

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON FEBRUARY 27, 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
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. Eagle Scout Award to Spencer R. Spraker

Eagle Scout Spencer Spraker came forward and graciously accepted his award and a City Pin.

2. Employee of the Month

Alice Lyons, Legal Department

Alice Lyons came forward and graciously accepted her award and thanked the Commission.

3. Employee Service Recognitions

**Milton Leggett, Public Works Turf & Grounds, 30 Years
John Ortiz, Public Works Turf & Grounds, 15 Years
Andreas Sudhoff, Police Department, 5 Years**

All Employees came forward and graciously accepted their awards and thanked the Commission.

4. Video Presentation that highlights programs and partners as a part of the Community Services Division's public relations outreach plan

Jim Chrulski gave a brief visual presentation on the Community Services Advisory Board activities noting a May 4th Golf Tournament with a pre-tournament dinner at 10th Street Recreation Center on May 3rd.

In reviewing a list of proposed projects, Jeff Montpetit of the Community Services Department addressed the collaborative effort for the outreach program and East Stuart Youth Initiative noting that Scott and Kerrie Proctor helped to establish baseball camps and clinics enlisting the help of the North Stuart Little League and forming a lot of partners with ME's Team Foundation.

5. Bicycle and Pedestrian Action Plan Presentation by the Metropolitan Planning Organization

Michael Malham Planner II, MPO gave a power point presentation noting inter modal travel options, development of the "ideal bike/pedestrian community action plan," improved connectivity, evaluation criteria and scoring process. He request endorsement from the City.

MOTION: VICE MAYOR CLARKE: MOVED APPROVAL TO HAVE CITY ENDORSE AND SUPPORT THE PLAN PRESENTED.
SECOND: COMMISSIONER KRAUSKOPF

Commissioner Krauskopf suggested looking at sidewalks along A1A from 14th Street to MLK Blvd.

Sam Amerson, Public Works Director said staff has made application to DOT for sidewalk and crosswalk grants and would look at the area from Florida Street to include a crosswalk on Dixie Hwy and North to Kiwanis Park.

Commissioner McDonald suggested a bike plan with connectivity to all CRAs throughout the county and said it would also be helpful to include areas where there is safe and secure storage for bike parking.

MOTION APPROVED UNANIMOUSLY

COMMENTS BY CITY COMMISSIONERS

Commissioner Glass congratulated City employees who were recognized. She stated she received comments regarding the Lamar Billboard and expressed concern regarding revenues generated from Lamar and the funding going back to restoration of Haney Creek watershed. She wanted to re-evaluate the location of the Lamar sign and requested the issue be added to the agenda as Item 16.

The Commission agreed.

Commissioner McDonald thanked Milton Leggett for his 30 years of service to the City and proudly announced he had received no complaints about East Ocean Blvd. the past two weeks.

City Engineer Amerson said we will know more about the status of the project on Wednesday.

Commissioner McDonald also addressed the varied weekend events and said it was nice to see “downtown hopping.”

Commissioner Krauskopf addressed East Ocean and questioned “waffling on the road.”

Sam Amerson clarified the “leveling force” to correct the situation.

Vice Mayor Clarke congratulated Alice Lyons on her recognition as “Employee of the Month” noting that Lyons had been a big help during Clarke’s first year on the Commission. She agreed the downtown weekend activities had been “fabulous” and praised the City Hall program for Black History Month organized by Dr. Thompson. She hopes the City looks at adding additional parking and thought it was very important to support the downtown. She noted the Joint City County School Board Meeting to be held on February 28, 2012 beginning at 9:00 a.m. at the Blake Library.

Mayor Christie noted the March 1st organization of East Stuart’s “community garden to take place at 10th Street Recreation Center at 6:30 PM.

COMMENTS BY CITY MANAGER

City Manager Nicoletti noted that agenda item #8, needs to be withdrawn and delayed until the next meeting. He noted Coffee with the Manager to be held on Wednesday February 29, 2012 beginning at 8:00 a.m. He also asked to add an additional item 16.

APPROVAL OF AGENDA

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL OF THE AGENDA WITHDRAWING ITEM 8 AND ADDING ITEM 12 A DISCUSSION AND DELIBERATION FOR FUNDING SOURCE AND ADVISORY COMMITTEE REGARDING THE DREDGING OF THE ST LUCIE RIVER.

SECOND: COMMISSIONER GLASS-LEIGHTON
MOTION APPROVED UNANIMOUSLY

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

Virginia Jones came forward and expressed concern that the City isn't doing anything to prohibit the operation of US Paver Scrape across the street from her house.

LC Jackson came forward and expressed concern over the redevelopment of Colorado Avenue. She asked the City to focus on air, water quality and not waste.

Veronica Pasquale came forward and complained over the past weekend events and roadways being blocked that prohibited her from returning to her home.

Dr. J. Thompson came forward and thanked the City of Stuart for their proposal of the 10th Street Community Center and Guy Davis Fields, he said it is fostering community pride and he thanked Jim Chrulski and Jeff Montpetit for their efforts in helping make that happen.

