

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON APRIL 22, 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
City Attorney, Michael D. Durham
City Clerk, Cheryl White**

Mayor Clarke delivered the Invocation, followed by the Pledge of Allegiance led by the Commission.

PRESENTATIONS

- 1. PRESENTATION: Culinary Kids – Winners of “The Taste of Martin County.**

Jim Chrulski presented a short film starring the Culinary Kids and their win of the 2013 Taste of Martin County for Best Dessert.

- 2. PRESENTATION: Comprehensive Annual Financial Report for FY 9/30/12**

Ron Conrad of Cherry Beckart reported to the City the Comprehensive Annual Financial Report and has been submitted to the Government Finance Officers Association for the Certificate of Achievement, for excellence in financial reporting. 2015 change regarding the proposed budget.

Krauskopf asked about the proposed liability to the city regarding the FRS pension plan.

Mr. Conrad did not know and does not affect cash but may put the liability on the books and change the net assets.

3. PROCLAMATION: Proclaiming May 5-11, 2013 as Municipal Clerk's Week

Cherie White, City Clerk came forward and graciously accepted the Proclamation and thanked the Commission.

4. PROCLAMATION: Proclaiming April, 2013 as National Child Abuse Prevention Month.

Stephanie Mednick Children's Home Society came forward and graciously accepted the Proclamation and thanked the Commission.

Al Jacks CASTLE Program Manager is an in home child abuse prevention program. He graciously accepted the Proclamation and thanked the Commission.

5. EMPLOYEE OF THE MONTH - APRIL 2013

Robin Lemay Sisto

Robin Lemay Sisto came forward and graciously accepted the award and thanked everyone.

6. EMPLOYEE SERVICE RECOGNITION :

Ronald Wilson	Public Works	5 –Years
Judith Browning	Financial Services	10-Years
Brian Huffman	Police	25-Years
David Sonzella	Fire Rescue	25-Years

All employees came forward and graciously accepted their awards, Judith Browning was unable to attend.

COMMENTS BY CITY COMMISSIONERS

Commissioner Krauskopf asked when the Palm City Road issue will come back to the Commission.

City Manager Nicoletti stated it will be brought back to the May 13th, 2013 agenda.

Mayor Clarke noted the importance of working with our young people and her attendance at Pine School, Redeemer Lutheran and trying to work with the youth in the community. She also attended a program at Building Bridges and wanted to make sure our youth are treasured and honored and all that we can do. She praised Jim Chrulski for his work in the Community and with the youth.

COMMENTS BY CITY MANAGER

City Manager Nicoletti commented on the following:

Item #10 Res 42-2013 noted that it was a Quasi-Judicial matter.

The City staff was asked to schedule an Economic Development Workshop and proposed for Wednesday, May 22, 2013 at 9:00 AM.

The City staff was asked to schedule an Annexation Policy Workshop and proposed for Wednesday, May 29, 2013 at 9:00 AM. Mayor Clarke will not be here.

In response to questions from Commissioner Christie regarding original proposal for a City Gymnasium at JD Parker Elementary School, the City Manager has asked Development Director Terry O'Neil and City Clerk Cheryl White to collaborate and put together as much historic information as exists.

The Commission agreed to put the issue on a light agenda as a D&D.

Mayor Clarke recommended holding a Town Hall Meeting at 10th Street Community Center to discuss public transportation and other issues in June.

The FDOT has asked that a couple of City Official sit on a Ribbon Cutting Committee for the Veterans Memorial Bridge. Deputy County Engineer Terry Rauth and Commissioner John Haddox will be serving on behalf of the County. I am going to ask Sam Amerson or his designee will serve and at least one City Commissioner.

Vice Mayor McDonald volunteered to serve.

He noted that on the back of tonight's agenda there is a list of meeting dates and times. One that was not available at the time the agenda was published is the Community Services Advisory Board and will be meeting at 6:00 P.M. on May 6, 2013 at City Hall.

He noted that in Resolution 44-2013, Item 12 he is pulling the item because the backup is different than what went in the agenda. He also asked that at the conclusion of the agenda he would like to present one item.

