

**REGULAR MEETING OF THE STUART CITY COMMISSION
TO BE HELD MARCH 23, 2009
AT 5:30 P.M. IN THE CITY COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994**

Roll call was answered by:

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

Also present were:

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

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

PRESENTATIONS

1. PROCLAMATION; Proclaiming the month of April 2009 as Water Conservation Month.

Gardenia Long of South Florida Water Management and Mary Kindle of the City of Stuart came forward and graciously accepted the proclamation and thanked the Commission. Ms. Long thanked Mary Kindle for her efforts in promoting Water Conservation to the citizens. Mary Kindle introduced Samantha (Sammi) the Sailfish, who is Sammy the Sailfish sister to promote Water Conservation Month.

**1a. PROCLAMATION; Proclaiming April 24, 2009 as Arbor Day accepted
By Joan Wilcox, President of the Garden Club of Stuart.**

Joan Wilcox, President of the Garden Club came forward and graciously accepted the proclamation and thanked the Commission. She invited the Commission to the Flower Show Garden Expo and educational seminars at the Martin County Fairgrounds March 28, 29, 2009.

2. Employee of the Month

Dennis Mrozek

Dennis Mrozek came forward and graciously accepted his award and thanked the Commission.

3. Employee Service Recognition

**Bruce Onizchak, Police Department, 25 Years
Edward Morley, Police Department, 10 Years**

David Duran, Police Department, 5 Years

Ed Morley came forward and graciously accepted his award. He graciously accepted Bruce Onizchak and David Duran's awards on their behalf.

4. 2009 Community Services Award of Gratitude to Scott & Carrie Proctor

Albie Scoggins, Recreation Director presented the Community Service Award to Scott & Carrie Proctor.

Scott Proctor came forward and graciously accepted the award and thanked the City for their support.

Mayor Christie thanked the Proctor's for their support through their baseball efforts. He stated it brings happiness to the kids and parents of the neighborhood that was in dire need of energizing.

5. Presentation of FY 2008 CAFR

Ron Conrad of Cherry, Bekaert & Holland came forward and presented the City Commission the 2008 Comprehensive Annual Financial Report. He stated there were no significant deficiencies no material weaknesses.

MOTION: VICE MAYOR MORTELL: MOVED APPROVAL TO ACCEPT THE 2008 CAFR FROM CHERRY, BEKAERT & HOLLAND.

SECOND: COMMISSIONER KRAUSKOPF

ROLL CALL;

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

COMMENTS BY CITY COMMISSIONERS

Commissioner Hutchinson addressed media coverage of the recent fire rescue consolidation with Martin County. She felt the City's side is not getting proper coverage and feels it is one sided.

Vice Mayor Mortell said he was "inflamed" when he read Commissioner Haye's comments, and was surprised there was no mention of an existing interlocal agreement.

Commissioner Krauskopf he understands the frustration of the reporter and he feels it is an educational process for the reporter. I am not sure it is up to the City to educate the news but should be Terens job. He also noted that the County's Haz Mat (hazardous material) Crew is stationed at Britt Road, and it is probably expensive, and they are looking for revenue. Rather than continuing to air this in the media, he preferred to focus on "in house" issues and to devote our time and energy on that.

Commissioner Hutchinson was concerned that the public is not aware that the City covers areas of the County to the same extent that Martin County covers in the City.

Mayor Christie would like to focus on the City's objectives and do what has to be done to cover service to the City.

COMMENTS BY CITY MANAGER AND REVIEW OF TENTATIVE AGENDA

City Manager Hudson thanked City Attorney Nicoletti for his hard work toward the acquisition of the Dockside property, he stated it is a tremendous milestone in the City of Stuart. In addressing the April 9 workshop that is listed as "Mid Year Budget Review", Hudson said it will also include CIP/CIE kickoff, budget discussion and direction re FY10) and FY11, and may include a strategic plan update as requested by Commissioner Krauskopf. He emphasized the focus will be on the future.

Mr. Hudson alerted the Commission that "The Keys of Stuart" would be coming back to the Commission on April 13th. The two Martin County issues (regarding access allowed via Holt Road and the realignment of the driveway on Willoughby to match up with the school driveway) have been resolved.

In reviewing the Tentative Agenda, Hudson noted a supplemental memo for Item 8 clarifying conditions and said the Item has been pulled for discussion at the request of the applicant's attorney Terry McCarthy.

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

APPROVAL OF AGENDA

**MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL OF THE AGENDA
SECOND: VICE MAYOR MORTELL
MOTION APPROVED UNANIMOUSLY**

CONSENT CALENDAR

- 6. RESOLUTION 23-09 Authorization to execute a Memorandum of Understanding regarding bulk reclaimed water services by and among the City of Stuart, Martin County and South Martin Regional Utility and direct staff to work with Martin County and South Martin Regional Utility to develop the terms and conditions of a 20-year Interlocal Agreement for bulk reclaimed water and authorizing the staff to submit a loan application in the amount of \$4.2 million dollars to the Florida Department of Environmental Protection, State Revolving Fund Program and if successful, authorize the Mayor and City Clerk to execute the loan documents, subsequent to review and approval by the City Attorney**
- 7. RESOLUTION 24-09 Authorization for a budget amendment #5 to the 2008-2009 annual Law Enforcement trust Fund disbursement fund; authorizing the appropriation and expenditure of funds to pay attorney fees and costs associated with forfeiture proceedings**
- 8. RESOLUTION 25-09 Authorization to approve a second Minor Amendment to the Commercial Planned Unit Development (CPUD) on the property located at 1180 SE Monterey Road extension; amending the uses allowed within Ord. 2078-06 providing for conditions (Quasi Judicial)**

