

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON JULY 9, 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 Leighton
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. **Performing Arts Moment, Collection of Caribbean Summertime Music, the Council on Aging under the direction of Dr. Willie J. Thompson**

Dr. Thompson presented a very colorful and fun Caribbean performance with a cast of residents from the 10th Street Community Center.

2. **PROCLAMATION: Proclaiming the week of July 16, 2012 as Treasure Coast Waterway Cleanup Week**

Renee Allhauser and Butch Olsen Jr. accepted the Proclamation on behalf of the Marine Industries Association. The asked for volunteers to participate in the upcoming cleanup.

COMMENTS BY CITY COMMISSIONERS

Commissioner Krauskopf was happy to see the wonderful Fireworks for the 4th of July; he thanked everyone who was involved.

Vice Mayor Clarke echoed the 4th of July event and stated it showcased the community. She stated she is seeking a run down on leases of the City, and was wondering if there is anything else to be included because the list is short.

City Attorney Durham explained there was additional information he would provide. Mayor Christie also noted that the 4th of July was a huge success in Stuart.

He reminded the Commission of the Treasure Coast Council of Local Governments meeting and luncheon in Okeechobee on Wednesday at 9:00 a.m. Also, he announced the Regional League of Cities meeting and luncheon to be held on July 18, 2012 at the Port St. Lucie Civic Center, beginning at 10:30 am. Florida League of Cities President, Pat Bates will be the guest speaker.

COMMENTS BY CITY MANAGER

City Manager Nicoletti noted the following items:

Item #5; It is not a contract approval it is a request to negotiate an agreement. Any subsequent contracts for award will be brought back to the Commission for approval.

Item #7; Postpone this until July 23rd, 2012.

Item #6; Pulled for brief discussion.

He announced the City is working on a lease for the former Dockside Restaurant.

Item #8; Is a Quasi-Judicial Hearing.

Commissioner Krauskopf has asked that the City Consider holding a Joint Municipal Commission Meeting with Jupiter Island, Sewall's Point, Ocean Breeze Park on July 30, 2012 or he would schedule a mutually agreeable date and time, and get back to the Commission.

The Commission agreed.

APPROVAL OF AGENDA

MOTION: VICE MAYOR CLARKE; MOVED APPROVAL OF AGENDA AS AMENDED.
SECOND: COMMISSIONER KRAUSKOPF
MOTION APPROVED UNANIMOUSLY

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

CONSENT CALENDAR

- 3. Request to approve the minutes of the Special Commission of June 11, 2012, Joint Commission CRA/CRB Meeting of June 11, 2012 and Regular Commission Meeting of June 11, 2012**
- 4. RESOLUTION 51-2012 Authorization to Execute an Interlocal Agreement between the City of Stuart and Martin County for the provision of Fire Rescue Services and setting a Fee Schedule for these Services.**

5. **RESOLUTION 57-2012 Authorization to Approve the Negotiation of a Contract and the Award of RFP No. 2012-108, Business Telephone & Voice Mail System to the Highest Ranked Firm, Joy Communications, Stuart Florida**

6. **RESOLUTION 58-2012 Authorization to Approve Low Bidder ITB No. 2012-264 Colorado Avenue Business District Improvements contingent upon final approval from the Department of Economic Opportunity**

END OF CONSENT CALENDAR

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF CONSENT CALENDAR WITHDRAWN AND ITEM 6 FOR SEPARATE DISCUSSION.

SECOND: VICE MAYOR CLARKE

ROLL CALL

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

COMMISSION ACTION

7. **RESOLUTION 58-2012 Authorization to Approve Low Bidder ITB No. 2012-264 Colorado Avenue Business District Improvements contingent upon final approval from the Department of Economic Opportunity.**

City Manager Nicoletti explained that he would like to hear from staff regarding where we are as far as the bids and re-bids.

Theresa Lamar-Sarno reviewed and gave a brief summary status of the Colorado Avenue Project. She noted that staff recommends approval of a contract with changes to the original design, due to budget constraints.

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL RESOLUTION 58-2012

SECOND: VICE MAYOR CLARKE

ROLL CALL

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

Item #8 has been postponed.

8. **RESOLUTION 53-2012 Authorization for the Execution of a Lease Agreement between the City of Stuart and MacDonald Properties of**

Martin County, LLC for the Lease of City Property for an Outdoor Storage Business for a period of Five Years

9. RESOLUTION 56-2012 Authorization to Approve a Major Urban Code Exception to Judy Farley, Go Fish Clothing and Accessories, Co., tenant at 9 SE Osceola Street, as described within the attached Legal Description; to allow a Formula Business to be located in the Formula Business Area

Sworn were:

Deanna Freeman, Senior Planner
Landlord Property Owner: Steven Vitale
Judy Farley, applicant

Deanna Freeman, Senior Planner gave a brief presentation to the public and Commission regarding the proposed project.

Judy Farley, Go Fish Clothing and Jewelry came forward and introduced her family and gave a brief presentation to the Commission regarding the proposed plan and business.

