

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON NOVEMBER 26, 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.

- 1. PROCLAMATION: Proclaiming December 2, 2012 as Christmas in the Caribbean Day.**

Treasure Coast Parrot Club President, Dee Millhousen came forward and graciously accepted the proclamation.

- 2. PROCLAMATION: Proclaiming December as White Doves Holiday Project Month.**
Kelly Beard
came forward and graciously accepted the Proclamation and thanked the City Commission.

- 3. EMPLOYEE SERVICE RECOGNITION:**

Clark Campbell, Fire Rescue 30-Years

Joseph Hoffkins, Development Bldg 5-Years

Donald Kelly, Jr., Police 5-Years

Clark Campbell came forward and graciously accepted his award and thanked the City Commission.

Joseph Hoffkins and Donald Kelly were unable to attend.

- 4. EMPLOYEE OF THE MONTH - NOVEMBER:**

Janet Metz, Community Services

Janet Metz came forward and graciously accepted her award, and thanked the City Commission.

5. PRESENTATION: American Cancer Society, recognizing the City of Stuart's support and participation in Breast Cancer Awareness Month activities.

Martin County Cancer Society came forward and thanked the City for their participation to the October Breast Cancer Awareness Month. She presented a plaque with a picture of the Sailfish Fountain with Pink lighting.

6. PRESENTATION: Whole Child Connection Public Outreach Presentation.

Nicole King,

Executive Director Children's Services Council came forward and gave a brief presentation to the Commission regarding the Whole Child Connection program.

7. PRESENTATION: Florida League of Cities, honoring Commissioner Jeffrey A. Krauskopf for 25-Years of Service to the City of Stuart.

Jim McGinn, of Florida League of Cities presented Commissioner Krauskopf with a Resolution of 25 years of Service to the City of Stuart. In honor of the occasion at the close of the meeting everyone enjoyed a piece of cake complete with a picture of Jeff as part of the icing decoration.

COMMENTS BY CITY COMMISSIONERS

Mayor Christie read a note from newly elected Martin County Commissioner John Haddock congratulations to Commissioner Krauskopf on his 25 years award. Also present was Pam Roebuck of State Attorney's Office and County Commissioner Chair Ed Fielding.

Mayor Christie thanked all the citizens of the City for supporting him in his campaign, he said he looks forward to working for the next 2 years and meeting all of the challenges that are here for us, and I'll do my best.

Vice Mayor Clarke also thanked the citizens for re-electing her. She thanked Howard S. Gilman, Jr. She noted a previous discussion on the "Safe Routes to School" grant program, and asked if the City would continue looking into application for future sidewalk projects. She also commended City Manager Nicoletti and Terry O'Neil staff on their presentation on November 19th citizen meeting on airport issues.

Commissioner McDonald congratulated Jeff Krauskopf on his many years of service to the City and then addressed his recent Town Hall meeting on downtown parking issues. He noted the meeting was largely attended by business owners and suggested holding another meeting that will be held for resident input.

Commissioner Glass Leighton congratulated Commissioner Krauskopf, Vice Mayor Clarke and Mayor Christie.

Commissioner Krauskopf congratulated Clarke, Christie and McDonald on their re-elections. Noting strong support of small business and entrepreneurship, He expressed concern over those throwing flyers into driveways with rocks in them. He felt they were a hazard and could be harmful. He asked the City Attorney where he was with the "Robo Call" matter.

City Attorney Durham said he looked into the matter, and is aware of the problem but stated is not really feasible at this point.

COMMENTS BY CITY MANAGER

City Manager Nicoletti announced that the entire staff of the City of Stuart salutes Commissioner Krauskopf on his 25 years as a City Commission and is an incredible milestone and service. He also announced that afterward there will be a cake for everyone to enjoy in celebration of Commissioner Krauskopf's award. He thanked Terry O'Neil and his staff for their work on putting together the airport meeting. He noted the following items:

Agenda item #11, 17 will be pulled for separate discussion at the request of Commissioner McDonald.

He also noted at the last Commission meeting he was directed to send an excerpt from the City Commission Minutes to County Administrator Taryn Kryzda as it related to Airport Director George Stokus, and that has been done today.

