

**REGULAR MEETING OF THE STUART CITY COMMISSION  
HELD ON JUNE 25, 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(ABSENT)  
Development Director (Acting City Manager) Terry O'Neil  
City Attorney, Michael D. Durham  
City Clerk, Cheryl White**

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

**Mayor Christie noted that the Commission agreed to move forward items #11 as new item #4a, and #8 as new item #5a on tonight's agenda.**

**MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF AGENDA AS AMENDED AS RECOMMENDED.**

**SECOND: COMMISSIONER CLARKE  
MOTION APPROVED UNANIMOUSLY**

**PRESENTATIONS**

**1. PROCLAMATION: Proclaiming July as Bladder Cancer Awareness Month.**

Ed Maxwell, Vice President Bladder Cancer Foundation of Florida, Inc, came forward and graciously accepted the Proclamation.

**2. Employee of the Month**

**Jeffery Montpetit**

Jeffrey Montpetit came forward and graciously accepted his award and thanked the Commission.

**3. Employee Service Recognitions**

Cheryl White, City Clerk, 25 Years  
Michael (Mick) Jacobson, Information Services, 10 Years  
Herb Bens, Public Works/Turf and Grounds Team, 5 Years  
Janine Wilde, Public Works Administration, 5 Years

All came forward graciously accepted their awards and thanked the City.

#### **4. Community Services Advisory Board Presentation and Video, Recognizing the Sponsors from the 4-Ball Golf Tournament**

Jim Chrulski came forward and presented a short video to the Community and Commission regarding the past Golf Tournament Event. He introduced Community Services Advisory Board Chair Robin Hicks-Conners came forward to honor and recognize the valued sponsors of the event. She said the tournament raised almost \$20,000.00, which more than doubled in previous years. She also recognized Lyric Theatre Manager John Loesser, and thanked him for his service to the Arts.

4a. Formally Item 11 on the Agenda.

#### **11. Lyric Flagler Center Update**

Theresa Lamar-Sarno, CRA Coordinator came forward and presented to the Commission a brief presentation regarding the management agreement between the City and the Friends of the Lyric and the operation of the Lyric Flagler Center. She explained the current City Agreement.

Lyric Executive Director John Loesser came to the podium he clarified that the Lyric is a private, not for profit organization and receives no public funding. It is completely funded by public donations, corporate sponsorships, etc. When the City wanted to rent the Flagler Center, the Lyric offered to manage the facility but not to provide recreational events such as Easter Egg Hunts etc. He stated that an "individual" has been harassing the Lyric and the Board of City Commissioners to obtain private Lyric records which if made public would risk never being able to negotiate favorable rates for the artist who wish to perform at the Lyric or Lyric Flagler Center, and there for put the Lyric out of business. Annual audits have shown the Lyric is doing a good job. Loesser said he is "tired of being bullied" and said the City and Lyric must agree on an arrangement for the current agreement to manage the Flagler Center.

Commissioner Krauskopf asked if Loesser felt a simpler form would be easier for both the Lyric and the City?

Mr. Loesser said yes.

MOTION: COMMISSIONER KRAUSKOPF; "MOVED APPROVAL TO ACCEPT A MUTUAL TERMINATION OF THE MANAGEMENT AGREEMENT AND NOTICE THE 90 DAY CLAUSE SO THAT WE CAN BEGIN TO DO A RFP AND LOOK FOR A SIMPLER FORM STAFF CAN BRING BACK TO THE COMMISSION."

John Loesser: "I completely agree with that concept."

SECOND: COMMISSIONER MCDONALD

Mayor Christie asked for "civility" from the public speakers.

Both the City and Mr. Loesser agreed to the termination of the mutual agreement effective tonight.

Robert Steinberg came forward and stated that much of what he has to say is cancelled because you have just entered into a cancellation agreement. He stated that he has had

“difficulty with the agreement” for the past 18 months and offered a solution is to for a public not for profit corporation from the very beginning who’s only purpose is to manage and run the Flagler Recreation Center financially and equitably, so that everyone in the community can have access to this facility, including the Lyric Theatre and presenters who would like to use a black box theatre for Jazz, Classical, Theatre Production and other kinds of cultural events.

