

**MINUTES OF THE REGULAR MEETING OF THE CITY OF STUART
COMMUNITY REDEVELOPMENT BOARD HELD IN CITY HALL, 121
SOUTHWEST FLAGLER AVENUE, STUART, FLORIDA ON TUESDAY,
APRIL 7, 2009**

Those present: Frank Wacha, Jr., Chairman
David Collier
Donald Komara
Gene Rifkin
Samia Ferraro

Those absent: Patty Henderson
Pete Walson

Also present: Doug James, Development Director
Dottie Zaharako, Financial Services Director
Terry Iverson, Purchasing Manager
Teresa Lamar-Sarno, CRA Coordinator

I. CALL TO ORDER: Chairman

Chairman Wacha called the meeting to order at 4:15PM

II. ROLL CALL: Secretary

Those answering roll call and others present are referenced above.

Public Comments:

Leo Repetti with Kimley Horn & Associates said he has been working with Teresa Lamar-Sarno to help her with parking needs in the City. He said he is a 30 year resident of Martin County and has some ideas to share with the City regarding downtown parking. He thought an inventory of parking should be conducted first then look at high demand areas and conduct a parking demand study. He said they could look at missing pedestrian links and ADA plus the need for a parking garage and where it would be located.

Board Comments:

Dave Collier asked Terry O'Neill if there was a parking study done and said they believe Kim Delaney worked on one in the late 90's. He said some of the points brought up are useful but believed Staff could do some of the work. He said he thought they were moving in a direction of where to put a lot and thought they had enough information to do that. He encouraged Staff to continue the march and thought the CRA Coordinator and Development Director should work on it.

III. APPROVAL OF MINUTES: March 3, 2009

MOTION: Samia Ferraro
SECOND: David Collier

Motion carried 5/0

1. 2008 CRA Annual Report

Presentation: Robin Lemay, CRA Division Assistant

Public Comments:

None

Board Comments:

Samia Ferraro said on Page 6 which outlines the financials, she did not understand “other financing sources”. She thought the general public should understand the details.

Robin Lemay explained what the items were.

Samia Ferraro asked why they were not itemized.

Gene Rifkin said she also questioned that.

Don Komara asked why they wouldn’t be under Revenues and Expenditures.

Dottie Zaharako said it was copied from the audit report but said since it was not accompanied by an auditor’s opinion they could probably itemize it.

Chairman Wacha asked what “economic and requirement” were.

Dottie Zaharako said it was extracted from the CAFR report and it was an accounting label.

Dave Collier said he was happy with the report.

MOTION: Dave Collier moved to accept the 2008 CRA Annual Report

SECOND: Gene Rifkin

Motion carried 5/0

2. Review of Draft RFP for Infill Development and Adaptive Reuse

Presentation: Teresa Lamar-Sarno, CRA Coordinator

Public Comments:

None

Board Comments:

Don Komara questioned selection criteria and said it seems to exclude anyone from this town if it's weighted at 30 points. He didn't think any realtors in this town had worked with other municipalities. He thought that only someone local should do this. He said he had responded to many RFP's and had been disqualified by requirements like that. He thought knowledge of this community was very important.

Chairman Wacha agreed with Don Komara.

Gene Rifkin asked exactly what they are looking for, a realtor or a consultant like MSCW. She said that the MSCW Report covered some of that.

Teresa Lamar-Sarno replied that they were looking for a firm that did that type of analysis which is a group of economists, urban designers etc.

David Collier said this wasn't about a real estate person who knew the community. He said it came after the consultant's study that mentions some properties and it was to make sure they list all properties with potential for future redevelopment and by acquiring adjacent properties they could build large enough parcels that will guarantee redevelopment when the economy improves. He said it was put together for someone who could look at the big picture to compile several properties for redevelopment and when those are found and agreed to then they would come back to the board to say here are potential properties for acquisition and the reason they are priorities is we think that by acquiring this property they have a greater chance of redevelopment by the acquisition of adjacent properties. He said that this basically meets that goal.