- 9. **RESOLUTION 27-09 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 replace the boat ramp and provide for dredging of the seven City boat slips in Shepard Park**
- 10. **RESOLUTION 28-09 Authorization to execute a Transportation Services Agreement between the School Board of St. Lucie County and the City of Stuart dated June 1, 2009 through May 31, 2012 for the use of school board buses by the City Recreation Department to provide transportation in conjunction with field trips from time to time**
- 11. **RESOLUTION 29-09 Authorization for the Public Works Department to participate in the Keep Martin Beautiful Adopt-A-Street litter removal program; authorizing the Public Works Director to execute the standard form agreement from time to time**

**MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL OF THE CONSENT CALENDAR ITEMS 5,6,7,9,10 AND PULL ITEM 8 FOR SEPARATE DISCUSSION
SECOND: VICE MAYOR MORTELL**

Commissioner Krauskopf thanked Dave Peters and Public Works for their hard work and efforts toward the Interlocal Agreement for bulk reclaimed water.

ROLL CALL;

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

END OF CONSENT CALENDAR

***Item 8 was heard here**

- 8. **RESOLUTION 25-09 Authorization to approve a second Minor Amendment to the Commercial Planned Unit Development (CPUD) on the property located at 1180 SE Monterey Road extension; amending the uses allowed within Ord. 2078-06 providing for conditions (Quasi Judicial)**

Doug James Development Director gave a brief overview regarding the proposed minor amendment to the CPUD, the applicant has requested to be able to hold garage sale activity on weekends only. He also stated the activity could not exceed 3800 square feet based upon the parking and requirements of the code concerning parking for this type of activity.

Attorney Terry McCarthy representing the applicant came forward and stated the applicant was in agreement with staff's recommendation however the only concern they have is that this use is temporary and as soon as the building in the front is built then the activity will cease. He suggested that when construction begins on the front building that all construction activity be prohibited during the times this area is used for garage sales. He asked that he be able to address any concerns of the adjacent neighbors.

Paul Hammer, 2139 SE Edler Drive came forward and expressed concern over the proposed use and felt it would bring more traffic.

Roger Young, 2143 SE Edler Drive came forward and also expressed concern over the noise pollution and activity that has occurred in the past on this property. He said he has complained to the City numerous times, and also expressed concern regarding the flooding issue.

Tom Simm, 421 Elder Drive came forward and expressed concern over the amount of traffic on the existing two lane road. He suggested traffic control for the garage sale. He also expressed concern over the cleanup after the activity.

William Dennis 2152 Edler Drive came forward and expressed concern over the amount of traffic this type of activity would bring.

Vice Mayor Mortell asked the public speakers if this activity has already taken place?

Attorney Nicoletti stated that the Mayor has closed the public hearing and the hearing would need to be reopened to address the public speaker's.

He suggested a show of hands regarding Vice Mayor Mortell's question.

**MOTION: COMMISSIONER HUTCHINSON: MOVED APPROVAL TO REOPEN THE PUBLIC HEARING
SECOND: COMMISSIONER KRAUSKOPF
MOTION APPROVED UNANIMOUSLY**

Commissioner Hutchinson asked the City Attorney to clarify to the residents why they are here today.

Attorney Nicoletti explained this item is here tonight because in at least two occasions Mr. DeSantis has conducted ad hoc Garage Sales from that location. When the City was aware of this type of activity Mr. DeSantis was told to stop until it could be formally considered because that was not one of the uses permitted to him in the PUD that was granted to the use.

William Dennis came forward and stated he was not aware that this type of activity has already occurred and was here tonight addressing the letter he received regarding the proposed amendment.

Attorney Terry McCarthy came forward and stated Mr. DeSantis wants to be a good neighbor and can meet with the neighbors to address their concerns.

Commissioner Krauskopf stated he felt that was a good idea.

Attorney Terry McCarthy stated he would be happy to address their concerns and come back to the Commission rather quickly.

MOTION: COMMISSIONER HUTCHINSON MOVED APPROVAL TO CONTINUE RESOLUTION 25-09 TO APRIL 13, 2009.

Commissioner Krauskopf asked that the flooding issue be looked at as well as our own internal issue on the dumpsters at Regency.

Commissioner Hutchinson agreed with Commissioner Krauskopf and that the concern of the neighborhood is top priority for this item tonight.

**SECOND: COMMISSIONER KRAUSKOPF
MOTION APPROVED UNANIMOUSLY**

Tom Simm came forward and asked when the minor amendment is made, with this be on a permit basis or is this to allow Garage Sales every Saturday and Sunday?

The Commission explained this would not need a permit to occur if the minor amendment is approved.

ORDINANCE FIRST READING

ORDINANCE SECOND READING

- 1. ORDINANCE 2179-09 (Second Reading) amending chapters 4 and 12 of the Stuart Land Development Code to implement Public School Concurrency Management; repealing all ordinances in conflict herewith; providing an effective date and directions to the City Clerk**

MOTION: COMMISSIONER HUTCHINSON: MOVED APPROVAL OF ORDINANCE 2179-09 ON SECOND READING

SECOND: VICE MAYOR MORTELL

ROLL CALL;

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

ADJOURNMENT

Cheryl White, CMC, City Clerk

James A. Christie, Mayor

Minutes approved at the Regular Commission
Meeting this 13th Day April 2009