Programming has been available to the Flagler but, has not been used and has had available to the center many community groups who were not allowed to use it due to the fees being charged.

Patty Downey came forward and stated she was on the Board of Directors of the Lyric and was very proud to see what has been done at the Flagler Lyric Center. She said it was the beginning and a work in progress.

Former City Manager Dave Collier, who is also a member of the Lyric and Mainstreet boards, disagreed with some segments of staff presentation saying it was “John” who proposed the use of the Flagler. The concept in the agreement has caused problems because it was not “properly vetted” and he placed the blame for that on staff in charge at the time the agreement was made. He also made reference to “petty bureaucrats of the City” and said the City has the opportunity to determine policy for City staff on these matters.

Carol Spiera came forward and stated the Lyric Flagler Center is a work in progress. She said that John Loesser brought something to the community the City did not have. She said it behooves us to support them in any way we can so that we have something for our future and encourage our youth to go to the Lyric Theatre as oppose to going North or South where there are for profit theatres.

Paul Daly came forward and stated he hopes everyone looks at the Lyric Theatre as “the goose that laid the golden egg,” and a number of other downtown business owners agreed the Lyric and Flagler Center are “critically important” to downtown Stuart.

Charles Watson owner of Clapping Monkey Productions came forward and stated he produces shows and approached the Lyric Theatre with an idea to bring his entertainment to the Flagler Lyric Center.

Dr. William Lippisch came forward and stated he was a John Loesser supporter for many years. He stated he supports the idea of the Flagler Lyric Center.

Dr. Richard Lowe came forward and stated he attends many events at the Lyric Theatre and supports John Loesser and his programs at the Lyric Theatre. He explained that the theatre in Ft. Pierce offered Mr. Loesser a chance to operate their theatre and he stayed in Stuart. He also added that in 2002, Mr. Loesser was sued by a member of the community so he could get access to perform at the Lyric Theatre. The lawsuit was filed in 2001 by Robert Steinberg and was dismissed by Judge Bryant the same year. After the dismissal Mr. Loesser offered Mr. Steinberg an offer to perform, and he has yet to perform, and now another gad fly observation has occurred which has caused these people to come out in support of the Lyric. He wanted to make sure the Board knows that sometimes the squeaky wheel does should not get the grease.

Attorney Oliveann Lancy came forward and stated her husband was a disabled veteran, and she said there was no elevator at the theatre. She observed John Loesser at work and is also

a volunteer at the theatre. She said we should be thanking this man for bringing to our small town a beautiful jewel that we have in the Lyric. I am an attorney and frankly when I looked at the contract, when he first signed it, I thought boy John is really giving away a lot here, and the City is getting a heck of a good deal. She said this is a work in progress and asked that he be given an opportunity to make it a better operation than it is now.

Daisey Carter came forward and said she supports the Lyric Theatre and John Loesser.

Phillip Esmay came forward and stated he was an up and coming actor and comedian. He said he is grateful for the Lyric Theatre and them allowing him to do what he does as a young person.

Caley Bates came forward and thanked John Loesser for the opportunity to grow with the Lyric Theatre, and stated that the Lyric Theatre has been part of her life since she was 3 years old.

Rebecca Beckett came forward and stated she was grateful for the working relationship between her company and the Lyric Theatre, She stated the Lyric and John Loesser has given her place to promote her business and be a resource for her clients to come out and enjoy themselves.

Vice Mayor Clarke asked for clarification of the motion.

Teresa Lamar Sarno stated that staff recommends option number 2.

Vice Mayor Clarke acknowledged that she had requested this issue be placed on the agenda due to Steinberg's insistent requests. She agreed a new contract is needed for the Flagler Center.

City Attorney Durham clarified how staff would proceed with the process.

Commissioner McDonald inquired into the time frame that the RFP or RFQ takes, and if there would be a lapse in use of the facility.

Acting City Manager O'Neil noted that a schedule would be brought back to the Commission in a timely manner.

Vice Mayor Clarke wanted to make sure that will be public input, and requested the City also move forward on this matter as soon as possible.

**ROLL CALL**

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

Vice Mayor Clarke wanted to publicly thank Benzi for his work at the Lyric Theatre.

