

**REGULAR MEETING OF THE STUART CITY COMMISSION  
HELD ON MAY 23, 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 Dan Hudson  
City Attorney Paul J. Nicoletti  
City Clerk Cheryl White**

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

**PRESENTATIONS**

**1. PROCLAMATION: Proclaiming Stuart Garden Week  
June 5-11, 2011**

Garden Club of Stuart's Director, Louise Andrews came forward and graciously accepted the proclamation.

**2. Employee of the Month**

**Robert Vacha, CRA**

Robert Vacha came forward and graciously accepted his award and thanked the City Commission.

**3. Employee Service Recognition**

**Jim Chrulski, Community Services, 5 Years**

Jim Chrulski came forward and graciously accepted his award and thanked the Commission.

**COMMENTS BY CITY COMMISSIONERS**

Commissioner McDonald said he did a ride along with the Stuart Police Department and said the City is lucky to have such a fine group of men and women who work for the City.

Commissioner Clarke asked if someone from the City could photograph the Garden Club President and Mayor accepting the proclamation. Robin Lemay of the CRA took the photograph for Louis Andrews.

Vice Mayor Christie said he had a great time at the City Picnic and thanked those who were involved.

Mayor Krauskopf also thanked those who attended the past weekend City Employee Picnic. Mayor Krauskopf stated that this is Dan Hudson's last Commission meeting, and sent a heartfelt thank you to Mr. Hudson from himself and the citizens of Stuart for a wonderful job.

City Manager Hudson noted that his wife was present and said this was the first time in 34 years she has attended a meeting.

### **COMMENTS BY CITY MANAGER**

City Manager Hudson noted some updates, and amendments to the calendar: June 20, 2011 Joint CRA CRB meeting will need to be rescheduled due to a conflict with the MPO meeting. Staff will notify the Board of the new date.

City County School Board Joint meeting is scheduled for June 14, 2011 at 9:00 am. He distributed a draft agenda.

He noted a letter received from Attorney Sherlock complimenting and thanking the Sanitation Department for their hard work and dedication to its citizens.

He also said he received a verbal thank you from Martin County Commissioner Fielding regarding the City's letter of support to the County regarding the Jonathon Dickenson Park matter.

He also thanked the staff who cooked at the past City Picnic, Brad and Carrie Blankman, George Hodge and Don Wilgan.

Item #5 Supplemental memo was provided.

Item #7 Resolution 1<sup>st</sup> page should read Interim City Attorney.

Item #8 Land Acquisition incorrectly titled on the Agenda, should read: Authorization for approval of an agreement with TCoast Holdings LLC for the 52 acres of land known as the Heart of Haney Creek. He also has a request to pull from consent for additional discussion.

Item #9 Proposed Resolution in support of a grant application by Martin County for a parking garage.

Item #10: Eco Ventures sublease a copy of the sublease has been provided. He further explained that the Commission will be consenting to the sub tenant only.

Item #11 corrected agenda should read: Creation of a screening committee for City Attorney.

Item #12: Property Maintenance Code a request by staff has been made to continue that item.

City Manager Hudson presented Mr. Nicoletti a tool box filled with management tools such as a saw to cut the budget, a miniature magnifying glass to assist in micro-

managing and a small whisk brush to “clean up the nasty little messes. He also gave Mr. Nicoletti a target for Code Enforcement cases.

### **APPROVAL OF AGENDA**

MOTION: COMMISSIONER MORTELL MOVED APPROVAL OF THE AGENDA WITH THE WITHDRAW OF ITEM 13.  
SECOND: COMMISSIONER MCDONALD  
MOTION APPROVED UNANIMOUSLY

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

Mary Hutchinson came forward and wished Dan Hudson luck and said he will be missed. She also said the City was in good hands with Mr. Nicoletti, and that great things will continue with the City under his leadership.

### **CONSENT CALENDAR**

- 4. Request to approve the minutes of the Special Commission Meeting of April 20, 2011 and Regular Commission Meetings of April 25, 2011 and May 9, 2011**
- 5. RESOLUTION 37-2011 Authorization to award a Revocable Permit to Delaware & Sixth, L.L.C., owner of real property located at 104 E. Sixth Street, thereby permitting (2) two on-street parking spaces to be located within the adjacent right-of-way; accepting reimbursement from the property owner for the City’s cost of building said parking spaces; granting the property owner off-site parking credit for said parking spaces; granting the applicant permission to reconfigure one of the spaces to be Handicapped Accessible; requiring that the spaces in question remain accessible to the public; establishing an annual fee of \$200.00 for the Revocable Permit**
- 6. RESOLUTION 40-2011 Authorization for Budget Amendment #17 to the 2010-2011 Infrastructure Sales Tax Fund and the General Fund; Authorizing the transfer of funds totaling \$39,620.00 from the Infrastructure Sales Tax Fund to the General Fund, Streets Team for costs associated with the Engineering costs for plans and bid documents for the Dixie Highway sidewalks and beautification project**
- 7. RESOLUTION 42-2011 Authorization to appoint Robert L. Kilbride as Interim City Attorney**
- 8. RESOLUTION 43-2011 Authorization to execute an Interlocal Agreement between the City of Stuart and Martin County for the assignment and funding agreement for Haney Creek**
- 9. Support for Martin County Grant Application for Funds to Design and Construct a Parking Facility in Downtown Stuart**

