

**REGULAR MEETING OF THE STUART CITY COMMISSION  
HELD ON NOVEMBER 11, 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 (Absent)**

**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 --**

**~~Jensen Beach High School~~ “*Jubilate Performance*” *Replaced***

The Performing Arts Moment Replacement: Cassidy Wetherell – singer/songwriter performed a song and played guitar. The song was about her military father named “The Call”. She performed after item # 3a.

**2. PROCLAMATION: Proclaiming November 14 - 18<sup>th</sup> as the “12th Annual Bible Reading Marathon”**

Pastor Gene Heaton came forward and graciously accepted the Proclamation and stated this was the 12<sup>th</sup> Annual Bible Reading Marathon. He said the reading will begin on Wednesday November 14, 2012 at 8:00 pm. He invited the public and Commissioners to attend..

**3. PROCLAMATION: Proclaiming November, 2012 as “Tykes and Teens Month”**

Jeff Ralicki, Executive Director of Tykes and Teens came forward and graciously accepted the Award and thanked the City for their collaboration with their program. He thanked City Staff Jim Chrulski and Sam Amerson for their hard work.

### **3a. PRESENTATION: Sewer Expansion Program Update.**

Dave Peters gave a visual presentation on the Citywide Sewer Expansion Program, currently underway. He explained the system utilizes a small diameter, low pressure sewage collection system and an individual grinder system at each property.

Staff said expectations have been met through Phase I which is on time and under budget.

Mary Kindle gave a visual presentation to the Commission and public who noted the City of Stuart was awarded the WET – WATERS WORTH IT Honorable Mention for its video on the value and importance of water that was filmed at the recent event ; Saturday in the Park Waterfest.

**Item 1.** Performing Arts Moment was heard at this time.

### **COMMENTS BY CITY COMMISSIONERS**

Commissioner Glass Leighton encouraged everyone to get out and vote.

Commissioner McDonald also encouraged people to get out and vote. He reminded everyone that Monday November 12, 2012 is Veterans Day and there is a parade in the Downtown. She thanked the City Manager and Teresa Lamar-Sarno and everyone who worked on resolving the Colorado Avenue parking. He announced a meeting he will be holding a Town Hall meeting to discuss parking in the downtown on November 14, 2012 at 8:00 am following the Coffee with the City Manager at the Lyric/Flagler Center, 201 SW Flagler Ave.

He announced that at the last Martin County School Board meeting an Interlocal Agreement was approved for the Nite Hoops Program, and he thanked Jim Chrulski and Jeff Montpetit for their hard work to make this program happen.

Vice Mayor Clarke said that while she was walking around the Community she saw many issues regarding parking and code enforcement matters. She thanked the Code Enforcement and asked people to keep vigilant in the community. She also asked if staff was still working on the request by Pastor Polk for use of the East 10<sup>th</sup> Street center for church services.

City Manager Nicoletti said he met with the staff at the 10<sup>th</sup> Street center and discussed fees for Pastor Polk and will have an action item at a future Commission Meeting.

Vice Mayor Clarke also announced that she lead the 2012 Hobgoblin Parade in the downtown.



(Pictured Right) Angel Vice Mayor Eula Clarke “2012 Hobgoblin Parade”.

Mayor Christie thanked the staff and City Manager for a card he received on his Birthday. He also stated he would be in the annual Veterans Day Parade representing the City. He also encouraged everyone to get out and vote.

### **COMMENTS BY CITY MANAGER**

City Manager Nicoletti noted the following:

1. On page 5 of agenda item 5 the motion to approve Ordinance No. 2250-2012 on First Reading was incorrectly stated and has been amended to reflect the correct language.
2. Item 7 – Payment has been received from Michael and Mary Pescetelli and can be removed from the list. Also lien Lavoris Newton can be removed due to an error by staff.
4. On November 9<sup>th</sup> at 1 PM the Nuclear Regulatory Commission will be reporting on its latest inspection of the St. Lucie Power Plant at the Chamber of Commerce office. The public is welcome to attend.
5. Item 10 – The agreement with the Paddleboat the City had originally requested \$2.00 per person as the fee for the City’s with the approval of the staff and the owner of the paddle boat, \$1.50 per person is acceptable versus the \$2.00 proposed by the City.

Mary Kindle presented to the public and Commission the City's "WATER'S WORTH IT" Video that featured the City's Water Fest held in the downtown. The City was awarded an honorable mention by Water Environment Federation .

### **APPROVAL OF AGENDA**

MOTION: COMMISSIONER MCDONALD; MOVED APPROVAL OF AGENDA ADDING ITEMS 3A AND 12A

SECOND: VICE MAYOR CLARKE

MOTION APPROVED UNANIMOUSLY

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

Mr. Erling Alfee 340 Dyer Drive came forward and requested a sidewalk be installed on Dyer Drive due to the increased traffic that are avoiding speed tables on Manor Drive just to the North.