**5. Presentation by Martin County regarding City Participation in an FAA Abatement Grant Program.**

Acting City Manager Terry O'Neil announced that the City's Aviation Consultant William Albie is joining us via phone, and is available to answer any questions you may have.

Taryn Kryzda, Martin County Administrator came forward and gave a brief overview regarding the City's FAA Abatement Grant program. She explained that Martin County has already adopted the 60 DNL and is proceeding with the process so that they can continue with the FAA Grants. She stated the City has an opportunity to do the same, but is completely up to the City as to how or if they wish to proceed.

Lisa Waters, Hanson Professional Services noise consultant for Martin County Airport gave a brief visual presentation to the public and Commission, briefing them on the 60 DNL land use compatibility planning standard, and what it means. She also gave a brief status of the noise mitigation program, and where it stands to date. She stated she will discuss the results of the town hall meetings conducted by Martin County in April. She was unclear as to the exact deadline dates, and deferred to Terry O'Neil.

Acting City Manager O'Neil said there are two things the City Commission needs to do, one is the City Commission would need to commit to the 60 DNL standard, and as you know the City has drafted an Interlocal Agreement that does just that. He asked the County staff and consultants for the exact date in which the City would need to affirm the City's support of the 60 DNL, and the follow up where the City would need to amend the Land Development Codes and import into the Land Development Code the implementing language the County is doing now.

First needs to agree to the Interlocal Agreement, and then needs to amend the Land Development Code.

Martin County Administrator Taryn Kryzda asked the City to notify the County of the City's actions when the advisory board takes the study to them for their approval. She said if we are talking about, August 21<sup>st</sup> or the end of August.

Airport Director George Stokus said the County will continue to move forward with the NCP, the City of Stuart's comments are more like an appendix or inclusion, so it's not necessarily required that the City give comments by a certain date. He said that inclusion could be made but if you choose to make no comments no decisions or no actions that is included in the NCP. The late date is the first meeting in September, 9/11/2012. He further added that an Interlocal Agreement is not necessary, and the County Consultant will continue to move forward with the NCP.

Acting City Manager O'Neil clarified that City staff recommends the Interlocal Agreement.

Commissioner McDonald wants all conditions "nailed down" in the Interlocal before going forward with the 60 DNL, based upon what happen to 18<sup>th</sup> Street, but was very much ready to move forward with it.

Mayor Christie encouraged the City to move forward with the Interlocal Agreement.

Luanne Flaudo of 16th Court said they were told if the City did not agree to this the "residents would be out of luck." She said she now lives in a crash zone and no longer wants to live there and hoped the City would be willing to go with this measure, because they were told if the City did not adopt the 60 DNL the residents would be stuck.

Victor Hill of 15th Court resident agreed with the previous speaker that there are jets flying over his house. He said his house rattles when the large jets fly over. He expressed concern over the safety of the neighborhood because of the crash zone.

Mary Hutchinson, 902 St. Lucie Crescent agreed the City needs an Interlocal Agreement to protect City residents. She said we are not just losing homes we are losing families and the airport continues to take over our entire City.

Brad Hayden of 16th Court came forward and expressed concern that if he was bought out now, he would get half of what the homes on 18<sup>th</sup> Street were paid.

Commissioner McDonald said he worked extensively with Terry O'Neil and the objective was to come up with a good balance for the city and the residents affected in the 60 DNL.

Vice Mayor Clarke noted that she lives in the middle of the issue and will not be able to vote, as she is one of the affected property owners. She also addressed the "reality" of what this means and noted as on 18th Street nothing will happen here. Clarke felt the aircraft users need to comply and she wanted to know the reality of property appraisals.

Mr. Stokus said the 60 DNL does not apply with aircraft compliance and the County is working with the Airport Noise Abatement Committee. 18th Street lack of development has to do with FAA requirements. As for property values, FAA follows a uniform code of values by the property appraiser and also considers appraisal of a home with an unwilling seller.

MOTION: COMMISSIONER MCDONALD "MOVED APPROVAL TO ADOPT THE  
INTERLOCAL AGREEMENT  
SECOND: COMMISSIONER GLASS LEIGHTON

Commissioner Krauskopf questioned graphics on Runway 1-2 and asked Mr. Stokus if there were any structures affected on runway 1-6.