MOTION: VICE MAYOR CHRISTIE: MOVED APPROVAL OF CONSENT CALENDAR ITEMS 4,5,6,7,9

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**

**ITEM 8 was heard at this time**

**8. RESOLUTION 43-2011 Authorization to execute an Interlocal Agreement between the City of Stuart and Martin County for the assignment and funding agreement for Haney Creek**

City Manager Hudson gave a visual presentation to the Commission and public regarding the proposed property agreement.

Attorney Sherlock came forward and encouraged the City to move forward, and stated this is a good environmental project. She also said the City should sell not lease the carved out 2- acre parcel and asked the City to look at that.

Mayor Krauskopf encouraged Attorney Sherlock to sit down with him to discuss the matter.

Mary Hutchinson came forward and encouraged the City to move forward and supports the purchase.

Commissioner McDonald suggested adding a restriction on the carved out parcel to prohibit a gas station which would not fit in with conservation.

City Attorney Nicoletti read the title of the Resolution for the record.

Commissioner Mortell wants to separate the two matters, he felt that in the future there may be a use for the City. the carved out parcel so the city can control the property upon purchase.

City Attorney Nicoletti said he will work on that.

Mayor Krauskopf noted the purchase and Interlocal at the next joint meeting with the County. He wants to also give input to the City Attorney and County Attorney as they work through the Interlocal Agreement.

City Attorney Nicoletti noted that the City and County have discussed many issues, and one being the City would be responsible for the maintenance in perpetuity for this parcel. The County is supplying half of the funding for the purchase the City and County will have joint title, not including the carved out parcel and the City would be responsible for the maintenance.

MOTION: COMMISSIONER CLARKE: MOVED APPROVAL RESOLUTION 43-2011  
AS READ BY THE CITY ATTORNEY  
SECOND: COMMISSIONER MORTELL  
ROLL CALL

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

Mayor Krauskopf thanked the City Manager and City Attorney for their hard work and dedication and felt this was a good legacy for the City Manager.

Commissioner Mortell stated that he supports the project.

**COMMISSION ACTION**

**10. RESOLUTION 38-2011 Authorization to approve a Minor Amendment to the “Eco-Center” Commercial Planned Unit Development (CPUD), thereby amending development condition number 30 to extend the project’s time table of development to December 1, 2011; Amending development condition number 36 to permit a Crematory as an ancillary use to a Mortuary; Approving a revised site plan, landscape plan and building elevations (Quasi-Judicial)**

Deanna Freeman, City Planner came forward and gave a brief overview of the proposed project.

Attorney Terry McCarthy came forward on behalf of the applicant Eco ventures, Mark McDonald. He gave a brief overview of the proposed project.

Commissioner Clarke asked of there were any negative letters from surrounding property owners including Kingman Acres.

City Planner Freeman stated there were questions and phone calls requesting information but no negative comments or concerns. She also stated those who inquired were told about the public hearing.

Commissioner Clarke noted the many names listed in the agreement, and asked if they were different sub leasor.

Attorney McCarthy explained that Eco Ventures is Mark MacDonald, and is his LLC. Eco Ventures is the current tenant of the property and they are proposing to sub lease the property to Seawinds Funeral Home II LLC, owned by Mark MacDonald and Jim Young who is in the funeral home business. He and Mr. MacDonald are the sub owners of that sub tenant.

MOTION: COMMISSIONER CLARKE: MOVED APPROVAL RESOLUTION 43-2011 AS READ BY THE CITY ATTORNEY AND RECOMMENDED BY STAFF  
 SECOND: COMMISSIONER MORTELL

ROLL CALL

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

MOTION: COMMISSIONER CLARKE: MOVED APPROVAL OF A SUBLEASE BETWEEN CITY OF STUART ECO VENTURES AND SEAWINDS FUNERAL HOME LLC.

