

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON FEBRUARY 14, 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 the Month of February 2011 as Black History Month

Lorene Grant came forward and graciously accepted the proclamation. She thanked the City Commission for their recognition of Black History Month, and also invited the Commission to attend America's Black History Month event at the Lyric Theatre, on Saturday, February 19, 2011.

2. PROCLAMATION: Proclaiming the week of February 20-26, 2011 as Engineers Week

Rick Creech, Creech Engineers, Sam Amerson, City Public Works Director and Joe Capra, Captec Engineering, all came forward and thanked the City for their recognition.

3. PROCLAMATION: Proclaiming the week of February 11-17, 2011 as "211 Awareness Week"

No was present to accept the proclamation, the Mayor asked that it be mailed.

4. Employee of the Year Award – Matthew Cernuto

Officer Mathew Cernuto came forward and graciously accepted his award, and thanked the City.

5. 2011 Upper East Coast Water Supply Plan Update

Linda Hoppis of South Florida Water Management District presented an update of the 2011 Upper East Coast Water Supply Plan to the City Commission and public. She thanked Dave Peters and Mary Kindel and the City for their conservation initiatives and contributions to the plan.

Mayor Krauskopf recognized Dave Peters and Mary Kindel, as well as the Public Works team for their efforts on conservation in the City.

6. Update on Amtrak Initiative

Kim Delaney, Treasure Coast Regional Planning Council gave a visual presentation update to the City Commission and public regarding the proposed Amtrak. She explained that the project is very competitive for funding. She added that Amtrak has already identified the FEC corridor in its long term plan for passenger rail. She also explained that Tri Rail project moving further North would allow for the connection and allow for an arraign of services to exist in South Florida with connections into Martin & St. Lucie County.

Commissioner McDonald stated he was excited about the project and hopes to see it finished.

Commissioner Mortell stated that Martin County has obtained 100% of the funding for the train station from Federal Transit dollars so there will be no local budgets impacted at all.

Commissioner Clarke asked from a regional prospective and population use of the rail are we looking into adjacent towns and if they would be contributing their fair share to the proposed passenger rail.

Kim Delaney said the studies to date the population is split and anticipating that half of the rail users will go north and half will go south. She also explained the Amtrak services is limited, and is not going to be a commuter train.

Vice Mayor Christie asked who would be paying for the train.

Kim Delaney explained the States funding will cover all of the capital cost, and what is not funded is the train themselves. She said it appears likely there may be more funding this summer for the cost of the train.

COMMENTS BY CITY COMMISSIONERS

Commissioner McDonald said he has met with many employees and toured the City. He said employees are very proud of the City. He also said some employees have great ideas and asked that a cost savings award program be implemented.

Commissioner Mortell stated it is already in place.

Commissioner Clarke started a traditional "shout out". Stated she met a man from Sarasota Florida who had received a parking ticket, and came back to visit Stuart. She also noted she walked the Seminole Street neighborhood and met Mr. Armond Pasquale, and Mike Braid. She wanted to give a shout out to the Stuart Heritage for their past weekend event. She stated they showcased buildings in the downtown as well as homes. She also met Mr. Jim Chrulski of the Stuart Recreation Department, and will meet further with him to discuss the future of the Recreation Department.

She asked the Commission and public consideration of renaming the 10th Street road to Dr. Julian D. Parker Boulevard.

COMMENTS BY CITY MANAGER

Reminded the Commission of the following meetings:

Joint City, County School Board held on February 15, 2011 at 9am at the Blake Library in Stuart. He noted that one if the items on the agenda for tomorrow is a safe routes to schools grant. He asked noted there are 4 schools eligible for the grant but JD Parker is not one of them because the City has done, such an exceptional job of creating a pedestrian network around the school.

February 16, 2011 Wednesday at 6:00 P.M. a public meeting will be held, to discuss the Colorado Project. No Commission meeting.

February LPA meeting has been cancelled.

February 21, 2011 City Hall Offices will be closed for Presidents Day.

February 23, 2011, Florida Fish Wildlife Conservation Commission Meeting in Apalachicola Florida, to discuss governance over boats at anchor. The City is planning to have staff attend.

February 23, 2011 a Town Hall Meeting will be held at the 10th Street Recreation Center at 7:00 P.M. Hosted by Vice Mayor Christie.

A Town Hall Meeting is also being planned for the Astor Lane & Crossings Neighborhood. A Chamber of Commerce Breakfast is also scheduled for March, to be announced.

Remove item #11 from Consent to discuss. A supplemental memo has also been provided to the Commission.