The review of Dyer Drive Sidewalk issue has been completed with 9 residents voting against and only 2 in favor of providing a sidewalk. It is staff's intention not to proceed unless later directed by the City Commission. I did tell Mr. Alfee about the survey and he may appear at the December 10th meeting to discuss it with the Commission.

He noted that Joe Capra was here tonight to provide the Commission an update on the Colorado Avenue construction following the City Attorney's request for an Attorney Client Meeting.

City Attorney Durham requested an Attorney-Client meeting to be held at 4:45 PM on December 10th before the 5:30 City Commission meeting.

The Commission agreed.

Joe Capra, Captec Engineering gave a brief update on the Colorado Avenue project. He noted the project is still scheduled for completion early December. Change orders are "out there" but we have some credit coming.

Vice Mayor Clarke addressed the traffic study on Kindred Street.

Mr. Capra said so far there has not been any back up and suggested we wait until February or March to see how it is working.

City Manager Nicoletti noted that there has been construction work in the City Hall parking lots that will be ongoing and will affect the Green Market this weekend. They have been notified and the Green Market agrees they will come back the following weekend.

Vice Mayor Clarke asked if they could be relocated to another location?

City Manager Nicoletti said the City offered to relocate them, and they declined the offer.

APPROVAL OF AGENDA

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF AGENDA

SECOND: COMMISSIONER GLASS LEIGHTON

MOTION APPROVED UNANIMOUSLY

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

None

CONSENT CALENDAR

8. **MOTION to approve the Minutes of Regular City Commission Meeting of November 11, 2012.**
9. **RESOLUTION 105-2012: Renewing the agreements for RFP No. 2011-102, Debris *Removal* Services, Crowder Gulf, Joint Venture of Theodore Alabama, for a period of one (1) year.**
10. **RESOLUTION 107-2012: Official Election Results from November 6, 2012, General Election.**
11. **RESOLUTION 108-2012: Authorization to execute a rental agreement with The Stuart Church of God at a reduced rate of \$20.00 per hour, for their Sunday services at the 10th Street Community Center.**
12. **RESOLUTION 109-2012 Authorization to approve a Budget Amendment #4 to the 2012/13 Fiscal Year Budget, for the receipt and appropriation of 2012 Justice Assistance Grant, and to appropriate Federal Trust Fund money and expend funds in the amount of \$12,518.05 to pay for police station access control.**
13. **RESOLUTION 110-2012 Authorization to renew Agreement for RFP #2011-103, Debris *Monitoring* Services, with O'Brien's Response Management, Fort Lauderdale, Florida, for the period beginning December 16, 2012 through December 15, 2013.**
14. **RESOLUTION 111-2012 Authorization for Budget Amendment #5 to the 2012/13 Annual General Fund, Operating Budget; Authorization for the expenditure of funds to purchase an upgrade to digital dictation system for the Police Department in the amount of \$17,676.00.**

15. **RESOLUTION 112-2012 Authorization to negotiate an agreement with Holtz Consulting Engineering, Inc. and Culpepper & Terpening, Stuart, Florida, the two highest ranking firms responding to REI#2012-119 for professional engineering services for Water Distribution System Rehabilitation.**

16. **RESOLUTION 113-2012 Authorization to award RFP #2012-121, Landscape Maintenance Services to the three lowest, most responsive and responsible proposers, ValleyCrest Landscape Maintenance, Stuart, Florida; Sunshine Land Design, Stuart, Florida; and Orchidman Landscape Artisans, Corporation, Miami, Florida.**

17. **RESOLUTION 115-2012 Authorization to Award RFP #2012-120, Real Estate Marketing Services to NAI Southcoast, Stuart, Florida. Simultaneously authorize Mayor and City Clerk to execute the final negotiated agreement, not to exceed \$150,000.00.**

END OF CONSENT CALENDAR

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL CONSENT CALENDAR PULLING ITEMS 11, 17 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		

Items 11-17 were heard at this time:

11. RESOLUTION 108-2012: Authorization to execute a rental agreement with The Stuart Church of God at a reduced rate of \$20.00 per hour, for their Sunday services at the 10th Street Community Center.

After brief discussion by the Commission and staff the City Commission asked staff to bring back the actual hard cost for the use of the Center by the Stuart Church of God .