APPROVAL OF AGENDA

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF THE AGENDA

SECOND: COMMISSIONER GLASS LEIGHTON

MOTION APPROVED UNANIMOUSLY

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

CONSENT CALENDAR

- 7. **Motion to approve amended minutes of; 03/08/2013 Special Commission Meeting, and Regular Commission Meetings of; 03/11/2013 & 03/25/2013.**
- 8. **Authorization for Mayor to send a thank you letter to Florida League of Cities for their lobbying efforts on the behalf of the City of Stuart.**
- 9. **RESOLUTION 41-2013: Appointment of Robert L. Kilbride a partner with the law firm, Fox, Wackeen, Dungey, et al, as Interim City Attorney for the City of Stuart, effective April 23, 2013 at 12:01 a.m. The Interim City Attorney shall be paid the sum of \$200.00 per hour for all legal work performed as attorney and his paralegal time shall be billed at a rate of \$80.00, which funds shall be taken from “Acct. # 534, Other Contractual Services, City Attorney.**
- 10. **RESOLUTION 42-2013: Approve a Major Urban Code Exception for the Treasure Coast Community Church, 20 N.E. Dixie Highway, to allow for renovations of the existing property to accommodate the Treasure Coast Community Church (TC3).**
- 11. **RESOLUTION 43-2013: Authorization to create a “City Attorney Screening Committee” for the applicant’s applying for the position of City Attorney.**
- 12. **RESOLUTION 44-2013: Authorizing the execution of a Change Order in the amount of \$72,140.00 with Aquifer Maintenance and Performance Systems to continue the rehabilitation of the Deep Injection Well Monitoring Well DMW-1, subsequent to review and approval by the City Attorney.**

END OF CONSENT CALENDAR

MOTION: COMMISSIONER CHRISTIE: MOVED APPROVAL CONSENT CALENDAR WITH THE WITHDRAW OF ITEM 12

SECOND: COMMISSIONER GLASS-LEIGHTON

ROLL CALL

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

Item 12 was heard at this time. :

12-RESOLUTION 44-2013: Authorizing the execution of a Change Order in the amount of \$72,140.00 with Aquifer Maintenance and Performance Systems to continue the rehabilitation of the Deep Injection Well Monitoring Well DMW-1, subsequent to review and approval by the City Attorney. (RC)

Dave Peters, Assistant Public Works Department gave a brief presentation to the Commission and Public regarding Res-44-2013.

He explained there is a cleaning tool that is stuck in the well, and are hopeful that is one bad piece of pipe and at this time it is unknown if this will work but the cost of a new well is a little bit more than \$450,000.00. DEP is aware of the matter and are assisting with this problem. He introduced Helen Hickman with Aqua Geo Sciences.

Mayor Clarke asked if this item is not approved what are the consequences for the City?

Helen Hickman explained there is a 2,000 foot well with something stuck in the middle of it. To abandon it you have to get it out and clean the other 1,000 feet and would be dire consequences without continuing.

MOTION: VICE MAYOR MCDONALD: MOVED APPROVAL RESOLUTION 44-2013

SECOND: COMMISSIONER GLASS-LEIGHTON

ROLL CALL

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

COMMISSION ACTION

13. (CONTINUED FROM 03/25/2013 AND 04/08/2013): Petition by Joseph Calabria for contraction of property owned by Jomar Properties, LLC, at the S.W. corner of US-1 & Indian Street. (RC)

Mayor Clarke introduced the item followed by the City Manager explanation of the request by Joseph Calabria for contraction or basically de-annex of property owned by Jomar Properties, LLC from the City.

The City Attorney set the hearing and explained the hearing will be based upon the following:

Whether you are going to proceed, and direct staff to draft a de-annexation Ordinance or you're going to reject the petition.

The petition would be rejected if: The property remains to be contiguous, if it remains to be compact, and if urban services are provided. It would be Mr. Calabria's burden to prove the three items are not met and is eligible for de-annexation and moving forward.

During his testimony Mr. Calabria requested the following:
Contraction from the City.

The resignation of Building Official Joe Hoffkins and Terry O'Neil.

A full investigation of the missing documents and CO certification that was issued to my property.

Help on the traffic situation, the traffic issues on Indian Street, ingress and regress off of the property.

Ask for this petition to be granted.

City Attorney Durham explained the Quasi -Judicial Proceeds and noted the City Commission cannot consider and information or evidence outside the elements that Mr. Calabria needs to show. He invited Mr. Calabria to return at a later date and submit those request. He advised the Commission and the petitioner to stick to the three elements.

