

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON FEBRUARY 13, 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
Commissioner Jeffrey A. Krauskopf**

Also in attendance were:

**City Manager, Paul J. Nicoletti
City Attorney, Michael D. Durham
City Clerk, Cheryl White**

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

PRESENTATIONS

1. Performing Arts Moment

Vice Mayor Clarke announced that she recommended an Arts Moment be held at a Commission meeting once a month. Tonight's Arts Moment is recommended by Nancy Turrell of the Martin County Council of the Arts.

Kristal Wion-Eckhardt of Drama Department of MC High School introduced 2 lead students from Martin County High School, who performed a song "All I ask of You" from the Phantom of the Opera play.

2. PROCLAMATION: Proclaiming February 19-25, 2012 as National Engineers' Week

Mr. Oats Reis, Creech Engineers came forward and graciously accepted the proclamation and thanked the Commission.

3. Airport Noise Abatement, Martin County Administrator Taryn Kryzda

Taryn Kryzda, Martin County Administrator came forward and explained the County's intention to apply for a grant that would be used for noise mitigation, and study how noise contours are defined. She hoped the City would also adopt the 60 DNL or the 65 DNL this helps bring noise contours "in closer." It would allow the County to pursue individual neighborhoods in the area of the airport for grant opportunities. She asked permission from the City to allow the County to hold town meetings particularly to reach out to the residents at the end of the runway. She said they would look at what those residents want to see happen as far as noise mitigation. She made it clear the County was not looking for a buy out of the neighborhood, but that maybe something the residents would want or not.

Commissioner Krauskopf asked how many run ways were involved. Kryzda said it is 1-2-3 0 . She said this would allow them to pursue those grant opportunities at the North end of the runway phase 3. Commissioner Krauskopf stated that they would have maps and know which homeowners to invite?

Mrs. Kryzda asked if the Commission wanted a staff member present to be the point person for the City at the meetings.

City Manager Nicoletti said this is more educational, and a good opportunity for City residents and the City Government to better understand what opportunities do exist, and also what the obligations are. He said he would be happy to be the point person on behalf of the City.

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL TO DEVOTE THE STAFF RESOURCES TO FOLLOW UP THE EDUCATION EXERCISE.
SECOND: COMMISSIONER MCDONALD
MOTION APPROVED UNANIMOUSLY

COMMENTS BY CITY COMMISSIONERS

Commissioner Glass-Leighton congratulated City staff on the 7 nominations at the 2012 Environmental Stewardship Awards from Keep Martin Beautiful. She also noted many inquiries on the time line of the ongoing construction of East Ocean Blvd.

City Manager Nicoletti said he had nothing new to report and emphasized that it is a County project.

Commissioner Glass-Leighton expressed concern about the numerous delays and the potential of possible delays in the Colorado Avenue project.

City Manager Nicoletti clarified Colorado Avenue will be a City project and he hopes that the Colorado corridor is not the same material as East Ocean Blvd.

Commissioner McDonald said he had also received a lot of calls about Ocean Blvd. construction delays. He added his congratulations to staff on the Environmental Stewardship nominations and to Commissioner Glass on her recent wedding. He also noted the many emails he received regarding Wahoo's and announced the City is working very hard to get the situation resolved.

Commissioner Krauskopf noted the City sent an email to Ed Ciampi, Chairman of the Martin County Commission with a response regarding Palm City Road. He hopes to discuss the matter at the upcoming joint staff meeting on February 17, 2012.

Vice Mayor Clarke thanked the participants in the Arts Moment and echoed more congratulations to City staff especially to Mary Kindel regarding the Environmental Stewardship nominations. She said it was amazing to see the kinds of things she has

pulled together and worked with not just the City but other community organizations to get things done. She also mentioned that she received the Arnold Stansberry Award during a recent celebration of Women in Black History Month. Admitting that she has had “lots of issues” and has asked lots of questions since serving on the Commission, Clarke highly commended the City Manager and staff for being “so good with helpful responses.” She noted that at the Keep Martin Beautiful Awards, the Friendly Hearts Garden founder Mr. Robert Delancy was recognized with the President’s award she invited Mr. Delancy to come tonight about the “Friendly Hearts Garden” area in Jensen Beach during public comments.

