

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON APRIL 9, 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. Performing Arts Moment, South Fork High School Drama
Department, "The Rainmaker", Teacher, Annie Schwartz**

Student of South Fork High School Drama Department performed small scenes from "The Rainmaker", The students were Introduced by Teacher, Annie Schwarz [Performances of the entire play will be at South Fork High School, April 27 & 28 and May 4 & 5.

**2. PROCLAMATION: Proclaiming April 15-21, 2012 as Stuart
Volunteer Week**

Carol Hodnett, Director Martin Volunteers graciously accepted the proclamation. She presented the President's Volunteer Service Award, only given by the President of the United States, recognizing volunteer Joe Marchiselli who contributed more than 4,000 hours to the Stuart Police Department, since August 2000.

**3. PROCLAMATION: Proclaiming April 2012 as Fair Housing
Month**

Terry O'Neil, Development Director, came forward and graciously accepted the proclamation on behalf of Nancy Phillips.

**4. PROCLAMATION: Proclaiming Parents Who Host Lose the
Most**

Jim Vojcsik, Executive Director United Way and Holly Laiben of Character Counts and Director of Shared Services Network came forward and graciously accepted the Proclamation, and thanked the City.

5. PROCLAMATION: Proclaiming the April 8-14, 2012 as National Public Safety Telecommunications Week

Lt. Tom Harmer, Ashley Rinaldi, on behalf of Melani Forsythe, came forward and graciously accepted the proclamation, and thanked the Commission.

6. PROCLAMATION: Proclaiming April as Child Abuse Prevention Month, CASTLE

A representative of CASTLE came forward and graciously accepted the proclamation and thanked the City.

7. PROCLAMATION: Proclaiming May 5, 2012 A Whole Child Connection Day

Teresa Lamar-Sarno came forward and graciously accepted the proclamation.

8. PROCLAMATION: Proclaiming May 4, 2012, as The City of Stuart 4 Ball Golf Tournament

Jim Chrulski and Robin Hicks-Connors came forward and graciously accepted the proclamation and thanked the City.

COMMENTS BY CITY COMMISSIONERS

Commissioner Krauskopf noted an article in the Florida Quality Cities Magazine there is an application for an Environmental Stewardship Award and he asked if staff could submit the Heart of Haney Creek project.

Vice Mayor Clarke would like Community Services to work with the City Manager regarding the use of Shepard Park and other City park facilities. She also commented on the following: 1) Concerned over the health of the landscaping along Martin Luther King Jr. Blvd. Residents comments at Commissioner McDonald's recent town meeting regarding ways for citizens to become more involved in energy efficiency. She noted some electricity issues at the early Easter service at Riverwalk over the weekend. She applauded staff for the way they handle things at public events at public facilities.

Vice Mayor Clarke gave a "shout out" for Dottie Zaharako for "so efficiently presenting budget issues."

COMMENTS BY CITY MANAGER

City Manager Nicoletti advised the City Commission that he has authorized the installation of traffic control devices. In this case, the City is installing 4 signs on West Ocean Blvd. from US 1 to the St. Lucie River that read " Parking 10:00 pm to 6:00 am by Parking Permit Only."

The City has received a letter from Mr. Jerry Gore, President of the Martin County NAACP and Mr. Anthony Piel for Occupy Martin County, and signed by 13 other folks, regarding the Trayvon Martin situation and asking that we be mindful of Equal Justice regardless of race; that no felony should go uninvestigated; and that "stand your ground" is not equal to immunity from arrest. A letter was received from 2 East Ocean Blvd. business owners noting adverse effect of Arts Fest and the Arts Councils temporary fence that blocked both businesses who have lost revenue. Last week a draft lease was sent to Pusser's West Indies, Ltd. for their edits and counterproposals. He anticipates hearing from them in the next couple of day's. The City has received an American Public Works Award for "Project of the Year 2012 – Memorial Park Revitalization." And finally, the City Manager had a request to pull Consent Items 11, 13 and 14 from the consent for discussion.

