

**REGULAR MEETING OF THE STUART CITY COMMISSION  
HELD ON SEPTEMBER 12, 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. (ABSENT)  
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. PROCLAMATION: Proclaiming September 21, 2011 as International Day of Peace.**

Liz Plasket of the Martin County Rotary Club came forward and graciously accepted the proclamation and thanked the City.

**2. PROCLAMATION: Proclaiming September 17, 2011 as Keep Martin Beautiful International Coastal Cleanup Day in the City of Stuart**

A representative of the Board of Directors Keep Martin Beautiful came forward graciously accepted the proclamation and thanked the City Commissioners.

**3. PROCLAMATION: Proclaiming September 24, 2011 as Community Wellness Day**

Hansbrough Chiropractic Clinic came forward and graciously accepted the proclamation and thanked the City for their support.

**4. PROCLAMATION: Proclaiming September 17, 2011 as Embracing the Past and Building the Future Initiative Day**

Ollie Harvey of Building Bridges for Youth and the East Stuart Community came forward and graciously accepted the Proclamation and thanked the City.

## **COMMENTS BY CITY COMMISSIONERS**

Commissioner Mortell noted an email he had received from the youth baseball organization.

City Manager Nicoletti explained he would respond to the request regarding the budget for Sailfish Ball Park.

Commissioner Clarke noted that this Saturday is the Sickle Cell Walk at Sandhill Crane Park in Port St. Lucie beginning at 9:00 a.m. She encouraged those interested to find more information on the web at:

[http://www.sicklecellpalmbeach.org/index.php?option=com\\_content&view=article&id=10:sickle-cell-foundation-of-palm-beach-county-a-treasure-coast-inc&catid=4:about](http://www.sicklecellpalmbeach.org/index.php?option=com_content&view=article&id=10:sickle-cell-foundation-of-palm-beach-county-a-treasure-coast-inc&catid=4:about)

She also noted an upcoming event with the Building Bridges Youth Group is holding a community event. She wants to emphasize those programs in the community.

Commissioner McDonald noted the past weekend Pirates Festival and events. He was happy to see all the people in the downtown, and having a good time.

## **COMMENTS BY CITY MANAGER**

City Manager Nicoletti noted items 16, 17 on tonight's agenda will be replaced with Resolutions 82-2011 and 83-2011, because we need to notify the Supervisors of Elections Office what ballot language we are actually need.

## **APPROVAL OF AGENDA**

MOTION : COMMISSIONER MORTELL MOVED APPROVAL OF THE AGENDA AS AMENDED ITEMS 16, 17.

SECOND: COMMISSIONER CLARKE  
MOTION APPROVED UNANIMOUSLY

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

Virginia Jones repeated the concerns of residents about the emissions from the concrete plant. Referencing a letter received from the Commissioners, she corrected some misconceptions and disagreed with the conclusion that her "complaints were unfounded." She felt that the City was unfair, and felt that the City Manager, City Attorney and City Commissioners do not care about the people.

Luis Jimenez came forward and was upset he was cited for a sign violation at his business just North of the Roosevelt Bridge. He asked that the City be less restrictive toward small businesses who are in the City.

Mayor Krauskopf stated that the City has always enforced a conservative approach to signage, and they enforce a strong sign code.

