

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON SEPTEMBER 9, 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
Interim City Attorney, Robert Kilbride
City Clerk, Cheryl White**

Mayor Clarke delivered the Invocation, followed by the Pledge of Allegiance led by the Commission.

PRESENTATIONS

1. PERFORMING ARTS MOMENT SEPTEMBER 2013

Lisa Jill Allison, a local Artist and Author, spoke about "Art From the Heart". She read aloud; The Gift. She also displayed her artwork to the public and Commission.

**2. PROCLAMATION: Proclaiming September, 2013 as
"Sickle Cell Awareness Month"**

Accepted by Bruce Glover. He announced an upcoming Open House Event this weekend at 1600 Australian Avenue in West Palm Beach. The event will be from 11-2 pm and is family friendly. He encouraged participation.

**3. PROCLAMATION: Proclaiming September 15-21, 2013 as
"Constitution Week"**

Attorney Portia Scott came forward on behalf of the National Society of Daughters of the American Revolution Halpatiokee Chapter, she invited everyone to read the Constitution and is a gift from our founding Fathers.

Attorney Robert Kilbride announced that there would also be members from the Martin County Bar Association during this Month will be giving presentations at the Different High Schools.

4. PROCLAMATION: Proclaiming September 11, 2103 as “ Patriot Day”

Pastor Gene Healton came forward and thanked the City for the proclamation.

5. PROCLAMATION: Proclaiming September, 2013 as “Hunger Action Month”

Representatives of the Treasure Coast Food Bank came forward and accepted the proclamation. They encouraged all those who could donate a non-perishable item to do so.

6. PROCLAMATION: Proclaiming October, 2013 as “Domestic Violence Awareness Month”

Jill Borowicz of Safespace came forward and graciously accepted the Proclamation and thanked the Commission. She invited everyone to attend an event on October 5, 2013 Walk a Mile in her shoes in downtown Stuart beginning at the Riverwalk Stage at 8:30 a.m.. Vice Mayor McDonald always participates in the event.

7. PROCLAMATION: Proclaiming September 23, 2013 as “ Family Day”

A representative of Family Day came forward and asked that residents of Stuart participate in Family Day, have regular meals with their children to talk about the day. He asked the City to display their poster to promote Family Day.

Mayor Clarke added 7a Proclamation 1928 Hurricane of Port Mayaca at the request of the City of Pahokee.

COMMENTS BY CITY COMMISSIONERS

Commissioner Christie , Vice Mayor McDonald congratulated both Commissioner Glass Leighton and Krauskopf.

Mayor Clarke welcomed Jacqui Thurlow Lippish She also gave one of her now famous “shout outs” to staff member Carly Audry of the Community Development Department for working hard on the LDRs. She also requested that staff address noise issues. Yesterday the Mayor visited a Stuart company known as Eco-Sphere that is now educating elected officials on the use of oxygen to purify our water. Addressing the Resolution on Eminent Domain, the Mayor noted that she had received some negative comment and requested that Consent Item 10 be pulled for discussion. She then turned her attention to foreclosure proceedings on the Lakeside Apartments on MLK Blvd. which will result in leaving a number of elderly and low income people homeless. She noted that the USDA mortgage holder will sponsor a public hearing at the Blake Library on September 24th and asked staff to arrange for public transportation to help those being displaced to get to the meeting.

COMMENTS BY CITY MANAGER

City Manager Nicoletti requested that Consent Item 9 be continued to 9/23 and Consent Item 10 be pulled for discussion. Add to Agenda Item 15A a resolution 106-2013 regarding Mailed-Ballot only for November 5th Municipal Election. Nicoletti asked for permission to apply for a grant opportunity from the St. Lucie River Issues Team for expanding sewer to three sewer basins (Snug Harbor, North Stuart and St. Lucie Blvd. South of East Ocean) Funds for the 50/50 match which funds are available. He asked for direction to apply for the grant and would bring back to the Commission at a later date.

