

**REGULAR MEETING OF THE STUART CITY COMMISSION  
HELD ON JUNE 13, 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. Oath of Office, Interim City Attorney**

City Clerk Cherie White administered the Oath of Office to Robert Kilbride, as Interim City Attorney.

**2. A presentation by Jeff Montpetit to recognize the 10<sup>th</sup> Street Braves Little League Team for winning the Martin County North Little League Major's Division Championship**

Jeff Montpetit gave a presentation to the Commission and public to the East Stuart Braves, Little League Baseball team for winning the Martin County North Little League Majors Division, followed by representing Martin County in the District 17, Tournament of Champions, where they placed 3rd. The team came forward and presented a picture of the team with their trophy. Jeff Montpetit prided the kids on their academic achievements as well.

**3. Public Comment and Discussion regarding Community Development Block Grant (CDBG) Program**

Nancy Phillips of Nancy Phillips and Associates came forward and announced that this is one of two public hearings required as part of the grant application cycle for the 2011 CDBG program. She announced that the City of Stuart is eligible to receive \$750,000.00 as part of the program. Staff is requesting permission to submit an application in the Commercial Revitalization grant category for the Colorado Avenue Business District. She explained that tonight's hearing was endorsement for a concept to apply for a 2011 CDBG Grant, and will meet with the CDBG Citizens Advisory Task Force, which is the Community Redevelopment Board to finalize a project, followed by a second public hearing at a later date.

Mayor Krauskopf asked for any public comments.

There were no public comments.

Commissioner Clarke asked if there was someone who is looking at job creation in the City is, that something that could be applied for?

Nancy Phillips said that yes, there could be another application what category said East Stuart Main Street is looking to move forward and she wanted to meet with Phillips to see if there are any funding opportunities for that area. Phillips explained the City will be competing with other communities and there is no guarantee we will get the applied for funding.

Commissioner Clarke asked if there was any opportunity to work on some projects East Stuart and US1 corridor. She also asked what other CDBG projects have been completed in the past. She stated she was hoping to be able to work on a project with job creation, but she understands the need for the funding in the Colorado Avenue project.

Nancy Phillips gave an overview of the past projects.

#### **4. Final Report of the Charter Advisory Board**

Charter Advisory Board Chair Joe Capra gave a final presentation/recommendation of the Charter Advisory Board to the City Commission.

Some recommended changes consistent with State Statutes are:  
Give City Commission permission to meet less than twice a month.  
Define some duties of the City Clerk.  
Clarify residency requirement for City Commissioner.  
Schedule of Elections – Look at August General Election with a runoff in November, in order to be more consistent with County and State elections.  
Vacating of Streets clarification, “Public right-of-way”  
Statutes change regarding fresh pursuit and arrest powers for police officers.

Mr. Capra said there were also some suggestions for the Canvassing Board and noted that Paul Nicoletti had been a big help to the advisory committee. He thanked the members of the Board for their help and expertise to those past members.

Mayor Krauskopf questioned if any of the changes rose to the level of requiring a referendum.

City Manager Nicoletti said that issue is being addressed by a legal conclusion. He said he is awaiting the answer regarding sec 7.03 proposed changes.

Commissioner McDonald voiced concern over the 2013 off year, and holding the election in August. His concern was voter turnout may be low.

Mayor Krauskopf questioned whether or not the City could have mail out only ballots.

City Manager Nicoletti stated there was nothing in the charter prohibiting this.

Vice Mayor Christie stated that one of his concerns in the Charter was to look into the runoff issue falling in January, and was happy to see that was addressed. He thanked

the committee members for their service and noted that he served on the Charter Advisory Board in 1971, and that encouraged him to run for public office.

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL TO ACCEPT THE FINAL REPORT OF THE CHARTER ADVISORY BOARD.

SECOND: VICE MAYOR CHRISTIE  
MOTION APPROVED UNANIMOUSLY

Mayor Krauskopf requested the City draft a thank you letter from each one of the members for their service.

