

**REGULAR MEETING OF THE STUART CITY COMMISSION  
HELD ON MARCH 28, 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 (absent)  
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.**

**1. PROCLAMATION: Proclaiming the Induction of James F. Hutchinson into the Florida Artist Hall of Fame**

James F. Hutchinson came forward and graciously accepted his proclamation and thanked the City of Stuart for his recognition.

**2. PROCLAMATION: Proclaiming the Great American Cleanup Extreme Martin Makeover from March through May with special emphasis on education and cleanup activities being held in Martin County on May 7, 2011**

Dave Peters came forward and graciously accepted the proclamation and thanked the City.

Mayor Krauskopf acknowledged, in the audience past Mayor's Mary Hutchinson and Kevin Henderson.

**3. PROCLAMATION: Proclaiming March 30, 2011 as Welcome Home Vietnam Veterans Day**

Ed Maxwell, 1<sup>st</sup> Vice President, DBA 1041 Martin County came forward and graciously accepted the proclamation and thanked the City. He invited the Commission to a celebration on Wednesday March 30, 2011 at 7:30 p.m. Indian Riverside Park. He said it is a USO style show a Welcome Home Vietnam Veterans.

**4. PROCLAMATION: Proclaiming the Month of April 2011 as Child Abuse Prevention Month.**

No one was present to accept the proclamation.

**5. PROCLAMATION: Proclaiming the Month of April 2011 as Water Conservation Month**

Mr. Boyd Gunsalus came forward and graciously accepted the proclamation, and thanked the City. He announced that this past Saturday the South Florida Water Management District entered into modified phase II for all 16 counties. He stated that you can only irrigate 2 days a week for landscaping. He noted the City of Stuart, by Ordinance, already follows those guidelines, and for that we appreciate the City's efforts the importance of water resources. He thanked the City staff, especially Mary Kindel for her outreach efforts to the community.

**6. Employee of the Month**

**Janine Wilde, Public Works Department**

Janine Wilde came forward and graciously accepted her award and thanked Dave Peters and Sam Amerson.

**7. Employee Service Recognition**

**Ken Adams, Water Treatment, 20 Years**  
**Gary Albano, Turf & Grounds, 15 Years**  
**Claude Webster, Sr., Streets Maintenance, 10 Years**  
**Dan Bogan, Code Enforcement, 5 Years**

Claude Webster came forward and graciously accepted his award.

**COMMENTS BY CITY COMMISSIONERS**

Commissioner Clarke announced that she attended the past weekends Arts Fest, and that it was a great event. She said she spoke with some of the vendors who expressed their happiness of the City of Stuart improvements to Memorial Park. She stated she was speaking with friends and asked them what they like about Stuart. They said they like the smell in the air and the feel of Stuart. She said she had received a call from a concerned resident regarding the dust coming from the concrete plant between Rinker crossing and Monterey Road, in the A1A area. She asked the City to look into the matter to see if anything else needs to be done regarding this concern. She invited everyone to attend the upcoming Town Hall Meeting on April 14, 2011, at 7:00 P.M. The meeting will be held at the South Florida Water Management District Office, 780 SE Indian Street.

Commissioner McDonald stated he was happy to see the proclamations on tonight's agenda. He also stated that Janine Wilde was one of the first employees he met when he came to the City after he became a Commissioner. "I don't think I have seen a more enthusiastic person about their job. I want her to know how much I appreciate how much she cares about the City and her job that is fantastic."

He also noted the grand opening of the new Dog Park, and what a good turnout it was. He said it is a fantastic thing for the City and one of the most used parks in the City now. He mentioned the City hosted a Chamber Breakfast this past Tuesday, which was a great success. "Stuart is a great place to do business, and we are going to keep it that

way by working with the business community, and help keep business moving.” He wished City Manager Dan Hudson on his future endeavors.

Commissioner Christie noted he was happy that we received the rain today, it was much needed.

Mayor Krauskopf thanked Terry O’Neil with his work to push small business entrepreneurship and the mail outs that we did. He said it will help the Commission, not only looking at new business but helping existing business stay alive and accelerate. He also noted the upcoming Florida Wildlife Commission meeting to be held on April 6-7<sup>th</sup> 2011. He stated the City will be attending the meeting because the City and Martin County have been unanimously approved from the Boating Advisory Committee to be one of five pilot programs for anchoring and mooring regulations. He said it is a joint venture between the City and County. St Augustine and Stuart were nominated for 2 sites on the East Coast. He stated that on April 6-7<sup>th</sup> he is hoping to be awarded the pilot program.

