

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON DECEMBER 20, 2010
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 Mary L. Hutchinson
Commissioner Carol Waxler (ABSENT)**

**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. Employees of the Month – Police Department

**Mike Gerwan
Jeff Read
John Martin**

All three employees came forward and graciously accepted their awards.

2. Employee Service Recognition

Michael DeFrank, Police Department, 10 Years

Mr. DeFrank was unable to attend the award was accepted by Assistant Chief Dyess.

Commissioner Hutchinson thanked the Police Department for their excellent work they did last week for protecting the citizens of Stuart after the Chase Bank Robbery.

COMMENTS BY CITY COMMISSIONERS

Vice Mayor Christie wished everyone Happy Holidays.

Mayor Krauskopf presented Christmas gifts to his fellow Commissioners. Noting that Stuart is a “pet friendly City,” the Mayor presented Hutchinson, Waxler and Mortell holiday goodies for their respective pets.

Vice Mayor Christie received a package of vegetable seeds to replace the veggies that had been eaten by rabbits.

The City Attorney received a bird house to go in the yard of the new house he is building, City Manager received a pink oversized electronic piggy bank in anticipation of budget hearings.

COMMENTS BY CITY MANAGER

City Manager Hudson announced the following:

Bid award for the interconnect of water between Martin County and the City. The bid was awarded to Felix and Associated. No action is required by the Commission, it is a budgeted item.

Agenda:

#7-Charter Advisory Board supplemental memo.

#8-Handout updated financial information.

#10-Additional item update on the mooring field pilot project.

APPROVAL OF AGENDA

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF THE AGENDA

SECOND: COMMISSIONER HUTCHINSON

MOTION APPROVED UNANIMOUSLY

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

Caryn Yost Rudge came forward and complained over the code enforcement violations against their property at 1701 Palm City Road. She provided the Commission with an email sent to the City Manager and Dan Bogan. She said she spoke with Sylvia of Park Square Condominium regarding complaints about the Rudge's property. She was critical of the complaints being submitted by the residents of adjacent Park Square condominiums who called the Rudge property an "eyesore." She presented pictures of her property, and stated the pictures are of the front view, eyesore of the motor home they say, the view of the building, and has a new roof and a sound structure, according to a structural engineer. The pictures were presented to the City Clerk for the record.

William Rudge came forward and noted an invoice that he mailed to Terry Iverson for the damages done and items taken on his property. A copy of the invoice was presented to the City Clerk and Commission for the record.

A Resident Park Square Condominiums came forward and expressed concern over the Rudge property. She complained over the signs posted by the Rudge's.

Sylvia Pate, Board of Directors Member Park Square Condominium came forward and expressed concern over the Rudge property. She said they have had problems with rats on their property. She said they had a \$2000.000 bill when a contractor working on the Rudes property cut down a tree and it fell on a parking structure at the condominium which Mr. Rudge refused to pay for. She thanked the City for what they have done and asked that the City finish the job.

Susan Dayola of Park Square Condominiums came forward and expressed concern over the Rudge property. She stated it has been going on since Mr. Rudge's father owned the property. She said the City needs to finish the job and remove the buildings.

Janet Renfrow Dyer Drive came forward and asked the City to ask the Judge to overturn the stay to demolish the building. She presented pictures to the Commission of the Pole Barn on the Rudges property.

Commissioner Hutchinson noted that for the past 6-8 months the Rudge's have come here to intimidate City staff and now the general public, and now the neighbors. She said that all they have been asked to do was to clean up and be a good neighbor.

She said residents and staff have a right to feel safe to come to City Hall and speak their minds and to speak how they feel. They have the right to feel safe when they walk out those doors, and in their neighborhood, and house when they go home tonight. Our employees have the right to feel safe in the workplace every day when they come in here to work. With regards to the situation she asked the City Attorney to give an update to the Commission regarding the situation.

City Attorney Nicoletti reported there will be a hearing this Thursday in front of Judge Sweet and the City's position is to ask the judge to rule on the Rudges motion to stay. The stay that they have asked for is the stay any activity until the appeal on the injunction had been heard. What the City is going to tell Judge Sweet is that that is not a reasonable thing and there are neighbors that are concerned and the condemnation issued by the City and the injunction that was issued by the court is now almost three months past the time that the court set for the Rudge's to comply, and to get their permits and to do the work that was necessary to bring the buildings up to code. He advised the Commission the City is involved in 3 active litigations, and requested advice and guidance from the Commission in an executive hearing.

Attorney Nicoletti suggested the meeting take place before the new Commission members are installed and suggested the meeting be held on December 29th with time to be determined.

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL DIRECT STAFF TO SCHEDULE A SPECIAL MEETING/ ATTORNEY/CLIENT ON DECEMBER 29, 2010
SECOND: COMMISSIONER HUTCHINSON

Commissioner Mortell noted emails he receives from Mrs. Rudge claiming not to be a party to it, but her web site is on the invoice and they all refer to us and us. I would like to address that issue as well.

