will benefit from the assessment.

City Manager Nicoletti said he would gladly sit down with Mr. Pasquale to discuss the matter.

Cathy Wyckoff came forward and inquired into item 15 on the agenda.

Mayor Clarke asked that her comments be taken at that time.

Item #10 was removed from Consent Calendar.

CONSENT CALENDAR

5. **RESOLUTION 88-2013 adopting the Non-Ad Valorem Assessment Roll for the Seventh Year (2013 2014) of the Ten Year “Business Improvement District (2) Special Assessment”; Directing the Mayor to certify the assessment roll to the Martin County Tax Collector as required by law.**
6. **RESOLUTION 90-2013: Approving Budget Amendment #11 for the authorization to expand Community Services Funds for the purchase of Digital Arts Equipment for the After School program at the 10th Street Community Center.**
7. **RESOLUTION 93-2013: Declaring pursuant to Section 36 of the Code of Ordinances of the City of Stuart, Florida (1995), the intention of the City Commission to abandon, and to set a public hearing date for the second reading of Ordinances 2269-2013 on September 9, 2013 at 5:30 P.M. in the City Commission Chambers to Consider the abandonment of certain public right-of-way within the City being that portion of S.E. Amerigo Avenue, and a portion of S.E. Weir Street adjoining Amerigo Avenue.**
8. **RESOLUTION 94-2013: Renewing the award of ITB No 2012-278, Chemicals; Water Treatment / Wastewater Treatment plans for the first of two possible renewal periods to Fort Bend Services, Inc.**
9. **RESOLUTION 95-2013: Authorize the execution of an amendment to the Stormwater and Utility Property Exchange Agreement between the City of Stuart and Martin Memorial Medical Center, Inc. for stormwater improvements on the East side of Amerigo Avenue, originally approved by Resolution 72-2013 to set forth additional terms.**
10. **RESOLUTION 96-2013: Authorizing staff to move forward with the design and permitting of the low pressure sewer system to the Cabana Point Neighborhood, as requested by more than 60% of the benefitted property owners.**

- 11. **RESOLUTION 97-2013: Approving the Award of RFP No 2013-285, Amerigo Avenue Drainage Improvements to the highest ranked firm, Sunshine Land Design, Stuart, Fl.**
- 12. **RESOLUTION 99-2013: Approving Budget Amendment #12 for the authorization to allocate and expend funds for the Amerigo Stormwater project.**

MOTION: VICE MAYOR MCDONALD: MOVED APPROVAL OF THE CONSENT AGENDA
ITEMS 5,6,7,8,9,11,12 PULLING ITEMS 10

ROLL CALL

SECOND: COMMISSIONER CHRISTIE

VICE MAYOR MCDONALD

YES

COMMISSIONER KRAUSKOPF

YES

MAYOR CLARKE

YES

COMMISSIONER GLASS LEIGHTON YES

END OF CONSENT CALENDAR

Item 10 was heard at this time

- 10. **RESOLUTION 96-2013: Authorizing staff to move forward with the design and permitting of the low pressure sewer system to the Cabana Point Neighborhood, as requested by more than 60% of the benefitted property owners.**

MOTION: VICE MAYOR MCDONALD: MOVED APPROVAL OF RESOLUTION 96-2013

SECOND: COMMISSIONER KRAUSKOPF

ROLL CALL

VICE MAYOR MCDONALD

YES

COMMISSIONER KRAUSKOPF

YES

MAYOR CLARKE

YES

COMMISSIONER GLASS LEIGHTON YES

Added Resolution 101-2013 was added here

- 13. **RESOLUTION NUMBER 101-2013 : A Resolution of the City Commission of the City of Stuart, Florida opposing the pending issuance of an environmental resource permit and submerged land lease to Northside Marina Ventures, LLC. (NMV) by the South Florida Water Management District and the Florida Department of Environmental Protection (FDEP), respectively, thereby allowing live aboards vessels to berth at the Harborage Condominium & Yacht Club Facilities.**

City Manager Nicoletti gave a brief overview regarding the proposed Resolution.

MOTION: VICE MAYOR MCDONALD: MOVED APPROVAL OF RESOLUTION 101-2013

SECOND: COMMISSIONER GLASS LEIGHTON

Mayor Clarke added to the record two emails she received from Patricia Syan, and Darlene Lee regarding the live aboard matter and their support for this Resolution.