### **COMMENTS BY CITY MANAGER**

City Manager Hudson reiterated the upcoming Town Hall Meeting information. He announced the following:

\*Coffee with the City Manager on April 29, 2011 at 8:00 am.

\*He will be on vacation beginning March 29, 2011- April 5, 2011 returning on April 6<sup>th</sup>, 2011.

\* Pull item #10 for separate discussion and an email that he distributed on Friday with suggestions on that matter.

### **APPROVAL OF AGENDA**

MOTION: COMMISSIONER MCDONALD: MOVED APPROVAL OF THE  
AGENDA SECOND: COMMISSIONER CLARKE  
MOTION APPROVED UNANIMOUSLY

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

Ann MacMillan came forward and read into the record a letter she submitted to the City regarding her concerns and suggestions on the Colorado Ave corridor proposed beautification project. (A copy of her letter will be included into the minutes).

Amy Pearlstein, Stuart Main Street came forward and requested the City continue its relationship with The Downtown Business Association and Main Street after the City Manager Dan Hudson retires. She also requested the relationship between Sam Amerson and Jim Chrulski of the Community Services Department. She also thanked the City for hosting the past Chamber Breakfast.

Dave Collier came forward and expressed concern over the proposed Colorado Avenue project. He suggested the City contract with Bob’s Barricades, and place them strategically along the roadway to reflect the roadway as if it were redesigned to a two lane roadway with roundabouts during peak times, and then see what the effect is on movement of traffic. He requested the City give serious consideration to a project that is

a critical linchpin on the improvement of the downtown, that doesn't deserve to be shut down as a project by a few people. He asked the City to reconsider and come back with data that shows that there really is a problem.

Fire Chief Sunderman came forward to share the sad news of the passing of former Fire Chief Lou Papitto over the weekend. His family has requested a private funeral and a notice will be published in the newspaper tomorrow. Chief Lou Papitto served the City from 1979-2004.

City Manager Hudson commented on the Colorado Project. He stated the project is a CRB project. He said that this plan will be heard again by the CRB on April 5, 2011, at 4:00 pm. After that this will come back to the CRA. He wanted to note that this project has not been heard by the City Commission yet.

Attorney Ginny Sherlock came forward and congratulated Mr. Hudson on his retirement. She wanted to notify the City that she has filed an objection to the Fish and Wildlife Commission regarding the proposal to award Martin County with the Pilot Program, to address anchored boats within Martin County. She wanted to clarify her objection, and that it only relates to the Jensen beach mooring field and has nothing to do with what the City is doing or what the City of Stuart wants to do. There is a very large segment of the community that has been opposing the Jensen Beach mooring fields for a very long time, due to the environmental sensitivity of the Indian River Lagoon, where the mooring field is proposing to go. It is an aquatic preserve, its outstanding Florida waters, and it's not an appropriate place for a mooring field, certainly not a wave attenuator, and all the other accoutrements that have been proposed for that.

Mayor Krauskopf asked how this could be turned into a positive, and if there is a way we could use this proposal to replace the Jensen Beach proposal. He suggested Attorney Sherlock meet with him and the City Attorney.

Attorney Sherlock supports the efforts of the pilot program but we need to put the mooring field in the proper place, and not in the aquatic preserve.

### **CONSENT CALENDAR**

- 8. Request to approve the minutes of the Regular Commission Meeting of March 14, 2011**
- 9. Request to approve the minutes of the Special Commission Attorney Client Session of March 7, 2011**

**Item #10 was heard separately.**

- 10. RESOLUTION 16-2011 Authorization for the acceptance of a Letter of Termination from Martin Memorial Health Systems regarding Riverside Drive and Weir Avenue Cul-De-Sacs (PUBLIC HEARING)**
- 11. RESOLUTION 25-2011 Authorization for the City Manager to apply for and, if successful, execute an application for financial assistance from the Florida Inland Navigation District Waterways**

**Assistance Program to repair the existing seawall and seawall cap and the construction of a floating dock in Shepard Park**

