

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON MARCH 10, 2008
AT 5:30 P.M. IN THE CITY COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994**

Roll call was answered by:

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

Also present were:

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

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

PRESENTATIONS

**A. PROCLAMATION: PROCLAIMING THE MONTH OF MARCH 2008 AS
AMERICAN RED CROSS MONTH; Mary Sawyer, Representative**

Ed Goulding, Volunteer from the Martin County Red Cross came forward and graciously accepted the award. He thanked the City for allowing them to hang their banners in the downtown. He also presented the National 2007 report to the Commission. He announced the Martin County Red Cross has been rated one of the highest chapters nationwide.

**B. PRESENTATION BY D'Anna Stracuzzi and Tina Parriott, Girl Scouts Troop 72
Gold Award Projects**

D'Anna Stracuzzi came forward and announced her upcoming Victorian Ball planned for Saturday April 12th 2008 and invited everyone to attend. Her goal is to achieve her Girl Scout Gold Award.

Tina Parriott also came forward and announced her Victorian Tea and Fashion show planned for Saturday April 12th from 2-4 pm and also invited everyone to attend. Her goal is to achieve her Girl Scout Gold Award.

COMMENTS BY CITY COMMISSIONERS

Commissioner Mortell thanked the Public Works Department for their hard work because of the recent rains there were no flooding issues.

Commissioner Waxler announced that Martin County has postponed their discussion on the airport settlement agreement until April 1, 2008.

Mayor Krauskopf asked if there were any homes flooded in Stuart due to the recent rains.

City Manager Dan Hudson stated he was not aware of any.

Commissioner Waxler stated she knew of some duplexes on Sailfish Lane.

Mr. Hudson stated he would look into that.

COMMENTS BY CITY MANAGER AND REVIEW OF TENTATIVE AGENDA

City Manager Hudson requested the City Commission schedule a Special Meeting for March 18, 2008 at 9:00 am. To hold a formal impasses hearing between the IUOE and the City regarding personnel issues.

The Commission agreed to the date and time.

Mr. Hudson also announced a distribution of policy changes regarding more stringent standards for environmental protection and will be presented to the Commission in about a month.

STAFF REPORT ON COMMENTS FROM PREVIOUS COMMISSION MEETING

- | | |
|--------------------------------|-------------------------|
| • Vilabella Compliance | Magistrate Order 8/9/07 |
| • Fiscal Policy on Investments | Pending |
| • Road Closure of Lake Street | Letter to School Board |

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

Robert Hall came forward and asked if the Road Closure of Lake Street listed under the staff report on comments from previous Commission Meetings was still ongoing.

Mr. Hudson explained that this item will be carried because it is still an item of interest.

Mr. Hall also expressed concern over the early closing of the East 10th Street Recreation Center. He explained that the kids need somewhere to go at night.

APPROVAL OF AGENDA

MOTION: COMMISSIONER MORTELL; MOVED APPROVAL OF THE TENTATIVE AGENDA

SECOND: COMMISSIONER WAXLER
MOTION APPROVED UNANIMOUSLY

CONSENT CALENDAR

1. Request to approve the Minutes from the Regular Commission Meeting of February 11, 2008

2. **Request to continue a public hearing to the date of March 24, 2008 to consider a Major Amendment to the Residential Planned Unit Development to establish the Allegro at Willoughby Assisted Living Facility, Northwest corner of SE Indian Street and SE Aster Lane**
3. **Accept Annual Audit for the Housing Authority of the City of Stuart for Fiscal Year ending 03/3/2007**
4. **RESOLUTION 23-08 Authorization to negotiate a contract with the highest ranked Investment Advisor responding to RFP #2008-68, Investment Advisory Services, PFM Asset Management, LLC, Orlando, Florida and simultaneously authorize the execution of a contract upon review and approval of the City Attorney**
5. **RESOLUTION 24-08 Authorizing a budget amendment to the 2007-2008 Annual Tree Replacement Fund Operating Budget and General Fund Operating Budget of the City of Stuart to appropriate an expenditure of \$2,300.80 to fund operating expenses for replacing trees that were damaged in prior years hurricanes**

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF THE CONSENT AGENDA

SECOND: VICE MAYOR CHRISTIE

ROLL CALL

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

END OF CONSENT CALENDAR

ORDINANCES FIRST READING

6. **ORDINANCE 2154-08 (First Reading) Amending the Code of Ordinances at Chapter 2, Administration by amending various provisions of Article V, Code Compliance to implement comprehensive amendments and additional regulations regarding implementation of State Law. Definitions, Magistrate appointments and powers, duties of the City Attorney, fines and costs, liens and lien rights, summary and other procedures, formal procedures, appeals and contempt proceedings; providing for repeal of conflicting ordinances.**

MOTION: COMMISSIONER WAXLER: MOVED APPROVAL OF ORDINANCE 2154-08 ON FIRST READING

SECOND: COMMISSIONER MORTELL

ROLL CALL

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

7. **ORDINANCE 2155-08 (First Reading) Relating to Residential Docks and Seawalls, amending Chapter 18 Buildings and Building regulations of the City of Stuart Code of Ordinances by amending Article VIII, Seawalls, Bulkheads and**

