

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON MARCH 25, 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 (Absent)

Deputy City Clerk, Alice Lyons

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

PRESENTATIONS

1. EMPLOYEE OF THE MONTH:

Debbie Smith, Financial Services Dept.

Debbie Smith came forward and graciously accepted her award and thanked the Commission.

2. EMPLOYEE SERVICE RECOGNITION:

Karin Ashmore, Financial Services Dept. 10 Years

Andrew Saban, Public Works Dept. 5 Years

Karin Asmore came forward and graciously accepted her awards and thanked the Commission.

Andrew Saban came forward and graciously accepted the award and thanked the Commission.

**3. PRESENTATION: Palm City Road
(City Manager recommends Item be Continued to May 13, 2013)**

City Manager Nicoletti asked that this item be presented by Joe Capra at the May 13, 2013 regular Commission Meeting.

**MOTION: COMMISSIONER CHRISTIE; MOVED APPROVAL TO HAVE THE ITEM CONTINUED TO MAY 13, 2013
SECOND: COMMISSIONER GLASS LEIGHTON
MOTION APPROVED UNANIMOUSLY**

COMMENTS BY CITY COMMISSIONERS

Vice Mayor McDonald noted that he recently attended the Florida Legislature meeting in Tallahassee, and said it was very productive. He noted one of the meetings was with Representative Mayfield who presented HB 733. He said that there were going to be proposed revisions and he gave them to Mr. Nicoletti for review and comment. He suggested the City continue to urge her to change or withdraw the Bill.

Mayor Clarke welcomed members of Martin County LEADERship Class 23, Scott Hudson and Lisa Campagno.

She also noted a recent cleanup effort in East Stuart from the First Presbyterian Church. She noted that on their T-Shirts read, Serving our City. She invited them to come back to the City for an official thank you. She noted the past Arts Festival in the downtown and what a great event it was. She said she participated in the St. Patrick's Day Parade. She said it was great to know that people feel good about coming downtown for their events.

She also attended the Florida League of Cities Mayor's meeting and spoke with local delegate leaders, and noted that some of the major issues were texting while driving, Internet Cafes, Affordable Care Act. She asked the City Manager to send a note to the Florida League of Cities thanking them for their efforts to lobby for our City. They do a great job with what they do.

She asked the City Commission their thoughts on a possible Youth Commission or Youth Council or Task Force. Martin Cares does a program and maybe we can do a few things where youth come to learn about the City on a regular basis. She asked the Commission to provide feedback at the next meeting or suggest ideas to the City Manager.

She also asked the Commission their thoughts on contacting various homeowners associations in the city to ask them when their meetings are, and see if any other Commissioners may want to attend.

She expressed an interest in the Recreation Department and wants to put out before the budget comes together a way to beef up the Recreation Department so we can get people and program in place besides what is active now from the City's perspective.

Mayor Clarke noted that a representative of the Department of Transportation attended the recent MPO meeting to discuss the transportation and roadways and FEC railroad. She asked that someone from the City attend the upcoming conference and also possibly work with the BOCC or Chamber of Commerce where we have the DOT representative come to Stuart for a Town Hall Meeting. She suggested the City take the charge of what DOT is planning and be a model for the Treasure Coast and take the lead.

Commissioner Christie liked the idea of involving youth in the community. She felt it was worth the effort to get the youth involved in Government.

COMMENTS BY CITY MANAGER

City Manager Nicoletti presented a proposal to add 42 additional temporary parking spaces behind the Stuart Feed Store.

Vice Mayor McDonald asked if the City considered leasing this additional parking to Spotos for their additional seating they are seeking.

City Manager Nicoletti stated that at nighttime Spoto's has indicated that they may use the additional parking for employee parking and not patron parking.

The City Manager also provided the Commission with a copy of language to be included in the proposed RFP for use of the Flagler Center (Item 15).

Regarding Item 11, Nicoletti said the "right of first refusal" has been stricken from the contract.

He noted that item 12 a request has been made to de-annex property at 3202 SE Federal Highway, he noted the City Attorney's advice is to open the hearing and have Commissioner move to continue it to April 8th, 2013 meeting.

Item #14 is a pre-set workshop for 6:30 p.m., and is a discussion of the property maintenance code, and pertaining to the residential storage parking of Boats, RVs, and Commercial vehicles. It is a discussion workshop only.

He also corrected a date for the Planning Advisory Board/LPA from 4/17 to 4/18.

APPROVAL OF AGENDA

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF AGENDA
SECOND: COMMISSIONER GLASS LEIGHTON
MOTION APPROVED UNANIMOUSLY

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

Representatives of the Stuart/Martin County Leadership class Lisa Compagno and Scott Hudson worked with the Building Bridges and the Treasure Coast Presbyterian Church on the East Stuart Cleanup and thanked the City for providing transportation. They both heaped praise on the Leadership program.

County Commissioner Ed Fielding came forward and hoped to move forward with a number of projects the City and County are working on together. He noted that we need to address parking issues.

