

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON AUGUST 23, 2010
AT 5:30 P.M. IN THE CITY COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994**

Roll call was answered by:

**Mayor Michael Mortell
Vice Mayor Carol Waxler
Commissioner James A. Christie
Commissioner Jeffrey A. Krauskopf
Commissioner Mary Hutchinson**

Also present were:

**City Manager: Dan Hudson
City Attorney: Paul J. Nicoletti
City Clerk: Cherie White**

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

PRESENTATIONS

1. Employee of the Month

Eileen Opila, Community Services Department

Eileen Opila, Community Services Department came forward and graciously accepted the award and thanked the City.

2. Employee Service Recognition

**Tammy Farnham, Police Department, 15 Years
Samuel Amerson, Public Works Administration, 15 Years
William Reinert, Jr., W/S General Government 10 Years
Michael Pierce, Distribution/Collection Team, 5 Years
William Griffin, Stormwater Team, 5 Years
David Duncan, W/S General Government, 5 Years
Grisel Alvarado, Building/Permit Division, 5 Years**

All employees came forward and accepted their awards and thanked the City.

COMMENTS BY CITY COMMISSIONERS

Commissioner Christie reminded the citizens to get out and vote for the primary Election Day tomorrow.

COMMENTS BY CITY MANAGER

City Manager Hudson noted that item #3, staff has requested this item be withdrawn. He stated it would be added to a future agenda.

Item # 5 has a supplemental memorandum recommending the award to Cigna Healthcare. He also asked that pages 4, 5 be removed from the agenda packet, they were accidentally included.

Item #7, #8, Supplemental memos have been given to the Commission regarding those two items and changes added after the agenda packet was put together.

APPROVAL OF AGENDA

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF THE AGENDA AS AMENDED
SECOND: VICE MAYOR WAXLER
MOTION APPROVED UNANIMOUSLY

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

CONSENT CALENDAR

3. **RESOLUTION 81-2010 Authorization to execute extension of the Lease Agreement between the City of Stuart and the Pelican Café, LLC for that that certain property know as the “Coast Guard Auxiliary Building”, 351 SW Flagler Avenue, Stuart, Florida, for an additional five (5) year term**

4. **RESOLUTION 84-2010 Authorization to renew agreements between the City of Stuart and Allied Universal Corp., Tanner Industries, Inc., Harcross Chemicals, Inc., Carmeuse Lime & Stone, Inc., Shannon Chemical Corp., Ashland Hercules Water Technologies and Fort Bend Services, Inc., to provide chemicals as needed by the City**

5. **RESOLUTION 85-2010 Authorization to approve City Employees Health Insurance Program for 2010-2011**

- 6. ORDINANCE 2205-10 (Second Reading) REQUEST TO CONTINUE TO THE MEETING OF SEPTEMBER 13, 2010** On May 24, 2010, the City Commission recommended approval to transmit the EAR-Based and other Comprehensive Plan Amendments to the Florida Department of Community Affairs (DCA) and other review agencies for review. The DCA issued an Objections, Recommendations, and Comments (ORC) Report on August 2, 2010 and identified 6 objections and 4 comments in the proposed comprehensive plan amendments. Staff is still in the process of making revisions to address DCA's concerns and ask that the item for adoption hearing be continued to the September 13, 2010 Commission Meeting

MOTION: VICE MAYOR WAXLER; MOVED APPROVAL OF THE CONSENT CALENDAR ITEMS 4-6

SECOND: COMMISSIONER CHRISTIE

ROLL CALL

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

END OF CONSENT CALENDAR

ORDINANCE FIRST READING

- 7. ORDINANCE 2210-2010 (First Reading) Adopting comprehensive amendments to the City's flood damage prevention code; updating and standardizing provision in accordance with Federal and State Law and guidelines**

MOTION: COMMISSIONER HUTCHINSON; MOVED APPROVAL OF ORDINANCE 2210-2010 ON FIRST READING

SECOND: VICE MAYOR WAXLER

ROLL CALL

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

- 8. ORDINANCE 2212-2010 (First Reading) Defining and designating "Pain Management Clinics" as a Special Exception use in certain districts and areas of the City; Adopting regulations regarding the operation of Pain Management Clinics**

Commissioner Krauskopf asked if the industry has had the opportunity for feedback on this.

City Attorney Nicoletti stated that he has met with the Non Profit Agency head. He said they have edited this Ordinance and the Board of Medicine also adopted some rule

changes that were included in the proposed Ordinance. This is the latest rendition dealing with Pain Management Clinic, it exempts out people who do not prescribe, so for example it does not attempt to regulate or legislate Chiropractors, Dentist, and Physical Therapist. Those only prescribe and dispense physicians, both MD and DO. I am satisfied with it. This also only pertains to a designated area of the City, or PUD that are predominantly office buildings.

Mayor Mortell asked about those who are already in business.

City Attorney Nicoletti stated "They will be grandfathered but, not in a non conforming way. They will be grandfathered as conforming, so they will be able to expand their location, if they need to, without bumping into our non- conforming Ordinance.

MOTION: COMMISSIONER CHRISTIE; MOVED APPROVAL OF ORDINANCE 2212-2010 ON FIRST READING

SECOND: COMMISSIONER KRAUSKOPF

ROLL CALL

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

ORDINANCE SECOND READING

DISCUSSION & DELIBERATION

ADJOURNMENT 5:46 PM

ATTEST:

Cheryl White, CMC, City Clerk

Michael Mortell, Mayor

Minutes to be approved at the Regular Commission
Meeting This 13th Day September 2010