

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON MAY 21, 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. Presentation S.P.A.M. Robotic Team wins World Robotic Competition.

Rich Brooks came forward and announced the "World Champion" S.P.A.M. Team to the Commission and audience. He presented a video to the public of the Competition Event.

A gentleman came forward and stated there were nearly 400 teams in this event, and 4,000 worldwide, The S.P.A.M Team came in first in the world.

Added item 1a.

1.a Proclaiming June 3-9, 2012 as Stuart Garden Week.

The Garden Club of Stuart representative Louis Andrews came forward and graciously accepted the proclamation, and thanked the Commission for the honor.

She announced the City's recent award received the Plantings in Public Places award for Memorial Park.

2. PROCLAMATION: Proclaiming May 20 – 26, 2012 as Water Reuse Week

Dave Peters came forward and graciously accepted the award and thanked the City.

3. Employee of the Month

Mary Kindel

Mary Kindel came forward and graciously accepted the award and thanked the City Commission.

4. Employee Service Recognitions

Frank Logalbo, Police Department, 25 Years
Cheryl Miller, City Manager, 25 Years
Mark Bozone, Police Department, 5 Years
James Rothgeb Jr., Police Department, 5 Years

Frank Logablo accepted by Sgt. Bill Pecci
Cheryl Miller accepted her award
Mark Bozone accepted his award
James Rothgeb accepted by Tom Harmer

5. Jim Chrulski, Community Services will give an update on the Community Services Advisory Board Golf Tournament Fundraiser

Mayor Christie recognized Dana & Kali de Windt of the Community Services Advisory Board.

Jim Chrulski came forward and introduced Kali de Windt to update the Commission and public on the money raised in the last Golf Tournament. She announced that the event raised \$19,557.00. The money raised will benefit the Recreation Complex in Stuart and children's programs at the center. She said they look forward to working with the money raised to enhance the programming at the center, she thanked the entire Board for their efforts.

Jim Chrulski presented Robin Hicks Connors and Dana de Windt plaques in appreciation for their hard work on the past Golf Tournament.

Both came forward and thanked all who helped make it possible.

5a. Presentation by Jeff Dougherty Real Property Manager of Martin County.

He distributed to the Commission copies of the April 24th Board of County Commission agenda containing the 3 alternatives presented to the County Commission regarding the leases of the County Utilities and Property Appraisers office space on April 12, 2012. At that time, after learning of all the options for the lease or purchase of various properties the County Commission opted to extend the Property Appraiser's lease at The Towers Building for one year and directed staff to continue the search, expand the search area and also seek more concise input from the City Commission,

Vice Mayor Clarke asked how many more lease options does the County have with the Towers Building.

Commissioner Krauskopf acknowledged that it is difficult to negotiate a deal in public but said he has always favored Parcel 14 (Wachovia/Wells Fargo site) best for the City's interest. He added not only for the County and the investment the City has made in Memorial Park, but I would hope the City could co-locate on that parcel with the County.

Commissioner McDonald questioned the city owned parcel on Stypmann and also expressed concern over taking parcel 14 off the tax roll.

Mr. Dougherty noted parking issues on the Stypmann site and the combination of the Sailfish Park matter. He gave a brief overview of the proposed offers of sale to the County and noted the long term savings was significant.

Commissioner Glass Leighton agreed with Commissioner Krauskopf for parcel #14, and said it should be pursued.

Mr. Dougherty noted the many benefits to the parcel #14.

Vice Mayor Clarke asked if it would be possible for a joint meeting of County and City to address the issues before the June 12th Joint City/County/School Board meeting.

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL THE CITY FORMALLY ANSWER JEFF DOUGHERTY QUESTION HERE BY TRANSMITTING A LETTER TO THE COUNTY COMMISSION SAYING PARCEL #14 WOULD BE THE ONE WE WOULD BE INTERESTED IN, AND I WOULD TAKE IT A STEP FURTHER AND SAY HOPEFULLY WE MAY BE ABLE TO LOCATE OR BE A PARTNER IN THAT SITE AND LOCATE THE CITY SERVICES TO THAT SITE ALSO.

