

**REGULAR MEETING OF THE STUART CITY COMMISSION  
HELD ON MAY 13, 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  
Commissioner Jeffrey A. Krauskopf  
Commissioner James A. Christie, Jr.**

**ADMINISTRATIVE**

**City Manager, Paul J. Nicoletti  
Acting 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. PRESENTATION: Performing Arts Moment- Joe Bradley, Classical Guitarist to perform music composed by Matteo Carcasi and Leo Brouwer.**

Joe Bradley performed two classical songs composed by Matteo Carcasi and Leo Brouwer.

- 2. PRESENTATION: Rotary Club of Stuart "Service Above Self Awards"**

Rotary Club President Matt Melendy, presented Service Above Self Awards to Police Officer Bill McGeighan and Retired Fire Lt. Brian Nethers.

- 3. PRESENTATION: City Manager Special Presentation**

City Manager Nicoletti announced that the Father's Day Council in Partnership with the American Diabetes Association named Chief David Dyess as "2013 Father of the Year".

Chrissy Cohen Associated Director of the American Diabetes Association came forward on behalf of the National Father's Day Council and the American Diabetes Association to Thank the City of Stuart Commission, and City Manager for recognizing Chief Dyess as a "2013 Father of the Year".

#### **4. PRESENTATION: Centennial Task Force Kick Off.**

Mary Hutchinson and Samuel McHardy, came forward and kicked off the Centennial Celebration.

Sandra Thurlow came forward and did a PowerPoint Preview Kick Off of the History of Stuart to the Commission and public. She presented copies of her Book to the City Commission and City Manager and City Clerk.

Sandra Newman, Vice Chair Centennial Task Force came forward and announced that the Centennial Task Force is looking for the entire community to get involved with the Celebration.

Mary Hutchinson recognized Centennial Task Force Member Virginia Sherlock who was present. She announced a "100 Photographs in 100 Days" as the official kick off for the Celebration, beginning May 20, 2013. She invited people to look for old photographs of Stuart and submit them to the Task Force. The photos will be used for various things such as a photo book. She presented the Commission with Centennial T-Shirts.

City Manager Nicoletti asked the Commission to adopt the Centennial Logo.

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL TO ADOPT THE CENTENNIAL LOGO  
SECOND: COMMISSIONER GLASS-LEIGHTON

City Manager Nicoletti said he will be licensing the logo for non-commercial uses.

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL TO ADOPT THE CENTENNIAL LOGO AND ALSO HAVE IT LICENCED FOR NON COMMERCIAL USE.  
SECOND: COMMISSIONER GLASS-LEIGHTON  
MOTION APPROVED UNANIMOUSLY

#### **5. PROCLAMATION: Proclaiming East Stuart Centennial Celebration**

Commissioner Christie gave a brief history of East Stuart and its very diverse culture.

Ms. Washington and Mr. Harvey came forward and graciously accepted the Proclamation on behalf of the East Stuart Main Street.

They announced an upcoming event to be held on May 18, 2013 at the Blake Library entitled "Remembering Our Roots" coordinated by Willie Jay Thompson.

**6. PROCLAMATION: Proclaiming May 4-12<sup>th</sup>, 2013 as Stuart Tourism Week.**

Martin County Tourism Executive Director Rozeta Mahboubi came forward and graciously accepted the Proclamation and presented a short video of Tourism and What It Means To Me.

**7. PROCLAMATION: Proclaiming May 18-24<sup>th</sup>, 2013 as National Safe Boating Week.**

Jim Stone Commander of Coast Guard Auxiliary Flotilla 59 came forward and graciously accepted the proclamation and thanked the City for their support. The Commissioners were all wearing live vest in support of National Safe Boating Week, and encouraged all to be safe on the waterways.

Mr. Stone advised everyone that May 17, 2013 is "Wear Your Life Jacket to Work Day".

**8. PROCLAMATION: Proclaiming May 19-25<sup>th</sup>, 2013 as National Public Works Week.**

Sam Amerson, City Public Works Director came forward and graciously accepted the Proclamation.

**9. PROCLAMATION: Proclaiming May 19-25<sup>th</sup>, 2013 as Water Reuse Week.**

Dave Peters came forward and graciously accepted the proclamation on behalf of the Public Works Department.

City Manager Nicoletti announced that Mary Kindle was named Outstanding Service Award in appreciation for her work to educate the citizens of the value of the Clean Water Environment. Also the Florida Water Environment Association announced Dave Peters as the winner of the Public Education Award.

He also stated that many professional staff members of the City are very involved with their professional organizations and has turned out to be an honor for the City of Stuart to have such highly involved City Employees.