### **COMMENTS BY CITY COMMISSIONERS**

Commissioner McDonald announced that he had recently attended a Florida League of Cities training session designed for newly elected officials and learned a lot about “how to be creative and get things done.” He said he was looking forward to putting some of that education into practice. He also thanked the Charter Advisory Board members for their hard work.

Commissioner Clarke also attended the FLC training session and thanked the City of Stuart for sending its two new commissioners. She personally thanked Lynn Tipton of the Florida League of Cities for her education. She noted that she recently went to the 10<sup>th</sup> Street Recreation Center and thanked staff and the representatives of the Boys and Girls Club for their efforts.

Vice Mayor Christie reminded the Commission that the Treasure Coast Council of Elected Officials will hold its annual BBQ in Okeechobee on July 6<sup>th</sup>, 2011.

Mayor Krauskopf noted that he, and City Manager Nicoletti and a staff member went to St. Augustine where the City received approval to be a member of the Mooring Pilot Program. He felt the City had been selected because it is on both east/west and north/south waterways as well as it was a City and hopefully a County project. He thanked the City Manager and staff for their hard work.

City Manager Nicoletti said he hopes to have a public hearing late in the Summer, and draft an Ordinance with the County in the Fall. The FWC deadline is January.

He also thanked Terry O’Neil, Michelle Vicat, and Sam Amerson for their hard work.

### **COMMENTS BY CITY MANAGER**

City Manager Nicoletti announced a letter for the record received by the City from Attorney Ginny Sherlock who expressed concern over item #9, and #13. He presented the letter to the Clerk for the record.

City Manager Nicoletti advised the Commission that the CRA/CRB meeting scheduled for June 20, 2011 has been cancelled. He also reminded the City Commission of the Joint City/County/School Board Meeting tomorrow at the Blake Library at 9:00 a.m.

He also noted the email update that he sent out last Friday, and asked the Commission if they found this email helpful. He said he would be happy to do that every week.

Commissioner McDonald noted he found the email update very helpful.

## **APPROVAL OF AGENDA**

Mayor Krauskopf requested that item #13 be moved on the agenda right after the Consent Calendar.

MOTION: COMMISSIONER MCDONALD MOVED APPROVAL OF THE AGENDA WITH MOVING ITEM 13 TO BE HEARD RIGHT AFTER THE CONSENT CALENDAR.  
SECOND: COMMISSIONER MORTELL  
MOTION APPROVED UNANIMOUSLY

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

Betty Smith came forward and thanked the City for their support for her role as Instructor for the Jr. Achievement program she conducts at the elementary school. She especially thanked Mary Kindel, who brought Sammi Sailfish for a visit to teach the kids about recycling. She also thanked Jim Turner of the Stuart News.

Robert Steinberg came forward and expressed concern over the agreement with the City of Stuart and the Friends of the Lyric. He explained that the exclusive business arraignment that the Lyric has with the City of Stuart, makes producing anything at the Flagler unworkable, to anyone expected to pay their performers. He stated that he has requested public records over the last three months and still does not have them. He expressed disappointment with the agreement between the City and the Lyric and felt it was wrong for the citizens of Stuart who own and investment in the Flagler Center.

William Rudge came forward and requested a response to his letter dated May 31, 2011 regarding his request for a public hearing concerning the pending code matter on his property.

## **CONSENT CALENDAR**

- 5. Request to approve the minutes of the Special Commission Meeting and Regular Commission Meeting of May 23, 2011**
- 6. RESOLUTION 47-2011 Authorization to request that the United States Environmental Protection Agency affirmatively consider and grant the Florida Department of Environmental Protection's Petition requesting that the United States Environmental Protection Agency withdraw its determination that Numeric Nutrient Criteria adopted by the Environmental Protection Agency are needed in Florida and to discontinue proposing or promulgating additional numeric criteria in Florida**
- 7. RESOLUTION 48-2011 Authorization for the conversion of current term contracts between the City of Stuart and AECOM, Brown & Caldwell, Captec, Culpepper & Terpening and MWH Americas to continuing service contracts for a term of three (3) years through June 15, 2014.**
- 8. RESOLUTION 49-2011 Authorization to approve the award of a bid to Compass Construction, LLC, the lowest, most responsive and responsible bidder for a total bid amount of \$503,934.00 for El Dorado Heights flood/drainage improvements and award alternative bid in the total amount**

**of \$259,835.00 contingent upon funding approval by the Florida Department of Community Affairs**

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF CONSENT CALENDAR ITEMS 5,6,8

SECOND: VICE MAYOR CHRISTIE

ROLL CALL

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

Item #7 was heard here.