Marine Construction to provide for recognition of riparian rights, the prior requirement of State Permits

MOTION: COMMISSIONER WAXLER: MOVED APPROVAL OF ORDINANCE 2155-08 ON FIRST READING

SECOND: VICE MAYOR CHRISTIE

ROLL CALL

MAYOR KRAUSKOPF	YES	COMMISSIONER HUTCHINSON	YES
VICE MAYOR CHRISTIE	YES	COMMISSIONER WAXLER	YES
COMMISSIONER MORTELL	NO		

DISCUSSION & DELIBERATION

8. Proposed Amendment to the City Code of Ordinances, Article XI, Building Maintenance Code, Section 18-301 through 18-312

Dan Bogan, Assistant Development Director gave a power point presentation to the City Commission & Public regarding the proposed amendments to the code regarding property maintenance and code compliance. This would allow the code enforcement and the building department to better enact building regulations and require corrective actions. .

Mortell concerned about the language on the first page under transfer of ownership, he requested removal of the word encumbered.

Attorney Nicoletti stated he would look at the provision for encumbrances.

Commissioner Mortell did not want this to interfere with an owner who needed to obtain a loan for funds to repair their property to come into compliance.

Waxler wanted to be assured the City is not creating unintended consequences. .

Krauskopf requested that all liens be recorded in a timely manner.

9. Consider a request by the owner of Penn Plaza PUD for a Minor Amendment to the Commercial Planned Unit Development, for additional vehicle storage, in lieu of landscape, and an alternate plan for proposed landscape, 1180 SE Monterey Road Extension.

City Manager Hudson announced the requested CPUD amendment. He explained in this case the City is the owner of the property as well as the law maker and decision maker regarding the amendment.

Kev Freeman gave a brief presentation to the City Commission regarding the proposal made by the applicant Mr. De Santis. He stated the applicant wishes to request an extension of the limits of the site in a Southerly direction. He stated the request is also to revisit the Development Conditions which were not set out to phase this project. He understands that Mr. DeSantis is facing issues regarding the building in the front of the project facing Monterey, therefore the applicant request a phasing option to be installed as one of the conditions.

Attorney Terry McCarthy asked the city to allow phasing of CO and approve CO for the rear building and allow an extension to complete the building in the front. He explained the applicant agrees to finish the landscaping as well as seed the proposed future parking lot.

He further requested allowing for the applicant to allow for property identified as preserve area for native plant in the rear to allow the tenant to lease that space for outside storage of vehicle parking of large vehicles.

Mayor Krauskopf asked if turf block had been installed where he proposes to place the large vehicles. He asked the applicant to point out on the site plan where the rear fence line is located.

Mr. DeSantis stated the cyclone fence is to the rear of the property and on the border of the property leased by the City. He indicated the area in front of the fence line was identified as a nature preserve. He indicated that this is the area he is requesting to utilize as outside storage of vehicles.

Mayor Krauskopf indicated that the vegetation area behind the cyclone fence is already so thick that if the applicant is willing to use the equivalent dollar amount somewhere else that seems like a smarter move rather than....

Mr. DeSantis stated he would rather spend the money somewhere else rather than buried back there. He suggested beautifying City property or whatever the amount is that this would cost me, I can either have my contractor install it wherever you want or, rather than have it back there.

Mayor Krauskopf asked Mr. De Santis has prepared the parking lots for their completion. .

Commissioner Hutchinson : As we know I did not vote for this project the first time it came through, I was the dissenting vote on this. Kevin, is what he wants to do in paying into a fund equivalent to offsite mitigation?

Kev Freeman stated that would be presented to the Commission with an signed and sealed landscape architects and engineers cost estimate for approval. He explained that to some extent this has been done in the past and has been accepted in PUD agreements and so forth.

Commissioner Hutchinson mentioned that when the project was first approved it was stated that the front building would hide the rear building.

Mr. Desantis explained that because of the Commission Comments when approving the building he was able to install a pitched roof in the rear building and also added a porch. This is a much nicer looking building and as a result the outside units have more space due to the additional roof. He felt the building looks much nicer.

Commissioner Hutchinson stated they may look much nicer but felt they still needed to be hidden. She is not in favor of the changes for this project.

Commissioner Waxler asked the applicant what was the extension he would be asking for?

Mr. DeSantis stated he was looking for a two year extension for completion on the front building.

Mayor Krauskopf asked about looking at a much heartier element up front instead of the fencing.

Mr. DeSantis stated he could certainly do that in lieu of a fence. He also asked the City to be sensitive to the Market conditions.

Mayor Krauskopf said all "horizontal construction is complete" and asked if the net footprint nearly be treated as a building permit, since you have completed 99.9% and you already have your footprint laid out. He asked if there was really a phase two?

Attorney Nicoletti stated there was a phase two due to the time of construction.