**COMMENTS BY CITY COMMISSIONERS**

Vice Mayor McDonald noted an e-mail from a resident of Robalo Ct. extending kudos to Dave Peters and staff for professionalism in putting in sewer system.

Mayor Clarke commended the May 8<sup>th</sup> Colorado Corridor ribbon cutting took place. She also asked for an update on the cracked wall mural at Gusto's. She also noted help is needed for funding of 4<sup>th</sup> of July Fireworks. She asked for an update on the Lyric RFP, and City Attorney.

## **COMMENTS BY CITY MANAGER**

City Manager Nicoletti said the Flagler Center bids were opened last week, and there were four bids. The staff committee has met and an item will be presented at the next meeting to reject the bids. He noted the City Attorney position produced 12 applicants and the committee has narrowed it down to 5 and hopes to bring 3 final applicants to the City Commission for consideration at a later date.

Chief David Dyess presented a picture to the Commission and Public showing Captain Bill Pecci who is in Washington DC attending a memorial honoring the only City of Stuart Officer killed in the line of Duty in 1913, Constable Walter Wrenn Ball. He also announced that Wednesday at the Martin County Sherriff's Office there will be a Police Memorial in honor of Peace Officers Week.

## **APPROVAL OF AGENDA**

MOTION: COMMISSIONER GLASS LEIGHTON; MOVED APPROVAL OF THE AGENDA  
SECOND: COMMISSIONER CHRISTIE  
MOTION APPROVED UNANIMOUSLY

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

Helen McBride concerned over the comments made by Airport Manager at the County Commission Meetings saying the City has agreed to the plans by FAA to remove trees from 18<sup>th</sup> Ct., install a berm and give up the road to FAA.

The City said they would watch the video of the County meetings.

## **CONSENT CALENDAR**

- 10. Motion to approve minutes of; 04/08/2013, 04/22/2013 Regular Commission Meetings; 04/08/2013, 04/22/2013 Special Commission Meetings; 04/09/2013 Joint City County School Board Meeting; 04/22/2013 Joint City Commission, Community Redevelopment Agency & Community Redevelopment Board.**
- 11. RESOLUTION 47-2013: Approve the award of ITB No. 2013-282, Drainage and Maintenance Improvement Projects, to the most qualified bidder, J.H. McGregan & Sons, Jensen Beach Florida in the amount of \$82,230.56, for improvements at Poinsettia and Fern Avenues .**
- 12. RESOLUTION 48-2013: To authorize Budget Amendment #8 and transfer and expend funds in the amount of \$4,425.00 to improve Emergency Medical Services by the purchase of an oxygen filling station .**

**END OF CONSENT CALENDAR**

MOTION: COMMISSIONER CHRISTIE: MOVED APPROVAL CONSENT CALENDAR

SECOND: COMMISSIONER GLASS-LEIGHTON

ROLL CALL

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

Mayor Clarke noted that the April 22, 2013 Special Commission Meeting included a Quasi-Judicial Matter and asked if there needed to be something specific to the item such as notice as to the finding.

City Manager Nicoletti noted that he is putting together a formal order together.

**COMMISSION ACTION**

- 13. RESOLUTION 46-2013 (Quasi-Judicial) Authorization to approve a Special Exception to Andrea Zotovas, South Florida Pain Management Clinic, tenant at 900 SE Ocean Blvd, Stuart, Florida, to permit a Pain Management Clinic.**

Cheryl Jordon 900 East Ocean Blvd Suite 215 expressed concern that as a property owner she never received a formal notice regarding the hearing.

Interim City Attorney Kilbride asked if she was the official property owner on record.

Ms. Jordon stated she was and was within the same building for notice requirements.

City Development Carley Aubrey, Project Planner II stated that public notice was mailed to the Condo Association, not to each individual property owner.

Mayor Clarke noted there is an issue with public notice and asked that this item be tabled.

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL TO TABLE THE ITEM TO JUNE 10, 2013.

SECOND: COMMISSIONER GLASS-LEIGHTON

MOTION APPROVED UNANIMOUSLY

Mayor Clarke asked if the applicant was here tonight and asked if she understood the action of the Commission. She also asked the City staff and applicant to work with the Interim City Attorney to assure proper notice is met.

Dr. Andrea Zotovas came forward and noted she understood the action of the Commission. She apologized and would work with the City.

**ORDINANCE FIRST READING**

- 14. ORDINANCE 2255-2013 (FIRST READING) Providing for amendments to the Property Maintenance Code regarding the parking and storage of Aircraft, Vessels and Vehicles.**

City Manager Nicoletti gave a brief update of the proposed Ordinance.

Dan Bogan, Code Enforcement Supervisor gave a brief overview and update to the Commission and public regarding the proposed Ordinance.