Chairman Wacha said that if they kept this type of weighting system they would get boilerplate. He thought the cost of service should be a little more important. He thought B should be the most important in terms of selection criteria and thought the cost of service should be more important because money is scarce.

Don Komara said the term Real Estate Consultant Services sounds like you're looking for a realtor.

Dave Collier agreed and thought they should look for a different term to describe it.

Gene Rifkin suggested Land Acquisition Consulting Services.

Dave Collier suggested the term for acquisition of property with redevelopment potential.

Chairman Wacha said that when they propose an acquisition, he wants them to be able to explain why it would work.

Dave Collier said to take 10 off A and add it to B.

Terry Iverson said that in accordance with state statute, professional services are defined specifically as engineers, architects, surveyors and landscape architects. Outside of those professions, you can't ask for cost. He said one of the reasons they do it this way is so cost is not the determining factor.

Teresa Lamar-Sarno clarified what she heard: Selection criteria A the terminology is changed from real estate consulting services to reflect more of what the general comments are and Weighted Value A is 20 points, Weighted Value B is 40, C, D and E stay the same.

Chairman Wacha said as long as B is 40, that is what is important to him. He asked if the scope of services page is chronological because one and three concern him.

Teresa Lamar-Sarno said it is the first step and the ad-hoc committee that Dave referred to would establish their criteria from that point.

Gene Rifkin asked if they would do that before they look at inventory.

Teresa Lamar-Sarno said if they get the RFP's in, they would lay out how they want to do it.

Chairman Wacha said they should put 1, 2 and 3 together.

Teresa Lamar-Sarno said they could do that.

Samia Ferraro suggested that she bullet them.

Don Komara said that she should put potential availability of the properties somewhere in there because in MSCW's analysis, one of their suggestions was East Coast Lumber which isn't going anywhere.

Samia Ferraro said David Collier brought up some very clear points and shouldn't they put in a section called "purpose" to summarize what they want and the reasons they want it.

Teresa Lamar-Sarno said they would include that in the scope of services.

Board agreed that there should be a purpose added in.

Don Komara questioned the need for errors and omissions insurance.

Terry Iverson said they sent this to their insurance company who suggested adding it.

Don Komara said it's expensive and it says it needs to be carried for the length of the contract.

Terry Iverson said there is language that could be used

Don Komara said that we would be paying for it.

David Collier asked Terry Iverson if he would send that to the Board.

Gene Rifkin questioned the language that the “applicant not contact the board, staff etc...”

Terry Iverson replied that it was typical language.

Gene Rifkin said on page 10 section 3 there is a typo with out of pocket expenses.

MOTION: Dave Collier moved to direct staff to proceed to take the approval for RFP and Infill development subject to a five day delay to allow them to review their insurance firm’s recommendation on liability.

SECOND: Don Komara

Motion carried 5/0

VERBATIM MINUTES BEGIN HERE

Board Comments:

Dave Collier: I really don’t know I don’t think there is any action we can take as a group but I would like to see the feeling of this group on a subject that and when I say feeling maybe the feeling of the importance of the issue. I find that the action that has been taken by the DBA and its coming directly at the City Commission and the CRA and the City Government to basically demand a role in approving events that are held in downtown to be something that is potentially very destructive of the cooperation that has existed here between the various groups involved in the CRA area that goes way back to the time when Joan Jefferson was here and they were moving on the work that was done downtown in the way the infrastructure improvements which would have been ’87 or ’88 at least at the time that it was approved Mainstreet clearly has a long history of service to the City and a goal which is clearly in line with the goal of this group and the CRA which is making sure that the downtown area and the CRA area the Mainstreet area is flourishing and all. I don’t have any solution to the problem, I wouldn’t be directing Dan to look at this or look at that because I think he certainly is closer to the issue but I think for this group to come out basically and say “we’re concerned about the manner in which the DBA is stating their problem and the potential for divisiveness over a period of time that could damage the CRA and maybe just leave it at that. I just thought it was an important thing, it didn’t get much coverage in the newspaper but it has the potential to lead to gradually unraveling a whole bunch of cooperative efforts that have gone on for years and I think may of us have been involved for years. I say that and I’d really like to have your views on it.