Mr. Stokus said to his knowledge there is not.

Commissioner Krauskopf asked if you update does the line change?

Mr. Stokus said anytime we do an update we do noise measuring and does change the lines.

Commissioner Krauskopf asked what the probability is 5-7 years out that runway 1-2 would come back having more homes that needed to be addressed.

Mr. Stokus explained that in order to have the noise line move out significantly there is a litany of factors that occur. Whether it is done in 5 years or 2 years, where there is significant changes to the operating environment of the airport. If one of those would occur we would go through the NCP process. He said that were we sit today there is very little probability that there is going to be any more homes impacted. If you look at previous history of 2002 the lines were much bigger. Since then those lines have shrunk and the stage 2 jets are no longer going to be able to fly in 2015.

Commissioner Krauskopf asked Commissioner McDonald to incorporate two amendments to his motion, and in paragraph 13 strike any references to payment in lieu of taxes PILOT, and second; attach the schedule presented to the public with term dates.

Commissioner Glass Leighton accepted the motion amendments.

Vice Mayor Clarke announced she would be abstaining from the discussion.

Mayor Christie agreed with concerns about expanding lines and said he hated to see people expelled from their neighborhoods.

Commissioner McDonald felt the Interlocal would provide a “balance of the protection” and noted the County has not done a good job of maintaining the vacated 18th Street property and felt it looked like a blighted neighborhood, and hopes they would do a better job of maintaining it.

Mayor Christie asked about possible uses for that site, that maybe passive uses?

Mr. Stokus said regulations do change and he would research uses and report back to his supervisor in the future. He suggested the City put forth ideas or their thoughts for the 18th Street site but noted the area is restricted by FAA dollars.

Commissioner McDonald requested Mr. Stokus copies of his correspondence with FAA and the 18<sup>th</sup> Street property request.

Mr. Stokus said that we have been holding back on 18<sup>th</sup> Street to see where this process was going to take us in the future. I” I will be more than happy to readdress that, and contact City staff and begin that again, as to the possibilities or what can be done to improve the features or the looks of that area, and re investigate what could be potential. I am telling you that the major limiting factor is the FAA. They are the ones that restrict every RPZ in the nation.

Vice Mayor Clarke wanted to know when federal funds would be available if residents are unwilling sellers.

Mr. Stokus said we would have to follow the FAA process to make application.

Commissioner McDonald questioned the amount of FAA funding that goes to consultants and how much to the City of Stuart.

Mr. Stokus said the adoption of 60 DNL has to occur before he can go through the LPR process.

Commissioner Glass-Leighton was “disheartened” to hear Stokus comment that we do not need an Interlocal, and what has been going on in the past cannot continue.

AMENDED MOTION: COMMISSIONER MCDONALD  
AMENDED SECOND: COMMISSIONER GLASS LEIGHTON

ROLL CALL

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

## **COMMENTS BY CITY COMMISSIONERS**

Commissioner Krauskopf wished everyone a safe and happy 4<sup>th</sup> of July Holiday.

Resident Brad Hayden 16<sup>th</sup> Court came forward and expressed concern over any projects at the airport that may affect his residents, like it did on 18<sup>th</sup> Court. He said since the homes were taken down on 18<sup>th</sup> Ct. the noise levels have increased. He also stated that he spoke with George at the airport regarding a fence along the property.

Commissioner Glass Leighton thanked the City staff for the flowers sent for the birth of her son.

Commissioner McDonald noted the upcoming 4<sup>th</sup> of July Holiday and hopes that everyone has a happy and safe holiday. He also congratulated Cherie White, City Clerk on her 25 years of service.

Vice Mayor Clarke announced that on June 27, 2012 at the City of Delray Beach the 7-50 Summit will be held, which is, 7-Counties planning for 50 years. Also July 12, 2012 a meeting will be held at the IRSC Wolfe Technology Center beginning at 5:30 p.m., and hosted by Department of Transportation. The discussion will include a possible diversion diamond at the entrance to the I-95. She directed those interested to visit the Martin County, MPO web site or the D.O.T web site for additional information. She also noted a recent celebration at Dr. Thompson's residence celebrating "Juneteenth" which is the oldest nationally celebrated commemoration of the ending of slavery in the United States that was finally heard by slaves in Texas on June 19, 1865.

