

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON FEBRUARY 25, 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. PROCLAMATION: Proclaiming March as Art Appreciation Month

Lynn Barletta came forward and graciously accepted the proclamation and invited citizens to participate in the many arts activities coming in March.
Mayor Clarke said she would like to move forward and have an arts district as part of the destination of Stuart Florida.

2. PRESENTATION: Stuart Lodge Update

Tom Hoffmeister of CORE Construction Team brought the groundbreaking ceremony to the City Commission Chambers complete with hard hats, gold shovels and dirt so the City Commission could "turn dirt" in a man-made replica of the Stuart Lodge site on Palm Beach Road. The actual ribbon cutting for the state-of-the-art assisted living facility is scheduled for January 2014.

3. PRESENTATION: Update on the Solar & Energy Loan Fund (SELF) Program.

Bill McConaghy, Solar and Energy Loan Fund (SELF) representative came forward and gave a brief presentation regarding the new SELF program. For more information on the Clean Energy Loan Program call 221-4060.

4. EMPLOYEE SERVICE AWARDS:

**Linda Toppi, HR Director 5 years
Michael Rice, Police Officer II 10 years**

Linda Toppi and Michael Rice both came forward and graciously accepted their awards and thanked the Commission.

5. EMPLOYEE OF THE MONTH:

**Kathleen Lannon, Police Department and Community Services
Joint Award**

Jim Chrulski of the Community Services Department came forward and thanked Kathleen Lannon for her help in the Community Services Department, and appreciates all her work at the 10th Street Community Center.

Kathleen Lannon came forward and graciously accepted her award and thanked the City Commission.

COMMENTS BY CITY COMMISSIONERS

Commissioner Glass Leighton said there is a lot going on in the City and commented on the many activities. She also stated that the past weekend was the kick off to Martin North Little League.

Commissioner Christie agreed it had been another great weekend in the City of Stuart.

Vice Mayor McDonald praised the great programs being presented at the Community Center but also noted the City has to work on the phone system to aid in customer service.

Mayor Clarke agreed it had been a busy weekend but noted traffic problems caused by the activities by the Court House Cultural Center at Detroit and East Ocean Blvd. She also noted a “commemorative service” to be held on the morning of March 9, 2013 at Moores Cemetery near the intersection of Kanner Hwy and Monterey Road at 11:00 a.m., and asked the City to look into an appropriate name for the cemetery.

The upcoming Commission retreat scheduled for March 8th, Clarke suggested it include an FDOT presentation on rail, waterway, and airport transportation.

COMMENTS BY CITY MANAGER

City Manager Nicoletti noted the following items:

1. Item 8, pulled for discussion, regarding The Flagler /Lyric Center.
2. Item 15 regarding lease amendment with SDG Group has been withdrawn from the agenda and staff will try to bring it back on March 11th.
3. Items of interest on tomorrows Board of County Commission, 2/26/13 agenda include Item 8F1 preset for 1:50 PM – Status on Derelict Vessel Program and Item 8B1 preset for 2 PM – Jensen Beach Mooring Field Presentation.

City Attorney Durham requested a shade meeting to discuss the Monds case, to be held on February 28, 2013 at 4:30 p.m.

The Commission agreed.

APPROVAL OF AGENDA

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF AGENDA WITH THE WITHDRAWING OF ITEM 15

SECOND: COMMISSIONER GLASS LEIGHTON

ROLL CALL

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

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

John Martino came forward and asked what the City plans to do with the Triangle parcel that they anticipate buying.

The Mayor said she would hold his comments until the item come up for discussion. Item #14.

Kim Waser of Tobacco Free Partnership of Martin County encouraged the City to adopt the proposed Resolution 21-2013 being presented tonight as item 12, regarding candy flavored tobacco products.

The Commission agreed to discuss item 12 at this time:

12. RESOLUTION 21-2013: A Resolution urging local tobacco retailers to stop the sale and marketing of flavored tobacco products in Martin County.

MOTION: COMMISSIONER GLASS LEIGHTON; MOVED APPROVAL OF RESOLUTION 21-2013

SECOND: COMMISSIONER CHRISTIE

ROLL CALL

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

Armond Pasquale said he was glad the Commissioners enjoyed the weekend downtown activity but he and other residents did not because of the loud noise that comes from bars and the stage by City Hall. He also complained about the traffic that restricts access to private property.

Kent Myers of the Harborage came forward and expressed concern over the City’s web site, and complained that when he contacted the City he did not get a call back.