Commissioner McDonald said he lives on Dyer Drive and also expressed concern over the increased traffic on the street. He said several of the neighbors have stated they did not want sidewalks but he too felt there was a safety issue.

City Manager Nicoletti stated he met with Mr. Alfee and stated he would look into the matter with Public Works. He stated he would report back his findings to the City Commission.

Vice Mayor Clarke asked if the City has a new construction sidewalk schedule. She stated there maybe funds available through the DOT for the safe routes to schools. She is not aware of the criteria but asked staff to look into that.

Mr. Nicoletti stated he would report back to the Commission his findings.

Tremayne Sirmons, 1505 Yosemite Ct. Ft. Pierce, Fl. 34982 came forward and requested the City recognize Diabetes Awareness Month on November 14<sup>th</sup>. He asked if the City could illuminate an important monument in the City "Blue" to raise awareness for the disease on November 14<sup>th</sup>," World Diabetes Day".

### **CONSENT CALENDAR**

- 4. MOTION to authorize the Mayor to sign a letter supporting the Shared Services Network to file incorporation papers with the State of Florida and the Internal Revenue Service as a 501(c)3 tax exempt agency.**
- 5. MOTION to approve the Minutes of Regular City Commission Meetings of October 15, 2012 and October 22, 2012.**

6. **MOTION to accept a Settlement Agreement and Joint Stipulation between the City of Stuart and Alfonso Thornton, in the amount of \$992.50; pursuant to a resolution of Thornton v. State, 80 So. 3d 1141 (Fla. 4<sup>th</sup> DCA 2012).**
7. **RESOLUTION 98-2012: Approving nuisance abatement liens and administrative charges and costs incurred by the City to abate nuisances on thirteen (13) private properties within the City in the total amount of \$10,702.71, and providing the assessments shall bear interest at the rate of 12% until paid.**
8. **RESOLUTION 99-2012: Renewing the agreements of RFP No. 2011-106, "Temporary Employee Services" to Emerald Labor Source, LLC, and Manpower both of Stuart Florida.**
9. **RESOLUTION 100-2012: Rescinding the approval of the award of ITB 2012-278, Chemicals: Water Treatment/Waste Water Treatment Plant to; Polydyne, Inc. for non-responsive product; and making a new award of contract to second lowest, most responsive bidder, Fort Bend Services Inc. in the amount \$6,500.00, for the purchase of Polyment (antionic-granular polymer).**
10. **RESOLUTION 101-2012: Executing an agreement between the City of Stuart and Tangier and Chesapeake Cruises, Inc. granting a non-exclusive license to berth "The City of Fredericksburg" a 68 foot Paddleboat, at the City Dock located on the St. Lucie River behind City Hall, and setting a license fee of \$2.00 per passenger embarking onto the vessel, paid monthly, for the 2012-2013 season, plus sales tax, if applicable.**
11. **RESOLUTION 102-2012: Authorizing the acceptance of a no cost perpetual easement from Bruner /Johnson, LLC for its property on Colorado Ave, for the re-location of decorative street lighting.**
12. **RESOLUTION 103-2012: Authorizing Budget Amendment #1 to the 2012-2013 annual general fund, operating budget; in the amount of \$7,768.32, authorizing the re-appropriation of grant funds for public safety purposes.**
- 12a. **RESOLUTION 106-2012 : Authorizing the execution of an Interlocal Agreement between The City of Stuart and Martin County School Board for the Nite Hoops Program.**

**END OF CONSENT CALENDAR**

MOTION: COMMISSIONER MCDONALD: MOVED APPROVAL CONSENT CALENDAR AMENDING ITEM 7 REMOVING 2 LIENS NOTED BY THE CITY MANAGER, ALSO ITEM #10 AMENDMENT TO REFLECT COLLECTION OF \$1.50 PER PASSENGER AND INCLUDING AGENDA ITEM 12 A.

SECOND: COMMISSIONER GLASS LEIGHTON

ROLL CALL

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

**COMMISSION ACTION**

**13.RESOLUTION 104-2012: Authorizing Work Authorization #4 with Culpepper & Terpening for professional engineering services associated with the previously approved construction of a low pressure sewer system in the East Osceola and Stypmann Basins in an amount not to exceed \$89,300.00.**

City Manager Nicoletti gave a brief overview of the work authorization to the Commission and public.

MOTION: VICE MAYOR CLARKE: MOVED APPROVAL RESOLUTION 104-2012

SECOND: COMMISSIONER MCDONALD

ROLL CALL

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

**14. MOTION to approve an information meeting to be held on November 19, 2012, at 6:00 P.M. in the City Hall Commission Chambers with City staff for property owners in the City residing within the Runway Protection Zone (RPZ) of Runway 12, Witham Field.**

City Manager Nicoletti announced the item to the Commission and public regarding holding of an informational meeting regarding the RPZ Zone.

