

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON MARCH 26, 2012
AT 5:30 P.M. IN THE CITY COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994**

CITY COMMISSION

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

Also in attendance were:

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

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

PRESENTATIONS

1. PROCLAMATION: Proclaiming May 20-26, 2012 as National Public Works Week

Sam Amerson, Public Works Director came forward and graciously accepted the proclamation and thanked the Commission.

2. PROCLAMATION: Proclaiming the Month of April as Water Conservation Month

Dave Peters, Assistant Public Works Director and Pam Mac'Kie of South Florida Water Management District came forward and graciously accepted the Proclamation. City of Stuart Mascot Sami Sailfish also came to the event in honor of water conservation in the City of Stuart. Dave Peters announced that the City will be holding it's first "Saturday on the Park Water Fest" on April 28, 2012 from 10:00 a.m. – 4:00 p.m. at Memorial Park.

Additional Proclamation was presented honoring "The 50th Anniversary of Coconut Point Yacht Club"

Liz Plasket of CPYC came forward and graciously accepted the proclamation on behalf of the Club.

3. Employee of the Month

Enrique (Rick) Sosa, Fire Department

Rick Sosa came forward and graciously accepted the award.

4. Employee Service Recognitions

John Reddick, Police Department, 15 Years
Joseph Tumminelli, Jr., Police Department, 15 Years
John Bradigan, Public Works/Turf and Grounds, 5 Years
James Minor, Fire Rescue, 5 Years
Derek Wallace, Fire Rescue, 5 Years
Deborah Arasim-Smith, Utilities Financial Services, 5 Years
Stacy Noble, Public Works/Distribution and Collection, 5 Years

All Employees came forward and graciously accepted their awards. James Minor, Derek Wallace and Deborah Smith were unable to attend.

COMMENTS BY CITY COMMISSIONERS

Commissioner Glass-Leighton thanked the employees for their service. She also complimented the downtown on its many events the past weekend. She complimented Jim Chruski and the Jr. Chefs from the 10th Street Center for their participation at the past Taste of Martin County.

Vice Mayor Clarke complimented all involved for the past weekend Arts Festival. She noted that many residents asked about phase II and restrooms at the park. She also asked that everyone think of the City of Sanford Florida in their thoughts deliberating and discussions in light of the shooting death of a child Treyvon Martin. She also asked that the Community Services Committee look at each and every City Park to think of how the parks can be used to their fullest and best use.

Mayor Christie echoed comments made about the downtown weekend events. He said Arts Fest has been a very successful event and Flagler Park was also used as a backdrop for the Oyster Restoration Program, which is important in making the Indian River Lagoon healthy again. He noted a recent luncheon he attended honoring veterans at Mariner Sands. He stated he was happy to have attended a workshop on the Community Garden that brought such enthusiasm to the neighborhood.

COMMENTS BY CITY MANAGER

City Manager Nicoletti stated he had received an email from Mr. Frank Voss asking that item #13, below be withdrawn and wished to terminate his negotiations with the City.

RESOLUTION 31-2012 Authorization to execute a Lease Agreement between the City of Stuart and Stuart 5 LLC DBA MacIntosh's on the Water for that certain property known as the Shepard Park Building (Former Chamber of Commerce Building)

APPROVAL OF AGENDA

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL OF THE AGENDA AS AMENDED

SECOND: COMMISSIONER GLASS-LEIGHTON
MOTION APPROVED UNANIMOUSLY

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

Robert Hall came forward and asked for support and justice for the killing of Trayvon Martin in Sanford Florida. He also expressed concern over the building of the community garden because there was need for affordable housing in Stuart.

Mayor Christie noted that the land where the garden is still available for housing and when this economy turns around that site will be used for housing.

Caryn Yost Rudge complimented the City on the new Riverwalk Shade Structure, and the City's web site. She expressed concern over the ongoing litigation and Code Enforcement action against them for the property at 1701 Palm City Road.

John Dobson came forward and expressed concern over the homeless living at Shepard Park. He thanked the City for not allowing a sports bar to open at the City Owned Building at Shepard Park. He asked the City to look at the hours of operation and to clean up the park so everyone can enjoy it.

