

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON OCTOBER 15, 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

Pastor Vinson R. Polk Sr. of the Tarpon Avenue Church of God delivered the Invocation, followed by the Pledge of Allegiance led by the Commission.

PRESENTATIONS

- 1. Performing Arts Moment, “Martin County High School Drama Department performs a highlight from their upcoming Hocus Pocus performance”**

Nancy Turrell of Arts Council of Martin County introduced three cast members of the upcoming play Hocus Pocus from Martin County High School who performed “I put a spell on you”, a brief presentation of the play Hocus Pocus.

- 2. PROCLAMATION: Proclaiming the Month of October as Breast Cancer Awareness Month.**

Accepted by Pat Smader of the Pink Tie Friends of Martin County came forward and graciously accepted the Proclamation and encouraged everyone to donate or volunteer to a great cause.

- 3. PROCLAMATION: Proclaiming October 21-27 2012 as Florida City Government Week.**

Mayor Christie graciously accepted the proclamation on behalf of the City of Stuart. He encouraged all citizens to donate a canned good or non-perishable item to the City of Stuart Food Drive in partnership with House of Hope.

- 4. PRESENTATION: Children's Services Council of Martin County will make a presentation regarding a new outreach program they are initiating.**

Suzanne Wentley, Public Education Coordinator for the Children's Services Council of Martin County presented a brief video to the Commission and public regarding the programs they provide to the children of Martin County and City of Stuart. She encouraged everyone to continue its support to the programs offered.

COMMENTS BY CITY COMMISSIONERS

Commissioner McDonald asked that the Commission add an additional item #12 to tonight's agenda for a Discussion and Deliberation an update on the Airport 60 DNL standard. He has also been talking to staff and downtown business owners regarding parking and is going to combine discussion of the issues in a public forum with the November 14th 8 AM Coffee with the City Manager at the Flagler/Lyric Center. Commissioner McDonald concluded his comments by thanking the Children's Services Council for the work they do at the 10th Street Recreation Center and stated that the City would not be able to do the programing that the Children's Services Council provides.

Vice Mayor Clarke thanked the participants' in this evening's Arts Moment and agreed the Children's Services Council programs are essential to the community. She encouraged participation and volunteerism to those programs. She was happy that Commissioner McDonald brought forward for tonight's agenda the airport discussion and noted that it may warrant another discussion for Stuart residents in the future. She also passed along some Public Works questions.

As the recipient of the Proclamation in honor of Florida City Government Week Mayor Christie noted the City has started a food drive that will last until November 16. Deposit bins are available at City Hall and the City Public Safety Center partnering with House of Hope.

Mayor Christie invited his fellow commissioners to the Treasure Coast Council of Governments annual luncheon on November 14th to be held at Mangrove Mattie's --- in Ft. Pierce.

COMMENTS BY CITY MANAGER

City Manager Nicoletti updated the Commission and public regarding a structure fire in the downtown this afternoon.

Assistant Chief Dyal gave a brief public notice regarding the fire at the Accounting Office at 33 Flagler Avenue this afternoon. He explained that some renovations were being done on the structure prior to the incident, and most fire damage was done to the second floor. It is possible the fire might have been ignited by AC wiring. The State Fire Marshall is investigating the cause. No damage to adjoining structures.

Mr. Nicoletti also noted that at the next City Commission meeting is scheduled for October 22nd, 2012, where he will present a resolution to adopt a Centennial Task Force, He noted he would be providing additional information to the Commission. He also

announced two utility item emergency purchases over the Manager's threshold for approval.

Terry Iverson, Purchasing Director explained the County has a contract in place the City will be using for this utility purchase, and in the future the City will cooperate in solicitations and name the City in future contracts.

APPROVAL OF AGENDA

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF AGENDA AS AMENDED ADDING ADDITIONAL ITEM 12.

SECOND: VICE MAYOR CLARKE

MOTION APPROVED UNANIMOUSLY

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

Pastor Vinson Polk Sr. of the Stuart Church of God noted that his Church has been meeting in a rented storefront on Tarpon Street, and is planning to build its own House of Worship. Meanwhile he needs help to facilitate a congregation and asked for permission to meet at the City's 10th Street Community Center while going through the permitting process which he estimates will take about 18 months.

