

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON AUGUST 10, 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

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

COMMENTS BY CITY COMMISSIONERS

Commissioner Mortell stated he had received feedback from some of the Martin County Commissioners regarding a recent letter the City wrote following the approval of the City's tax rate hearing. He personally regrets having sent it. "I feel like they had allot more to do with their budget then I did, and I don't think there was a single County Commissioner going into this budget process, and said you know, I want to raise taxes. In fact, I think that all of them are pretty concise that it is frowned upon, and that nobody wants to see a tax increase. I know that a few years ago we were faced with a dilemma, and I moved for a millage increase on the tax rate. If any of those County Commissioners had sent a letter to me, I would have found it problematic, from a standpoint that in fact, they have not taken the time to go over it and did not offer a solution. I think we are doing a pretty good job, and I think we mind our own business very well."

He said he would like to see the City work with the County in the future for joint ventures. "My plan is to write a letter to them individually and say your budget is your issue and you can rest assured, I will not comment on it unless I come to the meetings as an individual citizen. I think they took it as a personal attack, I did not intend it to be that."

Mayor Christie stated it was a feeling expressed by this board during tough times.

Commissioner Krauskopf; Regarding Vice Mayor Mortell's comments; He felt it is the City's responsibility to speak up for the residents of the City of Stuart because they are paying County freight under our millage. He added that if the City has the opportunity to look out for the citizens of the City of Stuart it is incumbent upon us to do that. He said if they took it that way, I am sorry, but what else are we suppose to do.

Commissioner Krauskopf asked Sam Amerson when would the landfill monitoring be completed.

Sam Amerson and Dave Peters said DEP is not going to let it go any time soon.

Commissioner Hutchinson asked the City Manager about the Crary House issue. She also stated she met with Robert Ranieri of Firefly, for the Martin County project to put Oysters off the Riverwalk here. She asked Sam Amerson to stay in touch with them. She also asked Dan Hudson to place signs along the Riverwalk so the residents know what is going on.

Commissioner Waxler said she had a couple of residents in the St Josephs neighborhood regarding parking in the yards. Code Enforcement has been policing the area and advising those people they cannot park in their yards. She stated the problem is that these residents have been doing this for years, and to all of a sudden tell them they cannot do this is causing problems with the residents.

Commissioner Hutchinson said the purpose of the Ordinance is to elevate the parking of 4-5 cars in the yard.

Mayor Christie announces he would not be here for the meeting of August 24, 2009. Commissioner Hutchinson also stated she would be absent on August 24, 2009 Commission Meeting, as well.

Commissioner Hutchinson thanked Chief Morley for National Night Out, and said it was a great success.

COMMENTS BY CITY MANAGER

City Manager Hudson stated the 311 Cardinal Way, Evans Crary Home stated the cost to move the house from its existing location is about \$125,000.00. In order to relocate the house it would need to be cut down the middle and transported in two units. He also stated the current owner is looking for compensation of \$150,000.00. He felt it would be very difficult to have the City intervene in this situation. Because of the news article there was an offer from a private individual to relocate the home onto a privately owned lot elsewhere in the City.

Commissioner Hutchinson said if the City is serious about Historic Preservation then this is one of those homes we should try to save.

City Manager Hudson said he understood the structure would be relocated to Riverside Drive and would monitor the process. He said there is nothing the City can do about a permit other than acquiring the home to assure demolition.

Vice Mayor Mortell said he was not interested in spending \$300,000, and a bidding war to purchase the property.

Commissioner Hutchinson asked if a variance was granted the home could stay onsite.

City Manager Hudson said yes, that is the Commission's decision.

Vice Mayor Mortell stated the owner would have to apply for a variance.

Commissioner Hutchinson said there is some history with the neighbors who are opposed to that. If this house gets torn down, in my opinion this City should never say anything about the City being in favor of historical preservation.

Commissioner Waxler said she disagrees.

Commissioner Krauskopf stated the City has been preserving the property behind the feed store to receive structures.

Commissioner Hutchinson said the cost to move the Cray house is \$125,000.00, and we are not willing to pay that.