City Manager Nicoletti stated he would be scheduling a discussion by the Community Services Advisory Board about redevelopment input for that park with some master planning.

Jerry Gore Sr. president of NAACP of Martin County came forward and expressed concern over holding a vigil for the shooting death in Sanford Florida. He noted the vigil will be held at the St. Paul A.E Church Friday night at 7:30 p.m. and invited everyone.

CONSENT CALENDAR

- 5. Request to approve the Minutes of the Regular Commission Meetings of February 27 and March 12, 2012 and Special Joint Meeting of the Commission/CRA/CRB of March 12, 2012.**
- 6. RESOLUTION 16-2012 Authorization for Budget Amendment #10 for the purchase of Two Lots on Baker Road which will enlarge the Haney Creek Preserve**
- 7. RESOLUTION 22-2012 Authorization to assess the costs incurred by the City pursuant to Chapter 20, "Environment" of the City of Stuart Code of Ordinances (2010), as amended to abate nuisances on non-public real properties within the City and including an Administrative charge of \$100.00 per property; and providing that the assessments shall bear interest at the rate of twelve percent (12%) until paid; and that the Resolution shall be recorded in the Public Records of Martin County**
- 8. RESOLUTION 26-2012 Authorization for an Early Retirement and Early Separation Incentive Program for those City Employees that meet Eligibility Criteria**
- 9. RESOLUTION 27-2012 Authorization to waive the Building Permit and Plan Review fees for the Reconstruction of a Fire Damaged House at 721 SE Central Avenue**

10. **RESOLUTION 28-2012 Authorization to issue a Non-Ad Valorum refunding revenue note, series 2012 of the City in the principal amount of \$1,830,000 to refund certain outstanding obligations of the City and to pay associated transactional costs; providing that the note shall be a limited obligation of the City payable from Non-Ad Valorem revenues budgeted and appropriated as provided herein**
11. **RESOLUTION 29-2012 Authorization to approve the award of RFP No. 2012-111, Municipal Audit Services to the most responsive and qualified proposer Cherry, Bekaert & Holland, LLP, West Palm Beach, Florida**
12. **RESOLUTION 30-2012 Authorization to support the Metropolitan Planning Organization's Bicycle and Pedestrian action plan which includes the Baker Road sidewalk and beautification project**

END OF CONSENT CALENDAR

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF CONSENT CALENDAR

SECOND: COMMISSIONER MCDONALD

ROLL CALL

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

COMMISSION ACTION

Item 13 was withdrawn.

13. **RESOLUTION 31-2012 Authorization to execute a Lease Agreement between the City of Stuart and Stuart 5 LLC DBA MacIntosh's on the Water for that certain property known as the Shepard Park Building (Former Chamber of Commerce Building)**

ORDINANCE FIRST READING

14. **ORDINANCE 2243-2012 (First Reading) Request to Approve the "Mar-Stuart CPUD" located on the West side of SE Federal Highway and North of Advantage ford and South of Lowes; Providing for approval of a Site Plan; Providing conditions for compliance with site design qualitative development standard; Declaring the development to be consistent with the Comprehensive Plan of the City.**

ORDINANCE 2244-2012 (First Reading) An Ordinance to approve the First Amendment to the "Marketplace of Stuart CPUD" located on the West side of SE Federal Highway and North of Advantage Ford and South of Lowes; Providing for approval of a revised Site Plan; Providing for approval of the reduction of the size of the CPUD from 35.07 Acres to 22.76 Acres; Providing conditions from compliance with site design qualitative development standards; Providing for conveyance of off-site preservation land upon approval of the Ordinance declaring the development to be consistent with the Comprehensive Plan of the City.

Sworn: Tom Reetz, City Development Planner
Attorney Bob Raines
Doug Fitzwater, Lucido and Associations.
Attorney Terry McCarthy
Jose Martinez
Michael Houston
Attorney Michelle Riley

Tom Reetz gave a brief overview of the proposed CPUD amendment.

Staff recommends approval of the two projects, and the development conditions attached to each of the Ordinances with the language highlighted in yellow addendum packet handed out at the beginning of the meeting.