CONSENT CALENDAR

- 6. Request to approve the Minutes of the Regular Commission Meeting of February 13, 2012**
 - 7. Request approval for CRA Staff to move forward with finalizing design and cost estimate, including identify funding for construction of Gateway Feature on Colorado Avenue**
 - 7A. Request Acceptance of the report and approve the Implementation of the Outdoor/Seating Pilot Program and Option 2 Parking.**
- *Item #8 has been withdrawn until 3/12/12.**
- 8. RESOLUTION 16-2012 Authorization for the execution of closing documents for the purchase of two lots on Baker Road which will enlarge the Haney Creek Preserve**
 - 9. RESOLUTION 17-2012 Authorization to establish a wrecker rotation procedure for the fair assignment of towing services and setting procedures for wrecker services to follow as a result of inclusion in the rotation process pursuant to Section 12-129 of the City Code of Ordinances, as amended; and providing an effective date**
 - 10. RESOLUTION 18-2012 Authorization to establish a set schedule of rates for towing and storage of vehicles pursuant to Section 12-140 of the City Code of Ordinances, as amended; and providing an effective date**

11. RESOLUTION 19-2012 Authorization for the execution of the Lease Agreement between the City of Stuart and Stuart Heritage, Inc. for the lease of the property known as the Stuart Feed Store

12. RESOLUTION 20-2012 Authorization for the ratification of agreement between the City of Stuart and the Palm Beach County Police Benevolent Association for contract re-openers for fiscal year 2011/2012

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF CONSENT CALENDAR INCORPORATING THE COMMENTS MADE AT THE 2/27/12 CRA MEETING FOR ITEM 7-7A AND WITHDRAWING ITEM 8.

SECOND: VICE MAYOR CLARKE

ROLL CALL

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

END OF CONSENT CALENDAR

COMMISSION ACTION

***ADDED ITEM 12A.**

City Manager Nicoletti gave a brief overview regarding the proposals regarding the dredging of the St. Lucie Inlet funding source.

Commissioner Krauskopf reviewed the issues addressed at the Advisory Committee insight into why they would select various options to fund the project.

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL IN THE ABSENCE OF FEDERAL FUNDING THAT THE CITY ENDORSE THE ½ CENT SALES TAX AS THE MOST EQUITABLE FORM OF THE FOUR THAT HAVE BEEN SELECTED FOR USE ACCORDING TO FLORIDA STATUTES FOCUSED ON THE REQUIREMENTS OF MAINTAINING AN OPEN INLET.

SECOND: COMMISSIONER MCDONALD SECONDARY MOTION:
COMMISSIONER KRAUSKOPF: THAT THE FPL FRANCHISE FEE FROM THE CITY'S PERSPECTIVE WHATS BEING TALKED ABOUT FROM HE COUNTY PERSPECTIVE IS INCORPORATING A FRANCHISE FEE WHICH WOULD NOT AFFECT US, IT WOULD AFFECT THE UNINCORPORATED AREAS.

"Because we already have our franchise fee, our franchise fee and or utility tax are somewhere between \$1.6 and \$3.2 million dollars. And for us to say we would gladly join in on the inlet funding would put a 4 mil hit to us, to make that up, probably, somewhere around there at least. For us, the participation with the franchise option is a non-starter. We should simply step up and say it would be prohibitive for us particpate in that. In the half cent sales

tax not only are we stepping up to the plate and saying all the people who visit, our neighboring counties everyone shares in the importance of our marine industries, and what we all moved here for. The Rivers the waters and keeping it open.”

City Manager Nicoletti noted the franchise fee is a new revenue source for them, it’s not a new revenue source for us.

Armond Pasquale came forward and expressed concern over the proposed tax. He said the only people that should be taxed on the dredging of the inlet are those who use it.

Helen McBride wanted to know if this ½ cent sales tax would be for 5-years?

Commissioner Krauskopf said that is something the County Commission would have to go to the State Legislature about, and has been traditionally a five year or may go to a specific date, and then it sunsets. One of the options that may come out of this is the proposal may sunset and escrow funds out of that, and will then act as the interest of that as a permanent funding source for the inlet so we don’t have to go through this again.”

Helen McBride said she would rather see the ½ cent sales tax instead of a fee. She stated that she does not use the inlet but felt it was a good project for the community.

Mayor Christie asked if there is any way to make it “Inlet specific.”

Commissioner Krauskopf stated that Florida Statutes allows for this as a primary use.

City Manager Nicoletti said language would have to be added and this would be considered “Dredging Maintenance” or “Maintenance of Inlets” as a capital expense, as an infrastructure expense.

Mayor Christie said we are all impacted by the marine industry.

Commissioner McDonald said boating is part of the character of our community and he felt the ½ cent sales tax was the best long term option for self funding this issue.