Mayor Christie noted the award that Commissioner Clarke received on Saturday from the Martin County Black Heritage Association named the “Outstanding Women Among African Americans in Martin County. As the City of Stuart’s representative on the Treasure Coast Council of Elected Officials he noted their goal is to promote the Research/Treasure Coast and to get recognition for our needs and sustainability, on the Treasure Coast. He asked that if any Commissioner has a concern that needs to be addressed to contact him so that he may forward it along to that organization.

COMMENTS BY CITY MANAGER

City Manager Nicoletti noted his obligation under statutes regarding an emergency purchasing regulations he informed the Commission that he has authorized a single source procurement to CC Control Corporation in the amount of \$19,200.00 for SCADA upgrades. He provided the Commission with a detailed sheet of what SCADA is.

He noted Item 13 was being pulled from Consent and suggested Item 20 be moved up and become #13A.

APPROVAL OF AGENDA

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL OF THE AGENDA
SECOND: COMMISSIONER GLASS
MOTION APPROVED UNANIMOUSLY

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

Robert Delancy came forward and gave a brief overview of the community garden project started in Jensen Beach called “Friendly Hearts Garden”. He offered his assistance if someone in the community wants to start a community garden in Stuart. A visual presentation was given to the Commission and public regarding the project.

Mayor Christie stated the City and County were working together to collaborate a community garden.

Ted Astolfi came forward and congratulated Commissioner Clarke on her award. He commended the City on their efforts to implement City Wide Sewer program. He looks forward to the program and encouraged the City to move forward with a sense of urgency to implement the plan. He also commended staff for being very responsive to the residents needs as septic systems are failing.

Jamie Hess Harborage resident came forward to discuss the two sides to the matter of Harborage and Wahoo's on the Riverfront and the parking matters. He explained the Developer of Harborage and owner of Wahoo's has violated the parking plan and the Urban Code Exception granted by the City. He explained the violations include, 2x the amount of docks to the parking plan permitted. And Wahoo's site itself has less spaces then what is required for the amount of seating. He stated the staff has been very responsive and are meeting with the Developer tomorrow. He also expressed concern over the Administrative Variance recently approved for Palm City Yachts despite the ongoing violations.

Terry O'Neil Development Director stated there were more docks installed then what was permitted.

Deborah Ross Council for the Harborage Community came forward and notify the City they are trying to work with the developer of Harborage and Wahoo's. She stated they understand it is important to the City that Wahoo's be able to open and function, but its also important to the residents of Harborage are able to enjoy their homes in a safe manner. She also thanked staff, Mr. Nicoletti, Mr. Durham, and Mr. O'Neil have been extremely responsive to us and have really worked with us to try and find a solution to this matter. She stated they want to see the parking violation matter resolved, and thanked the City.

CONSENT CALENDAR

Commissioner Krauskopf suggested each Consent Item be heard separately.

4. Request to approve the Minutes of the Regular Commission Meeting of January 23, 2012

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF THE CONSENT ITEM #4

SECOND: COMMISSIONER MCDONALD

MOTION APPROVED UNANIMOUSLY

5. Request to Appoint Elected and Alternate Official as Representatives from the City of Stuart to serve on the St. Lucie Inlet Advisory Committee

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF THE CONSENT ITEM #5 FOR COMMISSIONER KRAUSKOPF AS APPOINTEE AND ALTERNATE APPOINTEE COMMISSIONER MCDONALD.

SECOND: COMMISSIONER MCDONALD

MOTION APPROVED UNANIMOUSLY

6. Request to Appoint Elected Alternate Official to serve on the Treasure Coast Regional League of Cities

MOTION: COMMISSIONER MCDONALD; MOVED APPROVAL OF THE CONSENT ITEM #6 FOR MAYOR CHRISTIE AS APPOINTEE AND ALTERNATE APPOINTEE COMMISSIONER CLARKE
SECOND: COMMISSIONER GLASS
MOTION APPROVED UNANIMOUSLY

7. Request to Appoint Elected and Alternate Official to serve on the Treasure Coast Regional Transportation Organization

MOTION: COMMISSIONER MCDONALD; MOVED APPROVAL OF THE CONSENT ITEM #7 FOR COMMISSIONER GLASS AS APPOINTEE AND ALTERNATE APPOINTEE COMMISSIONER CLARKE
SECOND: COMMISSIONER KRAUSKOPF
MOTION APPROVED UNANIMOUSLY