CONSENT CALENDAR

- 6. **RESOLUTION 20-2013: Authorize an amendment to Budget Amendment #4 to the 2012-2013 Annual General Fund, Operating Budget to correct a scrivener's error in Resolution 109-2012.**
- 7. **RESOLUTION 22-2013: Authorize an Interlocal Agreement with the Florida Green Finance Authority for administration of the Florida Green Energy Works Program in the City of Stuart.**

END OF CONSENT CALENDAR

MOTION: COMMISSIONER CHRISTIE; MOVED APPROVAL OF CONSENT CALENDAR ITEM 6-7

SECOND: COMMISSIONER GLASS LEIGHTON

ROLL CALL

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

Item 8 was removed from the consent calendar and heard here:

- 8. RESOLUTION 25-2013: Authorize the extension of time to terminate the Management Agreement between the City of Stuart and the Friends of the Lyric, Inc. to May 17, 2013.**

MOTION: VICE MAYOR MCDONALD; MOVED APPROVAL OF RESOLUTION 25-2013 EXTENDING IT OUT TO MAY 31ST FOR THE EXTENSION OF TIME, AND AT THE SAME TIME WE DO A REQUEST FOR PROPOSAL FOR THE FLAGLER CENTER.

SECOND: COMMISSIONER GLASS LEIGHTON

ROLL CALL

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

ORDINANCE FIRST READING

- 9. ORDINANCE NUMBER 2256-2013: Amending the City Code of Ordinances, Section 40, Traffic and Vehicles, Article II, Stopping, Standing and Parking, Section 40-43, Three Hour Parking District.**

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

MOTION: COMMISSIONER CHRISTIE; MOVED APPROVAL OF ORDINANCE 2256-2013

SECOND: VICE MAYOR MCDONALD

ROLL CALL

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

ORDINANCE SECOND READING

- 10. ORDINANCE NUMBER 2254- 2013: Amending Chapter 42, Utilities, Article VI, Wastewater Utility Extension and Connection Policy.**

MOTION: COMMISSIONER CHRISTIE; MOVED APPROVAL OF ORDINANCE 2254-2013

SECOND: COMMISSIONER GLASS LEIGHTON

ROLL CALL

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

- 11. ORDINANCE 2255-2013: Amendments to Chapter 10 of the City's Code of Ordinances, Buildings and Building Regulations, Article III, Property Maintenance Code, Section 10-58, Definitions and Section 10-61, Maintenance of Structures, Equipment and Exterior Property, Regulating the Maintenance of Structures, Equipment and Exterior Property.**

MOTION: COMMISSIONER GLASS LEIGHTON; MOVED APPROVAL OF ORDINANCE 2255-2013

SECOND: VICE MAYOR MCDONALD

ROLL CALL

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

COMMISSION ACTION

- 12. RESOLUTION 21-2013: A Resolution urging local tobacco retailers to stop the sale and marketing of flavored tobacco products in Martin County.**

Item #12 was heard earlier.

- 13. RESOLUTION 23-2013: Revision to the schedule of fees, charges, and deposits for water, wastewater and sanitation services to include fees for residential and commercial sewer grinder systems, under Chapter 34 for Sanitation and Chapter 42 for Utilities.**

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF RESOLUTION 23-2013

SECOND: COMMISSIONER GLASS LEIGHTON

ROLL CALL

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

- 14. RESOLUTION 24-2013: Authorization for the City Manager to execute a Real Estate contract with Stream Asset Holding, LLC for property known as the Triangle Parcel along Dixie Highway across from City Hall and to authorize the commencement of the due diligence provided for the contract**

City Manager Nicoletti gave a brief presentation to the Commission regarding the purchase of the property known as the Triangle Property with a 90 day due diligence.

John Martino, 2401 East Ocean Blvd came forward and asked if the City has a plan for the property.

Charles Grande came forward and wanted to make a point that if the City purchases the property it would come off the tax rolls as exempt.

City Manager Nicoletti stated that municipalities are different from Counties, and when the City purchases property and is used for a public purchase then it comes off the tax roll. But if we use it and continue to rent the property, it stays on the tax roll. It is a slightly different situation for cities.

Commissioner Krauskopf stated that he felt the property had allot of potential for the City but had some questions about the parcel. He stated he would like to identify the property management account in order to fund the \$30,000.00 inspection mentioned by the City Manager.

He stated that in the contract he would like to remove the no assignability, and make it assignable for the City should they decide to assign it to the CRA. His primary concerns are

surveys hiatus since it was an assembled parcel, all the environmental on it and it is up to the City to scrub the title against the survey, so we know that along the acquisition way there hasn't been any parcel or sliver left out.