Vice Mayor Clarke asked what their time frame is to complete the building so that the use of the Community Center won't be needed.

She noted there is no provision in the City ordinance for a long time user for the Civic Center.

David Weaver introduced himself as "one of the good to come out of East Stuart because of the Stuart Church of God. He asked that the City consider allowing the use of the Community Center for the Stuart Church of God.

Commissioner Krauskopf asked that this be referred to the City Attorney and staff.

Susie Hutchinson who is known to "wear many hats" in the community was here to speak as President of the Kiwanis Club of Stuart and its upcoming fundraising "Shoot" to be held November 17th at the Stuart Shooting Club. Revenue from the fund raiser will be used to add to the existing Kiwanis Park Playground a "Boundless Playground" for special needs children that will have equipment that can handle wheelchairs. This will add a new dimension to the Kiwanis Club and more preliminary information will be brought to the Commission. Costs are estimated to be in the \$175,000 - \$200,000 range and grant funding is being investigated.

CONSENT CALENDAR

- 5. Request to approve minutes of Regular Commission Meetings of September 10, 24, 2012 and Special Commission Meetings of September 10, 24, 2012**

6. **Request support to Road to Victory Military Museum for the Stuart Air Show to be held at Witham Field scheduled for November 10-11, 2012, and allowing certain equipment to be used during the event**
7. **RESOLUTION 91-2012 Authorization to execute an Amended Interlocal Agreement between the City of Stuart and Martin County regarding Fire Rescue Services, and setting a fee for those services, correcting a scrivener's error in Resolution 51-2012.**
8. **RESOLUTION 93-2012 Authorization to execute a non-exclusive License to Treasure Coast Sailing Adventures, LLC, to berth "The Lily", a 42 foot sailing vessel at the City dock located on the St. Lucie River behind City Hall.**
9. **RESOLUTION 95-2012 Authorization to execute an extension of time to cancel the Management Agreement between the City of Stuart and the Friends of the Lyric, Inc. to January 15, 2013.**

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL CONSENT CALENDAR AS AMENDED

SECOND: COMMISSIONER MCDONALD

ROLL CALL

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

END OF CONSENT CALENDAR

COMMISSION ACTION

10. **RESOLUTION 92-2012 Authorization for a Revocable Permit for Martin Memorial Medical Center, permitting the use of Public Right-of-Way for directional fitness trail signage along S.E. Ocean Blvd. and S.E Osceola Street and the Memorial Park.**

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL RESOLUTION 92-2012

SECOND: VICE MAYOR CLARKE

ROLL CALL

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

ORDINANCE FIRST READING

ORDINANCE SECOND READING

DISCUSSION & DELIBERATION

11. Discussion of Amendment 4 to the State Constitution.

Commissioner Krauskopf noted that Florida League of Cities has asked that we speak up on the Constitutional Amendment 4. He expressed concern over the proposal to have the City of Stuart support Amendment 4. He thanked the City Manager for putting the item together.

City Manager Nicoletti explained that the City Financial Services Department research revealed a \$200,000-\$275,000 that would have to be accounted for if Amendment 4 is passed, and would shift the burden to current homeowners.

Commissioner McDonald also expressed concern over the proposed Amendment 4 if adopted.

Vice Mayor Clarke asked if the City would be bring back an official Resolution on October 22, 2012 to say the City of Stuart is opposing Amendment 4 as published to be on the November 6, ballot.

City Manager Nicoletti said that if the City wants to take a position they may want to do it tonight, and we will publicize it, and do a press release.

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL TO ADOPT THE FLORIDA LEAGUE OF CITIES TEMPLATE MOTION OPPOSING AMENDMENT 4.
SECOND: VICE MAYOR CLARKE

Armond Pasquale expressed concern over the City and County taxes and felt the tax burden get shifted back to the residential homeowner and give the business owners who have shouldered the heavy burden for City services without receiving any additional service a break. "Businesses create jobs, residential does not, and we need a break."