Gene Rifkin: I’m just not sure what to do about it.

Dave Collier: I didn’t say that we were giving a plan of action on what to do, I’m saying to express the concern which I feel is that the DBA at this point has taken an action that is potentially very disruptive and damaging to the cooperation that is necessary within organizations that work together in the CRA and that concerns the CRB period. It doesn’t say how we solve the problem, it says that their action concerns us and we hope that whatever solution comes up is one that takes into mind the fact that there is a long long history here of working together and this is not an example of working together any way you describe it.

Don Komara: The action they've taken is to demand a say so in events that happen downtown and that action are they trying to prevent events from happening in the downtown?

Dave Collier: I don't want to get into the details because I'm not sure even they know exactly what they want but its very clear that they want approval authority for any events held downtown under the theory that they're businesses may be damaged and they should have the right to approve or disapprove any events held on the public right of way downtown.

Gene Rifkin: How would they get that kind of authority, that's the City's responsibility.

Don Komara: That's right.

Dave Collier: I'm not saying they have it, I'm saying that's basically what they're asking for and I go back to it's more the manner that they're asking for it and their harshness that concerns me it is what they're asking for. If they ask for it in a tone like I just used I wouldn't be discussing this. What I'm discussing is the fact that there is a potential for a breakdown in the cooperation of the organizations that are key to the effectiveness of the CRA and we should be concerned about it.

Don Komara: Well it seems though they shouldn't be demanding anything and they shouldn't have veto power what happens downtown, but they ought to have a voice.

Dave Collier: Once again I'm not debating that issue, what I'm saying is the way they've approached it is to go to the newspapers with the statement of what they are going to demand and come to the City basically and saying here's a list of signatures, do what we want to do. They put it in that kind of a tone, that's the only thing I'm saying and Dan you may have something you may want to say because you're a lot closer to it but I think it would be useful to the CRA to know that this group is concerned, doesn't have a solution, doesn't know all the bits and pieces, but definitely has a concern that this has a potential for damaging the cooperation and good will that is necessary if we are going to have a functioning CRA.

Gene Rifkin: Have you been approached at all Dan?

Dan Hudson: Oh yes.

Gene Rifkin: Well tell us about that.

Chairman Wacha: I don't understand the CRA if they have this rift I mean I just don't it seems like there is business organizations and the CRA which has it's job as revitalizing areas and how would it damage it? I understand what they did.

Dave Collier: If I say to you I don't really think on the agenda that you move very effectively and you weren't paying attention and I didn't get a chance to speak when I thought I would there is no reason you get up and you say why don't you go but if I say

to you damn it I'm demanding that when I want to be on the agenda I be on the agenda what would be your reaction. That's the difference in what's going on here.

Gene Rifkin: I would like to hear what Dan's experience has been in terms of being approached.

Dan Hudson: Well, does everybody know whets being discussed here? There was an article in the newspaper. I think the newspaper article was an accurate representation of what has been going on. You didn't see the article? Basically without offending either of the parties there is basically I'm going to characterize it as a feud that's going on between Stuart Mainstreet and the DBA.

Samia Ferraro: Is it individuals?

Dan Hudson: No, it's on an organizational level although some individuals have taken very strong opinions on it so I've actually moderated or attempted to moderate two meetings between the two parties over the course of the last couple of months and unsuccessfully unfortunately and the most recent turn of events that Dave is referring to is the DBA has now filed a petition with the City that basically says (I think we went to get the wording on the petition so we could have that for you) but it basically says that the City should not approve any other group, presumably meaning Stuart Mainstreet from holding events in the downtown area, meaning the Osceola venue, unless there is some type of consent from the DBA. I don't remember the exact wording, we went to get that so that's kind of Friday a week ago we got that just before I went on vacation so we're kind of sorting through what to do with that.

Gene Rifkin: They have no right to ask for that, do they?