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL TO TABLE ITEM #11

RESOLUTION 108-2012 TO DECEMBER 10, 2012

SECOND: COMMISSIONER MCDONALD

MOTION APPROVED UNANIMOUSLY

17. RESOLUTION 115-2012 Authorization to Award RFP #2012-120, Real Estate Marketing Services to NAI Southcoast, Stuart, Florida. Simultaneously authorize Mayor and City Clerk to execute the final negotiated agreement, not to exceed \$150,000.00.

Commissioner McDonald noted that marketing “our” City-owned property is great but he questioned the fee schedule.

Commissioner Krauskopf said we looked at a flat fee to be paid out of proceeds, and if there was any co-broker that would be part of it.

Commissioner McDonald said we are currently doing an economic study on City Hall and former Dockside property and expressed concern over marketing the former Dockside property at this time.

Commissioner Krauskopf said that concept had been discussed and realizing if you look at the large scale projects the City has done, from an “inception to rental commencement date there is generally been a rule of thumb a 10-year gestation period.

Commissioner Krauskopf said he wished Dockside was producing revenue right now. But there’s nothing right now that says the facility couldn’t be incorporated in the ultimate plan and recommended moving forward.

MOTION: COMMISSIONER MCDONALD; MOVED APPROVAL RESOLUTION 115-2012

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

- 18. RESOLUTION 116-2012 Voiding the Special Exception that was granted by Resolution 53-2010 for the Macedonia Community Outreach Ministries Veterans Home, located at 828 Nassau Ave, and authorize a waiver of application fee if a new application for a Special Exception is received on or before April 26, 2014.**

MOTION: COMMISSIONER MCDONALD; MOVED APPROVAL RESOLUTION 116-2012

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

- 19. ORDINANCE 2251-2012 (Quasi-Judicial) (First Reading) Request for a Major Amendment to the Wallace PUD to allow for a 135-foot tall cellular communications monopole tower on a 0.14 acre parcel of land situated on the larger 12.94 acre Wallace Commercial Planned Unit Development. The parcel is situated within the open space of the Wallace CPUD, as approved under Ordinance # 1530-97 and GSA – Homeland Security, Stuart CPUD 2191-09.**

Sworn : Paul Scott, PJ Development, Deanna Freeman Terry O’Neil.

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

Commissioner Krauskopf asked if staff could contact the providers the City has leases with been advised of this applicants request, and do they have any comments on this, .he also asked that be brought back at second reading.

Vice Mayor Clarke asked that the scrivener’s error of the street name Commerce be corrected.

MOTION: VICE MAYOR CLARKE; MOVED APPROVAL ORDINANCE 2251-2012 ON FIRST READING AND ADDRESSING COMMISSIONER KRAUSKOPF AND VICE MAYOR CLARKES COMMENTS AND CORRECTIONS.

SECOND: COMMISSIONER MCDONALD

ROLL CALL

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

- 20. ORDINANCE 2252-2012 (First Reading) Request amendments to Chapter 4 of the City’s Code of Ordinances Regulating the sale of Alcoholic Beverages; Providing for an Exception to the Old Downtown Section’s 30 percent cap on the total amount of floor space that may be used for the sale of alcoholic consumption on premises, thereby conditionally allowing certain food service establishments to sell beer and wine without regard to the 30 percent cap; Providing that property owners vested under the 30 percent cap intending to close their businesses for renovation must do so and be open for business by a certain deadline.**

Terry O’Neil gave a brief overview of the proposed Ordinance to the Commission and public.

MOTION: COMMISSIONER MCDONALD; MOVED APPROVAL ORDINANCE 2252-2012 ON FIRST READING PARAGRAPH 3 FROM CITY DEVELOPMENT DIRECTOR TO CITY MANAGER FOR REVOCATION OF THE PERMIT CORRECTION.

SECOND: VICE MAYOR CLARKE

Mayor Christie read into the record a letter of support from Attorney Steven Vitale and Bill Moore, Stuart Coffee Company.

Dave Collier, Stuart Main Street came forward and said the Stuart Main Street Board met on November 20th, 2012 and all agreed to support the Ordinance as proposed.