City Manager Nicoletti noted that a recommendation was made by a member that the Franchise Fee be implemented for a couple of years, pending the infrastructure sales tax, but I can’t imagine the County would want to implement a 30 year contract with FPL, and then take that away. He recommended submitting a letter from the City to the County Commission and Board of the City’s intent. He suggested pointing out the impact it would have on the City’s budget.

Commissioner Krauskopf did not object to the City Manager adding that to the letter to be sent to Martin County.

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

ORDINANCE FIRST READING

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

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

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

MOTION: COMMISSIONER MCDONALD; MOVED APPROVAL OF ORDINANCE 2241-2012 ON FIRST READING
SECOND: COMMISSIONER KRAUSKOPF

Kyle Abney came forward and voiced concern over the green building consultant amendment if approved will have a negative impact on his company. He said the City should keep the current Ordinance in place.

Commissioner McDonald was happy to see the proposed Ordinance but defined it as an incentive for property owners to help install more efficient appliance or plumbing fixtures.

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

ORDINANCE SECOND READING

14. ORDINANCE 2238-2012 (Second Reading) Request to consider a Rezoning from R-3 to CPUD and approve a Site Plan for the Covenant Fellowship Baptist Church property located at 2880 Astor Lane (Quasi-Judicial).

Sworn: Pastor Matt Price and Oats Reis of Creech Engineers.

Terry O'Neil gave a brief overview regarding the minor adjustments requested by the Commission at the last meeting. He explained that the conditions requested were added and staff recommends approval on second reading.

Pastor Matt Price expressed a pedestrian safety concern over the right turn only condition with those coming and going to the new water park as well as anyone using the Ruhnke entrance.

City Manager Nicoletti asked if the church hired off duty police officers to direct traffic on Sunday.

Pastor Price said there has not been a need for it because of the traffic light on Astor and Indian.

Commissioner McDonald suggested installing pedestrian crossing signs.

Oates Reis presented an exhibit to the City depicting an overlay sign plan showing the visibility with proposed signage.

The exhibit was accepted as part of the record as respondent's exhibit 1, also reflected as item #26.

Vice Mayor Clarke requested that the landscape buffer of bushes and shrubs.

Oates Reis explained there will be no obstruction at the driveway entrance that is more than 24 inches high that will obstruct the vision including landscaping signs.

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MOTION: COMMISSIONER MCDONALD; MOVED APPROVAL OF ORDINANCE
2238-2012 ON FIRST READING
SECOND: COMMISSIONER GLASS-LEIGHTON
ROLL CALL

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

15. ORDINANCE 2242-2012 (Second Reading) Request to consider amending Section 6.07.14, “Dog-Friendly Restaurants,” to the Stuart Land Development Code; To correct a Scrivener’s Error in the Original Ordinance.

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF ORDINANCE 2242-2012 ON SECOND READING

SECOND: COMMISSIONER MCDONALD

ROLL CALL

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

DISCUSSION & DELIBERATION

Item #16 added by Commissioner Glass-Leighton

Commissioner Glass Leighton expressed concern over the placement of the Lamar Billboard near the Haney Creek preserve.

City Manager Nicoletti said it is “significantly clear” where the sign will go and we would have the cost of installing it in wetlands. If we co-locate this sign on the commercial property you don’t face the same wetland impacts, and you don’t incur the cost of construction that you would incur further North. Where the money goes is less critical. It is all money coming into the City and you have to appreciate the Lamar sign under the federal law suit was going to go into the property management fund un- restricted. He encouraged the Commission to locate the billboard at the 2 acre commercial site. He noted that it was the will of the Commission as to what they want to do with the revenue generated from the billboard.

Vice Mayor Clarke said she is not “properly prepared” to talk about this tonight. She noted the referendum was very clear and she did not want another lawsuit. But she would like some time to go back and talk to the people who have expressed concern.

Mayor Christie said the whole idea behind the Lamar settlement was to rid the City of the removal of 17 signs, and it makes sense to put signs on commercial site. He said we could put the signs at the original location and pay an additional \$30,000.00.

Commissioner Glass said the bigger issue is what was passed on the referendum, and that was the fact that the people voted on allowing the City to obtain this with the thought that all of the money generated from it would go back to the preservation of Haney Creek. That is what was the will of the people was and she does not agree with doing anything different.

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL TO AUTHORIZE THE CITY MANAGER TO MOVE EXPEDITIOUSLY AS POSSIBLE TO MOVE THE PERMITS THROUGH ON THE LAMAR SIGN IN ITS APPROVED LOCATION AT THE ORIGINAL POSITION.

SECOND: COMMISSIONER MCDONALD

ROLL CALL

COMMISSIONER GLASS	NO	COMMISSIONER MCDONALD	YES
VICE MAYOR CLARKE	YES	COMMISSIONER KRAUSKOPF	YES
MAYOR CHRISTIE	YES		

ADJOURNMENT 7:49 pm

ATTEST:

Cheryl White, CMC, City Clerk

James A. Christie Jr., Mayor

**Minutes to be approved at the Regular Commission
Meeting This 26thDay March, 2012**