

**REGULAR MEETING OF THE STUART CITY COMMISSION  
HELD ON FEBRUARY 11, 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**

**PERFORMING ARTS MOMENT: Ms. Wendy McGahee, Opera Singer**

Ms. McGahee performed a spiritual solo to the audience and Commissioners.

**1. EMPLOYEE OF THE YEAR AND RUNNER'S UP 2012 :**

Runner's Up winners:  
Corky Kossen, and Alice Lyons.

Employee of the Year winner :  
Roz Johnson.

**2. PROCLAMATION: Proclaiming February 11, 2013 – February 17, 2013 as  
2-1-1 AWARENESS WEEK**

Paige Woodward came forward and graciously accepted the proclamation and thanked the Commission.

**3. PROCLAMATION: Proclaiming February 2013 as "BLACK HISTORY MONTH"**

**There was an Additional Proclamation – Proclaiming National Engineers Week February 18-22, 2013.**

Joe Capra, Captec Engineering came forward and graciously accepted the Proclamation on behalf of all Engineers, and thanked the City.

**4. PROCLAMATION: Proclaiming February 2013 as NATIONAL CHILDREN'S DENTAL HEALTH MONTH.**

Dr. Cindy Wilson, Pediatric Dentist at Dynamic Pediatric Dentistry for Children came forward and graciously accepted the proclamation and thanked the Commission.

**5. PRESENTATION: Martin County presenting proposed improvements on US-1 (NW Federal Highway) at its signalized intersection with NW Britt Road.**

Don Donaldson of Martin County came forward and gave a brief overview regarding a proposed County project.

Commissioner Krauskopf questioned drainage in northbound lane north of Baker Road.

Mr. Donaldson explained the drainage flows to the back of the mall.

Mayor Clarke thanked the County for coming to the City with this information.

**COMMENTS BY CITY COMMISSIONERS**

Commissioner Krauskopf noted the passing of longtime resident and Architect of Stuart Jim Brotherton.

Commissioner Glass Leighton congratulated the Employee of the Year and Runners Up.

Commissioner Christie attended the Keep Martin Beautiful Awards Dinner and expressed his pride that one of the nominees was the East Stuart Community Garden. He also reminded everyone that February is Black History Month and on Weds day Night at the Lyric Theatre will be a presentation of Zuma Zuma, and many other community events will take place in celebration.

Vice Mayor McDonald also attended the Keep Martin Beautiful event and was proud to note that Utilities Department Dave Peters was honored with the "UNSUNG HERO" award. He also noted a new tram has joined the old tram in service for downtown riders and complemented the dedication of the tram drivers for their service to the public. He noted the success of the very first Nite Hoops program, and noted there were 49 kids who participated.

Mayor Clarke thanked City staffs, who all work so hard for the City. She too attended the Keep Martin Beautiful Awards and felt she "had arrived" when she had her picture taken with both Dave Peters and Milton Leggett. Mayor Clarke also commented on the success of the Stuart Heritage Tour; noted the Energy Fest that will take place on February 16<sup>th</sup> in Memorial Park, and promised more details would be forthcoming on the March 9<sup>th</sup> commemorations of the old Stuart Cemetery. She also asked the City Manager to continue to work on the Strategic Plan and invited input from

City residents. She encouraged residents to attend the upcoming Martin County Commission Meeting to hear matters that affect the City.

### **COMMENTS BY CITY MANAGER**

City Manager Nicoletti said staff is working on the Strategic Plan and will do the 5-year CIP in time for the March 8<sup>th</sup> Strategic Planning Session.

He noted Item 9 has been removed from Consent and is now under Commission Action. The City received a viable offer to lease the former Dockside Restaurant and parts of the lease are still being negotiated but asked the Commission to discuss the item but stated it was not ready for adoption.