CONSENT CALENDAR

4. **Motion to approve Minutes of 2/25/2013 Regular City Commission Meeting, 02/28/2013 Attorney Client Meeting, and 03/08/2013 Special City Commission Meeting.**
5. **Motion to appoint Brent Wood to the Community Redevelopment Board Advisory Board.**
6. **Motion to Re-appoint (3) standing members to the Stuart Housing Authority Board.**
7. **RESOLUTION 29-2013: Authorization to renew the award of RFP No. 2011-97 to the Computer Store, to provide desktop and server computer services for the 2nd renewal period to May 2, 2014**
8. **RESOLUTION 30-2013: Authorization for the ratification of the agreement between the City of Stuart and the Palm Beach County Benevolent Association for contract re-openers for FY 2012/2013.**
9. **RESOLUTION 31-2013: Authorization for the ratification of the re-openers for the third fiscal year of the current three year collective bargaining agreement between the City of Stuart and the Professional Firefighters of Stuart Local #2411 (“IAFF”), Effective October 1, 2011 through September 30, 2013**
10. **RESOLUTION 32-2013: Authorization to support the Metropolitan Planning Organization Bicycle and Pedestrian Action Plan which includes the Dixie Highway Pedestrian project from NW Wright Blvd to the existing terminus near Baker Road.**
11. **RESOLUTION 33-2013 Authorization to execute Amendment #2 to the Ground Lease with American Towers, LLC, Lessee, dated March 13, 1998 for the .918**

acre parcel at the Old City Landfill Parcel to allow extension of the agreement for four (4) additional renewal periods to allow them to offer longer term leases to their sub-lessees. The lease rate of 16% of gross revenue earned by subleasing space on the tower to cell phone service providers remains the same, as additional inducement to the City, American Tower offers a one-time payment of \$20,000.00. American Tower will also receive a “right of first refusal” if the City should ever consider selling or conveying its interest in the leased parcel.

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

- 12. (REQUEST TO CONTINUE ITEM TO APRIL 8, 2013)
Petition for contraction (de-annexation) of property located at 3202 SE Federal Highway, by Mr. Joseph Calabria, Owner/Petitioner.**

The City Attorney recommended this item be opened and the Commission vote on continuance.

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL TO CONTINUE ITEM 12 TO APRIL 8, 2013

SECOND: COMMISSIONER CHRISTIE

Commissioner McDonald was disappointed that Mr. Calabria did not make it tonight and thought he was deliberately delaying action until City Attorney Durham leaves.

Attorney Durham said staff is still trying to work with Mr. Calabria.

ROLL CALL

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

13. Motion to consider appointment of a member from the Community Redevelopment Board to the Community Redevelopment Agency filling the vacancy left by Johnnie Bell's resignation, in accordance with Section 32-237 (b), City Code.

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL TO APPOINT PETE WALSON

SECOND: VICE MAYOR MCDONALD

ROLL CALL

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

Item #15 was heard at this time.

#15. Review and discuss proposed RFP #2013-128, Lease Flagler Center Property.

City Manager Nicoletti briefly described the proposed RFP to the Commission and public.

PRE-SET WORKSHOP 6:30 P.M.

14. Discuss proposed amendments to the City's Property Maintenance Code as it pertains to the storage and parking of boats, RV's, commercial vehicles, etc. in residential areas.

City Manager Nicoletti introduced development director Terry O'Neil who gave a power point presentation addressing code enforcement issues and noting examples of code violations. He said the past two years have been spent with workshops and public meetings to address the issues of vehicles, RVs, trailers, and boats parking in residential areas.

He said the new code is "more forgiving; than in the past but all of the drafts prohibit parking vehicles on grass.

Commissioner Krauskopf said he did not get a lot of calls on this with the exception of the "mess on Robalo Court" where some changes have been made. He said the concept of having staff work with the public has been helpful and residents have come up with some "innovative things" using the right of way in front of their homes. He thanked O'Neil and staff members for their efforts.

Vice Mayor McDonald questioned the definitions of inoperable boats and vehicles. He asked how the City determines if the vehicle or boat is in operable?

Mr. O'Neil said if a trailer or boat has no registration it is inoperable and noted that if it is a boat that should have a motor and it doesn't have a motor it isn't operable.

Mr. Nicoletti read into the record the Florida Statutes defining operable.

Vice Mayor McDonald stated the biggest complaint is coming from vehicles being parked on grass.

Commissioner Glass-Leighton addressed parking of commercial vehicles and also wanted to know what would be done about residents with no concrete driveway.

Commissioner Christie thanked staff for the effort to work with residents.

Mayor Clarke questioned operable and inoperable and would like to have the terms more clearly defined for code enforcement so there is no conflict. She agreed with Glass-Leighton about issues with small lots and wants to address the historical and grandfather parking issues.

Mr. O'Neil commended code enforcement staff for being "even handed" and issuing violations as a last resort.

City Manager Nicoletti said we are doing everything possible to keep vehicles off of grass.

Bill Scholze came forward and expressed concern over the Ordinance enforcement. He said he did not like the City imposing sanctions on someone who cannot afford to comply, as well small lot compliance and the freedom of living in Stuart. He did not like the City control the citizen's property rights.

Richard Dungey 610 SW Overlook Drive came forward and expressed concern over the process to property owners for parking of his boat on his property.

Mary Dungey 610 SW Overlook Drive came forward and noted that she sent a letter to the City on January 2012 expressing concern over the regulations to property owners who maintain their property and have small lots but have RVs and Boats.

City Manager Nicoletti said staff is taking residents' concerns into consideration. Our goal is not be "heavy handed" but we do need to deal with historic/grandfather use. We need the tool but clearly the one thing that troubles me is what about the historic parking on lots. We do need to deal with that but the idea of pulling 5 cars up on your front yard is not going to work.

Commissioner Krauskopf asked that those residents who spoke here tonight be contacted for future meetings to discuss this.

ORDINANCE FIRST READING (NONE)

ORDINANCE SECOND READING (NONE)

DISCUSSION & DELIBERATION

15. Review and discuss proposed RFP #2013-128, Lease Flagler Center Property.

ADJOURNMENT 7:31 P.M.

Cheryl White, CMC, City Clerk

Eula R. Clarke, Mayor

Minutes to be approved at the Regular Commission
Meeting This 22nd Day April, 2013