

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON DECEMBER 10, 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, and asked for a moment to remember Vice Mayor Clarke Paralegal Chariti Thomas who was injured on US1 this past weekend by a hit and run driver. She was flown to St. Mary's Hospital where she is in ICU. An investigation is being done by the Stuart Police Department. Following the moment of silence the Commission led the Pledge of Allegiance.

PRESENTATIONS

1. Newly Elected Commissioners "Oath of Office" :

James A. Christie, Jr.

Troy A. McDonald

City Manager Nicoletti gave the oath of Office to the two newly elected Commissioners.

Eula R. Clarke

Eula Clarke was Sworn in by Judge Peter McGlashan of Volusia County.

2. PERFORMING ARTS MOMENT :

Jensen Beach High School "Jubilate Performance"

Lisa Young, Chair of the Martin Arts Council introduced the Jensen Beach High School Jubilate, who performed Acapella Christmas Songs.

3. PROCLAMATION: Proclaiming January 11, 2013 as National Human Trafficking Awareness Day

Nole Thomas, and Commissioner Troy McDonald came forward and graciously accepted the proclamation on behalf of Redeem the Shadows.

Commissioner McDonald stated the City will light the Sailfish Circle Orange for Human Trafficking Awareness Week.

Mayor Christie recognized in the audience Judge C. Pfeiffer Trowbridge, several Pastors from churches in Stuart.

4. Commission Selection of Mayor and Vice Mayor

MOTION: COMMISSIONER KRAUSKOPF MOVED APPROVAL NOMINATE EULA CLARKE AS MAYOR

SECOND: COMMISSIONER GLASS LEIGHTON

MOTION APPROVED UNANIMOUSLY

MOTION: COMMISSIONER KRAUSKOPF MOVED APPROVAL NOMINATE TROY MCDONALD AS VICE MAYOR

SECOND: VICE MAYOR CLARKE

MOTION APPROVED UNANIMOUSLY

5. Approve Appointment of City Commissioners to Community Boards

Martin County Tourist Development Council

Jeffrey Krauskopf

Metropolitan Planning Organization

Eula Clarke

Alternate

Kelli Glass Leighton

MPO Regional Transit Organization

Kelli Glass Leighton

Treasure Coast Council of Local Governments

Troy McDonald

Airport Noise Advisory Committee

Boundary Advisory Committee, fka: School Board Long Range Planning Committee

Kelli Glass Leighton

Treasure Coast Regional League of Cities
Alternate

James A. Christie Jr.
Eula Clarke

Coastal Action Task Force

Eula Clarke

St. Lucie Inlet Advisory Committee
Alternate

Jeffrey Krauskopf
Troy McDonald

Treasure Coast Regional Planning Council
Alternate Sewall's Point Town Commissioner

Jeffrey Krauskopf
Paul Luger

MOTION: COMMISSIONER KRAUSKOPF MOVED APPROVAL TO APPROVAL OF THE APPOINTMENTS
SECOND: VICE MAYOR MCDONALD
MOTION APPROVED UNANIMOUSLY

6. EMPLOYEE OF THE MONTH - DECEMBER:

Corky Kossen, City's Collections Team Leader II

Corky Kossen came forward and graciously accepted the award and thanked the City Commission.

7. United Way of Martin County's Character Counts

"Employee Pillar of Character Award"

Holly Laiben, Director, CHARACTER COUNTS! in Martin County announced the winner of the Employee Pillar of Character Award.

Milton Leggett came forward and graciously accepted his award.

COMMENTS BY CITY COMMISSIONERS

Commissioner Glass Leighton had no comment.

Commissioner Krauskopf wished everyone a Merry Christmas.

Commissioner Christie commented on another Downtown Stuart great weekend that included the best and most widely attended Christmas Parade ever, as well as a Hanukah Festival.

Commissioner Christie presented each Commission with a holiday chocolate covered pretzels. He also thanked his family for their support during his tenure as Mayor and City Commissioner.

