

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON August 12, 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 (Absent)
Commissioner Jeffrey A. Krauskopf
Commissioner James A. Christie, Jr. (Absent)**

ADMINISTRATIVE

**City Manager, Paul J. Nicoletti
Interim City Attorney, Robert Kilbride
City Clerk, Cheryl White**

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

PRESENTATIONS

1. PERFORMING ARTS MOMENT AUGUST 2013.

Laytoya Taylor presented two poems.

**2. PROCLAMATION: Proclaiming August 12th - 19th, 2013 as
“Florida Water Professionals Week”**

The Proclamation was accepted by Phil Donovan, Executive Director of Water professional Region 6. Donald Long also came forward and thanked the City for the proclamation.

COMMENTS BY CITY COMMISSIONERS

Mayor Clarke introduced Mark Brechbill who brought forward those who participated in the Soap Box Derby tournament held in Stuart on July 4th, being named the “All American Soap Box Derby Day”,

Mr. Brechbill announced that this event was one of two places in the United States who held a qualifying race on that day. He introduced the qualifying winners, and he also gave a brief update to the Commission regarding the numbers of Star Spangled Stuart raised a total of \$95,000.00, and spent \$80,000.00 for the event with \$15,000.00 going forward as seed money for next year and also a commitment from founding families for next year. He thanked the City for their support, and Vice Mayor McDonald for being a Chair.

Mayor Clarke asked if he would send out a letter of thanks to those sponsors from the City.

Mr. Brechbill said he would do that.

Vice Mayor McDonald said the number one topic in the community is the damage being done to the Indian River Lagoon and have been hearing a lot about this plan 6 to divert the water south, and trying to get support of that. He suggested having the Florida Oceanographic or Harbor Branch come and give a presentation on that, and also look at preparing a draft Resolution in support of that plan. He asked the City Manager to contact them to see if it is what the City wishes to support.

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL OF THE CITY TO PREPARE A LETTER TO SFWMD REFERENCING THE OVERALL DESIRE BY THE CITY TO SUPPORT THE PLANS AND THE OVERALL DESIRE TO MAKE SOMETHING HAPPEN.

SECOND: VICE MAYOR MCDONALD
MOTION APPROVED UNANIMOUSLY

Mayor Clarke said that the 5th Budget Workshop meeting was held and was well attended. She encouraged public participation in the budget process.

She recognized and commended Dorothy Zaharako, Financial Services Director.

She announced that on August 13, 2013, a Solar Energy Loan Fund Town Hall Meeting will be held at City Hall and encouraged public participation. She also announced that on September 28th through May 2014 the Centennial Celebrations will begin, including the Centennial of East Stuart.

The Martin County Board of County Commission will meet tomorrow at 9:30 a.m. to discuss parcels within the City.

COMMENTS BY CITY MANAGER

City Manager Nicoletti requested item #6 be pulled for separate discussion. He also asked that item #10 be pulled at the request of Vice Mayor McDonald for discussion. He notified the Commission of an emergency purchase pursuant to the purchasing regulation. He notified them of a water line break at the water reclamation facility. The repair will exceed \$50,000.00 and occurred on July 25, 26, 2013 and approved by the Acting City Manager Sam Amerson. He also advised the Commission that item # 13 is Quasi-Judicial.

Mr. Nicoletti announced the City has received a petition from 19 residents on North and South Carolina Drive asking that the current project be halted, and asked that the hearing to discuss the matter be heard on August 26, 2013 and notifying every property owner. The drainage project had already begun and the drainage pipe was put in place but after the last meeting the City halted the project pending further discussion.

APPROVAL OF AGENDA

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL OF THE AGENDA
SECOND: VIE MAYOR MCDONALD
MOTION APPROVED UNANIMOUSLY

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

Debra Ross General Council for Harborage Yacht Master Association Inc. came forward and objected to the request to allow for a Submerged Land Lease that would allow live aboard boats at the Harborage Marina.