**SECOND: COMMISSIONER GLASS LEIGHTON
MOTION APPROVED UNANIMOUSLY**

COMMENTS BY CITY COMMISSIONERS

Commissioner McDonald noted the Memorial Day weekend festivities at Veterans Memorial Park.

Vice Mayor Clarke said she had been "inundated" with requests regarding Public Records request with regard to the Lyric/Flagler Center noting an e-mail from the Attorney General. She wanted a discussion on the issue or to have the City Manager work with the party and get the information to the requestor, meeting the requirements of F.S. Chapter 119.

City Attorney Durham addressed the Attorney General's e-mail regarding mediation and said the management agreement discussion is going to be set for the second Commission meeting in June discussing the Flagler Lyric Center.

City Manager Nicoletti said he has given Mr. Steinberg every public record that the City has but Mr. Steinberg wants more from the Lyric Theatre.

He believes he is entitled to those records and the City does not. If he obtains those records and they become public, that would mean that not just the Lyric's records become public but other non-profit agencies who do business with the City, their records would then become public.

He said a discussion on mediation is planned before the second meeting in June to address the entire Lyric Theatre management agreement.

Commissioner Krauskopf said it would be nice to have the State reaffirm that the Lyric records are not subject to the public records law.

City Manager Nicoletti said that maybe a possible outcome of the voluntary mediation. He further explained that is one of the reasons the City would like to participate in it. If the State

Attorney General decides in that favor, I think it really does put that question to bed. If they don't, then of course the issue remains.

Commissioner McDonald asked if mediation would be done before Deliberation and Discussion?

City Manager Nicoletti said absolutely.

Commissioner McDonald asked if the City would seek an advisory opinion on the matter?

City Attorney Durham explained that if the Attorney general renders an opinion the City is bound by that and cannot litigate further. He concluded by saying the City does not hold the records being requested, bottom line. He said there is a real issue by sending a rippling effect across public and private partnerships.

Commissioner McDonald said that if the Lyric records become public that would be detrimental to those private and public companies.

Mayor Christie noted he would be recognizing the summer dress policy of the Commission at the next meeting.

COMMENTS BY CITY MANAGER

City Manager Nicoletti noted the addition of Items 1A and 5A to the Agenda have been addressed. He also stated that he had not heard anything from realtor Kim Capen or Jim Moore regarding the former Dockside Restaurant.

Item 6, He said he is asking for permission to submit a second letter to the Florida League of Cities Award Program for the "branding of Sammi Sailfish." In addition to the application for the Haney Creek Preserve.

Item #8, noted he has placed language in the Resolution that asks for return of the \$225,000 if the County does not go forward with the Transit Depot.

He noted that at the 5/22/12 County Commission meeting they will be considering a road closure of Dixie Hwy. from MLK Blvd. to 5th Street during the upcoming Annual Stuart Criterium, sponsored by the Treasure Coast Cycling Association. He said staff has no objections to the closure.

He noted that \$750,000 for the Colorado Ave. project was released today by the US Department of Housing and Urban Development and a Workshop to discuss Conduit Bond Financing will be held at 3:30 PM on June 11th prior to the CRA and City Commission meetings.

He reminded the Commission of the Joint City/County/School Board meeting on June 12, 2012 at 9:00 am at the Blake Library.

He also reminded the Commission and public about the upcoming Coffee with the City Manager May 23, 2012 at 8:00 A.M. at the Flagler / Lyric Center.