Dan Hudson: Well it's not a question of that, they have the right. I think Dave's point is that if there is going to be a discussion or debate it needs to be carried on in a productive manner. You know I have people, merchants who are threatening to have themselves arrested if the streets are closed.

Samia Ferraro: Really? Civil disobedience.

Dave Collier: They're going to chain themselves to a flower pot.

Chairman Wacha: Hey sometime people have to.

Dan Hudson: Yes, I have attended meetings that were actually, you know I wasn't running the meeting, but it was very poorly conducted and very unprofessional.

Gene Rifkin: What is the main source of discontent? Is it the money?

Dan Hudson: It's an argument over money. There's been a traditional profit sharing between Stuart Mainstreet and the DBA on events that are held downtown basically the Stuart Mainstreet gets about I'm going to say roughly 10% of the net profits of whenever an event is held is distributed to Stuart Mainstreet and then they in turn distribute half of

that historically to the DBA so that each gets about 5% of the proceeds and Stuart Mainstreet is experiencing financial difficulties right now mainly because Dancing in the Streets has lost money for at least two years they've lost money and this past year I don't think it lost money but it was barely kind of a break even so they're in a position where they Stuart Mainstreet felt that they needed to take action to protect it's own finances and so they made the decision that basically they wouldn't be able to share the profit anymore so we were actually able to kind of work through and interim solution so that we could have the art show down here in February so we kind of worked them through that. It was actually starting to stir before the art show happened.

Gene Rifkin: Is that the only event that they share proceeds with?

Dan Hudson: No they've shared event proceeds on all of the events including like there's a craft show that comes up in the spring, then Dancin in the Streets there's been profit sharing historically. Not the, it's the Howard Allen Art Show is the one, not the one that the Arts Council produces so that's basically the dispute in a nutshell.

Chairman Wacha: Money.

Dan Hudson: Yes and you know obviously in the case of the art show and the craft show that is coming up next month the promoter is kind of caught in the middle and he's calling us every day now so trying to figure out what to do so it's actually taken on a lot more staff time for lack of a better word and something that's basically

Dave Collier: The DBA is pulling this. They're contacting the promoter saying we'll take a smaller share of your profit than the deal you've cut with Mainstreet and that's what really brought me to this. This kind of nastiness and sort of maneuvering is damaging to the overall role that we've had for years in downtown. It's never reach a level like that before and I think it's wrong.

Dan Hudson: I'm sad to see it obviously. I hate to see the feud or dispute or however you want to characterize it going on. Going back to Dave's original comments, kind of what I was thinking is maybe if you wanted to send a letter just putting a positive tone on it we could suggest that you might want to do something maybe from the Chairman just encouraging a spirit of cooperation and attempting to work through the differences in a professional manner.

Chairman Wacha: And how the events are good for the downtown.

Dan Hudson: Well yes and that seems to be what's lost sight of is that it's done for the promotion of the downtown but at the same time there is at least a legitimacy in their concern is that if I have private merchants on private property saying they're being denied access to their premises or customers are being denied access you know I have to give real credibility to it.

Chairman Wacha: A suggestion that last time I was walking though the last event that occurred here, a suggestion that I was thinking and maybe it's a good time to do it since we're talking about it would be to have the booths back to back so you create two rows that are along the sidewalk that are a much wider row.

Dave Collier: Can't do it because there is a fire requirement and the way it's laid out now its wide enough for fire engines to come down the street with the tents on either side.

Chairman Wacha: I was thinking I felt for what was going on there and that was a concern as I walked around that there was an issue there.

Don Komara: Why can't they be located right we always do but turn them around to face the sidewalks.

Dan Hudson: But that doesn't really solve the problem. The problem is there's an argument over the funding and you can't point the tents in any direction.

Chairman Wacha: Well no, it would make a difference because the access would draw more people to the businesses.

Dave Collier: You're jumping to the issue of what color hat to wear when the real issue is should you wear a hat at all. It's simply a matter of the way they've approached this. They have right on their side, I'm not saying that they don't have issues that need to be discussed out like the issues of the events but the approach their taking is they want absolute control and their tone in asking for it was not one of we think this would be a nice idea it's we want this period.