SECOND: COMMISSIONER MCDONALD

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

**11. RESOLUTION 41-2011 Creation of a Screening Committee for City Attorney position.**

This item appeared incorrectly on the printed agenda.

For clarification, City Attorney Nicoletti read into the record the correct title.

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL TO APPOINT COMMISSIONER MCDONALD AS A MEMBER TO THE SCREENING COMMITTEE TO APRTICIPATE IN THE HIRING OF THE CITY ATTORNEY.

SECOND: VICE MAYOR CHRISTIE

ROLL CALL

MOTION APPROVED UNANIMOUSLY

MOTION: VICE MAYOR CHRISTIE: MOVED APPROVAL OF RESOLUTION 41-2011

SECOND: COMMISSIONER MORTELL

ROLL CALL

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

~~**11.Support for Martin County Grant Application for funds to design and construct a parking facility in Downtown Stuart**~~

**ORDINANCE FIRST READING**

**ORDINANCE SECOND READING**

**Item #12 was requested to be tabled by staff.**

Mayor Krauskopf said after the Stuart News article on the first reading of this ordinance, he had received several e-mails with negative reaction to relaxing the regulations. He stated he drove around the neighborhoods and was shocked to see what has happened to the neighborhoods with the relaxed codes. He asked the City to expedite review of the codes regarding this matter.

Commissioner Mortell received no support for the proposed changes but got calls requesting "reinforcement of the restrictions". He said the way the proposed Ordinance was written was making it more enforceable or clearer. He said the question is do we want to make it more restrictive than what we had.

Vice Mayor Christie said he had calls from different areas of the city who expressed concerns over parking on grass.

Commissioner McDonald also received calls regarding the number of vehicles allowed on side lots, parking restrictions on grass, and more calls asking for "stiffer restrictions".

Commissioner Clarke agreed we need to promote more public awareness. She suggested putting something in place that has more teeth rather than relaxed codes. She encouraged more public participation in City meetings. She asked that the City spend more time on this delicate matter.

City Attorney Nicoletti wants to put into the ordinance separate "penalty clause specific to code," and noted that the Board has to address the issue of parking on grass.

Mayor Krauskopf suggested the Commissioners "focus their comments" to either Paul or Interim Development Director Terry O'Neil to address overall community concerns. He said it is a difficult situation and to try and reach that balance is a challenge. He said the City needs to keep the overall appearance of the community a goal.

Helen McBride requested the City also address the issue of rental property problems and parking in the City right-of-way. She stated that people are parking boats and like in the areas behind the properties in her neighborhood. Also cars that are parked with tarps over their vehicles.

**12. ORDINANCE 2226-2011 (Second Reading) Amending the Property Maintenance Code regarding the Parking and Storage of Aircraft, Vessels, and Vehicles**

MOTION: COMMISSIONER MCDONALD: MOVED APPROVAL TO CONTINUE ORDINANCE 2226-2011 TO JUNE 13, 2011.

SECOND: COMMISSIONER CLARKE

ROLL CALL

MOTION APPROVED UNANIMOUSLY

**DISCUSSION & DELIBERATION**

**13. Reclaimed Water System Rates Presentation**

Assistant Public Works Director Dave Peters presented a power point presentation on "where we have been and where we are going" to the Commission and public regarding the proposed public Reclaimed Water System. The construction phase is nearing completion and we are moving into operational phase. The City is now producing reclaimed water internally to be sold to outside users. He stated this program began in 2004. He explained that FDEP will continually monitor the system.

Mayor Krauskopf asked why the rate study consultant is involved. He asked if this project supports the city in its overall bond covenants.

Dave Peter said it does. He gave detailed information regarding the bond covenant requirements and stated it does meet them.

Murray Hamilton, Public Resource Management Inc. explained the rate study of the proposed project.

The City will have a cash flow to pay annual expenditures and fund a portion of the projected renewal and replacement costs over time.

City Attorney Nicoletti requested the Commission make a motion to move forward, and create a Reclaimed Water System, and all necessary ordinances.

MOTION: COMMISSIONER MCDONALD: MOVED APPROVAL TO INCORPORATE THESE INTO THE APPROPRIATE ORDINANCES AND RESOLUTIONS AND BRING IT BACK FOR ADOPTION BY THE COMMISSION.

SECOND: COMMISSIONER CLARKE

ROLL CALL

MOTION APPROVED UNANIMOUSLY

Commissioner Clarke stated she had received a letter from resident Virginia Jones regarding her concerns over the pollutants and contaminations coming from the Concrete plant near her home.

City Manager Hudson explained that the City Attorney has the case file on this complaint, and would be happy to share it with the Commission.

**ADJOURNMENT 7:02 pm**

**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 13th Day June 2011.**