Vice Mayor McDonald was thankful for having another opportunity to serve the City and said the first year was very rewarding. He agreed this year's Christmas Parade was the best ever. He also asked that we all remember our military serving overseas this holiday season and then asked for an update on Colorado Avenue.

City Manager Nicoletti said the contractor is "a few days behind" due to some rainy days, but from what he heard this morning, it will be the end of next week before they are out of here.

Mayor Clarke thanked Commissioner Krauskopf and Commissioner Glass Leighton for their nomination and second to be named Mayor. She also thanked the voters of the City for their support, and City staff. She thanked the City Manager for getting Christmas lights on Palm Beach Road, and gave one of her now famous "shout outs" to Public Works Director Sam Amerson and his staff for their dedication to the City.

She thanked her family and friends for their support. She commended the Stuart Police Department for their efforts to solve the hit and run driver who struck her paralegal over the past weekend.

COMMENTS BY CITY MANAGER

City Manager Nicoletti noted the following items: 1) Add to Agenda #19 – Discussion on City's Legislative Priorities since our Local Delegation will be meeting at IRSC Salerno Road on December 18th. 2) Add to Agenda # 20 – 2-year lease for Congressman Elect Patrick Murphy for the Cray House. 3) Add to agenda #21 regarding a letter to Martin County Board of County Commissioner regarding FFWCC Anchoring and Mooring Project expressing the need and adopt the Ordinance that is before them.

APPROVAL OF AGENDA

MOTION: COMMISSIONER KRAUSKOPF MOVED APPROVAL OF THE AGENDA WITH ADDED ITEMS 19,20,21

SECOND: VICE MAYOR MCDONALD
MOTION APPROVED UNANIMOUSLY

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

Mayor Clarke, introduced Judge Peter McGlanhan from Ocala who was asked to speak.

Judge Peter McGlashan said he had known Mayor Clarke for a number of years and was proud to have had the honor of administering the oath of office for her second term as City Commissioner.

Mary Ann Loomis and Marilyn Campaign Committee made a special presentation to Mayor Clarke and thanked her for allowing them to work on her 2012 election.

Helen McBride came forward and expressed concern over the ordinance on residential boat and trailer storage. She stated she was also upset that after 30+ years of living in Stuart she has had to now put a burglar alarm in her house.

Mayor Clarke asked the City Manager to look into code enforcement matter.

City Manager Nicoletti said amendments were made to the ordinance and some people wanted those amendments taken out. Staff has been looking at the ordinance and noted it is an enforcement issue.

Sally Ann Bergquist came forward to talk about a program called “Just One Day” that addresses “no kill policy for impounded animals.” This is a positive movement to bring new impoundment care that has increased the “no kill save rate” across the country and starts with spaying and neutering.

CONSENT CALENDAR

8. **Approve Calendars for 2013 Public Meeting Calendar and Holiday/Furlough Calendar.**
9. **Approve Succession List for City Manager and Department Directors**
10. **RESOLUTION 108-2012: (Continue to January 14, 2012 Regular Commission Meeting) 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.**
11. **RESOLUTION 117-2012: Approve acceptance of a Deed from the Housing Authority of the City of Stuart for the property known as the 10th Street Community Center.**

12. **RESOLUTION 118-2012 Authorization to approve facsimile signatures for the Mayor and City Clerk for use as authorized signatures on all checks issued by the City and drawn upon funds of the City on deposit at the Bank and all other institutions having on deposit funds of the City.**

13. **RESOLUTION 119-2012 Authorization to award REI No. 2012-119, Professional Engineering Services for Water Distribution System Rehabilitation to Holtz Consulting Engineers and Culpepper & Terpening in the amount of the hourly schedule of fees listed in Exhibit C.**

14. **RESOLUTION 120-2012 Authorization to approve Amendment #1 to the contract with Felix Associates of Florida, Inc., to extend their bid prices from RFP #2012-116, Construct Low Pressure Sewer System in the Manor, Riverview and Pelican basins to include the next phase of construction: the Osceola and Stypmann basins. RFP #2012-116 the agreement would be extended for one year through December 24, 2013**