Gene Rifkin: What kind of money are we talking about?

Dan Hudson: For the art show in February.

Gene Rifkin: Total year.

Dan Hudson: I'm not sure, let me ask Bernie.

Bernie Malone: It's based on revenue, could be \$12-\$15 thousand dollars.

Gene Rifkin: Dancin in the Streets hasn't earned anything for the last 2-3 years so the total you're saying to the DBA is like \$15,000.

Bernie Malone: \$12-\$15,000.

Gene Rifkin: There ought to be some way of compromising.

Don Komara: Well you know maybe its time to get a real moderator in.

Dave Collier: Not with these people. I've seen what Dan has had to go through or heard about it and I wouldn't want to do that on a bet. These people almost lose it I mean that's how emotional its become for them and I have to say Dan I think it isn't just money I think they're certain or one or two people in the DBA organization who over time have decided that these events are a personal affront to them and they see a loss of their business even if the numbers don't prove it, they see it and they have actually turned at a

certain point and said I've had enough and what's happened is that allowed people in the past who have been able to be controlled for want of a better term the loudest mouth in the organization suddenly are being released like pit bulls being let off the leash and you're seeing Mainstreet representatives taken on like somebody who got in the yard with a pit bull. We've never seen like that before, that's why I'm saying some effort on our part and I think Dan's got a good point to say, "hey wait a minute there's a bigger picture here than what you're doing and what you're doing has a potential for really damaging the kind of good will that keeps the groups functioning in downtown and working together that's all.

Samia Ferraro: Generally I don't like to get involved in these kinds of things where its other parties but I think a positive letter would be a good idea. Is there a downside to that? First of all it probably won't work but I wonder if there is any downside that anyone has thought of to us even getting involved in it at all by writing a letter.

Dan Hudson: I can't think of a downside no.

Samia Ferraro: Then I don't have a problem with it.

Gene Rifkin: I don't either.

Dan Hudson: You know I think it would communicate to the downtown merchants there is a larger audience here.

David Collier: said it was a matter of the way they approached it. They want absolute control and demanded it.

Don Komara suggested a moderator.

Dave Collier: And I think it would also communicate to the City Commission who would get copies of the letter that we had a concern and we hope that we can work it through.

Chairman Wacha: Who are we sending the letter to? Is it two organizations?

Dave Collier: No, you didn't hear me. If the letter goes to the DBA organization from us, copies will go to the CRA members.

Chairman Wacha: No, but I'm asking who are we directing this letter to.

Dave Collier: One organization, the DBA.

Don Komara: Who is writing this letter?

Chairman Wacha: I would think that we should send the letter to both organizations just as a positive thing.

Samia Ferraro: I do too.

Dave Collier: I would vote against that and I wouldn't be a part of it because what you've got here is you've got one organization that's done its very best to work through this and another organization whose been like a pit bull attacking a ten year old and that's what I'm talking about. I'm not talking about the issue of negotiating; they should be able to negotiate. What I'm talking about is a style that is so disruptive of coordination and there's only one party in this group that played that kind of style. Talk to Amy Pearlstein, if you know her she's one of the gentlest people you could think of in a position of leadership in an organization, she was pilloried by them, screamed at. I ask Dan he sat through two efforts to moderate, wouldn't you think that's an accurate description of the difference between the two organizations.

Dan Hudson: You know I mean the City's position on it is basically that we have two independent organizations that have a dispute that the City is having to moderate because it involves the use of public right of ways.

Dave Collier: I understand that but at the same time the mannerisms and style used by one organization in this dispute has a potential for damaging the cooperative efforts that kept downtown moving in the correct direction and it's basically like this little thing we have here the Pledge of Civility (which he read). And that's what I'm talking about.

Samia Ferraro: You know I agree with you and I hear where you're coming from but I think if we're going to send a letter that has a positive spin to it kind of like why can't we all get along then it really doesn't hurt to send it to both groups and not finger point at one group because that would make them even more angry.

