

**REGULAR MEETING OF THE STUART CITY COMMISSION  
HELD ON JUNE 27, 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  
Interim City Attorney  
City Clerk Cheryl White**

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

**PRESENTATIONS**

**1. Employee of the Month**

**Gloria Fike, Code Enforcement**

Gloria Fike came forward and graciously accepted her award, and thanked the Commission.

**2. Employee Service Recognition**

**Jeffrey Kittredge, Police Department 20 Years**

Jeffrey Kittredge came forward and graciously accepted his award and thanked the Commission.

**COMMENTS BY CITY COMMISSIONERS**

Commissioner Clarke was invited to thank Mr. Sgt. Steven Potts who recently came home from the military. She also commented on the weekend's wonderful Patriotic Celebration program at Jensen Beach High School which was the last service. She also wished everyone a Happy July 4<sup>th</sup>.

Commissioner McDonald noted Villa Bella Condo residents' concerns regarding the "excessive amount of trash and debris" being dumped along Central Parkway.

City Manager Nicoletti said staff is looking into the issue.

Commissioner McDonald also thanked Car-Pro for the Memphis Belle display in City Hall lobby as well as the company's sponsorship of the City's July 4th Fireworks.

Vice Mayor Christie noted the celebration of his Stuart Training High School reunion and commented on the fact that attendees came from all over the country. He also reminded the Commission of the Treasure Coast Elected Official's annual barbeque to be held in Okeechobee on July 6<sup>th</sup>.

Mayor Krauskopf thanked City Engineer Sam Amerson for the tour of the Memorial Park project that promises to be a real asset to the City and hopefully will be completed by November. The Mayor also wished everyone a Happy and Safe Independence Day.

### **COMMENTS BY CITY MANAGER**

City Manager Nicoletti addressed additional agenda items 4A and 4B regarding acceptance and execution of deeds for the Haney Creek Parcel. 4B actually moves the money around to accomplish it. He also addressed the additional item backup for item #13 which is the final version of the new City Attorney's Contract with Mike Durham. He noted the salary was set at \$80,000.00 a year and he will not receive the medical benefit of \$1,000.00, and the City will pay ½ of the Florida Bar Dues, and then directly pay the Martin County Bar and Florida Municipal Attorneys dues, as we have done in the past.

### **APPROVAL OF AGENDA**

MOTION: COMMISSIONER CLARKE: MOVED APPROVAL TO APPROVE THE AGENDA ADDING ITEMS 4A AND 4B.

SECOND: COMMISSIONER MORTELL

MOTION APPROVED UNANIMOUSLY

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

Mark Rodgers came forward and addressed issues of Sailfish Ball Park as a representative of the different user groups who have met with the County and City to try to figure out short term and long term solutions for use of the Park ball fields. He thanked the City for allowing the Martin County North Little League to use the park all these years and asked for the City's continued support. He said at some point we are going to have to look at 10<sup>th</sup> Street for additional space as the league's success and potential growth.

City Manager Nicoletti said we are "well underway to at least having a good understanding of each other's situations and what we can and can't do. I think the County staff today was more open and forthcoming with ideas, which we weren't really hearing before.

Michelle McCrain came forward and expressed concern over the business located at 430 California Avenue that deals with participants in "sex offender programs" who congregate at the corner in this pedestrian friendly, family oriented neighborhood. The residents are concerned with the activities going on there and would like the City to address an ordinance regarding what type of businesses are allowed in residential neighborhoods.

Armond Pasquale referenced an ad in the Stuart News and voiced objection to a Block Party scheduled for Haney Circle that would run from 11 a.m. to 10 p.m. and include a rock band. He wanted to know why this permit was issued and suspected "deals were made with a local bar". He said we have enough problems with the noise created by the Friday night gatherings at the Gazebo that disturb the neighborhood.