Bill Moore, owner of Kilwans and Stuart Coffee Company came forward to support the proposed Ordinance.

Judy Farley, Go Fish Clothing came forward and stated she supports the proposed Ordinance.

Steven Vitale came forward and pleaded with the City to approve the proposed Ordinance.

Mark Brechbill, Stuart Main Street came forward and added the language relative to the utilization of a license and the time a license can be idle for the 30%, is extremely important. "If we are going to limit and make this area viable, and restrict it so that it doesn't become a bar after bar after bar, then its important that the 30% that is being used, is available to be used, so that it is not keeping other people out of it."

Bernie Malone came forward and expressed some concern over the language in the proposed Ordinance. He felt it was too restrictive for the alcohol sales and time constraints for serving beer and wine.

Terry O'Neil stated that staff met with the downtown merchants regarding the time limits and there was no comments regarding changing or extending the time, but can certainly be discussed.

ROLL CALL

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

ORDINANCE SECOND READING (NONE)

DISCUSSION & DELIBERATION

21. Discussion of a "Shop Local, Shop Small" Program in the City of Stuart.

Teresa Lamar-Sarno presented a brief powerpoint regarding a proposed reviewed "Buying Local" or Shop Local program. Examples of other municipalities or towns were presented. Staff suggested the Commission adopt a resolution for a "Shop Local Shop Small Program." Staff will return on December 10th to review the potential to several programs, logo/brand. She also stated it is scheduled for the 11th at the County Commission to launch it jointly. There is also a need to designate some small funding for the effective promotion of the program.

Commissioner Glass Leighton said this sounds great but questioned funding and asked if County had been contacted.

Commissioner McDonald said he had talked with District 2 County Commissioner Ed Fielding for some assistance and logo design. "I would also like to go to the Business Development Board and ask them for funding. I think that would fit into their mission for business retention."

Commissioner McDonald said the logo should be designed to use County wide or adapted for different parts of the County.

Vice Mayor Clarke asked how we can do this without being "offensive to some people."

City Manager Nicoletti said that issue had been discussed and the question is; what are we trying to accomplish? The idea is to keep dollars here. We do have big-box stores in the City and we value them, but this places the emphasis on "shopping small." Stuart could be the "prototype for the program" that could be transported to other areas such as, Hobe Sound and Indiantown. He said unless we hear otherwise over the next two weeks we will create an atmosphere whether they have national recognition or not, could be eligible to become members of this shop local shop small

The Commissioners all support the program.

Martin County Vice Chairman Ed Fielding came forward, and agreed it would strengthen the local community business and would be a benefit for everyone.

Mayor Christie and Vice Mayor Clarke thanked all involved in the initiation of this proposed program.

Dave Collier came forward and stated that Stuart Main Street supports the proposed program, and to play an active role. He thanked the City and County for kick starting the program. He felt that the program can be started in the downtown and then grow countywide. He expressed concern over the funding to support the program in the future.

Patty O'Connell, President Downtown Business Association came forward and felt this was a positive momentum for the businesses, and this past Small Business Saturday was the best she has ever seen. She said the DBA is in favor of the program.

22. Discussion of Sewer Expansion for Commercial Properties within Neighborhood Sewer Basins.

Dave Peters gave a brief presentation to the Commission and noted small businesses are not afforded the opportunity to take advantage of the current sewer expansion program which is not different than what we are doing with residential and multi-family. He requested to allow staff to come back with a resolution to extend the existing basins to include commercial.

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL TO HAVE STAFF BRING BACK A RESOLUTION FOR ADOPTION BY THE COMMISSION AND BRING BACK A DEFINED OR TURNED ON INVESTMENT .
SECOND: COMMISSIONER MCDONALD
MOTION APPROVED UNANIMOUSLY

Mark Brechbill came forward and stated that Stuart Main Street is willing to put together some sort of a Stuart Visioning program that was suggested by Vice Mayor Clarke.

Vice Mayor Clarke thanked him and said she and fellow Commissioners would take that under advisement.

ADJOURNMENT 7:37 P.M.

ATTEST:

Cheryl White, CMC, City Clerk

Eula R. Clarke, Mayor

**Minutes to be approved at the Regular Commission
Meeting This 14th Day January, 2013**