Mayor Christie wished everyone a safe and pleasant 4<sup>th</sup> of July.

## **COMMENTS BY CITY MANAGER**

Acting City Manager O'Neil presented Vice Mayor Clark and Commissioner McDonald certificates of participation and completion for Advanced Institute for Elected Municipal Officials from the Florida League of Cities.

He also announced the National River Clean Up event to be held at Shepard Park on June 30, 2012, those interested in participating can contact Mary Kindle at the City of Stuart.

He mentioned that City Clerk, Cherie White, has received a Leadership scholarship from the Municipal Code Corporation for \$500.00, which provides training for electronic documents in management systems.

He announced the City receipt of recognition of outstanding achievement from the Florida Storm water Association on its renovation of Memorial Park.

## **APPROVAL OF AGENDA**

\*Already approved after the Pledge of Allegiance.

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

## **CONSENT CALENDAR**

6. **RESOLUTION 43-2012 Authorization to waive fees for City Sponsored Events**
7. **RESOLUTION 55-2012 Authorization to Approve the Award of ITB No. 2012-271, Drainage Repairs on Tressler Drive between Casa Avenue and Poppleton Creek to the Lowest Most Responsive and Responsible Bidder, R.K. Contractors, Ft. Pierce, Florida**

MOTION: COMMISSIONER MCDONALD; MOVED APPROVAL OF THE CONSENT CALENDAR

SECOND: COMMISSIONER GLASS LEIGHTON

ROLL CALL

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

Victor Hill came forward and expressed concern over the fumes from the airplanes that fly over his neighborhood.

**END OF CONSENT CALENDAR**

**COMMISSION ACTION**

\*Item 8 was heard earlier.

8. **RESOLUTION 52-2012 Authorization to Execute an Interlocal Agreement between the City of Stuart and Martin County allowing for the City Adoption of a 60 DNL Land Use Compatibility Planning Standard**
9. **RESOLUTION 54-2012 Authorization to Adopt a Policy for Conduit Bond Financing for Projects within the City**

Mr. Kenneth Artin, of Bryant Miller & Olive noted that the City has been asked to participate in a conduit bond funding project. This action is to adopt a policy to address this project and future projects that the City may be asked to address. He explained that the City of Stuart would be issuing securities that are exempt from registration under the federal securities law. He explained the process in which someone would apply to through the City and did not support the program for the City of Stuart.

Commissioner McDonald asked if the item before us tonight is two issues, one is our policy and the other is the Stuart Lodge matter. He expressed concern that the City adopts a policy based upon the company and their principles of that company. What can the City do to assure those principles do not change?

The consultant said that certainly that could be a criteria of the Bond if they wanted to come to the City for the Bond Financing through the City as a conduit.

Vice Mayor Clarke read that the City would not have any liability regarding the applicant, and asked if it were necessary for the City to apply the criteria listed, and to possibly have a middle of the road criteria, so to speak, to bring future development to Stuart.

Mr. Kenneth Artin explained the various policies instituted by the conduits, but the criteria listed here is what we consider the middle of the road policy, to protect the interest of the City.

Commissioner Krauskopf also saw this as two separate issues – 1) Do we want to get into conduit bond financing and 2) Is there any applicant or proponent who would want to use this process.

Jay Glover, the City's financial advisor addressed the terms of risk issues.

Commissioner Krauskopf noted it was two separate issues. He asked for comments by Jay Glover, of Public Financial Management.

Jay Glover, Public Financial Management came forward and agreed with Mr. Kenneth Artin, of Bryant Miller & Olive regarding the City's risk and felt the policies criteria before the Commission tonight was in his opinion "middle of the road". He agreed that the two matters before the Commission tonight are, a policy and what projects might come through. He expressed concern over tailoring a policy to fit one particular project and called it not in the best interest of the City.

Commissioner Krauskopf asked if the policy proposed similar to what most cities are doing.

Mr. Glover noted that the policy before them tonight was what most counties are doing, and added that not everyone has policies like this, with this being the most common and these types of criteria.

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF THE RESOLUTION 54-2012 AS RECOMMENDED BY BOND COUNCIL AND THE CITY'S FINANCIAL ADVISOR IN THE MOST RECENT ADDITION DISCUSSED TONIGHT.