Tyson Waters, General Counsel to 7-Kings Holdings and Loggerhead Marina, said they are assisting the property owners for the Harborage Development. He explained the company is working to improve the property. He noted growing frustration with the City application process regarding a marine related tenant who is ready to open a business at the Marina but due to the permitting delays might be forced to move his business elsewhere outside of the City. Prospective tenant Craig Clements, owner of Monterey Yachts, said he did not understand why there is such a hassle getting a permit to open his business there.

Mayor Krauskopf said the issue will be addressed.

### **CONSENT CALENDAR**

#### **3. RESOLUTION 51-2011 Authorization to adopt a schedule of fees, charges and deposits for solid waste collection under Chapter 34, and for utilities, under Chapter 42, of the City Code**

MOTION: COMMISSIONER MCDONALD: MOVED APPROVAL OF CONSENT CALENDAR ITEMS 3

SECOND: COMMISSIONER CLARKE

ROLL CALL

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

#### **4. RESOLUTION 52-2011 Authorization to execute an Interlocal Agreement between the City of Stuart and Martin County regarding the location of Government Offices**

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF CONSENT CALENDAR ITEMS 4 RESOLUTION 52-2011

SECOND: VICE MAYOR CHRISTIE

ROLL CALL

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

### **ADDED ITEMS 4A & 4B**

**4A RESOLUTION NUMBER 54-2011 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO ACCEPT DEEDS FROM TCOAST HOLDINGS, LLC, FOR THE PURPOSES SPECIFIED IN THE FUNDING AGREEMENT BETWEEN THE CITY AND THE COUNTY; AND AUTHORIZING THE MAYOR AND CITY CLERK TO AND EXECUTE A DEED CONVEYING A ONE-HALF INTEREST FOR THE 1.63 ACRE FLAG LOT TO MARTIN COUNTY FOR USE AS CONSERVATION LAND; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**4B RESOLUTION No. 55-2011A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE TRANSFER OF FUNDS FROM THE DISCRETIONARY SALES TAX FUND TO THE PROPERTY MANAGEMENT FUND; AND AUTHORIZING THE APPROPRIATION AND EXPENDITURE OF FUNDS IN AN AMOUNT**

**NOT TO EXCEED \$2,200,000 FOR THE PURCHASE OF THE HEART OF HANEY CREEK PROPERTY; AND PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF CONSENT CALENDAR ITEMS 4A ,4 B RESOLUTION 54-2011-55-2011

SECOND: COMMISSIONER MCDONALD

ROLL CALL

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

**END OF CONSENT CALENDAR**

**COMMISSION ACTION**

- 5. RESOLUTION 53-2011 Authorization to award RFP#2011-101 to Poma Construction Company of Palm City, Florida for a total lump sum price of \$150,000.00 to provide and install Shade Structures for Riverside Stage and Bleacher areas**

Ron Hart, owner of a downtown business and member of the Downtown Business Association addressed the proposed contract for a shade structure along the River walk Stage, he encouraged approval of award.

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF RESOLUTION 53-2011  
SECOND: COMMISSIONER CLARKE

Poma Construction came forward and presented a visual slide show of the proposed project to the public and Commission.

Commissioner McDonald invited comment from Attorney Bob Summers, son of the owner of the building immediately adjacent to Stage.

Mr. Summers voiced concern with this concept which he called "a little over the top" and suggested looking at other alternative possibly something that is less intrusive, (similar to those at CarPro) that can be opened only when needed and lower it when not needed. He said it is not bad looking but felt it was not an enhancement to the view but a detriment.

Vice Mayor Christie agreed the new design answers the question of River views and clarified that funds are budgeted in a FIND Grant and Infrastructure Sales Tax Fund.

It was noted that the City Police will be trained on how to take down the structure in case of hurricanes.

ROLL CALL

MAYOR KRAUSKOPF	YES	VICE MAYOR CHRISTIE	YES
COMMISSIONER CLARKE	YES	COMMISSIONER MCDONALD	NO
COMMISSIONER MORTELL	YES		

**ORDINANCE FIRST READING**

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

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF ORDINANCE 2230-2011 ON FIRST READING

SECOND: COMMISSIONER CLARKE

ROLL CALL

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

**7. ORDINANCE 2231-2011 (First 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 clarified the language in Section 5 regarding referendum if needed.