## **CONSENT CALENDAR**

- 5. Request to approve the Minutes of the regular Commission Meeting of August 22, 2011**
- 6. Re-Appointment of Mark Robitaille and Shaun Plymale to the Business Development Board**
- 7. RESOLUTION 74-2011 Authorization to execute a Memorandum of Agreement between Martin County, the Sheriff of Martin County and the City of Stuart regarding the Employee Wellness Center**
- 8. RESOLUTION 75-2011 Authorization to execute the Florida Department of Transportation Lease for Temporary Surplus Property to the City of Stuart to be utilized for the purpose of providing Public Parking, such property being identified in the legal description and sketch attached to this Resolution labeled as Exhibit "A"**
- 9. RESOLUTION 76-2011 Authorization for Budget Amendment #22 to the 2010-2011 Annual Budget of the Stormwater Fund and Water-Sewer Fund; Authorizing the transfer funds totaling \$65,500 to the Community Development Block Grant Fund**
- 10. RESOLUTION 77-2011 Authorization to approve the transition to a partially self funded Health Care Program with Cigna for 2011-2012 and authorizing the purchase of reinsurance to cover claims costs for individual claims that exceed \$100,000; Authorize the continuation of the current contract with Cigna for City Employees with Cigna Health Care dual option plan**
- 11. RESOLUTION 78 -2011 Authorization to renew agreements between the City of Stuart and Odyssey Manufacturing Co. Harcros Chemicals, Inc., Carmeuse Lime & Stone, Inc., Shannon Chemical Corp., Tanner Industries, Inc., Ashland Hercules Water Technologies and Fort Bend Services, Inc. to provide Chemicals as needed by the City**
- 12. RESOLUTION 79-2011 Authorization to extend agreements for Debris Monitoring Services with Science Applications International Corporation, the successor in interest to Beck Disaster Recovery, Inc., Orlando, Florida as primary provider and with Captec Engineering, Inc., Stuart, Florida as secondary provider**
- 13. RESOLUTION 80-2011 Authorization to submit the application for Assistance to Firefighters' Grant (AFG); and Authorizing the expenditure of Funds, if granted, to pay for radios for Rescue Vehicles**

**14. RESOLUTION 81-2011 Authorization for the Commission to establish the fee for filing for an Administrative Variance as provided for in Ordinance Section 10-69(d)**

Mayor Krauskopf asked to pull item #11 for discussion.

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF CONSENT CALENDAR 5-10 & 12-14.

SECOND: COMMISSIONER MCDONALD

ROLL CALL

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

**11. RESOLUTION 78 -2011 Authorization to renew agreements between the City of Stuart and Odyssey Manufacturing Co. Harcros Chemicals, Inc., Carmeuse Lime & Stone, Inc., Shannon Chemical Corp., Tanner Industries, Inc., Ashland Hercules Water Technologies and Fort Bend Services, Inc. to provide Chemicals as needed by the City**

Mayor Krauskopf stated he would not be supporting item #11.

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF resolution 78-2011

SECOND: COMMISSIONER MCDONALD

ROLL CALL

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

Commissioner Mortell expressed concern over the item and what the City's obligation is to follow the laws.

City Manager Nicoletti noted that there were many chemicals on the list for approval that is needed for the water supply, and stated he would need to sort out the details of the item and come back to the Commission.

**END OF CONSENT CALENDAR**

**COMMISSION ACTION**

**ORDINANCE FIRST READING**

**15. ORDINANCE 2227-2011 (First Reading) Amending the Stuart Code of Ordinance regarding the paving requirements of off-street parking for Residential Properties**

Mayor Krauskopf asked if folks were given approvals for driveways that were interpreted under the Land Development Code that now if we adopt this, how do we deal with that.

Terry O'Neil, Interim Development Director stated that this item belongs in the Land Development Code and not the Code of Ordinance. Those people who were given permits will not be cited.

MOTION: COMMISSIONER MCDONALD: MOVED APPROVAL OF ORDINANCE 2227-2011 ON FIRST READING.

SECOND: COMMISSIONER CLARKE

ROLL CALL

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

~~16. ORDINANCE 2233-2011 (First Reading) Providing for a Referendum to consider Proposed Amendments to the City's Charter as recommended by the City's 2011 Charter Advisory Board consisting of: (1) A requirement that the Elector of the City must have maintained continuous residency within the City of Stuart for more than 12 months immediately preceding the election in which he or she seek office and (2) all Elected Commissioners must maintain continuous residency within the City one elected~~

~~17. ORDINANCE 2234-2011 (First Reading) Providing for a Referendum under City Charter Section 9.05 seeking voter approval for the City to Lease, for more than 10 years, an existing 1.97-Acre Commercial Lot on North US-1 opposite North River Shores Boulevard; Said lot adjoins property fronting the tidally-influenced waters of Haney Creek~~