8. Request to Appoint City of Stuart Representative to Serve on the MPO CAC

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF THE CONSENT ITEM #8 FOR APPOINTMENT OF DAN PARZ TO THE MPO CAC COMMITTEE
SECOND: COMMISSIONER MCDONALD
MOTION APPROVED UNANIMOUSLY

9. RESOLUTION 08-2012 Authorization for the renewal of Agreement between the City of Stuart and Northstar Geomatics, Inc. to provide Professional Geographical Information System Services

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF RESOLUTION 08-2012
SECOND: COMMISSIONER MCDONALD
ROLL CALL
COMMISSIONER GLASS YES COMMISSIONER MCDONALD YES
VICE MAYOR CLARKE YES COMMISSIONER KRAUSKOPF YES
MAYOR CHRISTIE YES

10. RESOLUTION 12-2012 Authorization to assess the costs incurred by the City pursuant to Chapter 20, "Environment" of the City of Stuart Code of Ordinances (2010) as amended, to abate nuisances on non-public real properties within the City and including an Administrative Charge of \$100.00 per property; and providing that the assessments shall bear interest at the rate of twelve percent (12%) until paid; providing that this Resolution shall be recorded in the Public Records of Martin County, Florida.

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF RESOLUTION 12-2012
SECOND: COMMISSIONER MCDONALD
ROLL CALL
COMMISSIONER GLASS YES COMMISSIONER MCDONALD YES

VICE MAYOR CLARKE YES COMMISSIONER KRAUSKOPF YES
MAYOR CHRISTIE YES

11. RESOLUTION 13-2012 Authorization to execute an amended contract between the Children’s Services Council of Martin (CSCMC) and the City of Stuart Community Services Department-East Stuart Youth Initiative for the ESYI-City of Stuart Police Intervention Program for the term July 1, 2011 – June 30, 2012

Commissioner Krauskopf noted that the Children’s Services Council sunsetting matter is up for a vote this year and urged the City to have a backup plan, cash flow wise if it is not supported by the State.

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF RESOLUTION 13-2012 WITH HIS COMMENTS

SECOND: COMMISSIONER MCDONALD

ROLL CALL

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

12. RESOLUTION 14-2012 Authorization to submit an application for and, if successful, acceptance of the Grant and execution of the contract with the Children’s Services Council of Martin County for the East Stuart Youth Initiative

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF RESOLUTION 14-2012 WITH HIS COMMENTS

SECOND: COMMISSIONER MCDONALD

ROLL CALL

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

13. RESOLUTION 15-2012 Authorization for a Budget Amendment to the 2011-2012 General Fund, Park Facilities Capital Outlay; Approving and authorizing the transfer of funds from Infrastructure Sales Tax, Fund Balance, to General Fund, Park Facilities, Capital Outlay for the purpose of allocating funds not to exceed \$225,000 for the budget shortfall for construction of the Transit Depot

City Manager Nicoletti noted this item was pulled for discussion and request for information. He noted that early December the County would not and could not fund any additional cost in the depot matter, and the problem is the construction bids had come in much higher than anticipated. He noted that in reconfiguring the proposed building it is ready to go back out to bid, and the City is hoping and anticipating we get reasonable bids through the County. He said the County will go out to bid if the City agrees to allocate the funds in this item.

Commissioner Glass asked what if the bid still comes in higher than anticipated?

City Manager Nicoletti stated they would revisit the matter at that time.

Commissioner McDonald thanked Nicoletti and staff for continuing to work with this which is the first step to having a train station here in Martin County.

MOTION: COMMISSIONER MCDONALD; MOVED APPROVAL OF RESOLUTION 15-2012

SECOND: COMMISSIONER CLARKE

ROLL CALL

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

Armond Pasquale expressed concern over the priority funding of building of a train station when the train is not anticipated to be here for another 5 years. He said parks should have priority funding not minority funding.

Mayor Christie said this will keep the project alive, and to keep it moving so that when the train comes we will have a station we will have a facility.