Mr. Robert Steinberg came forward and expressed grave concern over the proposed change in the General Election month from November to August.

He felt that the majority of the residents would not be able to vote because of the Summer. He suggested holding a Primary Election then a general Election in November.

Commissioner Mortell said he would support this because we tasked the Charter Committee to address the issue and this is their recommendation.

City Manager Nicoletti clarified we are not certain at this point that section 7.03 would require a referendum or not.

Commissioner Mortell noted that the run-off January election this year did not work because the candidates had to try and campaign through the Holiday's.

Mr. Steinberg asked about non-partisan primaries and announced that he would be running for Commissioner Mortell's seat next year. He said the only way to have savings is to piggyback onto the County Elections.

Vice Mayor Christie agreed with Mortell and said if there is a run-off we will still have to pay for it and November is better.

Commissioner McDonald noted that municipalities do not have party primaries but he was concerned an August election turnout will be low. He added that we can give this a try and if it does not work we can come back and change it.

Mayor Krauskopf reviewed the background of the system noting that we switched from winter to November and there was no substantial increase in voter turnout. He was willing to give a

benefit of a doubt to the Charter Committee and said if this does not work out we can change.

Mr. Steinberg considered Kraukopf's comments as support of his argument and said the off year election is the problem and the real problem is the 2-year terms.

Commissioner Mortell noted that 4-year terms had been put on referendum twice and the voters turned it down.

MOTION: VICE MAYOR CHRISTIE: MOVED APPROVAL OF ORDINANCE 2231-2011 ON FIRST READING

SECOND: COMMISSIONER CLARKE

ROLL CALL

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

### **ORDINANCE SECOND READING**

- 8. ORDINANCE 2223-2011 (Second Reading) Approving a Major Amendment to the First Eastern Group, Inc. Master Commercial Planned Unit Development (CPUD) amending Exhibit D, list of permitted uses, to include Government Offices, as defined herein; correcting a scrivener's error; declaring the CPUD Development to be consistent with the City's Comprehensive Plan (Quasi-Judicial)**

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF ORDINANCE 2223-2011 ON SECOND READING

SECOND: VICE MAYOR CHRISTIE

ROLL CALL

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

- 9. ORDINANCE 2228-2011 (Second Reading) Authorizing the addition of Chapter 42 Utilities, Article VII, user of reclaimed water and establishing a Reclaimed Water Overlay Zone Map**

MOTION: COMMISSIONER CLARKE: MOVED APPROVAL OF ORDINANCE 2228-2011 ON SECOND READING

SECOND: COMMISSIONER MCDONALD

ROLL CALL

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

- 10. ORDINANCE 2229-2011 (Second Reading) Amending the Stuart Code of Ordinances relating to the regulation of Firearms within the City Limits**

MOTION: COMMISSIONER MCDONALD: MOVED APPROVAL OF ORDINANCE 2229-2011 ON SECOND READING

SECOND: COMMISSIONER MCDONALD

ROLL CALL

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

## **DISCUSSION & DELIBERATION**

### **11. Hobe Grove and Harmony DRI's**

Interim Development Director Terry O'Neill reviewed the subject DRIs noting that the TCRPC had received two full DRI applications for developments of regional impact. These two projects are outside of the Urban Service Boundary. The City of Stuart is very interested in the outcome of these projects. Hobe Grove, which is the Southernmost parcel, mixed use project roughly 2800 acres, 4000 new residential units and roughly 4.6 million square feet of non-residential construction. The northern project, Harmony is similar in nature on 2,700 acres. Mr. O'Neill gave a brief summary of the County process that would include "significant" Comp Plan Amendments, noting that most of the debate will occur at the County level. There is concern about the impact on the City from these large projects. Staff will actively monitor the County's development review process and keep the City Commission informed as well as assist the Commission in voicing its concerns through procedural and political means.

City Manager Nicoletti suggested the Commission adopt the comments suggested by staff.

