

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON JULY 11, 2011
AT 5:30 P.M. IN THE CITY COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994**

**Mayor Jeffrey Krauskopf
Vice Mayor James Christie Jr.
Commissioner Michael Mortell
Commissioner Eula R. Clarke
Commissioner Troy A. McDonald**

**Also in attendance were:
City Manager Paul J. Nicoletti
City Attorney Michael D. Durham
City Clerk Cheryl White**

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

PRESENTATIONS

1. Oath of Office City Attorney Michael Durham

City Clerk Cheryl White administered the Oath of Office to newly appointed City Attorney Michael Durham.

2. PROCLAMATION: Proclaiming the week of July 18-24, 2011 as Treasure Coast Cleanup Week

A representative of the Treasure Coast Marine Industries Association came forward and accepted the proclamation.

3. Donald Cuozzo, Martin County Representative to the Florida Inland Navigation District will present two FIND Checks to the City of Stuart

Don Cuozzo a Martin County representative of FIND came forward to present two checks to the City totaling approximately \$170,000, Cuozzo praised the City for giving true public access to the waterfront.

COMMENTS BY CITY COMMISSIONERS

Commissioner Clarke thanked Mr. Cuozzo and FIND for the checks, called the City's 4th of July celebration was "absolutely amazing" with a wonderful crowd. She praised the city for preserving the open space for the public. She also noted she had a call from Virginia Jones who is here tonight to speak on a matter. She also noted she will be out of the Country on August 8th, 2011 and will miss that Commission meeting.

Commissioner McDonald referenced the issue of trash along Central Parkway and thanked Development and Code Enforcement staff for their work on getting that area cleaned up. He also reminded everyone of the City's Blood Drive on Friday July 15, 2011 from 9:00 a.m. to 2:00 p.m. noting that the Bloodmobile is scheduled to be in the Dockside parking lot.

Commissioner Mortell referenced Cuozzo's comments noting all the downtown waterfront is great place for the Christmas Boat Parade.

Vice Mayor Christie noted the great turnout at the Treasure Coast Council of Local Governments Barbeque in Okeechobee.

Mayor Krauskopf asked the City Manager to look into a discussion regarding the court ordered judiciary group meetings, to be held at either the Public Safety Complex or the Sheriff's office.

COMMENTS BY CITY MANAGER

City Manager Nicoletti reminded the Commission of the following of the following: Thursday July 14, 2011 at 7 p.m. Mayor Krauskopf will host a Town Hall meeting at the Knowledge Center at Jensen Beach High School.

July 18, 2011 at 4:30 p.m. is a budget workshop.

July 25, 2011 ribbon cutting for the new reclaimed water treatment facility.

He also noted that both Commissioners Clark and McDonald would be attending the Florida League of Cities Conference in Orlando August 11 -13th, 2011 and stated the Commission needs to appoint one of the Commissioners as a voting delegate.

MOTION : COMMISSIONER MCDONALD MOVED APPROVAL TO NOMINATE COMMISSIONER CLARKE AS THE VOTING DELEGATE FOR THE CITY OF STUART AT THE FLORIDA LEAGUE OF CITIES CONFERENCE.

SECOND: MORTELL

MOTION APPROVED UNANIMOUSLY

City Manager Nicoletti also noted that his past concerns for the need of a referendum regarding the proposed Charter Amendments he has determined that the City should move forward with a referendum for the changes that are proposed in section 7.03 of the Charter.

APPROVAL OF AGENDA

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL TO APPROVE THE AGENDA

SECOND: COMMISSIONER MCDONALD

MOTION APPROVED UNANIMOUSLY

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

Virginia Jones came forward and expressed concern over the property at 1613 S. Dixie Highway in Stuart. She said the City allowed this concrete asphalt plant to be built. She asked that the City close the company down and make them clean up the property. She claimed that it has caused her health problems. She presented pictures to the City Commission showing dust from the plant.

Mayor Krauskopf asked that the City Attorney look into the original Special Exception to see if there was a requirement for irrigation to keep all that down. He asked that this be reported back at the next meeting.

Mark Mathes came forward and praised the City for their hard work and efforts. He expressed concern over a recent situation where his water was turned off and asked the City give 30-days disconnect notice to residents rather than 15.

Caryn Yost Rudge came forward and asked for a public hearing on their ongoing active Code Enforcement Case.

William Rudge came forward and said he was still waiting for an answer to his letter mailed to the Mayor. He also asked for a public hearing on his on-going code enforcement case.

Commissioner Mortell stated he would not be replying to the letter because of pending litigation.

Mayor Krauskopf stated he answered him in writing.

William Rudge said the reply letter directed him to get an attorney. He said he should not have to hire an attorney to get a response to his question.

CONSENT CALENDAR

- 4. Request to approve the minutes of the Regular Commission Meeting of June 13 and Special Commission Meeting of June 22, 2011**
- 5. Request to approve the minutes of the Regular Commission Meeting of June 27, 2011.**

END OF CONSENT CALENDAR

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF CONSENT CALENDAR ITEMS 4,5.

SECOND: COMMISSIONER CLARKE

City Manager Nicoletti noted an error that has been corrected to page 4, item 5 of the June 27, 2011. It showed two roll calls, and that has been corrected to show one roll.