MOTION: VICE MAYOR MCDONALD: MOVED APPROVAL OF ORDINANCE 2255-2013 OF FIRST READING

SECOND: COMMISSIONER GLASS-LEIGHTON

ROLL CALL

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

**ORDINANCE SECOND READING**

- 15. (CONTINUED FROM APRIL 22, 2013)  
ORDINANCE 2258-2013 (SECOND READING) Expanding the “OLD DOWNTOWN (WAIVED PARKING) DISTRICT” to include (6) six parcels on the North Side of SW Seminole Street between SW Saint Lucie Avenue and S. Colorado Avenue; Providing for the deletion of conflicting language regarding the City’s Payment-in-Lieu of Parking (PILOP) program; Providing that exemptions to parking requirements in the old downtown district do not apply to any use of a property’s exterior premises which generates additional parking demand.**

City Manager Nicoletti gave a brief overview of the proposal by the City to expand the waived parking district to include six properties on Seminole Street from St Lucie Street to Colorado Ave. The property owners are all in agreement and the City has been working with them on a lease or riparian rights agreement in order to expand the Riverwalk through that block as well. This is second reading and noted that he was ready to proceed with second reading.

Commissioner Krauskopf noted that he had received a request from Dr. Connolly suggesting the South side of St Lucie be included and in the absence of that, he would object to the proposal.

Terry O’Neil stated that this item was also presented to the Downtown Business Association and was well received. He also noted that approximately 250+ notices of the proposed Ordinance was mailed to the surrounding property owners, as directed by the Commission at first reading.

Commissioner Christie also received the email from Dr. Connolly and also understood that he would be for the proposal if his property was included if not then he was not in favor of the proposal.

Armond Pasquale expressed concern over the proposal and stated he felt it would bring more noise and compound the already bad parking situation. It will increase traffic problems, and was opposed to the plan.

Mike Gorman, 105 Seminole Street came forward and said that he did not have a problem with this but wanted fairness to all residents regarding a waiver of parking. He said they should be entitled to the possibility of the full development of the values of our property as well as other people. He said that his taxes are very high and in and around his property the City has never done anything in the 35 years that he has been there. He said in other sections of town there are pink sidewalks period lighting, and said SE Seminole there is nothing. He is not objectionable but asked for fairness to the same waiver.

Commissioner Krauskopf said he recalls improvements for that area are in the plan for pink sidewalks and period lighting sometime in the future.

Cathy Wyckoff owner of 41 Seminole Street, 7 Mermaids , came forward and agreed the street does not need more bars but also agreed that the street needs to be beautified with decorative lighting, and make it walkable. She is looking to begin a foundation 5013C and invited everyone to the 7 Mermaid house to see the magnificent view and in trade for the riparian rights she invited the expansion of the Riverwalk.

MOTION: VICE MAYOR MCDONALD: MOVED APPROVAL OF ORDINANCE 2258-2013 ON SECOND READING WITH ANY SCRIVENERS ERRORS CORRECTIONS NEEDED TO THE WORD ST LUCIE  
SECOND: COMMISSIONER GLASS-LEIGHTON

City Manager Nicoletti noted two typos in section F-3 C, and D and will be corrected to read St Lucie Avenue.

ROLL CALL

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

Terry O'Neil asked that the included Riparian Rights agreement be adopted by the Commission to give permission for execution by the Mayor.

MOTION: VICE MAYOR MCDONALD: MOVED APPROVAL OF RIPARIAN RIGHTS AGREEMENT  
SECOND: COMMISSIONER GLASS-LEIGHTON

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

City Manager Nicoletti noted that the City staff has applied for a FIND Grant for the Boardwalk but won't know the outcome until sometime later.

**DISCUSSION & DELIBERATION**

**16. Palm City Road Conceptual Enhancements and Area Plan to Reduce Traffic Volume.**

Joe Capra, Captec Engineering gave a visual presentation to the public and Commission regarding the various proposals for Palm City Road.

Mayor Clarke asked for the true traffic numbers, and suggested signalization, no thru traffic and no thru trucks, unless it's for local and may take some of the traffic off Palm City Road. She wanted to see it come back to total residential.

Commissioner Krauskopf noted he was not in a hurry to worry about the County and Willoughby Road and also does not believe that we need to wait to see what the new Indian Street Bridge and its impact on the traffic. He did say this is the shortest cut from US 1 to Palm City and until you reduce the volume, then you can begin to focus and return it to a residential street that it was, then you can begin to focus on doing the improvements. He asked, what is the single biggest thing that can be done to reduce the volume on that street, besides having a full time police officer stand on the street.

Joe Capra said that we need to stop the traffic coming from US1 South, elimination of the hot right, which DOT does not approve of. He said it is their decision and the most effective way to reduce the volume on Palm City Road.