MOTION: VICE MAYOR MCDONALD: MOVED APPROVAL TO DIRECT STAFF TO APPLY FOR THE GRANTS AND BRING BACK TO COMMISSION.
SECOND: COMMISSIONER CHRISTIE
MOTION APPROVED UNANIMOUSLY

APPROVAL OF AGENDA

MOTION: VICE MAYOR MCDONALD: MOVED APPROVAL OF THE AGENDA AS AMENDED
SECOND: COMMISSIONER GLASS LEIGHTON
MOTION APPROVED UNANIMOUSLY

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

Jacqui Thurlow Lippisch came forward and thanked the City of Stuart for all it is doing to protect our Estuary and Lagoon and presented the City with a Save Our River sign made by the River Kidz. She said that Lake Okeechobee takes in water six times faster than it can get it out and agreed the Eminent Domain issue is “a very touchy subject.”

Commissioner Christie praised Lippisch for “her passion” for the Estuary and Lagoon and thanked her for all she does to help save our River.

Pastor Donna Heaton added her praise for the City's efforts and said it would be great if the City Commission meetings could be televised so everyone could know the good things being done by the City.

CONSENT CALENDAR

- 8. RESOLUTION:98-2013: Authorization to renew the award of RFP No. 2011-106 to Emerald Labor Source, LLC and Manpower Stuart, Florida, the most qualified firms to provide Temporary Employee Services for the second of two renewal periods to October 17, 2015.**

Continued item 9 to 9/23/2013

- 9. RESOLUTION102-2013:Approving Nuisance Abatement Liens and administrative charges and costs incurred by the City to abate nuisances on (4) private properties, within the City of Stuart totaling \$733.62, including an Administrative Charge, and providing the assessments shall bear interest at a rate of 12% until paid.**
- 10. RESOLUTION 103-2013: Encouraging and supporting the restoration of the historic southerly flow of water from Lake Okeechobee through the "River of Grass" to Florida Bay.**

MOTION: COMMISSIONER CHRISTIE: MOVED APPROVAL OF THE CONSENT AGENDA 8 AS AMENDED continuing item 9 to 9/23/2013 WITHDRAWING ITEM 10 FOR SEPARATE DISCUSSION AND THE ADDITION 15A

SECOND: COMMISSIONER GLASS LEIGHTON

ROLL CALL

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

MOTION: COMMISSIONERKRAUSKOPF: MOVED APPROVAL OF RESOLUTION 103-2013
SECOND: VICE MAYOR MCDONALD

Commissioner Krauskopf asked that this be sent to everyone.

Vice Mayor McDonald asked that we send this to the FLC and the County Association. He thanked staff for the Resolution.

Commissioner Christie agreed.

Mayor Clarke encouraged staff to plan an event encouraging the participation of protecting our River.

ROLL CALL

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

END OF CONSENT CALENDAR

COMMISSION ACTION

11. RESOLUTION 105-2013: Authorizing a contribution of up to \$20,000.00 in support of a pending application to the Florida Housing Finance Corporation for a tax credit funding to permit the construction of up to 48 units of Senior Affordable Housing on a 4.88- Acre parcel located on S.E Central Parkway.

Terry O’Neil stated that the \$20,000 is a state requirement as a tax credit for their application. He suggested the funding be used to construct public sidewalks along the entire length of the property and landscaping, median landscaping. He said that this is not to be considered a development approval.

Attorney McCarthy said the developer thinks this is a good location and acknowledged that there is no guarantee the “project will be awarded.” He said the deadlines for the grant are coming to a close.

MOTION: VICE MAYOR MCDONALD : MOVED APPROVAL OF THE RESOLUTION. 105-2013 CORRECTING THE SCRIVNOR ERROR IN THE SECTIONS
SECOND: COMMISSIONER GLASS LEIGHTON

Bernie Malone came forward in support of the project.

City Attorney Kilbride asked the motion maker and second to accept the amended language to the section 2 at the top of the second page of the Resolution the language should read “Low income and affordable Senior Housing inserted between the words for and senior.

