

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON JANUARY 14, 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. PERFORMING ARTS MOMENT -- Performing Arts Moment "Treasure Coast Flute Choir, Performing Dona Nobis Pacem – Grant Us Peace

Lindsay Hager introduced the Flute Choir who performed Dona Nobis Pacem-Grant us Peace.

Mayor Clarke presented Commissioner Jeffrey Krauskopf with his office gavel that he used while serving as Mayor, and also presented former Mayor Christie with his official gavel.

2. PROCLAMATION: Proclaiming January 14, 2013 as “Sheriff Robert Crowder Day”

Retired Sheriff Robert Crowder came forward and graciously accepted the proclamation.

3. PROCLAMATION: Proclaiming January 15-21, 2013 as “A Celebration of Dr. Martin Luther King, Jr.”

Philip Harvey came forward and graciously accepted the Proclamation.

4. PROCLAMATION: Proclaiming January 18, 2013 as “Stuart Arbor Day”

Ms. Louis Andrews and Ms. Wade of the Stuart Garden Club came forward and graciously accepted the proclamation and thanked the City of Stuart.

COMMENTS BY CITY COMMISSIONERS

Commissioner Krauskopf noted a memo he saw on the status of Colorado Avenue road project status.

City Manager Nicoletti said there were still some items still have to be done but essentially all the elements are in place. He stated that he is also looking at a date for the Commission and Property owners along Colorado Ave for a ribbon cutting.

Vice Mayor McDonald recognized former City Attorney Bill Scott who is also his Father-In-Law. After wishing everyone a Happy New Year, McDonald stated he was happy to see how well traffic was flowing on Colorado.

Commissioner Christie added his Happy New Year greeting.

Commissioner Glass-Leighton noted a great weekend in downtown Stuart especially the Stuart Boat Show. She thanked Lt. Harmer for his hard work on adding additional police presence in her neighborhood.

Mayor Clarke started her “Shout Outs” to City staff member Cheryl Miller for her willingness to do whatever she is asked and always with a smile. And the new staff member in the City Manager’s Office Nina Dooley on her presence in the office.

In addition to a Shout Out, she asked for a round of applause for the City’s Grounds Crew. She said the Boat Show was great and commended the Marine Industries Association of the Treasure Coast for the Boat Show, and the amount of traffic they bring into the area. She attended a ribbon cutting for a business along Colorado Avenue and commended them for starting up a business during the construction phase. The next Shout Out went to the Osceola 32 Gallery for being the subject of a great write-up in a northern publication.

She requested that the City Manager send the list of City legislative priorities to the League of Cities.

City Manager Nicoletti said that all of the legislative program will be sent to Mike Sittig in Tallahassee.

Mayor Clarke asked for updates on the following issues asked if the City could bring forward information at the first meeting in February or so regarding the proposed Youth Council. 2) She asked for a schedule to workshop the parking ordinance within the next 60 days or so. 3) She asked to discuss at a future date to discuss City owned Real Estate.

Commissioner Krauskopf noted that the recent newspaper article regarding City owned property that those properties owned by the City and leased out do not pay property taxes, he said the article was inaccurate and that it is much better to the economics to lease the property, and they do pay property taxes.

Mayor Clarke also stated she would like the City to have a 5-year budget (whether money available or not) for future planning.

COMMENTS BY CITY MANAGER

City Manager Nicoletti noted the following:

1. Item #20 is being withdrawn at the request of Rev. Polk. However, the City Manager has asked the Community Services Division to be ready with a D&D item at the second meeting in February for a full discussion of fees and programs.

2. Agenda Item #5 the Minutes have been corrected to reflect that Commissioner Krauskopf was present at those meetings.

3. Items # 6, 7, 8 and 13 have been pulled from Consent Calendar by the Mayor.

4. He stated that item #7 has a new letter in front of the Commission.

5. Nicoletti listed items from the January 15 Board of County Commission agenda that would be of interest to the County Commission. It was noted that Item 2A preset item at 9:10 a.m. Honoring Former Clerk of the Court Marsha Ewing, 2B a Proclamation Honoring Former Sheriff Robert Crowder at 9:15 am. A Present item 8A2 at 2:00 p.m. for the Business Development Board discussion. Item 8D1 at 3:00 p.m. to discuss the US Customs.

Vice Mayor McDonald said the 8D1 has been pulled.

6. City Manager Nicoletti stated 6B will be the Anchoring and Mooring Ordinance; Item 8B3, which is a Resolution supporting the 2010 draft Federal Highway Administration Urban Boundry Map of Martin County; 8C1 is an impact fee workshop to hear staff and consultants recommendation regarding fee schedules. "Review the main assumptions of the new study, and to discuss major issues with the board."