After another 1½ hours of back and forth discussion and testimony, Vice McDonald said he did not understand the problem when Calabria signed the restrictive covenant for the property.

In his closing statement, Calabria thanked the Commission for staying so late but insisted he had not been supported by the City and said “at this point the best thing for the City and himself would be contraction.

Commissioner Krauskopf stated he understood Mr. Calabria’s frustration but does not see the property as meeting the requirements for contraction. He said the issue decided for in September and the request is for removal. He looked at the project and suggested looking at a full service restaurant with modification to the 10:30 PM closing and called this a common sense solution.

Terry O’Neil said if the restaurant maintains food service until closing, it does not present the same difficulties as a night club.

Commissioner Christie said he would support staff recommendation not to contract. Commissioner Glass-Leighton agreed with both Krauskopf and Christie.

Vice Mayor McDonald concurred and said there are probably missed opportunities. He suggested that if a limited amendment needs to be done that he should request that as a solution.

City Manager Nicoletti said an SRX license would be required to operate a full food service restaurant. They are not allowed to operate without that license. He also stated that while we have had uses proposed to us, as far as I know most if not all violated the restrictive covenant and where denied. He said the city is looking at no police problems and no threats to public safety.

MOTION: COMMISSIONER CHRISTIE: MOVED APPROVAL TO SUPPORT STAFF RECOMMENDATION TO DENY THE PETITION FOR CONTRACTION AND IS PROVEN THAT THE FINDINGS ARE: THE PROPERTY REMAINS TO BE CONTIGUOUS, THE PROPERTY IS COMPACT, THE PROPERTY IS RECEIVING URBAN SERVICES, ALSO BRINGING BACK TO A FUTURE COMMISSION MEETING AN ITEM TO DISCUSS THE SRX LICENSE AND 10:30 TIME LIMIT SPELLED OUT IN THE RESTRICTIVE COVENANTS.

SECOND: COMMISSIONER KRAUSKOPF

ROLL CALL

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

ORDINANCE FIRST READING (NONE)

ORDINANCE SECOND READING

**14. (REQUEST TO BE CONTINUED TO MAY 13, 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.**

MOTION: KRAUSKOPF: MOVED APPROVAL TO ONTINUE ITEM 14 ORDINANCE 2258-2013 TO MAY 13, 2013

SECOND: VICE MAYOR MCDONALD

ROLL CALL

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

DISCUSSION & DELIBERATION

15. Willoughby Boulevard Extension Interlocal Agreement renegotiation.

City Manager gave a brief overview of the proposed Interlocal Agreement renegotiation regarding funding for Willoughby Blvd. Extension to the Commission.

He proposed using \$123,000.00 currently in the road impact fees and other sources for Palm City Road but releasing the other funds to fulfill our obligation under the existing Willoughby Road Extension Interlocal Agreement. We have a \$200,000.00 payment that is now due under the Interlocal Agreement and rather than divert that to Palm City Rd, I would rather take and consider the \$123,000.00, that is currently in the road impact fees, and look to use it where ever we can legally use it and then any other source such as the Infrastructure sales tax could also be used for Palm City Road, and that is my recommendation.

MOTION: VICE MAYOR MCDONALD: MOVED APPROVAL TO CONTINUE TO DELAY THE PAYMENT UNTIL AFTER THE CITY DISCUSSION ON PALM CITY ROAD IN ORDER TO HAVE A FULL UNDERSTANDING OF THE IMPACT FEES AND COMMUNICATE THIS TO THE COUNTY COMMISSION ASKING THEM.

SECOND: COMMISSIONER CHRISTIE

Commissioner Krauskopf pointed out that the real irony here it is Martin County’s road. The key to this is for the City to have an understanding and for the City to move forward with a plan and not continue to ignore the folks there.

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

15A. Added item by the City Manager.

City Manager Nicoletti presented a Resolution of the City Commission honoring the departing City Attorney Michael Durham. The Resolution thanks him for his dedicated service to the City of Stuart.

City Attorney Durham graciously accepted the Resolution and thanked the City Commission and staff for the honor.

ADJOURNMENT: 10:50 P.M.

Cheryl White, CMC, City Clerk

Eula R. Clarke, Mayor

Minutes to be approved at the Regular Commission
Meeting This 13th Day May, 2013