MOTION: COMMISSIONER MCDONALD: MOVED APPROVAL TO HOLD THE INFORMATION MEETING ON NOVEMBER 19, 2012.

SECOND: COMMISSIONER GLASS LEIGHTON

Commissioner McDonald felt that this was going to be a good meeting to have. He expressed concern that information has not been passed along to the residents living near the RPZ zone, and felt this would be a good opportunity to pass information along to them and receive information from the residents on 16<sup>th</sup> Ct. He said that by meeting with the residents it will give the City information needed to decide on which way to go.

Brad Hayden came forward and stated: I was curious if you do have a lot of that information now wouldn't you be able to provide it to us now so we can digest it, so when we come to the meeting on the 19<sup>th</sup> we would be better educated about it?

City Manager Nicoletti stated that the City is still assembling information for that meeting. He stated the agenda item tonight has some of that information in it but will try and get something out to the residents prior to the meeting. He said the City will primarily be asking for the resident's preferences as far as what happens to your property, and how it's treated, and what's available.

Commissioner McDonald said the Minutes of the City Commission Meeting following the FAA Meeting, 11/5/12.

Sam Pulado , 16<sup>th</sup> Ct came forward and stated that communication is a heck of a thing." We all have been hearing bits and pieces of things going on in the grapevine and felt this meeting will help because it's our livelihood and our future that is up in the air right now. We need to get together as whole and talk about this because we are getting trampled over, and that is what is coming down to. It was a beautiful neighborhood, it really was. We enjoyed living there, everything was great but right now we have problems, and we need to get it taken care of, and we hope you guys will keep us in the loop, because we need to be there. "

Brad Hayden came forward and stated: I don't know if this is an appropriate forum to bring it up or not but recently there was two trees cut down directly behind my fence line and I called the airport to ask the reasoning behind it, which I kind of already knew what they were going to say but, they were right directly behind my fence, and it provided shade for me for the past 17 years, and all of a sudden I come home one day and poof, there falling down. So I called, and George Stokus finally called me back, and I was being cordial and asked, George couldn't you have given a heads up at least? I know you say you have the reasons to cut them down, and so on and so forth. I said a sympathetic call to let me know that we are going to be doing this, and taking the shade away from you, and so on and so forth". George's response to me was; "Mr. Hayden we are not in the sympathy and shade business, we are in the aviation and airplane business, Good day, click!" "That was his response, and he hung up on me."

City Commissioner McDonald asked that those comments be passed along to the County Administrator because I have heard of several other comments like that of Mr. Stokus. He felt that that was unacceptable to speak with Stuart residents like that.

City Manager agreed to pass his comments along and asked the City Clerk to provide verbatim.

Vice Mayor Clarke asked that each resident of the RPZ zone be notified personally of the meeting.

Mr. Nicoletti agreed, he also stated that the residents will be given a packet along with a questioner but will notify the residents not complete it until after the meeting on November 19, 2012.

Commissioner McDonald asked Mr. Hayden to stay after the meeting tonight to discuss this matter further.

Mr. Hayden agreed.

ROLL CALL

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

**ORDINANCE FIRST READING** (NONE)

**ORDINANCE SECOND READING**

**15. ORDINANCE 2250-2012: Amending Chapter 20, Article II, Environment, Lot Cleaning; Chapter 26, Article II, Law Enforcement, and Code Compliance Article III, Junked Wrecked, Abandoned Property; Chapter 36, Article VI, Streets, Sidewalks and Other Public Places, and News Racks; Chapter 40, Article II, Traffic and Vehicles, Stopping, Standing and Parking; and Chapter 44, Article II, Waterways, Trespassing Vessels and Dinghies.**

MOTION: VICE MAYOR CLARKE: MOVED APPROVAL ORDINANCE 2250-2012 ON SECOND READING CORRECTING ALL SCRIVENER ERRORS

SECOND: COMMISSIONER GLASS LEIGHTON

ROLL CALL

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

City Manager Nicoletti noted the; Coffee with the City Manager that will be held on November 19<sup>th</sup>, 2012 at 8:00 am at the Flagler Lyric Center, following that will be a Town Hall Meeting with Commissioner McDonald.

**DISCUSSION & DELIBERATION** (NONE)

**ADJOURNMENT :6:48 P.M.**

**ATTEST:**

\_\_\_\_\_  
**Cheryl White, CMC, City Clerk**

\_\_\_\_\_  
**James A. Christie, Mayor**

**Minutes to be approved at the Regular Commission  
Meeting This 26th Day November 2012**