**12. RESOLUTION 28-2011 Authorization to approve a Minor Amendment to the Walmart Commercial Planned Unit Development, Ordinance Number 1915-03, Development Condition #4 to allow for a modification to the previously approved signage plan (Quasi-Judicial)**

**13. RESOLUTION 29-2011 Authorization for the City Manager to apply for and, if successful, execute an application for financial assistance from the Florida Inland Navigation District Waterways Assistance Program for the Floating Courtesy Dock Fire Protection System**

**END OF CONSENT CALENDAR**

MOTION: VICE MAYOR CHRISTIE: MOVED APPROVAL OF THE CONSENT CALENDAR ITEMS 8,9,11,12,13, WITH #10 TO BE HEARD LATER.

SECOND: COMMISSIONER MCDONALD

ROLL CALL

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

Item #10 was heard here:

**10. RESOLUTION 16-2011 Authorization for the acceptance of a Letter of Termination from Martin Memorial Health Systems regarding Riverside Drive and Weir Avenue Cul-De-Sacs (PUBLIC HEARING)**

City Manager Hudson explained this agreement was made 20 years ago, and Martin Memorial has the option to terminate with a required public hearing. He suggested the Commission proceed with this public hearing and in addition to that the City would send letters to the nearby residents clarifying that Martin Memorial has terminated the agreement, and there are currently no development plans for the property, and they would be notified in the future of any development that maybe proposed.

Mayor Krauskopf noted that item #2 clarifies the matter.

Commissioner McDonald asked if this was a negotiated agreement with the City, Martin Memorial and property owners.

Mayor Krauskopf said it was not a tri-party agreement but the City did meet with surrounding property owners.

Commissioner McDonald suggested the effected property owners be notified, but to extend the notification out to 600 or maybe 1000 feet North of East Ocean, so that the property owners in that area are definitely notified, and they have a good idea about what is going on.

Mayor Krauskopf stated that from Cortez to west of the subject agreement North of Osceola is the area most directly affected. That would be an area that would capture the folks that had an interest at the time, but would not necessarily ruffle feathers outside of that area.

City Manager Hudson recognized two representatives from Martin Memorial present in the audience. He also stated that the City will coordinate with the Hospital on any informational releases to the surrounding property owners.

Mayor Krauskopf requested a very clear graphic for any future development. For the record, include West of Cortez North of Osceola as the noticed area.

**COMMISSION ACTION**

MOTION: COMMISSIONER MCDONALD: MOVED APPROVAL RESOLUTION 16-2011 OPTION #2

SECOND: COMMISSIONER CLARKE

ROLL CALL

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

**14. Recommendation for the acquisition of the Heart of Haney Creek Parcel A, previously known as the Harbor Walk property**

City Manager Hudson introduced the item, and noted that Kevin Henderson of Evergreen Engineering, has been retained to assist the City in future funding for land acquisition of property know as Heart of Haney Creek Parcel A. He was the contractor for the entire Haney Creek Watershed restoration project.

The current effort started two years ago and Martin County has committed to funding. The Land Acquisition Steering Committee who committed to being a participant in the funding and ranked #1. The rankings are scheduled to go before the County Commission on April 12<sup>th</sup>. He said the City is in range to seriously discuss a contract with the owner. He noted the four requested items from the Commission:

1. Authorize staff to finalize negotiations with Seacoast Holdings, subject to a funding agreement with Martin County.
2. Provide staff with any input that you have regarding the negotiations.
3. Authorize staff to seek an Interlocal Agreement with Martin County for the funding, with Martin County's share being 50 % of the acquisition cost.
4. Authorize staff to utilize the City's ½ Cent Infrastructure Sales Tax to fund the City's share.

Mary Hutchinson came forward and congratulated to the City Manager on his decision to retirement, and said the City has good hands with the department heads and they are the secret unsung heroes in the City and keep everything going through all the transitions, so the City is in good hands. As for the Haney Creek Project, she never thought this would happen and supports anything the City can do to acquire the subject property.

Attorney Virginia Sherlock speaking on behalf of the Haney Creek Greenway Group voiced support of this project.

Commissioner McDonald said this is a great project and the City needs to move forward.

Vice Mayor Christie said this piece of property is one of the most environmentally sensitive properties in the City. He fully supports purchasing the land.