MOTION: VICE MAYOR MCDONALD : MOVED APPROVAL OF THE RESOLUTION. 105-2013 CORRECTING THE SCRIVNOR ERROR AND THE AMENDED LANGUAGE SUGGESTED BY CITY ATTORNEY KILBRIDE IN SECTION 2.

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

- 12. ORDINANCE 2270-2013: Requesting the City of Stuart exempt itself from the provisions of Section 101.657 of the Florida Statutes; specifically relating to “Early Voting” Specifically for the 2013-2014 General Election and Run Off if necessary.**

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL OF ORDINANCE 2270-2013

SECOND: COMMISSIONER GLASS LEIGHTON

ROLL CALL

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

ORDINANCE SECOND READING

- 13. ORDINANCE 2263- 2013: Amending Sections 11.01.08 “Large Scale Comprehensive Plan Amendment Application” and 11.01.09 “Small Scale Comprehensive Plan Amendment Application” to the Stuart Land Development Code to correct a scrivener’s error.**

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL OF ORDINANCE 2263-2013

SECOND: COMMISSIONER GLASS LEIGHTON

ROLL CALL

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

- 14. ORDINANCE 2266-2013: Amending the requirements related to posting of property for public notice in sections 11.01.08 “Large-Scale Comprehensive Plan Amendment Application” 11.01.09 “Small Scale Comprehensive Plan Amendment Application” and 11.02.02 “Notice by Posting”.**

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL OF ORDINANCE 2266-2013

SECOND: COMMISSIONER GLASS LEIGHTON

ROLL CALL

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

- 15. ORDINANCE 2267-2013: Providing for a Referendum under the City Charter Section 9.05 seeking voter approval for the City to convey title to two existing lots on the Southerly side of Martin Luther King, Jr. Blvd. and the West side of Dixie Highway for commercial or governmental use; said lots adjoin the Tidally-Influenced Waters of Frazier Creek.**

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL OF ORDINANCE 2267-2013
SECOND: COMMISSIONER GLASS LEIGHTON
ROLL CALL
COMMISSIONER GLASS LEIGHTON YES COMMISSIONER CHRISTIE YES
VICE MAYOR MCDONALD YES COMMISSIONER KRAUSKOPF YES
MAYOR CLARKE YES

Additional Item 15A –

RESOLUTION 106-2013: Calling for a Mailed-Ballot Only Municipal Election for November 5, 2013, Pursuant to Florida Statutes and as Otherwise Established by the Martin County Supervisor of Elections Under Florida Law to Provide for Voting by Mail; Providing an Effective Date and for other purposes.

There will be only one issue on the ballot (see Item 15) and the mail out ballot will save \$3,000 under the cost of opening and staffing 5 City precincts. The mail out ballot will also be more convenient and it is hoped will increase the number of residents casting their votes.

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL OF RESOLUTION 106-2013
SECOND: COMMISSIONER CHRISTIE
ROLL CALL
COMMISSIONER GLASS LEIGHTON YES COMMISSIONER CHRISTIE YES
VICE MAYOR MCDONALD YES COMMISSIONER KRAUSKOPF YES
MAYOR CLARKE YES

16. ORDINANCE 2269-2013: Providing for the abandonment of certain public right-of-way within the City being that portion of SE Amerigo Avenue and SE Weir Street.

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL OF ORDINANCE 2269-2013 AS AMENDED WITH ADDED TITLE LANGUAGE
SECOND: COMMISSIONER GLASS LEIGHTON
ROLL CALL
COMMISSIONER GLASS LEIGHTON YES COMMISSIONER CHRISTIE YES
VICE MAYOR MCDONALD YES COMMISSIONER KRAUSKOPF YES
MAYOR CLARKE YES

DISCUSSION & DELIBERATION

ADJOURNMENT:7:10 P.M.

Cheryl White, CMC, City Clerk

Eula R. Clarke, Mayor

Minutes to be approved at the Regular Commission Meeting This 25th Day November, 2013