### **APPROVAL OF AGENDA**

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF AGENDA  
SECOND: VICE MAYOR MCDONALD  
MOTION APPROVED UNANIMOUSLY

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

Armand Pasquale came forward and expressed concern over the past weekend events in the downtown and the amount of noise and traffic. He said the City's Tram drivers are spending allot of time at the Key Lime Café.

Helen McBride came forward and said she spent the weekend in Stuart and visited the downtown. She said it was a wonderful weekend and was very happy to see the people in downtown.

Mayor Clarke suggested the city begin to call it sound instead of noise because it affects people differently and for some people they may like a type of music and others may not and be offended by it.

Kent Myers of Vail Colorado also owns property at the Harborage. He encouraged the City to continue events in the downtown and was happy to see the value of his property rise within the City of Stuart.

**WHAT IS CIVILITY?:** *Civility is caring about one's identity, needs and beliefs without degrading someone else's in the process. Civility is more than merely being polite. Civility requires staying "present" even with those persons with whom we have deep-rooted and perhaps strong disagreements. It is about constantly being open to hear, learn, teach and change. It seeks common ground as a beginning point for dialogue. It is patience, grace, and strength of character. Civility is practiced in our City Hall.*

**PUBLIC COMMENT:** *If a member of the public wishes to **comment upon ANY subject** matter, including quasi-judicial matters, please submit a **Request to Speak form**. These forms are available in the back of the Commission Chambers, and should be given to the City Clerk prior to introduction of the item number you would like to address.*

**QUASI-JUDICIAL HEARINGS:** *Some of the matters on the Agenda may be “quasi-judicial” in nature. City Commissioners will disclose all ex-parte communications, and may be subject to voir dire by any interested party regarding those communications. All witnesses testifying will be “sworn” prior to their testimony. However, the public is permitted to comment without being sworn. Unsworn testimony will be given appropriate weight and credibility by the City Commission.*

**CONSENT CALENDAR:** *Those matters included under the Consent Calendar are self-explanatory, non-controversial, and are not expected to require review or discussion. All items will be enacted by one motion. If discussion on an item is desired by any City Commissioner that item may be removed by a City Commissioner from the Consent Calendar and considered separately. If an item is quasi-judicial it may be removed by a Commissioner or any member of the public from the Consent Calendar and considered separately.*

**CONSENT CALENDAR**

- 6. **Motion to approve minutes of 1/28/2013 Regular Commission Meeting. (RC)**
- 7. **Receive and File, The Arts Council of Martin County Financial Statements affiliate for the year ending September 30, 2012. (RC)**
- 8. **RESOLUTION 18- 2013 : Authorizing a Budget Amendment to the 2012-2013 Annual General Fund, Operating Budget; Authorizing the appropriations of Police Impact Funds; Authorizing the expenditure of funds to pay for response vehicle modifications in the amount of \$21,300.00. (RC)**

**END OF CONSENT CALENDAR**

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL CONSENT CALENDAR

SECOND: COMMISSIONER GLASS LEIGHTON

ROLL CALL

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

**COMMISSION ACTION**

- 9. **RESOLUTION 19-2013: Authorizing the execution of a Lease agreement between City of Stuart and Spoto’s Hospitality Group, LLC for lease of the property at 131 SW Flagler Avenue, for a period of ten (10) years, to January 31, 2023.**

Boyd Bradfield, NAI Southcoast and John Spoto came forward and asked the Commission to consider adoption of the agreement tonight but iron out the details with staff over the next couple of days so that they may begin construction.

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF RESOLUTION 19-2013  
SECOND: VICE MAYOR MCDONALD

WITHDRAW MOTION: COMMISSIONER KRAUSKOPF; WITHDRAW APPROVAL OF  
RESOLUTION 19-2013  
WITHDRAW SECOND: VICE MAYOR MCDONALD

The Commission agreed to meet at a Special Commission meeting on Friday February 15, 2013  
at 12:00 noon to consider the matter.