MOTION: COMMISSIONER MCDONALD: MOVED APPROVAL OF ADOPTING THE SUGGESTED STAFF COMMENTS THAT HAVE BEEN PROVIDED TO THE TCRPC.  
SECOND: COMMISSIONER CLARKE

City Manager Nicoletti said that the City had a request today from the Town of Jupiter Island to have both entities discuss the projects jointly.

Commissioner Mortell said a lot of presentations have been made and he feels "uncomfortable" voting on someone's project without some kind of presentation.

Mayor Krauskopf said this is a concurrence on the transmittals.

City Manager Nicoletti stated that was his intent.

Commissioner Mortell said that his concern is as a City Commission, if you built another Stuart on I-95 in Hobe Sound, it would effectively have the same effect that the Treasure Coast mall had in 1989 in the Downtown. It could draw an enormous amount of money, and cause us economic hardship. He understands the intent of the City Manager's letter but he did not want the City to get caught up in the paperwork for the projects.

Vice Mayor Christie wants to hear the staff comments on how the development outside the City impacts us to assure the City is heard in this review process.

Commissioner Mortell said letters have already been sent noting our concerns and he did not think we should start voting on projects that are not in the City.

Commissioner McDonald wants to make sure the Treasure Coast Regional Planning Council and the County understand the City's comments and that they "carry weight." He agreed we want to welcome the businesses, and people. We have plenty of business here. He felt that the two projects are "very dangerous" to our City. He felt the City wanted to keep a close eye on them.

City Manager Nicoletti noted that this was a discussion only item and he just wanted to report to the Commission what staff is doing, and that we have done what you have asked us to do, That is all. This letter is primarily inquiry only, not necessarily taking a position, we are asking allot of questions and to provide us the information.

Commissioner Mortell asked if the City Manager was looking for ratification from a letter from the City dated April 6<sup>th</sup>, 2011, and two letters dated June 21, 2011.

City Manager Nicoletti said yes.

Mayor Krauskopf asked if he should call to question.

Commissioner Clarke asked if the City has a long range planning group that would help us on that level.

City Manager Nicoletti said the LPA take part in these types of planning for the City.

WITHDRAW MOTION: COMMISSIONER MCDONALD: WITHDRAW OF ADOPTING THE SUGGESTED STAFF COMMENTS THAT HAVE BEEN PROVIDED TO THE TCRPC.  
WITHDRAW SECOND: COMMISSIONER CLARKE

## **12. Martin County Employee Health Center**

City Manager Nicoletti introduced Kurt Gehring of the Gehring Group who explained the concept of this type of Employee medical Clinic and clarified the provision of Clinic services. He said his firm has 75 such entities throughout Florida and the advantage to Stuart is the City can join up with Martin County and the Sheriff's Department.

Kurt Gehring gave an overview of the cost savings to the City and explained the next step would be a joint meeting with the County and Sheriff's Department on a draft interlocal agreement.

City Manager Nicoletti said he will talk to the unions.

Commissioner McDonald called this a great opportunity and agreed with the importance of time and money savings.

City Manager Nicoletti said this item will come back at a later date for Commission approval.

## **13. Appointment of City Attorney (if required)**

City Manager Nicoletti addressed the final draft of the employment contract with the newly appointed City Attorney Michael Durham.

Commissioner Clarke noted that this was a salaried position for 30-40 hours a week, and he will still have other part time jobs.

MOTION: COMMISSIONER MCDONALD: MOVED APPROVAL THE EXPLOYMENT CONTRACT WITH MICHAEL DURHAM AS CITY ATTORNEY.

SECOND: COMMISSIONER MORTELL

ROLL CALL

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

City Manager noted that Interim City Attorney Robert Kilbride would still be on call for various matters.

Commissioner Clarke noted she may not be present for the August 8, 2011 Commission Meeting.

**ADJOURNMENT: 7:16 AM**

**ATTEST:**

\_\_\_\_\_  
Cheryl White, CMC, City Clerk

\_\_\_\_\_  
Jeffrey A. Krauskopf, Mayor

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