7. Save the Date notice – Florida League of Cities “Legislative Action Days” will be held on March 19th and 20th, 2013. Any Commissioners interested in attending should let the City Manager’s office know ASAP as hotels fill up quickly.

8. Mr. Nicoletti apologized that the item on Palm City Road requested by Commissioner Krauskopf was not ready for discussion tonight. He said it will be a D&D on January 28, 2013.

APPROVAL OF AGENDA

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF AGENDA WITHDRAWING ITEM 20

SECOND: VICE MAYOR MCDONALD

MOTION APPROVED UNANIMOUSLY

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

Attorney Terry McCarthy came forward to discuss the property lease to Eco Ventures for the property on Monterey Rd, the old City Landfill.

He noted economy problems created financial problems to Eco ventures who sold the planned funeral home project to StoneMor, the second largest funeral home group in the country. He stated the terms of the land lease require City approval. McCarthy introduced Victor Lohman (a representative of the new owner) who distributed information sheets and gave a synopsis of the funeral home group that will now have 16 facilities in Florida.

Commissioner Krauskopf had two points of concern;

1. “Should there be a successful assignment of the lease, there should be some acknowledgement as to the land uses behind the property, and you acknowledge and know what those uses are.”
2. Paragraph 4 and 5 over reach and require the City to do more then I feel we should do, I ask the City Attorney to work with you to strike those two paragraphs.

Attorney Terry McCarthy acknowledged items#1 and agreed to item#2, to strike paragraph 4-5.

City Manager Nicoletti wanted to assure the leasee acknowledged what was being proposed for the rear of the property and noted that the shared property has separate uses.

Mr. Lohman asked if the berm would remain and the City said yes. Mr. Lohman said they were fine with it.

Attorney Terry McCarthy asked if the City would authorized to sign consent.

City Attorney Durham said that would be brought back to the January 28, 2013 Commission Meeting.

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL TO BE SLATED FOR JANUARY 28, 2013 FOR APPROVAL WITH THE TWO CORRECTIONS.

SECOND: COMMISSIONER GLASS LEIGHTON
MOTION APPROVED UNANIMOUSLY

CONSENT CALENDAR

- 5. Motion to approve minutes of 11/26/2012 Regular Commission Meeting and Attorney Client Session & Regular Commission meeting of 12/10/2012.**

Item 6 was pulled for separate discussion.

- 6. Motion to appoint/reappoint a member of the City Commission to serve on the Business Development Board.**

MOTION: COMMISSIONER CHRISTIE; MOVED APPROVAL TO RE-APPOINT VICE MAYOR TROY MCDONALD TO ANOTHER TERM OF THE BUSINESS DEVELOPMENT BOARD.

SECOND: COMMISSIONER KRAUSKOPF
MOTION APPROVED UNANIMOUSLY

Item 7 was pulled for separate discussion.

- 7. Authorize the Mayor to sign a letter to the Florida League of Cities asking for their review of this draft legislation of potential changes to Chapter 633 of the Florida Fire Codes, which could cause financial hardship to the City.**

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL TO AUTHORIZER THE MAYOR TO SIGN A LETTER TO THE FLC REGARDNG THE PROPOSED CHANGES TO THE STATUTE CHAPTER 633 OF THE FLORIDA FIRE CODES.

SECOND: VICE MAYOR MCDONALD
MOTION APPROVED UNANIMOUSLY

Item 8 was pulled for separate discussion.

- 8. RESOLUTION 01-2013: Authorizing the City Manager to execute a Partnership Agreement between the City of Stuart and the South Florida Regional Planning Council, confirming the City's ongoing participation in the "SEVEN 50: SE Florida Prosperity Plan".**

MOTION: COMMISSIONER CHRISTIE; MOVED APPROVAL TO APPROVE RESOLUTION 01-2013

SECOND: VICE MAYOR MCDONALD

ROLL CALL

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

9. **RESOLUTION 02-2013: Authorizing the renewal of a lease with Culpepper and Terpening, for the property at 151 SW Flagler Avenue. The lease amount is \$1,450.00 per month, for a period of one (1) year with the option to renew this lease for an additional term with the consent of both parties.**
10. **RESOLUTION 03-2013: Authorizing the renewal of an agreement with Northstar Geomatics, Inc. to provide Professional Geographical Information System Services for one (1) year.**
11. **RESOLUTION 05-2013: Authorization to renew the award of RFP No 2011-107 to GFA International, Inc., to provide Uniform Building Code Inspection Services for the first of four renewal periods to November 30, 2013**
12. **RESOLUTION 06-2013: Adopting the fee of \$204.80 for a Conditional Zoning Approval for a 1-COP or 2-COP state liquor license in the Old Downtown Section pursuant to Ordinance 2252-2012.**

Item 13 was pulled for separate discussion.