MOTION APPROVED UNANIMOUSLY

CONSENT CALENDAR

- 3. Request to approve the minutes of the Joint City/County Meeting of December 6, 2010**
- 4. Request to approve the minutes of the Regular Commission Meeting of December 13, 2010**
- 5. Approval of Commission Meeting Dates, CRA Meeting Dates, Community Redevelopment Board (CRB) Meeting Dates and Joint CRA/CRB Quarterly Meeting for 2011**

6. Letter of Support for the Dredging of St. Lucie Inlet

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF THE CONSENT CALENDAR items 3-6

SECOND: VICE MAYOR CHRISTIE

ROLL CALL

MAYOR KRAUSKOPF	YES	COMMISSIONER MORTELL	YES
VICE MAYOR CHRISTIE	YES	COMMISSIONER HUTCHINSON	YES

END OF CONSENT CALENDAR

COMMISSION ACTION

7. The City Charter calls for the designation of a Charter Advisory Board in 2011

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL TO ADOPT THE MEMO RECOMMENDING THE BOARD MEMBERS AS LISTED BY THE CITY MANAGER. AND TO APPOINT JOE CAPRA AS CHAIR.

SECOND: VICE MAYOR CHRISTIE

Commissioner Mortell noted emails he receives from Mrs. Rudge claiming not to be a party to it, but her web site is on the invoice and they all refer to us and we. I would like to address that issue as well.

MOTION APPROVED UNANIMOUSLY

ORDINANCE FIRST READING

8. ORDINANCE 2218-2010 (First Reading) Amending the text of Element X, Public School Facilities Element and Element VIII, Capital Improvement Element and Concurrency Management System, City of Stuart Comprehensive Plan to reflect the current Capital Improvements Plan.

Pinal Savdas-Gandhi gave a brief overview regarding the proposed Ordinance.

MOTION: COMMISSIONER HUTCHINSON: MOVED APPROVAL OF ORDINANCE 2218-2010 WITH THE CORRECTIONS PRESENTED TO THE COMMISSION.

SECOND: COMMISSIONER MORTELL

City Attorney Nicoletti noted for the record the Ordinance will be adopted as a 2011 Ordinance and read it to be 2218-2011.

ROLL CALL

MAYOR KRAUSKOPF	YES	COMMISSIONER MORTELL	YES
VICE MAYOR CHRISTIE	YES	COMMISSIONER HUTCHINSON	YES

9. ORDINANCE 2219-2010 (First Reading) Providing for regulations regarding the application and use of Soil Fertilizers by certain applicators

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF ORDINANCE 2219-2011

SECOND: COMMISSIONER HUTCHINSON

City Attorney Nicoletti noted for the record the Ordinance will be adopted as a 2011 Ordinance and read it to be 2219-2011.

Mayor Krauskopf asked Sam Amerson between first and second readings to run it by the St. Lucie River Initiative.

Sam Amerson stated that he would be happy to. He noted the Kevin Henderson did forward the proposed Ordinance to Rivers Coalition and they do expect comment back. They also forwarded it to Martin County Environmental Department for review.

Mayor Krauskopf also asked that a copy be forwarded to the Local Government Committee at the Chamber of Commerce. And if there are any comments to have them back for second reading.

Armond Pasquale asked who were considered the applicators in the Ordinance.

Attorney Nicoletti stated there were 3, the Commercial applicators such as Tru Green or Scotts. There are institutional applicators such as people that work at schools or large institutions that apply. Then there are noncommercial applicators such as, you and me, like someone that buys fertilizer by the bag and apply it.

ROLL CALL

MAYOR KRAUSKOPF	YES	COMMISSIONER MORTELL	YES
VICE MAYOR CHRISTIE	YES	COMMISSIONER HUTCHINSON	YES

Added item #10

City Manager Hudson noted that the City has filed a joint application with Martin County to participate in the mooring field project authorized by the Legislature in 2009.

The City is looking at having the authority to manage and regulate any activity outside of the mooring field. The City did apply for assistance but was not awarded to become a participant in the original program. He did say that they are accelerating additional PILOT programs and are considering locations on the East Coast at this time for the program. He suggested attending an upcoming meeting in February.

Mayor Krauskopf asked if the City should raise the point to request a third position on the East Coast in the PILOT program. He felt Stuart would be a good connecting point from east to west.

Commissioner Hutchinson asked how we can get residents involved or write letters to support Stuart in this project.

City Manager Hudson suggested letters of support be sent to the City and staff will assemble a packet to submit. He suggested contacting Terry O'Neil from the City Development Department.

ORDINANCE SECOND READING

DISCUSSION & DELIBERATION

ADJOURNMENT 6:16 p.m.

ATTEST:

Cheryl White, CMC, City Clerk

Jeffrey A. Krauskopf, Mayor

**Minutes to be approved at the Regular Commission
Meeting This 10th Day January 2011.**