City Manager Nicoletti asked Ms. Ross if or who determined why the City was notified of this application.

Ms. Ross could not answer that but further explained how the application process occurred. She did receive a one line email by the DEP explaining that nothing was needed from the City. She also stated that the original development order did not address live aboard's at all, and she understood that the submerged land lease that were submitted to the City's part of the application specifically prohibited them.

Vice Mayor McDonald asked the City Manager to update the Commission as to the status.

John Bobb President Harborage Yacht Master Homeowners Association Inc. came forward and expressed concern over the live boards at the Harborage.

Marty Baum came forward and expressed concern over the use of the Marina and how it has turned into and is used for commercial purposes. He said they are breaching the intention of the law. There was a witness to the dumping of raw sewage into the River the City took immediate action and the polluter was fined. He also stated that the dock master is deliberately flaunting the law and ask that the City of Stuart take a strong stand against any revisions to the Development Order.

Alan Fredrich came forward and expressed concern over the recent code violations he received and asked the Commission to vacate or reduce the fine to a reasonable amount.

City Manager Nicoletti stated he would look into the matter.

Mayor Clarke also requested the City look at educating the residents and non-public entities regarding the charges for garbage or trash.

CONSENT CALENDAR

- 3. Consider Applicant Nathan Ritchey to serve as a member of the Centennial Task Force, currently vacant.**
- 4. Minutes of Special City Commission 6/18/2013 and Joint Commission CRA 6/27/2013 meetings for approval. .**
- 5. RESOLUTION 75-2013: Supporting the Florida Department of Transportation transfer of property known as “Carl Coffin Park” on Dixie Highway to the City of Stuart for public purposes.**

Item #6 was pulled for separate discussion.

- 6. RESOLUTION 82-2013: Authorize the execution of a real estate contract between the City of Stuart and Martin County for the property located on the Southwest corner of Martin Luther King Jr. Blvd and Dixie Highway, Stuart, for the construction of County offices .**
- 7. RESOLUTION 83-2013: Approving the rejection of all bids in response to ITB No. 2013-284, Temporary Downtown Parking. .**
- 8. RESOLUTION 84-2013: Authorizing the execution of an agreement with the Martin County Supervisor of Elections providing for the delegation of duties and responsibilities for the 2013 Election Cycle. .**
- 9. RESOLUTION 86-2013: Encouraging and supporting a request to the State of Florida for an extension of the Anchoring and Mooring Pilot Program for a period of up to two years beyond the scheduled expiration date of July 1, 2014. .**

Item #10 was heard for separate discussion.

10. RESOLUTION 87-2013: Supporting completion of the C-44 Project and other elements of the Indian River Lagoon South Project. .

END OF CONSENT CALENDAR

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL OF THE CONSENT AGENDA ITEMS 3,4,5,7,8,9 PULLING ITEMS 6,10

ROLL CALL

SECOND: COMMISSIONER CHRISTIE

VICE MAYOR MCDONALD YES COMMISSIONER KRAUSKOPF YES

MAYOR CLARKE YES

Item 6 was heard at this time:

City Manager Nicoletti gave a brief overview regarding the timeline of events for the property located on the Southwest corner of Martin Luther King Jr. Blvd and Dixie Highway, Stuart, for the construction of County offices. He stated the City is presenting a contract for sale and purchase with the County. He stated staff recommend approval.

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL OF RESOLUTION 82-2013
SECOND: VICE MAYOR MCDONALD

Jeffrey Dougherty, Real Property Manager of Martin County came forward and stated the County staff is in agreement with the City. He stated this item will be heard by Martin County Commission tomorrow.

Commissioner Krauskopf stated that the City is committed to the County and will stay invested in the downtown.

ROLL CALL

VICE MAYOR MCDONALD YES COMMISSIONER KRAUSKOPF YES

MAYOR CLARKE YES

Item 10 was heard at this time.