ROLL CALL

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

Additional Item 12 –

Commissioner McDonald read into the record notes he had taken during a meeting with the FAA in Orlando attended by himself, City Manager Nicoletti and Development

Director O'Neil. He expressed concern over the proposal and that it may cause a "checker board effect in the City."

He said staff has been trying to get a time-line from the County regarding the 60DNL and gets different dates. He said that one of the scenarios of a timeline is, proposing the city adopt a future land use by the end of the year would allow the City to be include in the submission to the FAA on or before February 1, 2013 for the next funding cycle. If we do not adopt the land use and zoning changes, later in the year we could see if any unused funding remains after July 1, 2013. If we don't adopt any Ordinance changing our Land Use and zoning until even later still we could be included in future funding cycles using the same dates in future years. He stated that if the City chooses not to participate none of the homes within the 60 DNL would be eligible for noise mitigation measures, but the County would not be able to use noise mitigation money for demolition. This does not mean the County would not continue their efforts to remove the homes within the RPZ, including those homes on 15th and 16th Streets. The County would be able to apply for airport safety grant money to remove those homes. He said this money is more difficult to obtain and the City would not be in the loop as far as the removal of those homes. He reviewed funding cycles and FAA requirements and addressed options with FAA regarding 18th and 16th Street. FAA has provided a list of what we couldn't do there but, not a list of what we can do, and they said City suggestions would be reviewed.

A lot of City staff and consultant time has been put into this. He said we want to assure a satisfactory resolution for the City as a whole. He said that we left the FAA with a draft ordinance regarding noise mitigation.

City Manager Nicoletti pointed out the impact of the 60 DNL and said we are waiting for answers from the FAA. He also noted the impact of adopting the 60 DNL is for the Federal Government to mitigate the buildings within the 60 DNL areas. The difficult part is that the 60 DNL line is impacted by the RPZ, Runway Protection Zone. Within that RPZ zone, the FAA made it very clear that properties within the RPZ, have to be eligible for demolition, so you have all of 16th Ct, a couple of properties on 15th, and the commercial convenience store. What they told us if these areas, if funded and if the County actually demolishes these buildings then it would look very similar to what exist today on 18th Street. What we have asked them is to take a look at the Counties Ordinance to see if the FAA will support the existing Ordinance for the 60 DNL and the Land Use and Zoning that goes along with it. at the City has not heard from any of Vice Mayor Clarke's neighbors.

Vice Mayor Clarke said we need to set something down with the people on 16th Court and all of these things discussed tonight and with the FAA. We probably need to request from the consultants what the results were from the survey in that area. We also need to address the 18th Street issue, and other areas that may be affected by the FAA.

Mayor Christie asked if the area of the cone been quantified for value?

In response to a question from Christie regarding value of subject properties, O'Neil said there are 80 homes with property profiles in the \$50,000-\$55,000 range and we also need to consider the real damage comes from the loss of housing.

City Manager Nicoletti addressed eligibility for grant funding.

He stated there was a temporary rule that came out just before our meeting with the FAA.

Commissioner McDonald said that until the County Commission takes up the matter of the Interlocal Agreement, the City shouldn't go any further.

City Manager Nicoletti said as soon as the FAA information comes out it will be brought to the Commission. He also said we need to make a public records request all response information on the resident survey's.

Commissioner McDonald said we are not the sponsor agency and the "ball is in the County's court." Because of past history of 18th Street the City has become "very cautious" and it would be nice if the County stepped up to the plate, since it is there program.

City Manager Nicoletti expressed concern if the City holds a meeting and we are not the sponsor. He agreed it really is the County's responsibility to hold a public hearing and maybe we should ask the City to hold the public hearing.

The Commission agreed.

ADJOURNMENT 6:56 P.M.

ATTEST:

Cheryl White, CMC, City Clerk

James A. Christie, Mayor

**Minutes to be approved at the Regular Commission
Meeting This 5th Day November 2012**