**7 RESOLUTION 48-2011 Authorization for the conversion of current term contracts between the City of Stuart and AECOM, Brown & Caldwell, Captec, Culpepper & Terpening and MWH Americas to continuing service contracts for a term of three (3) years through June 15, 2014.**

Commissioner Clarke requested a summary of what this agenda item means for the benefit of the public.

City Manager Nicoletti gave a summary to the public regarding the appointed contracts with the five engineers in accordance with the consultants competitive negotiations act CCNA. He added that the 5 proposed contracts were due to expire, but the City has the ability to convert the contracts to a continuing contract.

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF RESOLUTION 48-2011

SECOND: COMMISSIONER CLARKE

ROLL CALL

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

**END OF CONSENT CALENDAR**

Item #10 & 13 were heard at this time.

**Item #13**

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

City Manager Nicoletti explained the item to the Commission and public. He stated the City decided some time ago to not enforce the parking issue in the City until the City had an opportunity to look at and revise the code. Several items were reviewed and proposed language is in the Ordinance 2226-2011. He is not encouraging the Commission to adopt this Ordinance on second reading because he has received several comments and suggestions that staff is looking at.

Oliveann Lancy came forward and expressed concern over the violations of the current code and encourages the Commission to enforce what is on the books and give the Code Officer the ammunition they need to enforce the rules.

Nelo Freijomel came forward and expressed concern over the proposed regulations regarding parking on the grass. He stated he has a small lot in a house with a one car carport and small u-shaped driveway. As his family has grown (he now has 3 teenagers) the number of family cars has grown to 5 and he sees a need to be able to park a car on the grass. He also noted that his property fronts on a City right-of-way where it is legal to park and said the ordinance should consider the size of the lot, the number of legal residents in the house as well as the number of registered drivers' licenses in the household. He gave a picture to the Commission.

John Leighton came forward and suggested one code should be written for all residents and the ordinance should be "applicable and equitable for all neighborhoods. He encouraged the City to enforce the rules that are in place and in some cases make the standards tighter.

Caryn Yost Rudge came forward suggested the City have a universal city-wide code for all.

Helen McBride came forward and said the City needs these codes. She felt there should be something in the code that addresses the responsibility of the property owners.

Armond Pasquale came forward and suggested "get rid of lawns" and have cars park in back yard instead of in front.

Samia Ferraro came forward and said she was in favor of not diminishing or reducing the current parking standards of the City. She does not want to see the property values of the city go down.

Nelo Freijomel came forward and too does not want anything that will diminish the beauty of the City but asked that the City consider those residents who have large families on small properties with lots of cars to park.

Commissioner McDonald said he has received an equal amount of pro and cons on the proposed Ordinance. He asked the City manager if parking on the right of way acceptable.

City Manager Nicoletti said it really depends on the width of the right-of-way, and in some cases we don't provide for parking in the right-of ways. In the downtown some spaces have been created in residential zones. We don't uniformly sign no-parking on right-of-way within the city, and we don't want to encourage sign blight.

Commissioner McDonald said that the majority of complaints are coming from multiple families moving into single family residents. He said the City needs to look at the North side of East Ocean and the request by the residents there that enforcement continue. He suggested looking at revocable permits for the right-of-way.

City Manager Nicoletti added that inclusive of the proposed Ordinance is provision to apply for an administrative variance, if the need arises.

Commissioner Clarke said the consensus of the people want the City to stay "beautiful." But not everybody has a large lot or a large driveway so we have to allow people to park someplace on their driveway or right-of-way. People who have more than 3 -4 cars, maybe we can charge a small fee per year as long as they keep it neat.