13. **RESOLUTION 07-2013: Authorizing the extension to the cancellation of the Management Agreement between the City of Stuart and Friends of Lyric, Inc. for the Flagler Center to March 15, 2013.**

MOTION: COMMISSIONER KRAUSKOPF MOVED APPROVAL TO APPROVE RESOLUTION 07-2013

SECOND: VICE MAYOR MCDONALD

ROLL CALL

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

14. **RESOLUTION 08-2013: Approving Nuisance Abatement Liens and administrative charges and costs incurred by the City to abate nuisances on three (3) private properties within the City in the total amount of \$521.13, and providing the assessments shall bear interest at the rate of 12% until paid.**

- 15. **RESOLUTION 09-2013: Authorize the execution of a License Agreement between the City of Stuart, Stuart Main Street, and East Stuart Main Street for Office Space at City Hall and storage space at the City Hall Annex building for a period of one (1) year.**

- 16. **RESOLUTION 11-2013: Authorize the execution of a renewal agreement between the City of Stuart and Martin County Sheriff's Office to allow police actions on certain roads that border and travel through the City.**

END OF CONSENT CALENDAR

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL CONSENT CALENDAR PULLING ITEMS 6,7,8 & 13 FOR SEPARATE DISCUSSION.

SECOND: COMMISSIONER CHRISTIE

ROLL CALL

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

COMMISSION ACTION

- 17. **RESOLUTION 10-2013: Authorize the application for a grant to the National Endowment for the Arts (NEA) Our Town Grant for the Colorado Avenue Cultural Gateway feature, in the amount of \$75,000, and if awarded authorize the acceptance of these funds and expenditure to erect a public art feature at the entrance to Colorado Avenue.**

MOTION: VICE MAYOR MCDONALD; MOVED APPROVAL OF RESOLUTION 10-2013

SECOND: COMMISSIONER CHRISTIE

ROLL CALL

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

- 18. **Appoint Seven (7) Members to the Centennial Task Force, to provide leadership to the observance and celebration of the Stuart Centennial in 2014.**

MOTION: COMMISSIONER GLASS LEIGHTON; MOVED APPROVAL TO APPOINT COMMISSIONER CHRISTIE AS THE CITY COMMISSION LIASON MEMBER TO THE CENTENNIAL TASK FORCE.

SECOND: VICE MAYOR MCDONALD

ROLL CALL

MOTION APPROVED UNANIMOUSLY

Appointments were made as follows:

Denny Hudson, Seacoast National Bank
Mary Hutchinson
Eugene McHardy
Sandra Newman
Robert (Bob) Crowder
Ann Shafer
Tom Weber

Alternates were appointed if there are members who do not wish to serve.

1st Virginia Sherlock
2nd Dr. J. Thompson

MOTION: VICE MAYOR MCDONALD; MOVED APPROVAL OF APPOINTMENTS NAMED AND IF ONE OF THE MEMBERS DOES NOT AGREE TO SERVE ALTERNATES MEMBERS WILL BE APPOINTMENT IN ORDER OF VIRGINIA SHERLOCK 1ST AND DR J THOMPSON 2ND.

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

- 19. ORDINANCE 2253-2013: (First Reading) Amending the Stuart Land Development Code permitting Urban Farms and Community Gardens by amending Sections 2.02.00, 3.01.03 F.2, 3.02.05.A, 3.02.05.B, and 3.02.05.C, to provide for inclusion of Urban Agriculture in the zoning use tables; Amending Section 2.06.00 to provide for supplemental use standards; Amending Section 6.01.13 to provide for parking requirements; Amending Chapter 12 to provide definitions.**

Mayor Clarke asked if the City staff could research chickens within the City not roosters.

Vice Mayor McDonald inquired into aquaculture.

Fred Burkey University of Florida IFAS Coordinator came forward and commended the City of Stuart on what they are doing.

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF ORDINANCE 2253-2013 ON FIRST READING

SECOND: COMMISSIONER CHRISTIE

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

ORDINANCE SECOND READING (NONE)

Item 20 was withdrawn from the agenda.

DISCUSSION & DELIBERATION

20. Discussion of a request by Stuart Church of God for a reduction of the hourly rental rate for the 10th Street Community Center from the established rate of \$50.00 per hour to \$20.00 per hour to cover staff time and electrical energy only for Sunday services from approximately 9am -12 Noon.

ADJOURNMENT 7:05 P.M.

ATTEST:

Cheryl White, CMC, City Clerk

Eula R. Clarke, Mayor

Minutes to be approved at the Regular Commission
Meeting This 28th Day January, 2013