ROLL CALL

MAYOR KRAUSKOPF	YES	VICE MAYOR CHRISTIE	YES
COMMISSIONER CLARKE	YES	COMMISSIONER MCDONALD	YES
COMMISSIONER MORTELL	YES		

COMMISSION ACTION

ORDINANCE FIRST READING

ORDINANCE SECOND READING

- 6. ORDINANCE 2230-2011 (Second Reading) Amending Chapter 20 of the City of Stuart Code of Ordinances creating regulations for the proper handling of Pet Waste**

MOTION: COMMISSIONER MCDONALD: MOVED APPROVAL OF ORDINANCE 2230-2011

SECOND: COMMISSIONER MORTELL

ROLL CALL

MAYOR KRAUSKOPF	YES	VICE MAYOR CHRISTIE	YES
COMMISSIONER CLARKE	YES	COMMISSIONER MCDONALD	YES
COMMISSIONER MORTELL	YES		

- 7. ORDINANCE 2231-2011 (Second Reading) Amendments to the Stuart City Charter as recommended to the City Commission by the 2011 Stuart Charter Advisory Board; Amending the City Charter to change the schedule of Stuart City Elections from November to the State Primary (or projected date thereof) each year; Providing for clarification of wording; Allowing only one meeting per month of the City Commission when applicable; Providing for an Interlocal Agreement with the Supervisor of Elections; Adding certain qualification for holding office; Clarification of certain portions of the Charter to conform with State Statutes**

City Manager Nicoletti noted amendments to the title and exhibit of the Ordinance.

City Manager Nicoletti jealous

MOTION: COMMISSIONER MCDONALD: MOVED APPROVAL OF ORDINANCE 2230-2011AS AMENDED

SECOND: COMMISSIONER MORTELL

Valerie Jones asked the City to clarify if there were any changes to 9.03-9.05 from the current charter, other than incorporating the referendum language.

City Manager Nicoletti stated that there were no actual changes, other than the technical language in 9.03-9.04 from roads, streets, to public rights of ways.

Commissioner Clarke stated she has been approached by folks who have expressed concern over holding the election in August. She explained that the City elections are on all ballots regardless of their party.

ROLL CALL

MAYOR KRAUSKOPF	YES	VICE MAYOR CHRISTIE	YES
COMMISSIONER CLARKE	YES	COMMISSIONER MCDONALD	YES
COMMISSIONER MORTELL	YES		

DISCUSSION & DELIBERATION

- 8. Multi-Tenant Sub-Metering for Water and Sewer Charges**

Dave Peters referenced issues brought up by residents of Indian Run regarding what they considered excessive water bills. The charges the tenants were billed included common area water charges that the tenant had no control over. The City found this to be very concerning. He explained that staff reviewed other municipality ordinances dealing with this issue, Peters said in order to protect tenants from potential unfair billing and excessive water and sewer charges, staff recommends the City consider a change in the code making it mandatory that a lease must state the tenant is

responsible for the water he or she uses as well as common area water use. Peters suggested the City first notify all multifamily units in Stuart so they can participate in the discussion.

Mayor Krauskopf recommended including commercial properties as well.

Mr. Peters stated he would look into including Commercial.

Commissioner Mortell asked who is going to handle this. He felt it is “worth pursuing” but asked how it can be resolved without using code enforcement.

City Attorney Durham stated he would look into the matter with Mr. Peters.

9. Sanitary Sewer Expansion Program

Dave Peters presented a visual presentation to the public and Commission regarding a city-wide sewer program.

He explained the voluntary program. Residents continue to express an interest in sewer service and a more cost effective, low impact system has been developed that meets the City’s needs based on “no mandatory connection” policy. The program includes all costs associated with sewage system and on-site improvements with 10-year payment schedule included in monthly utility bills and “sign up and save incentives” offered to residents.

Mr. Peters reviewed the technical aspects of the new system and addressed financing estimates.

Mark Mathes supports the program but expressed concern over having to rely upon the City to operate the system in the event of a power outage. He suggested allowing the homeowner to flip a switch and be able to revert back to their septic system in the event of an emergency. He also asked the city to consider allowing residents to begin payment for the system but not hook up until their septic system fails.

Mary Hutchinson came forward and suggested while looking into the Riverview Overlook area to include the St Lucie Crescent area. She also expressed concern about the protection of the City when this type of charge is recorded on the tax bill and did not want to obligate a new owner of the property.

Commissioner Mortell questioned the prioritization process as to who goes first. He suggested we look at areas where septic systems are most likely to fail because those who have put money into their septic systems recently are most likely not going to want to participate. He also noted this system would be cheaper than installing a new septic tank.

Mr. Peters explained he had consulted with the Health Department and said he agreed with Mr. Mathes idea on a third option.

Vice Mayor Christie noted that East Stuart was not prioritized, so I take it they already have sewer service.

Mr. Peters said there is a small section not on water and sewer and staff is looking at a grant opportunity, and hopes to possibly look at grants for the entire project.

City Manager Nicoletti agreed that Mr. Mathes suggestion to “pay now and hook up later” is a good idea.

Mayor Krauskopf questioned the following items:

Look at priority list

What is the cash flow on this?

Amortization period?

Any penalties?

Asked if the R&R was already built into the fee schedule?

Equity issue for the folks that do a different plan, how do we deal with the new numbers?

If someone is a good distance from gravity could they hook up?

Commissioner McDonald asked if the grinder remains the property of the City?

Mr. Peters stated that the equipment remains the property of the Stuart. The City maintains it and will have to have replacement funds for grinders, etc.

Staff noted that they will return with more information on July 25th, 2011

ADJOURNMENT 7:00 P.M.

ATTEST:

Cheryl White, CMC, City Clerk

Jeffrey A. Krauskopf, Mayor

**Minutes to be approved at the Regular Commission
Meeting This 11th Day July 2011.**