John K. Bobb came forward and said he was here for any questions and stated that residents were present if there were any questions.

ROLL CALL

VICE MAYOR MCDONALD

YES

COMMISSIONER KRAUSKOPF

YES

MAYOR CLARKE

YES

COMMISSIONER GLASS LEIGHTON YES

Vice Mayor McDonald asked that once the City files to Intervene he would request an Executive Session.

COMMISSION ACTION

14. RESOLUTION 85-2013 Approving the issuance of RFP 2013-132 for proposals from Non-Profit Agencies for the Construction of Affordable Housing .

Mayor Clarke stated she would like to see affordable housing.

City Manager Nicoletti stated that this item is at the request of the Commission. He asked how the City Commission wants to proceed with the properties.

Mayor Clarke said she would like to see a affordable housing element in the Comprehensive Plan.

Commissioner Krauskopf said he would prefer to auction them off at an absolute auction.

Vice Mayor McDonald suggested auctioning off 14th Street, and the other two he would be willing to do an RFP on those. If we were able to put in some specific criteria, and one that it would return to the tax rolls, and end up in private ownership, and be someone who could complete it in a specific time of 18 months or so. Otherwise I would just assume auction them.

Commissioner Glass Leighton stated she too would be interested in auctioning off the properties because the City could use the income.

Mayor Clarke said she agrees with Vice Mayor McDonald but wants to see the City to make way for affordable housing and at the same time put them back on the tax roll. She stated that she would like to see the 14th Street property sold if there are people bidding on it, and then have the other two put out for RFP to non-profit agencies, as long as there doing housing to put them back on the tax roll.

Vice Mayor McDonald asked Margo Graff of Habitat for Humanity if they would consider bidding on the property.

Margo Graff said she would discuss that with the Board of Directors.

MOTION: COMMISSIONER GLASS LEIGHTON: MOVED APPROVAL TO HAVE THE THREE PROPERTIES LISTED IN THE AGENDA ITEM AUCTIONED OFF.

SECOND: COMMISSIONER KRAUSKOPF
ROLL CALL

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

Commissioner Krauskopf stated suggested having an absolute auction.

15. Discussion and direction of RFP #2013-133, Lease Flagler Center property.

Terry Iverson, Purchasing Director gave a brief overview regarding the RFP 2013-133.

Commissioner Krauskopf suggested looking at a revenue stream for the property.

City Manager Nicoletti said the facility is being used periodically.

MOTION: VICE MAYOR MCDONALD: MOVED APPROVAL OF THE RFP
SECOND: COMMISSIONER GLASS LEIGHTON

Cathy Wyckoff came forward and stated she has been trying to think of a way to solve the parking issue. She said she was interested in putting in a proposal for the property and also was interested in a water taxi concept. She presented a draft brand that would make Stuart a destination place. She also presented the golf course Ordinance and encouraged the City to look at creating a golf cart friendly City. She asked the City to consider a branding logo as a Wedding Destination location. She said she would be happy to work with the City for the Flagler Center.

Mike Braid was unable to stay but asked that the Mayor read into the record his comments regarding a request from the Historic Preservation Board to use of the Flagler Center for their 3rd Annual Historic preservation Dinner to be held on October 24, 2013.

The City Manager stated that in a short term event the City could accommodate that use.

The Commission agreed to allow the use.

Barry Grant Marsh BGM Creative came forward and reminded the City that time is of the essence for the Flagler Center. He encouraged the City to prepare the RFP in a fair and equitable a quick manner. He said there were many wonderful upcoming events for the Center.

ROLL CALL			
VICE MAYOR MCDONALD	YES	COMMISSIONER KRAUSKOPF	YES
MAYOR CLARKE	YES	COMMISSIONER GLASS LEIGHTON	YES

ORDINANCE FIRST READING

16. **ORDINANCE 2269-2013: Providing for the abandonment of certain public right-of-way within the City being that portion of SE Amerigo Avenue and SE Weir Street.**

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL OF ORDINANCE 2269-2013

SECOND: COMMISSIONER GLASS LEIGHTON

ROLL CALL

VICE MAYOR MCDONALD YES COMMISSIONER KRAUSKOPF YES

MAYOR CLARKE YES COMMISSIONER GLASS LEIGHTON YES

17. **ORDINANCE 2263- 2013: Amending Sections 11.01.08 “Large Scale Comprehensive Plan Amendment Application” and 11.01.09 “Small Scale Comprehensive Plan Amendment Application” to the Stuart Land Development Code to correct a scrivener’s error.**