Item# 20 was heard here: Martin County Infrastructure Sales Tax – Recreational Lands

Commissioner Glass she is requesting the City look into asking the County to designate those funds, \$4+ million left over from 1/2 cent sales tax and said she would like to see the City and County work together to shift funds from the County to put more ball fields on East 10th Street at the Guy Davis Field, understanding that operation and maintenance cost is a problem, but felt the expenses could be equally shared.

City Manager Nicoletti said the question is would the County help build two more fields.

Commissioner McDonald said it is important to keep on with our plans for Guy Davis Park as part of redevelopment of East Stuart.

Commissioner Krauskopf encouraged everyone to look at the bottom part of the form O&M, first because that is what is required year after year. He said the top part is very enticing, but the bottom part is what will crunch us in June during budget discussions.

City Manager Nicoletti stated that the City knows they will be operating ball fields at Guy Davis but we would need to research the cost to maintain 2 more fields.

Commissioner McDonald said it is not premature to start discussions with the County but agreed with Commissioner Krauskopf to look at the bottom line. He did not think it was wise to even consider liquidating the asset of the 8+ acres at Sailfish Ball Park.

MOTION: COMMISSIONER KRAUSKOPD MOVED APPROVAL TO EXPLORE WITH MARTIN COUNTY WE OFFER THE LAND AT GUY DAVOS TO INSTALL

BALL FIELDS THAT WILL TAKE PRESSURE OFF USING THE 1 CENT SALES TAX AT THE COUNTY FOR THE DEVELOPMENT THE ½ CENT SALES TAX FUND AT WHATEVER IT IS GOING TO TAKE TO RUN THAT ANALYSIS AND WITH THAT HAVE A COORSPONDING INTERLOCAL AGREEMENT ON COST SHARE OF MAINTENANCE.

SECOND: COMMISSIONER GLASS

ROLL CALL

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

END OF CONSENT CALENDAR

COMMISSION ACTION

14. RESOLUTION 10-2012 Authorization for Sewer Incentive Credits to certain property owners in the City who have either paid off the Sewer Assessment in the Palmetto Harbor Sewer Assessment District, continue to pay the Annual Assessments, or for those property owners who have paid the cost of Construction in full

City Manager Nicoletti noted a typo in the section 1 of the resolution and it should not read sewer incentive. He said it is not a credit but a refund that will be sent to everyone eligible.

MOTION: COMMISSIONER KRAUSKOPF MOVED APPROVAL OF RESOLUTION 10-2012

SECOND: COMMISSIONER MCDONALD

ROLL CALL

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

15. RESOLUTION 11-2012 Authorization for a Budget Amendment to the 2011-2012 Annual Water Sewer Fund Operating Budget; Authorizing the appropriation and expenditure of \$85,875.00 to fund Sewer Incentive Credits as identified in Resolution 10-2012

MOTION: COMMISSIONER KRAUSKOPF MOVED APPROVAL OF RESOLUTION 11-2012

SECOND: COMMISSIONER MCDONALD

ROLL CALL

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

ORDINANCE FIRST READING

16. ORDINANCE 2238-2012 (First Reading) Request to consider a Rezoning from R-3 to CPUD and approve a Site Plan for the Covenant

**Fellowship Baptist Church property located at 2880 Astor Lane
(Quasi-Judicial)**

Pastor Matt Price came forward and gave a brief overview and visual presentation to the public and Commission.

Commissioner Krauskopf received a positive response when he asked if fire and police were “happy with the graphics as laid out.” He voiced concern about Ruhnke Street being very narrow and would like between the first and second readings to look at relocating the sign from the center portion because of the amount of pedestrian traffic, and widen the turning radii. He also noted the project engineer has a challenge with water retention. He also noted the amount of water retained in that area and noted that he was confident the water will be stored on site.

Commissioner McDonald agreed regarding Ruhnke and suggested a right turn only on Sundays to keep impact to Astor Lane at a minimum.

MOTION: COMMISSIONER MCDONALD MOVED APPROVAL OF ORDINANCE 2238-2012 ON FIRST READING WITH CONSIDERATION OF COMMISSION COMMENTS BEING ADDRESSED BETWEEN FIRST AND SECOND READING.
SECOND: COMMISSIONER CLARKE

ROLL CALL

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

17. ORDINANCE 2242-2012 (First Reading) Request to consider amending Section 6.07.14, “Dog-Friendly Restaurants,” to the Stuart Land Development Code; To correct a Scrivener’s Error in the Original Ordinance

MOTION: COMMISSIONER KRAUSKOPF MOVED APPROVAL OF ORDINANCE 2242-2012 ON FIRST READING.