MOTION: COMMISSIONER CLARKE: MOVED APPROVAL TO SUPPORT STAFF RECOMMENDATION

SECOND: COMMISSIONER MCDONALD

ROLL CALL

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

### **ORDINANCE FIRST READING**

#### **15. ORDINANCE 2224-2011 (First Reading) Amending the Stuart Code of Ordinances Renaming the Recreation Advisory Board to the Community Services Advisory Board**

City Manager Hudson advised the Commission that he has been approached by interested applicant to serve on the Board and any future request for applications can be directed to City Clerk Cherie White.

Armond Pasquale came forward and expressed concern over the name of; Community Services Advisory Board, and felt that the name was misleading to what the Board duties and responsibilities are. He felt the term Recreation should remain in place.

MOTION: VICE MAYOR CHRISTIE: MOVED APPROVAL OF ORDINANCE 2224-2011 ON FIRST READING

SECOND: COMMISSIONER MCDONALD

ROLL CALL

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

### **ORDINANCE SECOND READING**

#### **DISCUSSION & DELIBERATION**

##### **16. City Manager Retirement**

City Manager Hudson thanked Commissioners and staff for their support. He said pension reform was a "causal factor" for his decision but he understands the need for reform. He said that this action was needed for his own personal set of facts. He noted that the City Commission does not have any action to take but he is required to give 60 day notice. He advised the Commission of his proposed succession plan. His specific recommendation is that City Attorney Paul Nicoletti be named as the City Manager. He requested the Commission decide if they want to use the interim title in the designation. He gave a brief summary of the City Attorney's qualifications and education. He said that Mr. Nicoletti is completely familiar with the issues facing Stuart, obviously as the City

Attorney, he is on the inside on virtually everything major decision of Stuart. He also stated that the Senior Management and staff respect Mr. Nicoletti's leadership, and they have his respect which is extremely important in maintaining stability at the department head level in an organization.

Vice Mayor Christie said he was surprised by Hudson's announcement and called him a "consummate professional, in terms of his occupation and what he does. He is a gentleman, and a tremendous administrative leader, and he has been that kind of a leader for our City. For us, to lose someone in that capacity, no matter what the reason is a tremendous loss to the City. He said a lot of people don't realize that what the legislature is doing, and the impact it has and what happens to local government. No one can blame him for what he is doing because of the impact it will have on his retirement pension. I would imagine there is going to be a lot of other good public servants that we are going to lose because of what we're going through right now. He pointed out that the City Manager is such a great leader because he is trying to allow the Commission, through his observation the continuity in transmission, by saying we have someone already here to move and lead this City, in transition from where we are now. He felt that Paul can provide that leadership and thanked Dan Hudson for all that he has done for the City of Stuart.

Commissioner McDonald said it has been a real pleasure to work with Mr. Hudson and he appreciated his direction and patience while coming on board as a new City Commissioner. He stated that he hopes that the many projects he has been involved with can come to completion and that he is there for the openings, and to be part of that.

Commissioner Clarke expressed sadness over the retirement of Mr. Hudson, but stated that if the rules change, maybe there would be an opportunity for him to return.

Mayor Krauskopf addressed the law of unintended consequences. He was very happy for Dan, but also expressed sadness over his retirement. Ladies and Gentlemen there is no finer person to work with than Dan Hudson. He said that if he ever wanted to return, the door will always be open. He understands the decision he had to make, and wished him well.

MOTION: COMMISSIONER MCDONALD: MOVED APPROVAL OF A RECOMMENDATION TO HAVE THE MAYOR NEGOTIATE A CONTRACT FOR INTERIM CITY MANAGER WITH MR. PAUL NICOLETTI.  
SECOND: VICE MAYOR CHRISTIE  
MOTION APPROVED UNANIMOUSLY

The Commission requested staff present recommendations for the City Attorney's position.

Vice Mayor Christie mentioned that when the City Commission ranked the candidates for City Manager, that Dan Hudson was unanimously nominated as City Manager.

Betty Smith Government Reporter said it has been a joy and a pleasure to work with Dan Hudson, and she wished him well.

**ADJOURNMENT 6:50 P.M.**

**ATTEST:**

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**Cheryl White, CMC, City Clerk**

\_\_\_\_\_  
**Jeffrey A. Krauskopf, Mayor**

**Minutes to be approved at the Regular Commission  
Meeting This 11th Day April 2011.**