MOTION: VICE MAYOR MCDONALD: MOVED APPROVAL OF RESOLUTION 87-2013

SECOND: COMMISSIONER KRAUSKOPF

ROLL CALL

VICE MAYOR MCDONALD YES COMMISSIONER KRAUSKOPF YES

MAYOR CLARKE YES

COMMISSION ACTION

11. Review and approve RFP #2013-132, Non-Profit Agency to Build Affordable Housing on donated lots.

MOTION: VICE MAYOR MCDONALD: MOVED APPROVAL OF RFP 2013-132, NON-PROFIT AGENCY TO BUILD AFFORDABLE HOUSING ON DONATED LOTS.

Mayor Clarke passed the gavel and seconded the motion.

SECOND: MAYOR CLARKE

Commissioner Krauskopf asked that this item be moved to another date and continued.

WITHDRAW MOTION: VICE MAYOR MCDONALD
WITHDRAW SECOND: MAYOR CLARKE

MOTION: VICE MAYOR MCDONALD: MOVED APPROVAL TO CONTINUE ITEM 11 TO ANOTHER MEETING.

ROLL CALL

SECOND: COMMISSIONER KRAUSKOPF

MOTION APPROVED UNANIMOUSLY

ORDINANCE FIRST READING

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

Development Director Terry O'Neil gave a brief PowerPoint presentation to the Commission and public, regarding A-Frame signs.

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL OF ORDINANCE 2257-2013 WITH NOTICE TO BUSINESS OWNERS AND THE CHAMBER OF COMMERCE.

SECOND: COMMISSIONER KRAUSKOPF

ROLL CALL

VICE MAYOR MCDONALD

YES

COMMISSIONER KRAUSKOPF YES

MAYOR CLARKE

YES

13. 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”.

Sworn Terry O’Neil, Tom Reetz, Joe Capra.

Joe Capra gave a brief presentation of the proposed request.

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

SECOND: VICE MAYOR MCDONALD

ROLL CALL

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|---------------------|-----|------------------------|-----|
| VICE MAYOR MCDONALD | YES | COMMISSIONER KRAUSKOPF | YES |
| MAYOR CLARKE | YES | | |

14. 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 Frazier Creek.

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL OF ORDINANCE 2267-2013

SECOND: VICE MAYOR MCDONALD

ROLL CALL

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|---------------------|-----|------------------------|-----|
| VICE MAYOR MCDONALD | YES | COMMISSIONER KRAUSKOPF | YES |
| MAYOR CLARKE | YES | | |

15. ORDINANCE 2268-2013; Providing for a Referendum under the City Charter Section 9.05 seeking voter approval for the City to lease, for more than 10-years, the property known as the Flagler Center, located at 151 SW Flagler Avenue; said lot adjoins City property fronting the St. Lucie River.

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

MOTION: VICE MAYOR MCDONALD: MOVED APPROVAL OF ORDINANCE 2268-2013

SECOND: COMMISSIONER KRAUSKOPF

Commissioner Krauskopf said he did not want to confuse the citizens and asked that the City educate the public regarding what the City wishes to have.

There was discussion regarding the limited parking available for the Center.

Helen McBride came forward and expressed concern over the proposed plan for the Flagler Center and asked that the City concentrate on relocating the Property Appraiser to the downtown.

Mark Brechbill asked if the scope could be expanded so that it could encompass all City owned property along the corridor.

Mayor Clarke said she would like to continue the strategic planning and our planning for the entire area including City Hall property.

ROLL CALL
MAYOR CLARKE

NO

The motion failed.

ORDINANCE SECOND READING (NONE)

DISCUSSION & DELIBERATION

ADJOURNMENT: 7:53 P.M.

Cheryl White, CMC, City Clerk

Eula R. Clarke, Mayor

**Minutes to be approved at the Regular Commission
Meeting This 14th Day October 2013**