Dave Collier: I don't think you can make them more angry than what they are.

Gene Rifkin: Ultimately who is going to decide whether their petition will be granted?

Chairman Wacha: The City Commission. The City Manager has responsibility for approving street closures. And you know since you brought up the point, I've held off giving my speech in this group but since you're here I'm not a fan of street closures I think it's a disruption to normal commerce and the normal conduct of public business and there are life safety issues and I've kind of tolerated them in my tenure here because these are historic events that have always been conducted in the downtown but candidly if there's going to continue to be feuds over it my inclination is going to be not approve these events.

Dave Collier: And that's exactly why I brought up what I did. I'm not looking for a discussion of street closures what I'm looking for is a style of entering into a debate that's divisive and has the potential for damaging the cooperation that makes the CRA work. Stop right there, if you ask me right now what do I think about street closures I may be very close to what Dan has said because sometimes the best fight is to get away from the issues that have been causing the trouble but I'm not saying that I'm saying the problem is one group has taken a style and mannerism on that has the potential to be very damaging to the cooperation that has always been in existence between the various groups in the CRA that work toward helping the CRA get better all the time, that's all. I stop right there.

Gene Rifkin: It's obviously a very emotional issue for anyone involved. Maybe the best tack is Arts Fest did beautifully down in the park.

Dave Collier: Once again you're going to the event. I'm not talking about that.

Gene Rifkin: But it's a solution also Dave.

Dave Collier: The solution comes at another time. Civility comes right now.

Gene Rifkin: I don't know how we have the authority to comment on civility especially when none of us has been present for you know these insults and meetings and so forth.

Chairman Wacha: Well we could certainly draft a letter that says that we're concerned about the effect that their inability to get along and act civilly could have on activities in the downtown but I think we have to send it to both organizations.

Dave Collier: I agree with that. It'll carry a different message to the two groups when they get it. That's fine, lets go ahead.

Chairman Wacha: I can see where we could do that as a CRB board, you know it would be a positive thing that we're trying to do to protect the semblance of events downtown. I'd like to see the Pledge of Civility right here included in that letter.

Dan Hudson: I was thinking the same thing.

VERBATIM MINUTES END

Don Komara said he is regretfully resigning from the board.

Gene Rifkin hoped his replacement would be someone with an architectural background.

Chairman Wacha said it seems like their CRA plan has an item that is missed which is an endgame. He said it seems like they should find projects, get them done and move on. For example: Potsdam. He said if you go in there put things in that are needed and say to the property owners that there is a certain amount of time to get the projects done and if it's not the money should be put elsewhere.

Dave Collier said that in order to get that done, the incentives would have to be great enough.

Chairman Wacha said he was not sure how to go about it, but wants the public and private sector to work together not the just the private sector wanting the public sector to feed them all the time.

Samia Ferraro said his point is very well taken but somehow figure out a way to create an incentive through public and private partnerships. They should take his idea and talk to people who know how to do this.

Staff Comments:

Teresa Lamar-Sarno said there has been a change in plans for the bathroom construction. There were several issues with the original site so it was move to the side of the City Hall building. She spoke to Brenda Lee who is finalizing the drawing in June or July and starting in September due to the heat. She received the tree survey from Sam Amerson and will email it to them. He categorized the trees in the CRA area. She said next month Kim Delaney will do a presentation on what other CRA's are working on, they will have an agenda item regarding the transportation and parking study and the police department will supply a report on how they have been meeting the CRA's vision and goals. In May they will see the CRA budget as a discussion item and finalize it in June.

Dave Collier said to ask Sam Amerson to come to the next meeting to discuss the tree survey.

IV. NEXT CRB MEETING:**May 5, 2009****V. ADJOURN:****MOTION:** Don Komara**SECOND:** Samia Ferraro**Motion carried 5/0**

Chairman Wacha, there being no further business before the Board the meeting is adjourned at 5:58PM.

APPROVED**RESPECTFULLY SUBMITTED**

Frank Wacha, Jr., Chairman

Michelle Vicat, Board Secretary