Commissioner Krauskopf requested the following items be addressed before second reading.

Owner, User no paging speakers onsite.
Add grasses, loblolly and cypress to the dry retention area.
Any parking lot lighting shall not affect neighboring residents.

Mayor Christie said his concern was the residents of Willoughby because of the commitment made to them by the City.

Attorney Bob Raines noted the original approval has not changed with respect to the height of the buffer and the setback areas have also not changed and will remain 200 feet. He said he would be working with the Attorney representative of Willoughby to iron out any details of the agreement.

Staff recommended the donation of vista b parcel north of the bridge, and landscaping fees be completed at the front end of any activities or any development.

Armond Pasquale expressed concern over the glitz of the dealership, and felt that too many auto dealerships were coming onto that area.

Attorney Michelle Riley, came forward and said she is working with the applicant on a few minor details that should be resolved at second reading. She thanked the applicant for working with them and was happy to see familiar faces on the City Commission.

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF ORDINANCE 2243-2012 ON FIRST READING WITH STAFF RECOMMENDATION AND COMMENTS MADE BY COMMISSIONERS INCORPORATED IN THE ORDINANCE.

SECOND: COMMISSIONER MCDONALD

ROLL CALL

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

ORDINANCE SECOND READING

15. ORDINANCE 2241-2012 (Second Reading) Request to amend the Stuart Code of Ordinance Chapter 10 relating to Efficient Building Development within the City.

Terry O'Neil gave a brief overview of the proposed Ordinance.

MOTION: COMMISSIONER MCDONALD; MOVED APPROVAL OF ORDINANCE 2241-2012 ON SECOND READING
SECOND: VICE MAYOR CLARKE

Cindy Hall President of the Florida green Building Coalition came forward and expressed concern over the proposed Ordinance. She felt the Florida Green Building Code standards are fully vetted and would not be using this program. She stated the point system proposed is ineffective in creating a whole building efficiency rather it allows for certification even if the only the programs point total is reached in one or two of the categories. She stated that if adopted Stuart could face legal challenges by the Federal Trade Commission under their green guidelines. She urged the City to continue using the states existing green building programs.

Kyle Abney came forward and also expressed concern over the proposed Ordinance.

City Manager Nicoletti noted a letter he received from the National Association of Home Builders (NAHB) opposing the city's Ordinance 2241-2012.

Commissioner Krauskopf asked the City attorney for his comments and any legal liability issues the city could face.

City Attorney Durham explained that he did not see any and the City has home rule authority. He explained these are the city's fees and can be refunded in many ways in an incentive form. Nothing the City is doing excludes any other programs that are operated by those opposing this Ordinance.

Commissioner McDonald said he did not see that this was a certification program.

Terry O'Neil confirmed it was not a certification program but a rebate program, and does not preclude anyone from participating in the LEEDS program or any other type of program.

Joe Hoffkins, Building Official explained the process for the program and stated that rebate will go to the property owner for reimbursement.

ROLL CALL

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

DISCUSSION & DELIBERATION

16. Information Item, New City Initiative called Commercial Property Report or "CPR".

Terry O'Neil announced the cities new initiative and explained that the program, at no cost to the property owners will upon request, visit commercial properties in the city to make an assessment of each property with the thought in mind relating to development issues to the property, as well as development potential for particularly a change of use for redevelopment. At the end of the process the city will provide the property owner a document pointing out the opportunities for the participants that can be used for marketing or attracting new tenants. He said he is working with

the BDB to take the CPR process and then develop it further to produce a permit ready property. Designating parcels for marketing effectively with certainty.

Commissioner Krauskopf felt the program was a good one. He asked when a final letter is issued should be done by a certain date, and things change so he recommended a window of time for the letter of determination.

Chrystal Stiles of the Business Development Board came forward and supported the program.

ADJOURNMENT 7:24 p.m.

ATTEST:

Cheryl White, CMC, City Clerk

James A. Christie Jr., Mayor

**Minutes to be approved at the Regular Commission
Meeting This 23rdDay April, 2012**