APPROVAL OF AGENDA

MOTION: COMMISSIONER MCDONALD; MOVED APPROVAL OF AGENDA AS AMENDED.
SECOND: VICE MAYOR CLARKE
MOTION APPROVED UNANIMOUSLY

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

CONSENT CALENDAR

- 6. **Request to submit Environmental Stewardship Award Application to Florida League of Cities for the Haney Creek Preservation and Improvement Project (RV)**

- 7. **RESOLUTION 46-2012 Authorization for the renewal of the Agreement for Exotic Vegetation Control and Removal Services with Arazoza Brothers Corporation, Homestead, Florida for the first renewal option period.**

MOTION: COMMISSIONER MCDONALD; MOVED APPROVAL OF CONSENT CALENDAR
SECOND: VICE MAYOR CLARKE

ROLL CALL

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

END OF CONSENT CALENDAR

COMMISSION ACTION

- 8. **RESOLUTION 38-2012 Authorization to execute a Memorandum of Agreement with Martin County regarding the Allocation and Transfer of Funds not to exceed \$225,000 for the Budget Shortfall for construction of the Transit Depot.**

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF RESOLUTION 38-2012
SECOND: VICE MAYOR CLARKE

ROLL CALL

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

- 9. **RESOLUTION 53-2010 Authorization to Amend and Re-approve an East Stuart Overlay District Special Exception, with reasonable conditions, for the Macedonia Community Outreach Ministries Veterans Home allowing a Group Home for Homeless Veterans with 17 residents, including staff within the East Stuart Single Family Duplex Zoning District (SFD) located at 828 Nassau Avenue.**

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF RESOLUTION 53-2010 TO CONTINUE THIE ITEM TO NOVEMBER 26, 2012

SECOND: COMMISSIONER MCDONALD

ROLL CALL

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

ORDINANCE FIRST READING

ORDINANCE SECOND READING

DISCUSSION & DELIBERATION

10. Proposal to Lease a portion of the City's Old Landfill Site for an outdoor storage facility

City Manager Nicoletti introduced the item and that Mark McDonald, holder of a 30-year lease on a 2.88-acre portion or the City's 62-acre former landfill site fronting the Monterey Road Extension (formerly a driving range and now the Seawinds Funeral home/crematorium) is proposing to lease, for a period of five years with four additional one year terms, an adjoining 18-acre portion of the landfill to establish an outdoor storage facility for both residential and commercial vehicles/equipment.

Carley Aubrey, Planner gave a brief overview of the proposed project to the public and Commission. Finally, is should also be noted that Martin County and the County School Board have engaged the City in discussions about the possibility of a joint Garage and Maintenance facility on the landfill site, however timing and funding for the project have not been determined.

Commissioner McDonald noted that he had been looking at other City leases and thinks we should include "personal guarantees" in all leases. He was also expressed concern concerned about the impact on Kingman Acres and other nearby Glenwood/Harbor Cay.

Development Director Terry O'Neil said there is "significant buffer" between the subject site and Kingman Acres, in question, and the CPUD would include buffering. He also said it will have to go through the CPUD process.

City Attorney Durham will look into "personal protection and other negotiation points."

City Manager Nicoletti explained that there are some similar requirements in other City leases guarantees so to speak and can be a negotiation point in the future.

Commissioner Glass Leighton questioned what she considered a low fee schedule for the proposed storage facility.

Mark MacDonald explained he has to keep fees low in order to be competitive in this market.

Mayor Christie questioned egress and ingress to Monterey Road.

Mr. McDonald explained he would have the same egress and egress as now and would maintain a portion of that road.

Commissioner Krauskopf wants to keep leases as uniform as possible he would like to see on the rent commencement date pick a date be done with a date so everyone knows what the clear target is.

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL TO GO FORWARD WITH A LEASE AND A PUD.

SECOND: VICE MAYOR CLARKE

ROLL CALL

COMMISSIONER GLASS LEIGHTON YES COMMISSIONER MCDONALD YES

VICE MAYOR CLARKE YES COMMISSIONER KRAUSKOPF YES

MAYOR CHRISTIE YES

11. Update on Colorado Avenue Business District Improvements

City Manager Nicoletti explained that at the last meeting a question was raised regarding Kindred Street and whether or not it was included in the Colorado Avenue project. He explained that at the CRA meeting at which the question was fully raised by Board Member Ferraro asking the City's engineer if Kindred Street was in or out of the project, and he explained it was not and could not be included due to CDBG grant constraints. He explained that the City could look at parts of the project that were discussed and specified in the application so these must be included in the project. He also said there were phases of the project that could be amended in order to do Kindred Street.