APPROVAL OF AGENDA

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

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

CONSENT CALENDAR

- 9. Request to approve the Minutes of the Special Meeting of March 19, 2012**
- 10. RESOLUTION 25-2012 Authorization for the execution of an extension to the Lease Agreement between the City of Stuart and the Road to Victory Military Museum, Inc. for Lease of the property known as the former American Legion Post Building**
- 11. RESOLUTION 32-2012 Authorization for the execution of a Jurisdictional Transfer Agreement for a portion of SR 707 from the Florida Department of Transportation to the City of Stuart**
- 12. RESOLUTION 33-2012 Authorization to approve the negotiation of Agreement and the Award of RFP No. 2012-110, Community Development Block Grant (CDBG) Administration Services to the highest ranked firm, Nancy Phillips & Associates, LC, Lake Worth**

13. RESOLUTION 34-2012 Authorization to approve the Negotiation of Agreement and the Award of RFP No. 2012-116, Low Pressure Sewer System for the Manor/Riverview & Pelican Basins to the most qualified firm responding to the RFP, Felix Associates of Florida, Inc.

14. RESOLUTION 35-2012 Authorization for Work Order #3 with Culpepper & Terpening for Professional Engineering Services during construction of the Low Pressure Sewer System in the Manor/Riverview and Pelican Sewer Basins

END OF CONSENT CALENDAR

MOTION: COMMISSIONER MCDONALD; MOVED APPROVAL OF CONSENT CALENDAR 9,10,12

SECOND: COMMISSIONER GLASS LEIGHTON

ROLL CALL

COMMISSIONER GLASS LEIGHTON YES COMMISSIONER MCDONALD YES

VICE MAYOR CLARKE YES COMMISSIONER KRAUSKOPF YES

MAYOR CHRISTIE YES

Items 11,13,and 14 were heard at this time.

11. RESOLUTION 32-2012 Authorization for the execution of a Jurisdictional Transfer Agreement for a portion of SR 707 from the Florida Department of Transportation to the City of Stuart

Sam Amerson gave a brief description regarding the transfer agreement.

Commissioner Krauskopf asked Sam Amerson if the City takes on the underground utilities, storm water, paving?

Sam Amerson said he is televising the utilities for any deficiencies and if there are then FDOT would commit to joint repairs or miscellaneous repairs as needed.

Commissioner Krauskopf asked about the resurfacing of roadways.

Sam Amerson stated he believes the City can keep up with the resurfacing needs of the city's roadways.

Commissioner McDonald expressed concern over the unsightliness of the DOT fenced area North of the Bridge and the small lake as well.

Sam Amerson stated he was going to work with DOT to clean up the pond area and the City may move forward with some type of gateway feature.

MOTION: COMMISSIONER MCDONALD; MOVED APPROVAL OF RESOLUTION 32-2012
SECOND: VICE MAYOR CLARKE
ROLL CALL
COMMISSIONER GLASS LEIGHTON YES COMMISSIONER MCDONALD YES
VICE MAYOR CLARKE YES COMMISSIONER KRAUSKOPF YES
MAYOR CHRISTIE YES

13.RESOLUTION 34-2012 Authorization to approve the Negotiation of Agreement and the Award of RFP No. 2012-116, Low Pressure Sewer System for the Manor/Riverview & Pelican Basins to the most qualified firm responding to the RFP, Felix Associates of Florida, Inc.

Commissioner McDonald asked that number 13 and 14 be pulled for separate votes, because the amount of the contracts was substantial.

MOTION: COMMISSIONER MCDONALD; MOVED APPROVAL OF RESOLUTION 34-2012
SECOND: VICE MAYOR CLARKE
ROLL CALL
COMMISSIONER GLASS LEIGHTON YES COMMISSIONER MCDONALD YES
VICE MAYOR CLARKE YES COMMISSIONER KRAUSKOPF YES
MAYOR CHRISTIE YES

14.RESOLUTION 35-2012 Authorization for Work Order #3 with Culpepper & Terpening for Professional Engineering Services during construction of the Low Pressure Sewer System in the Manor/Riverview and Pelican Sewer Basins