SECOND: VICE MAYOR CLARKE

Tom Hofmiester came forward and expressed appreciation for the City Commission expediting this Resolution noting that he is partnered with Dave Crowson and Sheila Kurtz on The Stuart Lodge project. He introduced Rob Gall of H.J. Sims.

Robert Gall of HJ Sims voiced his concern about provisions in the proposed policy noting that the City has the ability to allow for protections through a Memorandum of Agreement. He further stated the request on specific denominations should be based on the project and who ultimately is the bond underwriter.

Armond Pasquale posed the following questions: If the bonds are not repaid by a poor project Manager who takes liability? What is the benefit to the City financially, and why are you getting into this.

Less Campbell a Broker with H.J Sims came forward addressed Pasquale's questions stating most bonds are backed by a mortgage on the project and other protections are put into place. He explained there are protections in place for the Bond Holders. The impact of the City, if there is a problem on the conduit financing and a revenue bond, would not have any impact worthiness, credit ratings of the company, and in our view would not have any impact to the City.

Jay Glover, Public Financial Management agreed the information provided was correct and said rating agencies recognize the City is acting as a "conduit player." If the City's debt was rated there would be no reflection on your rating, due to the conduit nature of that bond.

The City is not liable on the debt, but still under the Federal Securities Law, the issuer of those securities. It is your name and obligation that your putting out there, that is going to be sold.

City Attorney Durham asked the City's financial advisor to answer Mr. Pasquale's question regarding whether or not the City is getting a cut of the bonds?

Mr. Glover explained the proposed policy a \$5,000 registration fee as well as other fees would go to the City, and then a fee that would be paid by the City at closing based on the paramount of the debt issued.

ROLL CALL

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

Mayor Christie felt the project could eventually provide an advantage for the City and said Stuart Lodge is a good project. He asked if there was any way, through the City, that the IDA, and through our efforts to adopt this policy, if we could use that as a vehicle to help this project go through?

Vice Mayor Clarke requested if the applicant wishes to proceed with the Tepra Hearing on Friday.

The applicant came forward and requested the parties take a few minutes outside to discuss the matter as to whether or not they would be filing the application for conduit bond financing, and proceeding forward.

The Commission agreed and moved forward on the agenda to item #10.

**ORDINANCE FIRST READING**

**ORDINANCE SECOND READING**

- 10. ORDINANCE 2246-2012 (Second Reading) Request to amend Chapter 4, "Alcoholic Beverages" of the City of Stuart Code of Ordinances: (1) Re-establishing an Exemption from Proximity Requirements, one Premise to Another for Restaurants holding a Special SRX-COP Liquor License; (2) Re-establishing Proximity Requirements for the Sale of Alcoholic Beverages in the Vicinity of Churches or Schools and (3) Re-establishing a door-to-door Methodology for Measuring Alcoholic Beverage Sales Proximity**

MOTION: COMMISSIONER MCDONALD; MOVED APPROVAL OF ORDINANCE 2246-2012

SECOND: COMMISSIONER GLASS LEIGHTON

ROLL CALL

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

**Item #9 continued at this time:**

Robert Gall of HJ Sims representing Living Well Lodges and the Stuart Lodge Project came forward and requested the City consider offering reasonable consideration towards an exception that is on the policy just adopted by the City Commission, and they all work together jointly that can work for all of us collectively so we can get this project successfully financed in this market for the best credit possible, and giving our client the best chance of a feasibility of this project, we would like to move forward with the Friday meeting, if we can't be given those types of assurances it would put us in a difficult situation. As it is today we do not believe we can get this project financed under item's 1-3.

Tom Hofmiester : "We will not be filing this application at this time, and appreciate your time, thank you

City Attorney Durham announced since they will not be filing the application for conduit bond financing and the Friday's hearing is cancelled, and will be noticed on the web site and public boards.

**DISCUSSION & DELIBERATION**

Item #11 was heard earlier.

**11. Lyric Flagler Center Update**

**ADJOURNMENT 9:10 P.M.**

**ATTEST:**

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Cheryl White, CMC, City Clerk

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James A. Christie, Mayor

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