APPROVAL OF AGENDA

MOTION: COMMISSIONER CLARKE: MOVED APPROVAL OF THE AGENDA
SECOND: VICE MAYOR CHRISTIE
MOTION APPROVED UNANIMOUSLY

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

Crystal Lucas came forward and expressed concern over the following matters;
Her Code Enforcement violation from five months ago.

Colorado Avenue traffic.

Resort style hotel in Stuart.

Train Station does not need to be big.

Recommend to the DBA to have business stay open past 6pm.

Jayne Bergstrom of the SFWMD came forward and introduced herself to the new City Commissioners Clarke and McDonald and welcomed them both to meet with her.

Caryn Rudge came forward and expressed concern over the recent demolition of a pole barn on their property. She said they have paid over \$3,000 in permits, and no permits were given. She asked why the City would demolish their home when they have purchased new kitchens, and stated the house was fine. She also asked why the City would prohibit entry of residents on their own property once a month. She also said the City has asked that their vehicles be removed. She said they are legally registered.

Armond Pasquale came forward and appreciates the comments made by Commissioner Clarke. He added that he has a problem regarding the parking and traffic on Seminole Street. He also requested that the City not support the Business Development Board.

Commissioner Mortell stated the BDB has committed to hold all their meetings in the Sunshine. They are currently operating in the sunshine. He also stated that the parking along Seminole Street is 50 % full during the evening hours, but when we are in a community in an urban environment we have to accept our neighbors sometimes, and let the fluctuation happen, and then let it ease off. But if you look at it regularly Seminole Street is not crowded, and there is not allot of cars.

Armond Pasquale stated that around 5 or 6 p.m. it is not bad but as the night goes on it gets considerably worse. He asked Commissioner Mortell to come down at 10 or 11 p.m. He said he chased out some people that were hollering and screaming, and the police arrested someone around the corner from Seminole, and this all happens at a late hour.

CONSENT CALENDAR

- 7. Request to approve the minutes of the Regular Commission Meeting of January 24, 2011**
- 8. Request to approve the minutes of the Special Commission Meeting of January 31, 2011**
- 9. RESOLUTION 12-2011 Authorization for the execution of amendment to the lease agreement between the City of Stuart and the Martin County Convention and Visitors Bureau**
- 10. RESOLUTION 14-2011 Authorization for a Budget Amendment #13 to the 2010-2011 Annual Community Development Block Grant Fund and Water/Sewer Fund balance³; Authorizing the transfer of funds totaling \$16,325.35 to the Community Development Fund**

Item 11 was heard at a later time.

- 11. RESOLUTION 15-2011 Authorization for Budget Amendment #15 to the 2010-2011 Development Special Fees Fund; Authorizing the Grant of Funds totaling \$7,500.00 to the Arts Council of Martin County for a photographic Art display at Arts Fest along a 400 foot wall beside Memorial Park**

END OF CONSENT CALENDAR

MOTION: COMMISSIONER MCDONALD: MOVED APPROVAL OF THE CONSENT CALENDAR ITEM 7,8,9,10.

SECOND: COMMISSIONER MORTELL

ROLL CALL

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

Commissioner Mortell requested that item 12 be heard before item 11.

The Commission agreed.

12. Approve the various Advisory Board Appointments.

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF THE ADVISORY BOARD APPOINTMENTS.

SECOND: COMMISSIONER MCDONALD

MOTION APPROVED UNANIMOUSLY

Mayor Krauskopf requested the CRA Board opening needs to be filled by a CRB member.

MOTION: VICE MAYOR CHRISTIE: MOVED APPROVAL OF JOHNNIE BELL TO THE CRA BOARD.

SECOND: COMMISSIONER MORTELL

MOTION APPROVED UNANIMOUSLY

Mayor Krauskopf noted that the City Manager will come back at a later date to appoint a new member to the Independent Review Board, due to the appointment of Jean Laws Scott to the CRB.

City Manager Hudson said he was preparing Thank you letters to the outgoing members for their years of service to the various Boards.

Mayor Krauskopf thanked those newly appointment members for their willingness to serve.

11. RESOLUTION 15-2011 Authorization for Budget Amendment #15 to the 2010-2011 Development Special Fees Fund; Authorizing the Grant of Funds totaling \$7,500.00 to the Arts Council of Martin County for a photographic Art display at Arts Fest along a 400 foot wall beside Memorial Park

City Manager Hudson introduced the item to the Commission and public including a supplemental memo. He explained that use of the funds would need to be approved by the CRA, who has some role in the oversight of the application of the Arts Ordinance.