Commissioner Waxler said it is not just moving it, because when you move it you have to upgrade it. She said the problem is funding and maintaining it. We can't afford to rent it for a dollar. We should look for structures from people who are willing to donate it and donate moving it. We should take each circumstance.

Vice Mayor Mortell went on the record to say it is too much money to move the money behind the Stuart Feed Store and have it as a museum. Other alternatives may be private individuals putting it on Riverside Drive, and I see this as historical preservation.

Murrah Dekle stated she understood the property owner does not want to destroy the building, but needs additional square footage for the lot width.

City Manager Hudson stated the City will continue to monitor the situation and if she is receptive to pursue the variance with the Commission consent or without objection waive the fees in that situation.

He stated the planning of the 2010 Census has begun. He also requested item #4 be withdrawn. Item #5 is a new procedure by the code enforcement program allowing the City Manager to make the determination and ultimately if there is an appeal it would be heard by the City Commission.

Item 11A has been added to the agenda for approval.

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

Helen McBride came forward and expressed concern over a resident at 808 SE Ocean Avenue who expressed concern over the house being vacant as well as a swimming pool that is not being maintained. She feels the pool is dangerous and unhealthy. She asked for the City to look at the pools in the City that are not being maintained.

Armond Pasquale came forward and expressed concern over the mail he received from the CRA department.

APPROVAL OF AGENDA

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF THE AGENDA AS AMENDED WITHDRAW ITEM 4 AND ADDING ITEM 11A.

SECOND: VICE MAYOR MORTELL

MOTION APPROVED UNANIMOUSLY

CONSENT CALENDAR

1. **Request to approve the minutes of the regular Commission Meeting of July 13, 2009, Special Budget Workshop of July 13, 2009 and the Special Workshop of the Commission/LPA of July 20, 2009**
2. **RESOLUTION 70-09 Authorization to approve a site plat titled "Market Place Square"**
3. **RESOLUTION 72-09 Authorization to execute an annexation agreement between the City of Stuart and Florida Power & Light Company to annex property located at 1401 SE Monterey Road within unincorporated Martin County and is reasonably compact and contiguous to the City's municipal boundaries**

***Item #4 was withdrawn.**

4. **RESOLUTION 81-09 Authorizing a budget amendment to the 2008-2009 annual Community Redevelopment Agency fund operating budget for the appropriation and expenditure of funds for Real Estate Consulting Services in the amount of \$50,000**
5. **RESOLUTION 82-09 Authorizing a budget amendment to the 2008-2009 annual General Fund Operating Budget the transfer of funds from general fund, fund balance to Code Enforcement Division operating expenditures in the amount of \$100,000; authorizing appropriation and expenditure of funds for creation and funding of a new account to be used for Code Enforcement land cleaning costs in the amount of \$100,000**
6. **RESOLUTION 83-09 Authorizing a budget amendment to the 2008-2009 annual general fund operating budget; authorizing the transfer of \$13,100 from general fund, fund balance to general fund, Police capital to fund the purchase of a replacement vehicle; authorizing the appropriation and expenditure of funds**
7. **RESOLUTION 84-09 Authorization to amend the "City of Stuart Personnel Policies, October 1, 1996" manual regarding section 35.1, "Voluntary Separation" to amend the section as follows "in addition to payment for paid time off (PTO) and other benefits, any accrued sick leave remaining when an employee terminates employment with the City "in good standing" or enters into the FRS Drop Program shall be paid out to the employee at 50% of the accrued amount; additionally, any employee at the time they enter the FRS Drop Program may elect to be paid out up to 500 hours of accrued PTO**
8. **RESOLUTION 85-09 Supporting actions by the Florida Department of Environmental Protection and the Environmental Regulation Commission to consider reasonable science-based amendments to the**

designated uses and classification system of the surface water bodies while protecting the quality of Florida's waters