END OF CONSENT CALENDAR

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL CONSENT CALENDAR

SECOND: VICE MAYOR MCDONALD

ROLL CALL

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

COMMISSION ACTION

15. **Approve Advisory Board Appointments, Re-Appointments and Vacancy Appointments**

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL ADVISORY BOARD APPOINTMENTS RE-APPOINTMENTS

SECOND: VICE MAYOR MCDONALD

ROLL CALL

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

16. Authorize the City Manager to sign a letter to Turbo Combustors stating a City Commitment to Design and Construct a Connector Driveway on Private Property to Keep Traffic off of Commerce Avenue.

City Manager Nicoletti gave a brief update to the Commission and public and asked for authorization to have the City Manager sign a letter to TCT stating the City's Commitment to provide a connector driveway with the proposed cost of \$160,000.00 to complete.

Commissioner Glass Leighton required hiring local people.

Tim Dougher, Business Development Board Executive Director said he does not know how they could ask for that but it could be asked.

Commissioner Christie asked if we could ask for a percentage of local workers?

City Manager agreed that we could ask. He also noted that Vice Mayor McDonald requested a not to exceed amount be added to the letter.

The Commission agreed to include a not to exceed clause in the letter and also requested hiring local.

Vice Mayor McDonald asked what the return on the investment would be, if the City spends \$160,000 on the connector driveway. He also requested that the finalized agreement with TCT be the same terms as agreed to with Martin County and the State.

Commissioner Krauskopf asked if the City is actually building the road or is the figure of \$160,000.00 based on a reimbursement.

City Manager Nicoletti said from the City's standpoint we would just like to reimburse the amount and not build it.

Commissioner Krauskopf agreed to a not to exceed amount on a reimbursement basis.

MOTION: VICE MAYOR MCDONALD; MOVED APPROVAL TO HAVE THE CITY MANAGER SUBMIT A LETTER WITH CHANGES TO INCLUDE A NOT TO EXCEED REIMBURSEMENT AMOUNT AND ASK FOR LOCAL HIRING AND ALSO AUTHORIZING CITY MANAGEMENT TO ENTER INTO CONTRACT NEGOTIATIONS WITH TURBO COMBUSTER TECHNOLOGIES AND WITH THEIR COMMITMENT TO ANNEX INTO THE CITY.

SECOND: COMMISSIONER CHRISTIE

ROLL CALL

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

ORDINANCE FIRST READING (NONE)

ORDINANCE SECOND READING

- 17. ORDINANCE NUMBER 2251-2012 (Quasi-Judicial) (Second Reading) Approving a Major Amendment to the Wallace Commercial Planned Unit Development (CPUD), thereby approving a site plan to accommodate a 135 foot high Telecommunications Tower located at Southeast Commerce Avenue, Stuart, Florida.**

Sworn

Deanna Freeman, Sr. Planner City of Stuart
Terry O'Neil, Development Director
Paul Scott, PJ Development.

Paul Scott, PJ Development gave a brief power point presentation to the Commission and public regarding the proposed 135 foot high Telecommunications Tower.

MOTION: COMMISSIONER CHRISTIE; MOVED APPROVAL ORDINANCE 2251-2012 ON SECOND READING

SECOND: COMMISSIONER KRAUSKOPF

ROLL CALL

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

- 18. ORDINANCE 2252-2012 (Second 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 beverages for 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.**

City Manager Nicoletti gave a brief overview regarding the proposed Ordinance and represented it as a low impact to the downtown.

Terry O'Neil, Development Director noted the location of the small restaurants that would have the ability to sell alcoholic beverages (beer and wine). It was also clarified that this would be "approved conditionally" and the City Manager would have the authority to revoke the license with cause.

Armond Pasquale came forward and expressed concern over the proposed Ordinance. He noted that a drunk women, was rolling around the streets drunk, over the past weekend.