Vice Mayor McDonald agreed with Commissioner Krauskopf. He agreed to the elimination of the hot right and would be the most cost effective. He is not opposed to lowering the speed limit, and seeing more enforcement. He said he did not care for the speed bumps.

Commissioner Glass Leighton recommended moving forward with the most cost effective plan by getting permission from DOT to eliminate the hot right turn.

Commissioner Krauskopf asked if Joe Capra can find the right of way required from Downtown Publix and set up a meeting to discuss a compromise for exchange of the right of way, before going to DOT and asking for the elimination of hot right, and then

show the County what we're trying to do so they can have concurrent meetings with that shopping owner to decrease the acquisition cost of the right of way.

Commissioner Christie asked what resources the City has to do a project proposed.

City Manager Nicoletti stated there were some infrastructure sales tax funds and maybe some road impact fees. He said it also depends on how much resource the City is willing to put forward.

Mary Hutchinson expressed concern over the access to her street being difficult to obtain with the various proposed improvements. She also suggested contacting the church regarding the dirt road with the possibility to use that to create a roadway to alleviate the traffic from Manor Dr, Indian Groves and from Pine. She also said if the hot right is eliminated, the delivery trucks will have difficulty to Publix and other commercial. She suggested beautification for the roadway with trees which is known to slow down traffic.

Grant Rawding Circle Bay President, 1950 Palm City Road agreed with the City's analysis regarding the volume of traffic and the velocity and the need to reduce both.

Diane Kozuch, Board President Park Square Condominium came forward and expressed concern over the traffic coming into Park Square to turn around. She praised the Stuart Police Volunteers for their efforts to bring more police presence to the area.

Commissioner Krauskopf said he spoke with the County and asked about a cul-de-sac at the end near the Palm City Bridge. He asked for some feedback from the residents along that roadway and stated that if an agreement could be reached with the Commercial businesses and creative ways to handle the problem. He asked what their thought was to closing the road to thru traffic.

A resident came forward and suggested looking at the roundabout plan presented by the County some time ago using the small roadway behind the car dealership. East of Palm City Road near Marine Max.

Mary Hutchinson was not in favor of closing the road but suggested a compromise to eliminate the right turn onto Monterey to go over the bridge.

Commissioner Krauskopf stated he would like to see if Dottie can give to Paul the unencumbered balance in our city impact fee and simultaneously Joe Capra focus on trying to get the DOT with closing off that fly way, and, Terry O'Neil look at incentives to generate the right of way and coordinate with the County with what we are going to do. Those would be without even stroking a check those would be the, and in 30-60 days how far we can get without throwing money at it.

Joe Capra clarified the suggestion by Commissioner Krauskopf. He also cautioned the City on things that can be done and that it is going to take working with all of those property owners.

The Commission agreed to come back in 30-60 days. After some discussion regarding the money due on April 15<sup>th</sup> each year as part of the Interlocal Agreement with Martin County the City Manager explained that the City had until May 21, 2013 to decide the issue, after that the County would lose the ability to pick up a DOT grant.

City Manager Nicoletti noted the upcoming meetings. He suggested discussing the Palm City Road and funds at the 4:30 p.m. meeting on May 20, 2013.

Commissioner Krauskopf strongly urged the City to consider a compromise in submitting the funds to the County with the stipulation that this is in consideration for some help on Palm City Road.

Mayor Clarke noted an MPO meeting is scheduled for May 20, 2013 in the a.m.

Sam Amerson came forward and stated that one of the other commitments from the City was that we would do some mitigation and improve some property. The City owns about 3.5 acres on Palm City Road, which is on the East side of the Road on the South side of Poppleton Creek, included in that original \$1-million dollar commitment part was construction, which was not more recently committed to right of way, which you have discussed. Along with that we were successful in obtaining a grant to do some flow through marsh to mitigate some of that improvement of that road extending through the Kiplinger Parcel. That is all in the works, we have a draft agreement and close to finalizing that and that was \$150,000 319 Grant and the City matching \$200,000.00 with that. We have some time and we come back with the Willoughby Blvd extension we probably need to address that as well, and have that included as well. They agreed to hold the money 4:30 meeting on May 20 to discuss the Triangle Parcel. and Palm City Road matter.

City Manager Nicoletti said he would meet with the County regarding the separate Willoughby extension to see what we can do. He reminded the Commission of the May 20, 2013 at 4:30 p.m. to discuss the Triangle Parcel, Palm City Road and little bit of Willoughby.

**ADJOURNMENT 9:11 P.M.**

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Cheryl White, CMC, City Clerk

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Eula R. Clarke, Mayor

Minutes to be approved at the Regular Commission  
Meeting This 10th Day June, 2013