Replaced item #16

**16.RESOLUTION NUMBER 82-2011 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA PROVIDING FOR BALLOT LANGUAGE FOR A REFERENDUM TO CONSIDER PROPOSED AMENDMENTS TO THE CITY'S CHARTER AS RECOMMENDED BY THE CITY'S 2011 CHARTER ADVISORY BOARD CONSISTING OF: (1) A REQUIREMENT THAT CANDIDATES FOR CITY COMMISSIONER MUST HAVE MAINTAINED CONTINUOUS RESIDENCY WITHIN THE CITY OF STUART FOR MORE THAN 12 MONTHS IMMEDIATELY PRECEDING THE ELECTION IN WHICH HE OR SHE SEEKS OFFICE AND (2) ALL ELECTED COMMISSIONERS MUST MAINTAIN CONTINUOUS RESIDENCY WITHIN THE CITY ONCE ELECTED; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

City Manager Nicoletti added the words " within the city" after the words "maintain continuous residency" in the first question of the Resolution. He said, if approved by the electorate it would be brought back as an Ordinance.

City Attorney Durham clarified chapter 7.03, the reason we had to add within the city, when looking at the Charter within its context you would not have to add that but when you bifurcate the questions it leaves some ambiguity to it.

MOTION: COMMISSIONER MCDONALD: MOVED APPROVAL OF RESOLUTION 82-2011 AS AMENDED.

SECOND: COMMISSIONER CLARKE

ROLL CALL

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

**Replaced item #17**

**17.RESOLUTION NUMBER 83-2011 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA PROVIDING FOR BALLOT LANGUAGE FOR A REFERENDUM UNDER CITY CHARTER SECTION 9.05 SEEKING VOTER APPROVAL FOR THE CITY TO LEASE, FOR MORE THAN 10 YEARS, AN EXISTING 1.97-ACRE COMMERCIAL LOT ON NORTH US-1 OPPOSITE NORTH RIVER SHORES BOULEVARD; SAID LOT ADJOINS CITY PROPERTY FRONTING THE TIDALLY-INFLUENCED WATERS OF HANEY CREEK; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

MOTION: COMMISSIONER MCDONALD: MOVED APPROVAL OF RESOLUTION 83-2011 AS AMENDED.

SECOND: COMMISSIONER CLARKE

ROLL CALL

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

**ORDINANCE SECOND READING**

**18. ORDINANCE 2226-2011 (Second Reading) Amending the Property Maintenance Code regarding the parking and storage of Aircraft, Vessels, and Vehicles**

City Manager Nicoletti noted a “couple of small changes.

Chrystal Lucus noted she had been out of the country and wanted to know about this ordinance because she and most of her neighbors would not be in compliance.

MOTION: COMMISSIONER MCDONALD: MOVED APPROVAL OF ORDINANCE 2226-2011

SECOND: COMMISSIONER CLARKE

City Manager Nicoletti noted that language stricken in the title of the Ordinance will be done and is valid language.

Commissioner Clarke requested clarification as to the “screen from view clause” for the concerned citizen.

City Manager Nicoletti explained that this is the part of the ordinance that is “not perfect” and we might have to come back and readdress the screening issue. It states that screen from view means an object including a vehicle is substantially obscured from the public right-of-way or adjacent properties by fence or wall, which shall not exceed the maximum of six feet, as provided by the code without an administrative variance or a tree hedge shrubbery, and does not include a tarp or

canopy. He also noted that the effective date of the Ordinance is January 2012 giving residents plenty of time to comply.

Commissioner Clarke asked if there is going to be any type of community outreach?

City Manager Nicoletti said enough information will be put out on utility bills and the City website so people should be able to understand the ordinance.

**ROLL CALL**

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

**DISCUSSION & DELIBERATION**

**ADJOURNMENT 6:17 p.m.**

**ATTEST:**

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Cheryl White, CMC, City Clerk

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Jeffrey A. Krauskopf, Mayor

**Minutes to be approved at the Regular Commission  
Meeting This 26<sup>th</sup> Day September 2011.**