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL TO HOLD A SPECIAL COMMISSION  
MEETING ON FRIDAY FEBRUARY 15, 2013 AT 12:00 PM.  
SECOND: VICE MAYOR MCDONALD  
MOTION APPROVED UNANIMOUSLY

**10. RESOLUTION 14-2013: Authorization to execute the Consent to Assignment of Lease  
between the City of Stuart and Eco Ventures, LLC to Stonemor Florida Subsidiaries,  
LLC for the remainder of the original lease to May 18, 2049.**

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL RESOLUTION 14-2013  
SECOND: VICE MAYOR MCDONALD WITH GUARANTEE BY STON MOR LLP AND A 20 YEAR LEASE  
WITH 2-5 YEAR OPTIONS.

ROLL CALL

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

**ORDINANCE FIRST READING**

**11. ORDINANCE NO. 2254-2013 (First Reading) Amending Chapter 42 Utilities, Article VI.,  
Wastewater Utility Extension and Connection Policy.**

Dave Peters gave a brief overview regarding the proposed Ordinance 2254-2013. He recommended option  
(2) two.

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL ORDINANCE 2254-2013 CHOOSING  
OPTION 2.

SECOND: COMMISSIONER GLASS LEIGHTON

ROLL CALL

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

**12. ORDINANCE No. 2255-2013 (First Reading) Amending the City Code of Ordinance,  
Chapter 10 Buildings and Building regulations ; Article III Property Maintenance  
Code, section 10-58, definitions and section 10-61 Maintenance of Structures,  
equipment and exterior property; regulating the Maintenance of structures,  
equipment and exterior property.**

MOTION: VICE MAYOR MCDONALD: MOVED APPROVAL ORDINANCE 2255-2013 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)**

### **DISCUSSION & DELIBERATION**

#### **13. Discussion of potential inter-local agreement with the Towns of Lantana and Mangonia Park to allow for the City's participation in the Florida Green Finance Authority's PACE program.**

City Manager Nicoletti gave a brief overview regarding the proposed Interlocal agreement to allow for the City's participation in the Florida Green Finance Authority's PACE program for commercial properties.

Terry O'Neil gave a brief overview regarding the proposed interlocal agreement. He explained that the most important aspects of PACE is it is voluntary. He said the city is safe moving forward in the program and allowing homeowners and business owners to make choices on their own whether to participate. He explained that the caveat to the City's participation is a \$12,000.00 fee due to the program. He felt it was reasonable in that of the cost to set up in order to participate. He stated the risk to the City is virtually nil. He introduced Shannon Bothwell, of the Florida Green Energy Works.

Shannon Bothwell gave a brief PowerPoint presentation to the City and public regarding the program.

MOTION: VICE MAYOR MCDONALD: MOVED APPROVAL STAFF RECOMMENDATION AND STAFF TO COME BACK AT THE MEETING OF FEBRUARY 25, 2013 WITH AN INTERLOCAL AGREEMENT FOR THE COMMISSION TO APPROVE.

Commissioner Glass Leighton asked if the staff would need to be involved in the program. She also asked how the word would get out to the local contractors.

Shannon Bothwell said the City could be as involved as they want to be in the program. She indicated that the local contractors would be notified through the various trade organizations and new articles, Chamber of Commerce and Community Television channel.

SECOND: COMMISSIONER CHRISTIE  
MOTION APPROVED UNANIMOUSLY

**1. Presentation and Discussion on Red Light Cameras.**

Angie Langley and Brent Edwards of American Traffic Solutions came forward and gave a PowerPoint presentation to the Commission and Public regarding the use of red light cameras in the City of Stuart. Ms. Langley explained the cost to the City at \$4750.00 per camera, per month, with no upfront cost to the City.

The City Commission agreed that they would not be interested in having red light cameras in the City at this time.

**ADJOURNMENT: 8:15 P.M.**

**ATTEST:**

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Cheryl White, CMC, City Clerk

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Eula R. Clarke, Mayor

**Minutes to be approved at the Regular Commission  
Meeting This 11th Day March, 2013**