SECOND: COMMISSIONER GLASS

ROLL CALL

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

ORDINANCE SECOND READING

DISCUSSION & DELIBERATION

18. Rotation Towing Service

Assistant Police Chief came forward and gave a brief overview of the rotation towing service currently utilized by the Stuart Police Department. He directed the Commission to the

material in the Commission packet, standard operating procedure, which he is proposing the City use. He expressed concern over the proposed additional administrative fee of \$35.00 indicated in the fee schedule of the wrecker companies. He recommended allowing staff to bring back 2 proposed Resolution for a vote by the Commission.

MOTION: COMMISSIONER KRAUSKOPF MOVED APPROVAL TO HAVE STAFF BRING BACK AT THE NEXT MEETING AND IF THERE IS JUSTIFIED FEE FOR RECORDING INCORPORATE THAT.
SECOND: VICE MAYOR CLARKE
MOTION APPROVED UNANIMOUSLY

Commissioner Krauskopf asked if the rotation list works better than having an RFQ and licensing one firm.

Assistant Police Chief Dyess stated he was not sure about working better but felt it was fairer. He said average count is 200 tows per wrecker companies every two years.

19. Voluntary Annexation and Sewer Expansion Program

Dave Peters gave a brief overview regarding the proposed Sewer Expansion program.

City Manager Nicoletti explained that the proposal is that if the property owners outside the City become contiguous and are or want to be on the sewer system of the City, they would agree to voluntary annexation in conjunction with the agreement for sewer service.

Commissioner McDonald asked besides Snug Harbor and the enclave near St. Lucie Blvd, are there any other areas that are unique and is this something that we do the volunteer annexation in certain neighborhoods or everywhere we expand outside the City limits?

City Manager Nicoletti suggested uniformity to everyone. He said the problem is there are little pockets all over for the service area, and they are small areas.

Commissioner Krauskopf questioned "outside rates versus inside rates" and asked if the 25% differential still holds?

Dave Peters said yes it does.

Commissioner Krauskopf he also asked operational wise if the numbers remain healthy without the 25%?

Dave Peters said it's a wash if he can get the sewer customers. He explained if he reduces the excess charged on the water than it would be a wash on the sewer.

Commissioner Krauskopf stated that it would take 100% of the signatures from Snug Harbor because they are a condominium.

He said that the challenge is the Monterey Subdivision which the City has on record as being seen as an excellent infill piece and of value. Commissioner Krauskopf thinks the concept is worthwhile in an organized fashion.

Mayor Christie said he needs to understand what the City is going to do and agreed it is a challenge. He felt he needed to think about it more.

Commissioner Clarke and Commissioner McDonald suggested the City speak with the residents of Snug Harbor.

City Manager Nicoletti said it is the City's fault as we did not have an agreement with Snug Harbor and there is no incentive for them to annex. He stated that Monterey Subdivision is somewhat different and an enclave that is ripe for redevelopment.

Commissioner McDonald said if we go forward with this and we get a checkered amount of people through Snug Harbor that agree to the voluntary annexation, and we go ahead and install sewer lines, if their septic systems fail would they be required to hook into our system, and required to sign the voluntary agreement for annexation?

City Manager Nicoletti replied, "No." Under the statue we can't force people to do that.

Commissioner Krauskopf said it is better to put it into the agreement.

MOTION: COMMISSIONER KRAUSKOPF MOVED APPROVAL TO INCLUDE 'VOLUNTARY ANNEXATION CLAUSE TO THE SEWER EXPANSION AGREEMENT TO THOSE PROPERTIES WHO ARE CONTIGUOUS AND IN THE SERVICE DISTRICT.

SECOND: COMMISSIONER MCDONALD

ROLL CALL

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

Item 20 was heard earlier on the agenda and renumbered Consent Item 13A.

20. Martin County Infrastructure Sales Tax – Recreational Lands

ADJOURNMENT 7: 46 P.M.

ATTEST:

Cheryl White, CMC, City Clerk

James A. Christie Jr., Mayor

Minutes to be approved at the Regular Commission Meeting This 27rd Day February, 2012