Arts Council Representative Tom McNicholas came forward and gave a visual presentation to the Commission and public regarding the proposed Art Wall to be placed at the Memorial Park Construction site, which would act as a screen. He said the wall will remain up for 10 months, during the entire length of the construction. He said the wall sections are 8 foot sections 4 feet high. He also addressed a letter that was received by Mr. Steinberg as to whether or not tax dollars would be used for this project. He stated these are not tax dollars but funds that were put aside by developers for projects like this, for beautification. He also noted this was a promotion of Stuart and the pictures were taken by Tom Winter.

MOTION: COMMISSIONER MCDONALD: MOVED APPROVAL OF RESOLUTION 15-2011

SECOND: COMMISSIONER MORTELL

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

COMMISSION ACTION

12. Approve the various Advisory Board Appointments

ORDINANCE FIRST READING

13. ORDINANCE 2222-2011 (First Reading) Providing for regulations regarding the application and use of soil fertilizers by certain applicators

Sam Amerson, Public Works Director gave a brief presentation noting that this ordinance follows FDEP model ordinance and is more of an educational process.

Mayor Krauskopf stated this item was seen once before, and then DEP wanted to tweek it a bit. He asked what the net effective changes since the Commission saw it before.

Sam Amerson stated they were minimal, and there were some changes to the application rates, and where the homeowners would have to calculate each time they purchased fertilizer. He stated the State is now regulating that so as soon as they hit the shelves they are meeting the State requirements with the same content of phosphorus.

Mayor Krauskopf asked if the City had any comments from the Chamber of Commerce.

Sam Amerson stated he would research that and get back with him before second reading.

Mayor Krauskopf also asked if the St. Lucie River Initiative had any comments pertaining to this Ordinance.

Sam Amerson stated he would.

City Attorney Nicoletti praised Bill Griffith, City employee, who worked very hard and very well on this Ordinance.

Public Comment

Todd Josko, a representative of TruGreen came forward in support of the proposed Ordinance. He requested the City look at amending the following:

Section 20 165 paragraph B, Florida Administrative Code citation section 5E-1.003 subsection 2 subsection D. He stated this Ordinance references a .5 pounds of soluble nitrogen, that number should be .7 pounds. It is incorrectly cited in the Florida Administrative Code.

Sec 2170 paragraph B, under penalties for violations of the Ordinance, having followed many of these Ordinances across the State, there is always some type of civil fraction penalties associated with non compliance, this may be the first one I have seen where there is actually a criminal penalty for non compliance for commercial applicators. I would hate to put jail time over some of the employees heads that are looking to do the right thing.

Mayor Krauskopf noted that Sewall's Point and Martin County are all looking to adopt this Ordinance as well.

City Attorney Nicoletti stated he changed the language between readings that this will be a willful violation only, and I may actually strengthen that side of it, because that is the intent. If it's a careless mistake that is different than someone that actually goes out and sets about to willfully violate this in a commercial setting.

Mr. Josko stated that sounds like reasonable language.

Sam Amerson, Public Works Director stated this document is available on the City's web site, Public Works Department Stormwater Division, and also we have produced a brochure that is available on the web site.

Fred Burkey, the University of Florida Extension Agent, applauded the City on this ordinance and noted that Milton Leggett, Sam Amerson and the University of Florida put on a program that allowed Parks, and Public Works employees to earn their certification already.

Molly Jennings, a representative of Scotts Miracle Grow came forward in support of the proposed Ordinance. They believed this to be a strong ordinance and a great educational tool for residents. She echoed Mr. Josko's comments on the two issues that need to be addressed in the Ordinance.

City Manager Hudson noted that he first became involved in cleaning up the river activities in 1998. He stated this is something that the City has been working at for many years and has finally come together on a State and local level.

Commissioner McDonald said we need to make sure that the training program is made available to the smaller companies in town.

Sam Amerson, Public Works Director stated he could do mail outs through the Occupational License program.

Mr. Burkey said that this is the GIBMP Certification and is a state mandated program. This is available through his office and on the web at:
<https://gibmp.ifas.ufl.edu/login/login-frame.faces>

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF ORDINANCE
2222-2011 ON FIRST READING WITH AMENDMENTS AND REVIEW BY CITY
ATTORNEY
SECOND: COMMISSIONER CLARKE
ROLL CALL
MAYOR KRAUSKOPF YES COMMISSIONER MORTELL YES
VICE MAYOR CHRISTIE YES COMMISSIONER CLARKE YES
COMMISSIONER MCDONALD YES

ORDINANCE SECOND READING

DISCUSSION & DELIBERATION

ADJOURNMENT 7:01P.M.

ATTEST:

Cheryl White, CMC, City Clerk

Jeffrey A. Krauskopf, Mayor

**Minutes to be approved at the Regular Commission
Meeting This 28th Day February 2011.**