Mayor Clarke asked if there were any records of an increase to police calls in the downtown. She also asked if staff requested police input when preparing the Ordinance.

Police Chief Dyess said there was no increase in calls for service in the downtown. Staff said that the Police department was included in the draft of the Ordinance for comments.

MOTION: VICE MAYOR MCDONALD; MOVED APPROVAL ORDINANCE 2252-2012 ON SECOND READING

SECOND: COMMISSIONER GLASS LEIGHTON

ROLL CALL

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

Added Item 19

Discussion on City's Legislative Priorities list:

No Unfunded Mandates

Keep Local Business Tax

Broaden the Use of the Infrastructure Sales Tax that will last at least 5 years.

Allow Cities to adopt 1/2 or 1 cent sales tax

Allow for Involuntary Infill annexation for Municipalities.

Keep SHIP Trust Fund Program intact.

Work with Army Corp of Engineers regarding prevention of freshwater discharges from Lake Okeechobee to the St Lucie River.

Extend the Fish and Wildlife Commissions Anchoring Mooring Pilot Program for at least another two years.

Do no harm to the Florida Retirement System

Ban Synthetic Drugs or Bathsalts, asking the Legislation to also include any drug that activates cannabinoid receptors or any synthetic drug that contains cathinones.

Ban Texting while driving.

Commissioner Krauskopf said he would be happy to attend the Legislation Deligation meeting if it doesn't meet any ones schedule.

Vice Mayor McDonald ask to add Internet Cafes or Arcades as an item. He also asked that the City look at putting together a City Legislative Task Force representing the City.

The Commission agreed to prioritize and key in on three items as the top priority for the City but also include the other listed items.

MOTION: VICE MAYOR MCDONALD; MOVED APPROVAL TO INCLUDE THE PRIORITY LIST OF THE TOP THREE ARE KEPPING THE LOCAL BUSINESS TAX, ALLOWING A ½ OR 1 CENT INFRASTRUCTURE SALES TAX FOR THE CITY AND INVOLUNTARY INFILL ANNEXATION BUT INCLUDE THE REST OF THE ITEMS LISTED ITEMS FOR THE LEGISLATIVE DELIGATION.

SECOND: COMMISSIONER KRAUSKOPF

ROLL CALL

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

Added Item 20

Crary House Lease to Congress Elect Patrick Murphy

City Manager Nicoletti said this lease is similar to the lease for the same location as Congressman Tom Rooney's district office for a rent of \$1,000 month, and lease term is ending 2015.

Commissioner Krauskopf wanted to clarify that it is specific to the building and not the land correct?

City Manager Nicoletti stated it is the building only.

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF LEASE WITH ONGRESSMAN ELECT PATRICK MURPHY AS PRESENTED.

SECOND: COMMISSIONER GLASS LEIGHTON

ROLL CALL

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

Added Item 21

Anchoring Mooring Field Letter to Board of County Commissioners

City Manager Nicoletti noted that he and other staff attended the FFWCC meeting on Anchoring and Mooring Project where Martin County's ordinance was approved with recommended changes and removal of Jensen Beach site. He said the City is "OK" with the recommended changes, however we feel as though we should transmit that approval to the County Commission. It is now incumbent upon the County to set the public hearing for the first reading of the ordinance. He also requested a letter from the City Commission supporting the changes that have been requested by the FWC.

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL TO HAVE THE CITY MANAGER DRAFT SUCH A LETTER FOR THE MAYORS SIGNATURE.

SECOND: COMMISSIONER CHRISTIE

MOTION APPROVED UNANIMOUSLY

City Manager Nicoletti noted that January 8, 2013 will be the Joint City, County, School Board meeting at the Blake Library beginning at 9:00 a.m.

DISCUSSION & DELIBERATION

ADJOURNMENT

ATTEST:

Cheryl White, CMC, City Clerk

Eula R. Clarke, Mayor

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