Commissioner Christie revisited the discussion the City Commission agreed to regarding construction timelines. He stated he understood the Commission agreement to all timeline extensions. He recalled his comments regarding timeline extensions and how it affects those during hard times. he would rather have value in a park or downtown somewhere. Mortell said this is not a zoning future and DeSantis does not get to sell this project. We are still getting the deal we had. Krauskopf said all "horizontal construction is complete" and he would rather have value in a park or downtown somewhere. He had no problem supporting this. DeSantis said RV parking is included in the PUD.

Krauskopf addressed the buffer which he called "substantial" and suggested keep that rather than the fence. Waxler said she could "distinguish this as a contractual relationship" but off-site mitigation has to be treated the same as anyone else. DeSantis would rather use the money where the City needs landscaping. Waxler did not want to jeopardize what the City might want to do "back there" and she felt a 2- year extension was too long. DeSantis said he hired an engineer on March 6, 2006 and is moving as fast as he can. Christie asked Nicoletti if we would be setting a precedent. Nicoletti said each application has to be reviewed on its own merit. Waxler felt 12-months would be sufficient. DeSantis asked how we proceed from here. Staff said a minor amendment would be brought back to the Board on March 24th and then we will work on the wider issues.

Christie: mentioned the discussion the City Commission had relating to timeline extensions and he understood that when an applicant was having hard times that basically we made a policy to not approve them. He said he would need to hear more out of what the City is going to get out of this after it is completed.

Mr. DeSantis explained that he would begin construction on the project if he had three or four tenants. He stated that good conservative development tell you you shouldn't build spec, even if the bank give you money. I have put \$300 and some thousand dollars in advance rent payments. I have met all the criteria or pretty close for the CO on the rear building.

Commissioner Hutchinson requested the Commission look at this project without the City as the applicant, and treat this applicant the same as we would anyone else coming forward asking for a timetable extension. I believe if this project came forward the first time with offsite mitigation it probably would not have passed.

Commissioner Mortell agreed that the City should not be the one to regulate zoning futures. "I distinguish this as not a zoning future because Bob DeSantis doesn't get to sell this, he has leased it to us and paid us rent, the zoning future is frozen. When he bid this and we approved this, it was based on x number of square feet of storage space and him being able to rent out the front office building. Him not building the office building actually makes his rental deal with us not a good of a deal for him because we are still getting the deal with him that included the building." He stated he would consider this is the City knew what value would be placed on the landscaping the applicant would be provided, and located somewhere else.

Mayor Krauskopf noted that all the infrastructure was in place except the vertical construction. He stated that he would rather have the landscaping in the downtown or in a park somewhere then behind this project. He stated he had no problem supporting the project.

Commissioner Hutchinson asked if RV parking is permitted.

Mr. DeSantis stated he believes RV parking is permitted on site.

Mayor Krauskopf: I just want to say one thing. The commitment that we made before we even began this process was that the buffer between this project and the neighbors was to be substantial, opaque.

Mr. DeSantis explained his neighbors were very happy with the project.

Mayor Krauskopf asked the applicant to not put the money into a fence but add additional landscaping to the front area to dress it up.

Mr. Desantis explained that it was already in.

Commissioner Waxler stated that financial hardship should not be an excuse for a timetable extension, "but this is a contractual relationship that we have with you and what I would like to see is the offsite mitigation should be treated like anyone else who comes in and apply for it. I would like to see the numbers and also assurances Kevin, that the buffer in the rear is substantial for the screen standpoint. With regards to the RV you should have come to us to begin with because it is going to be a source of revenue for you." She asked for more information on the rear property for proposed parking.

Mr. DeSantis stated he could take the same area he was going to landscape and have it half as much and take the other half of the additional money that I would spend to do that and put it wherever you want it.

Mayor Krauskopf asked the Commission to go to the site and see for themselves what is back there. I think you would rather have this downtown or in a park somewhere else.

Commissioner Waxler explained that what Mayor Krauskopf is suggestion is what she agrees to. With regards to phase one is that it looks nice and it complimentary. I do not know about two years, eighteen months maybe for a timetable extension.

Vice Mayor Christie asked if we allow this timetable extension would we be setting up a president for anyone to come before us and ask for this.

Attorney Nicoletti stated that each application has to be reviewed on its own merits. It is not presidential on that standpoint.

Commissioner Mortell and Commissioner Mortell requested the applicant come back with their application as well as the mitigation information. Commissioner Waxler also stated that she felt two years was too long and she recommended one year.

Commissioner Mortell stated he did not want to have a D& D on these types of matters in the future.

Mr. DeSantis asked how do we proceed from here?

Kev Freeman explained that to approve the CO at this time the project would need to be phased into two and is currently one which would be a minor amendment proposed for March 24, 2008 to amend the conditions. This process would be in two steps, one would be to amend the restriction for the CO issuance and then work on the wider issues on mitigations and plantings elsewhere in the City.

ADJOURNMENT

ATTEST:

Cheryl White, CMC, City Clerk

Jeffrey Krauskopf, Mayor

**Minutes approved at the Regular Commission
Meeting This 11th Day February 2008**