Armond Pasquale came forward and expressed concern over the proposed exception for this project because it is a franchise.

Michael Mortell came forward and noted that when he was a Commissioner and participated on the franchise Ordinance it in no way intended to act as a barrier or block to anyone coming into the downtown, but rather the intention at the time was to maintain the historic nature and the quality and community control. He stated he did not feel this project would affect the quality or feel of the downtown and to allow the exception.

Steven Vitale came forward and requested the City look at the special exception process, because he felt it was too costly. He also praised the City for the improvements made in the downtown.

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL RESOLUTION 56-2012

SECOND: VICE MAYOR CLARKE

ROLL CALL

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

ORDINANCE FIRST READING

ORDINANCE SECOND READING

DISCUSSION & DELIBERATION

10. Update on the Flagler Center “Request for Proposals” (RFP) Process

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL TO HAVE STAFF RETURN WITH A NET LEASE FOR CONSIDERATION BY THE COMMISSION.
SECOND: VICE MAYOR CLARKE

City Manager Nicoletti clarified to bring back a net lease with the Lyric.

Commissioner Krauskopf and Vice Mayor Clarke stated yes.

Mary Hutchinson came forward and stated it is the Recreation Center for the City of Stuart, and requested the City ask that a certain number of days be set aside during community events, and felt the building was critical to certain special events.

Robert Steinberg came forward and said there was an un-resolved matter pertaining to public records and the Lyric Theatre. He asked that before the City moves forward with a net lease that this matter be resolved. He expressed concern over the net lease with the City and felt the lease should be a Fair Market rental.

Dave Collier came forward and stated the City needs to make a decision knowing that in any case there won't be a lawsuit filed against the City.

City Attorney expressed concern over the public records request from Mr. Steinberg of the Lyric records, and felt those records were not public. He explained the public records law to the Commission.

Commissioner McDonald felt that those records were not public.

Mr. Steinberg requested the Attorney General's opinion regarding the public records request.

City Attorney Durham explained that if the City were to obtain an Attorney General's Opinion, for example the Arts Council replaced a function that the City did in the past or delegated some authority the City had or operates to and is doing it now, that could be an issue.

Commissioner McDonald asked what function does the Arts Council provide for the City?

City Attorney Durham said he has not looked at the history behind that operation.

Mr. Steinberg stated that public property that leased for \$5.00 a year, that is significant level of public funding, and is well below fair market value.

Vice Mayor Clarke noted the amount of funding the Arts Council pays to maintain the Arts Council property. She asked Mr. Steinberg as to what he thinks he wants to see at the Lyric, or Flagler Center.

Mr. Steinberg stated he has not asked for any Lyric Theatre records, "I have not asked for artist records, I am not asking for management of the Lyric Theatre records, we are strictly talking about the Flagler Recreation Center, what the Lyric theatre charges their renters. I have no interest in that at all. We are simply talking about the Flagler Recreation Center which was renovated at a taxpayer expense, for the purpose of seeing this facility be used for theatrical concert events for comedy, dance for jazz for classical, and what brought this to the City Commission is that within the first months of operation we saw none of it. When I asked for the income and expense reports, the fees for the management seemed totally out of range for a property that size accomplishing so few events that have been specified. The rest we could argue about is in our public records. What do I want to see out of the Flagler Recreation Center? I want to see the Flagler Recreation center used as we had determined that it should be used. This is a performance center first, and a rental center for private events for weddings, for showers. That was going to be a secondary situation. As far as the rental of the facility, well I asked to have an estimate to what it would cost me to do the same kind of programming that the Lyric put on in May of 2011, the Avery Summers program. To do a four night production, the estimate was \$11,000.00. Previous to the Lyric Management, rental for the entire Flagler Recreation Center was \$1,000.00 a day. These are unaffordable rates. This is why nobody has rented it for performance. When you remove the aftermarket by having a bar that is exclusive to the Lyric, then the renter can't reach the same level of profitability that the Lyric management can reach by doing the same kind of programming. That's anti-competitive behavior. I should be able to have the same kind of programming as competitors do, and be able to have fees and cost that are commensurate throughout the community".

Commissioner Glass-Leighton stated she would like to move forward and there was a motion and second on the floor.

Dave Collier came forward and stated that when all this is said and done, there is going to be one party happy and one party un-happy. He said personally he hopes that the Lyric is happy, because if they are un-happy you will have a vacant building.

Mary Hutchinson came forward and stated to clarify her comments and that there are traditional events that now partner with the City, that I want to make sure that those specific events, and her words were not twisted.

City Manager Nicoletti stated he would try to have the net lease back to the Commission by the next meeting or as soon as he can.

ROLL CALL

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

ADJOURNMENT: 7:15 p.m.

ATTEST:

Cheryl White, MMC, City Clerk

James A. Christie Jr., Mayor

**Minutes to be approved at the Regular Commission
Meeting This 23rd Day JULY, 2012**