Project Engineer Joe Capra addressed the issue of baffle boxes and suggested potential funding from stormwater fund as well as trying to get a grant for this. Regarding the under ground conduit, Capra has talked to FPL, AT&T and Comcast the idea being to put the conduit under the sidewalk at a cost of approximately \$100,000 in conduit, with the majority of the money going to FPL.

He said it is better based on grant funding that we take them as alternatives, because if we decide not to use them they would not be considered part of the base bid. He expressed concern that the project would be delayed, and if the City wants to get it built before season in November.

Commissioner Krauskopf asked what direction was needed by the Commission.

Mr. Capra recommended we not put Kindred in the CDBG fund bid and asked for the Commission priority on baffle boxes and conduits.

Krauskopf said if the money is available we should do the baffle boxes to protect the River. The issue of conduits has been addressed before but we did not get "buy in" from property owners.

FPL Representative Nick Blount said that one of the things in our favor is everything on the west side, with two exceptions is served from the rear of the properties, so there not impacted by this project. He said there are 3 locations along Colorado those needs to be worked with to convert.

Commissioner Krauskopf stressed that he would first like to see letters from property owners that they would be happy to connect before we, that would help in my decision making process.

Mr. Capra asked if we could keep the bidding process open as to not delay the project, and obviously we are not going to put the conduits in until the City approves the expenditure.

Commissioner Glass Leighton inquired into why the project would be delayed if the conduits are added to the base bid?

Mr. Capra stated that if they are added to the base bid with the larger portions of the project and take it out, it may compromise the bid that the CDBG would look at.

Commissioner McDonald asked if a funding source could be found for Kindred is there something we could do to achieve the same type on street parking without costing \$250,000.00?

Mr. Capra said of course there is. He explained the \$250,000.00 includes "re-constructing a road with bulb outs."

City Manager Nicoletti explained that there are sources of funds as a possibility. He said he would discuss the matter with the financial services director to see what is available. He asked the Commission if they wished to include the baffle boxes in the base bid, or do they also want to bid that as an alternative?

Commissioner McDonald asked if that would be more expensive.

Mr. Capra he does not want to see any further delay on the project due to the season.

After further discussion the City Manager stated he understood that the baffle boxes and conduits would be alternate bids, and looked for guidance on how to proceed with project order.

Mayor Christie stated he would like to see Kindred street considered in the project.

Commissioner McDonald also stated he would like to see staff look for a Kindred Street funding source, and potential redesign to bring the cost down, with an alternative design that is not as expensive to accomplish the basic goal. Then maybe later on, come back do something different, to enhance it. Something that whatever we do, will not impeded us from enhancing it later with minimal expense.

Mr. Capra agreed.

MOTION: COMMISSIONER MCDONALD; MOVED APPROVAL TO DIRECT STAFF TO LOOK FOR A FUNDING SOURCE FOR KINDRED AND TO REDESIGN THE PROJECT TO COME UP WITH A LESS EXPENSIVE ALTERNATIVE.

SECOND: COMMISSIONER KRAUSKOPF CLARIFIED TO SHOW THE FUNDING SOURCES AND PROJECT FLOW A SUGGESTION OF HOW TIMING WISE WOULD DO IT, AND WHERE THE MONEY IS COMING FROM ON EACH OF THE ITEMS.

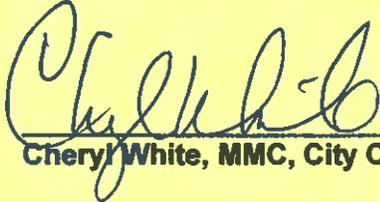
ROLL CALL

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

Commissioner Clarke said she had attended the recent FPL Energy Encounter and felt the excellent presentation and would like to see a similar public presentation showcasing what they do for the community.

ADJOURNMENT: 7:28 P.M.

ATTEST:


Cheryl White, MMC, City Clerk


James A. Christie Jr., Mayor

**Minutes to be approved at the Regular Commission
Meeting This 11th Day June, 2012**