MOTION: COMMISSIONER MCDONALD; MOVED APPROVAL OF RESOLUTION 35-2012
SECOND: COMMISSIONER GLASS LEIGHTON
ROLL CALL
COMMISSIONER GLASS LEIGHTON YES COMMISSIONER MCDONALD YES
VICE MAYOR CLARKE YES COMMISSIONER KRAUSKOPF YES
MAYOR CHRISTIE YES

COMMISSION ACTION

ORDINANCE FIRST READING

(CON'T SECOND READING TO APRIL 23RD MEETING)
15. 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

**(CON'T SECOND READING TO APRIL 23RD MEETING)
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.**

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF CON'T SECOND READING OF ORDINANCE 2243-2012 AND 2244-2012 TO APRIL 23RD MEETING.
SECOND: COMMISSIONER MCDONALD
MOTION APPROVED UNANIMOUSLY

ORDINANCE SECOND READING

DISCUSSION & DELIBERATION

16. Discussion Anchoring and Mooring Pilot Program.

City Attorney Durham gave an update to the Commission and public regarding the location of proposed mooring and anchoring sites, He noted this is an update on the issues and introduced Senior Assistant County Attorney Krista Storey who was present to answer questions.

FWC also wants clarification of definition and clarification of Jensen Beach area and 300-foot buffer in the City. Staff recommends moving forward but needs direction on "how far we can go amending the ordinance" which is tentatively scheduled to go before the County Commission on April 24th.

City Manager Nicoletti clarified negotiation points regarding the buffer and that there is some work to be done on the definition. He stated that Boat USA, has requested a 75 foot buffer, which the City considered too small. There is also the "Pump Out" issue and sticker program.

Commissioner Krauskopf wants the support of "Boats USA" and suggested we "personalize our situation with photographs off the fish walk and in that area" noting we want people to safely come and go with enough room to maneuver.

City Attorney Durham said FWC wants the pump out issue codified in the ordinance and he felt it was more of a policy decision and drafting decision. He said the County and City have tried to adopt general Resolutions or other policies. FWC is probably looking at this to be a regulation of code. For us we want it very broad as a statute. He also noted the sticker program was “another source of heartburn” with FWC staff. He noted the city is working with FWC to come to an agreement on the drafting.

Krauskopf said it is important that we continue “our cooperative effort” with Martin County, because that is what sold this issue to FWC.

17. Discussion on Sailfish Ball Park.

Commissioner Glass Leighton and Jim Chrulski of Stuart Community Services reported on a stakeholders meeting regarding use of \$4.4 million left over from the County’s ½ cent sales tax for park development. Commissioner Glass Leighton said it appears the County is interested in leasing Sailfish Park ball fields for 15 years and in turn take over a portion of the operating cost, and also contribute and help the City redevelop Guy Davis Park.

Vice Mayor Clarke questioned the cost of maintaining Sailfish and asked how much the County is willing to put into it.

Commissioner Glass Leighton noted that there were 34 fields Countywide 5 of them are in the City.

Steve Provines on behalf of Martin County North Little League and agreed with Glass Leighton that the “key to the issue” is Sailfish Park where their league has been maintaining Sailfish spending around \$60,000 a year. He expressed concern over the budgetary constraints and the future on the league.

Jeff Chamberlain noted that they love Sailfish Park. He expressed concern over losing Sailfish Ball Fields, if the City decides to close them. He stated that if that happens the City should replace them at Guy Davis Park with the Sales Tax funds. He noted there were 5 baseball teams and 1 softball team at 10th Street Center. Spoke on Statistics were quoted noting of the 565 kids in their program 14% live in the City of Stuart. If Sailfish Park is closed, the four fields need to be replaced at 10th Street. He recommended the City long term lease the Sailfish Fields to Martin County including maintenance or replace those fields at 10th Street if the City wants to turn the current Sailfish property into something else.

City Commissioners discussed the item, and directed the City Manager to meet with County Management Staff to discuss the matter, and report back to the City Commission at a later date.

ADJOURNMENT: 7:27 pm

ATTEST:

Cheryl White, CMC, City Clerk

James A. Christie Jr., Mayor

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