Vice Mayor McDonald agreed with Commissioner Krauskopf and agrees to the due diligence. He felt the property management fund is an appropriate source to use, and felt the City should look at that location for a parking garage, or have one on it.

Commissioner Glass Leighton asked what the deficit would be.

City Manager Nicoletti stated that he was unsure at this point but would be discussing this with the Financial Services Director.

Commissioner Glass Leighton expressed concern over the asbestos in the buildings and asked if it was under current lease. She also had reservations about government being a landlord, and felt that should be done in the private sector. "With that being my view of things, that we even spend \$30,000.00 to do due diligence on it."

Commissioner Christie noted the many businesses on the triangle parcel and agreed a parking garage is needed. He said the City has been involved in private public partnerships and supports the city moving forward with the due diligence.

Mayor Clarke asked if the due diligence funding for this is included in the contract with Mr. Bradfield's contract, or is this additional.

City Manager Nicoletti stated it is not.

Mayor Clarke agreed to move forward in the due diligence process.

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL FOR THE CITY MANAGER TO MAKE A COUNTER PROPOSAL WITH A 90 DAY INSPECTION PERIOD, AND ASSIGNABILITY FOR US ALONG WITH THE DUE DILIGENCE FUNDS DRAWN DOWN FROM PROPERTY MANAGEMENT ACCOUNT APPROVING RESOLUTION 24-2013.

SECOND: VICE MAYOR MCDONALD

ROLL CALL

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

Item #15 has been withdrawn.

15. RESOLUTION 26-2013: Authorization for the execution of a lease amendment between the City of Stuart and SDG Group, LLC providing for the termination of early rent and rent credits and the implementation of construction rent payments, a revised construction schedule and the requirement of Payment and Performance Bonds.

DISCUSSION & DELIBERATION

16. Potential Location of Martin County Property Appraiser and Utility Department Offices in Downtown Stuart.

Terry O'Neil gave a brief overview regarding the Interlocal Agreement between the City and County. He explained that City staff has asked for some assistance from Lucido and Associates to look at vacant property along the Martin Luther King Jr. Blvd. fronting Bruner Pond.

Two of the parcels in question are city-owned and two are owned by the Salvation Army, and noted the Salvation Army property is for sale.

He said in all development scenarios shown the City would have to have a referendum because the city-owned property is abutting tidally influenced water, any sale, conveyance or lease of city land for more than 10-years will require approval by voters (estimated cost \$12,000).

Commissioner Krauskopf said the City has always wanted to keep Constitutional Offices downtown and he suggested having Lucido take a more marketing friendly approach with color graphics. He stated he supports this worthwhile project.

City Manager Nicoletti said it would need to be a special election because Vice Mayor McDonald was very supportive of conveying the property to the County at no cost and said this would help incite development on MLK, Jr. Blvd.

Terry O'Neil agreed with Commissioner Krauskopf on the marketing presentation and would work with all parties involved regarding the property.

City Manager Nicoletti suggested the joint meeting on April 9th would be a good time to make the presentation to Martin County.

Commissioner Krauskopf did not want to lose the momentum.

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL TO AUTHORIZE THE CITY MANAGER TO PUT A PACKAGE TOGETHER TO CONVEY THIS TO THE COUNTY AT NO COST.

SECOND: VICE MAYOR MCDONALD

Commissioner Christie said we have been back and forth on this for the last two years and we should step and do this, because we are running out of options on where and how to do this. He supports the motion made by Commissioner Krauskopf.

Helen McBride came forward and supported the idea, and fully supports the motion. She stated this was a step in the right direction.

Terry O'Neil noted that one of the things mentioned to the Commission of staff recommendation is that before the matter is placed on a ballot for a referendum the

City would look to the County for a firm and strong commitment by the County to proceed with the project, and asked that be put in writing to the County.

Mayor Clarke also wanted to make sure we have correct language.

The City Attorney said nothing needs to be added to the Interlocal Agreement.

ROLL CALL

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

Before adjournment Mayor Clarke thanked County Commissioner John Haddox for attending the meeting.

County Commission Haddox in turn said he appreciated the City's spirit of cooperation, and agrees with moving forward.

MOTION: VICE MAYOR MCDONALD; MOVED APPROVAL TO ADJOURN

ADJOURNMENT :7:16

ATTEST:

Cheryl White, CMC, City Clerk

Eula R. Clarke, Mayor

**Minutes to be approved at the Regular Commission
Meeting This 25th Day March, 2013**