MOTION: COMMISSIONER GLASS LEIGHTON: MOVED APPROVAL OF ORDINANCE 2263-2013

SECOND: VICE MAYOR MCDONALD

ROLL CALL

VICE MAYOR MCDONALD YES COMMISSIONER KRAUSKOPF YES

MAYOR CLARKE YES COMMISSIONER GLASS LEIGHTON YES

Item 18 was continued to 9/23/2013

18. **ORDINANCE 2265-2013: Amending the Stuart Land Development Code to codify reasonable accommodations procedures pursuant to the fair housing amendments act and Title II of the Americans with Disabilities Act.**

19. **ORDINANCE 2266-2013: Amending the requirements related to posting of property for public notice in sections 11.01.08 “Large-Scale Comprehensive Plan Amendment Application” 11.01.09 “Small Scale Comprehensive Plan Amendment Application” and 11.02.02 “Notice by Posting”.**

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL OF ORDINANCE 2266-2013

SECOND: COMMISSIONER GLASS LEIGHTON

ROLL CALL

VICE MAYOR MCDONALD YES COMMISSIONER KRAUSKOPF YES

MAYOR CLARKE YES COMMISSIONER GLASS LEIGHTON YES

ORDINANCE SECOND READING

20. **ORDINANCE 2257-2013: Amending Chapter IX of the City’s Land Development Code (LDC) revising code provisions pertaining to A-Frame Signs.**

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL OF ORDINANCE 2257-2013

SECOND: VICE MAYOR MCDONALD

ROLL CALL

VICE MAYOR MCDONALD

YES

COMMISSIONER KRAUSKOPF

YES

MAYOR CLARKE

YES

COMMISSIONER GLASS LEIGHTON YES

21. **ORDINANCE 2264-2013: (*Quasi-Judicial*) Amending the future land use map of the City's Comprehensive Plan, thereby assigning and changing the land use of Multiple parcels totaling 1.88 acres in the vicinity of Martin Memorial Hospital, Weir Street and Riverside Drive, legally described as Parcels "A" Thru "E" on "Exhibit A" attached, assigning "Institutional" land use to Parcel A, changing Parcel B from "Low-Density Residential" to "Public", assigning "Public" land use to Parcel C, changing Parcel D from "Low-Density Residential" to "Institutional", and changing Parcel E from "Low-Density Residential" to "Public"; and further amending the City's Official Zoning Map , assigning "Hospital" zoning to Parcel A, changing Parcel B from "R-1 Single Family" to "Public", assigning "Hospital" to Parcel C, changing Parcel D from "R-1 Single Family" to "Hospital", and changing Parcel E from "R-1 Single Family" to "Public".**

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL OF ORDINANCE 2264-2013

SECOND: COMMISSIONER GLASS LEIGHTON

ROLL CALL

VICE MAYOR MCDONALD

YES

COMMISSIONER KRAUSKOPF

YES

MAYOR CLARKE

YES

COMMISSIONER GLASS LEIGHTON YES

22. **ORDINANCE 2267-2013: Providing for a Referendum under the City Charter Section 9.05 seeking voter approval for the City to convey title to two existing lots on the Southerly side of Martin Luther King, Jr. Blvd. and the West side of Dixie Highway to the Board of County Commissioners of Martin County; said lots adjoin the Tidally-Influenced Waters of Fraizer Creek.**

MOTION: VICE MAYOR MCDONALD: MOVED APPROVAL OF ORDINANCE 2267-2013 AND CHANGE BALLOT LANGUAGE TO READ FOR GOVERNMENTAL OR COMMERCIAL PURPOSES

SECOND: COMMISSIONER GLASS LEIGHTON

ROLL CALL

VICE MAYOR MCDONALD

YES

COMMISSIONER KRAUSKOPF

YES

MAYOR CLARKE

YES

COMMISSIONER GLASS LEIGHTON YES

DISCUSSION & DELIBERATION

Item 23 was heard earlier

23. **South Carolina Drive Stormwater Project.**

ADJOURNMENT:

Cheryl White, CMC, City Clerk

Eula R. Clarke, Mayor

Minutes to be approved at the Regular Commission
Meeting This 4th Day November 2013