Commissioner Mortell said we are trying to make the code “clearer and more understandable.” The code has been in effect for 15 years but we need to start enforcing it and do something about the people who habitually abuse and it.

Vice Mayor Christie said all of his callers wanted to enforce the code we have but some neighborhoods have “uniqueness”. He also noted that no one person said they want the City to stop enforcing the codes that we have.

Commissioner Mortell said that the City has accepted the fact that this is a problem, because we’re calling it a problem, and that is there are too many cars are being parked on grass.

Mayor Krauskopf suggested taking a picture of what we want it to look like and have code enforcement officers take that picture to violators. He said we need to look at this Citywide and suggested the possibility of the City providing an additional parking area for boats and RVs. He said he is not in favor of relaxing the code.

Vice Mayor Christie suggested working with violators rather than strong arm them.

Commissioner McDonald asked if the situation on Martin Avenue with someone parking a boat and trailer in the right-of-way has been taken care of.

City Manager Nicoletti said that it was.

Mayor Krauskopf asked for a time frame when this would come back to the Commission.

City Manager Nicoletti said in a month or so. He said he will bring back something that has clear examples and public notice has been given.

No further action was taken on this matter.

#### **Item #10**

#### **ORDINANCE 2227-2011 (First Reading) Amending the Stuart Code of Ordinances regarding the paving requirements of off-street parking for residential properties**

MOTION: COMMISSIONER MORTELL MOVED APPROVAL TO CONTINUE THE MATTER TO A DATE UNCERTAIN.

SECOND: VICE MAYOR CHRISTIE

MOTION APPROVED UNANIMOUSLY

Nelo Freijomel came forward and asked if you wish to park in the City right-of-way that area will have to be in a paved with either brick or something like that? You can’t just park in the dirt in the city right-of-way?

The City will come back and dicuss that matter.

No action was taken.

#### **COMMISSION ACTION**

#### **ORDINANCE FIRST READING**

**9. ORDINANCE 2223-2011 (First 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)**

Mayor Krauskopf and Commissioner McDonald both filed a Form B and expressed a conflict of interest on this matter and stated they would be abstaining.

Sworn Terry O'Neil, Interim Development Director and Ryan Strom for the applicant.

Terry O'Neil, Interim Development Director gave a brief presentation to the public and Commission regarding the proposed item. He explained that a new government use would be extended to all buildings on-site. Our recommendation is approval on first reading.

Ryan Strom agreed with staff recommendation.

Helen McBride asked of the two buildings come off the tax roll .

City Manager Nicoletti stated that just the two buildings only that the County is buying.

MOTION: COMMISSIONER CLARKE: MOVED APPROVAL OF ORDINANCE 2223-2011.

SECOND: COMMISSIONER MORTELL

ROLL CALL

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

Item #10 was heard earlier

**10. ORDINANCE 2227-2011 (First Reading) Amending the Stuart Code of Ordinances regarding the paving requirements of off-street parking for residential properties**

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

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF ORDINANCE 2228-2011

SECOND: COMMISSIONER MCDONALD

ROLL CALL

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

**12. ORDINANCE 2229-2011 (First 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

SECOND: COMMISSIONER MORTELL

ROLL CALL

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

### **ORDINANCE SECOND READING**

Item #13 was heard earlier.

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

### **DISCUSSION & DELIBERATION**

Mayor Krauskopf suggested flushing out any concerns or discussions regarding the Haney Creek project before tomorrow's joint meeting.

Commissioner Clarke asked if the 2-acre parcel would cover itself financially. She has nothing in opposition of the plan.

Commissioner Mortell excess proceeds where would the money go.

McDonald suggested putting the money into trust. He stated that he did not want the money to go into the general fund.

City Manager Nicoletti stated he spoke with Steve Fry of Martin County and requested additional language be added to that paragraph. He asked at what point the City to move on a referendum?

City Manager Nicoletti stated it could possibly be on the November ballot.

#### **14. Draft Pet Waste Ordinance**

Sam Amerson gave a brief overview of the proposed Ordinance.

Helen McBride came forward and recommended the City have a fine associated with this Ordinance.

### **ADJOURNMENT 7:51p.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.**