- 9. RESOLUTION 86-09 Authorization to execute an interlocal agreement between the City of Stuart and Martin County to provide for traffic control sign installation and maintenance on SW Palm City Road**
- 10. RESOLUTION 87-09 Authorizing a budget amendment to the 2008-2009 annual property management fund operating budget; authorizing appropriation and expenditure of funds for payment of surveying services associated with the ongoing Mrs. Peters, Transit Depot and Amtrak projects in the amount of \$7,589.00**
- 11. RESOLUTION 88-09 Authorization to execute a settlement agreement between the City of Stuart and Continental Florida Materials, Inc. and an amended consent agreement with the South Florida Water Management District to settle the lawsuit brought by Continental Florida Materials, Inc. for alleged contamination of its building site**
- 11A. RESOLUTION 89-09 Calling the General Municipal Election for November 3, 2009 and a Run-Off Election, if necessary, for January 12, 2010; Establishing a qualifying period for Candidates; providing for early voting beginning on October 26, 2009 at the Supervisor of Elections Office, 135 SE Martin Luther King Blvd., Stuart, Fl. ; and providing for voting at regular precincts on Election Day.**

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF THE CONSENT AGENDA AS AMENDED.

SECOND: COMMISSIONER WAXLER

ROLL CALL

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

END OF CONSENT CALENDAR

COMMISSION ACTION

ORDINANCE FIRST READING

ORDINANCE SECOND READING

12. ORDINANCE 2187-09 (Second Reading) Approving a Major Amendment to the Commercial Planned Unit Development (CPUD) located on the Southeast side of SE Federal Highway (US 1) and SE Market Place; providing for approval of a change in the boundary of the Commercial Planned Unit Development (CPUD) district and a revision to the originally approved final site plan and development conditions allowing for an increase in signage to amend the established "Shoppes at Market Place" Commercial Planned Unit Development consisting of retail and restaurant uses (Quasi-Judicial)

MOTION: COMMISSIONER HUTCHINSON; MOVED APPROVAL OF ORDINANCE 2187-09 ON SECOND READING.

SECOND: VICE MAYOR MORTELL

ROLL CALL

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

13. ORDINANCE 2185-09 (Second Reading) Annexing a parcel of land consisting of 3.34 acres owned by Florida Power & Light Company located at 1401 SE Monterey Road

MOTION: COMMISSIONER HUTCHINSON; MOVED APPROVAL OF ORDINANCE 2185-09 ON SECOND READING.

SECOND: COMMISSIONER KRAUSKOPF

ROLL CALL

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

14. ORDINANCE 2186-09 (Second Reading) Amending the Comprehensive Land Use Plan of the City thereby assigning an "Industrial" land use designation to a parcel of land consisting of 3.34 acres owned by Florida Power & Light Company located at 1401 SE Monterey Road, said lands to be concurrently designated as B-4 on the City of Stuart zoning map (Quasi-Judicial)

MOTION: COMMISSIONER WAXLER; MOVED APPROVAL OF ORDINANCE 2186-09 ON SECOND READING.

SECOND: COMMISSIONER KRAUSKOPF

ROLL CALL

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

15. ORDINANCE 2191-09 (Second Reading) Major amendment to the Commercial Planned Unit Development (CPUD) located at the corner of SE Commerce Avenue and SE Fischer Street; providing for approval of a final site plan; providing conditions for compliance with site design

qualitative development standards to establish GSA-Stuart a Commercial Planned Unit Development, a Governmental Office Building; declaring the CPUD Development to be consistent with the Comprehensive Plan of the City (Quasi-Judicial)

Tom Reetz City Planner gave a brief description of changes that have been made since the first reading noting that the applicant's attorney has provided language for "unity of control." He gave a brief power point presentation. There were also letters from the County in regard to drainage and "curb cuts." Staff recommends approval noting the 34 conditions attached to the agenda item.

MOTION: COMMISSIONER HUTCHINSON; MOVED APPROVAL OF ORDINANCE 2191-09 ON SECOND READING.

SECOND: COMMISSIONER KRAUSKOPF

ROLL CALL

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

DISCUSSION & DELIBERATION

16. Provide discussion and direction for the proposed Interlocal Agreement of Fire Rescue Services with the Town of Sewall's Point.

City Manager Hudson addressed the draft Interlocal agreement to provide Fire Service to Sewalls Point noting a special clause that stated: "If the Town of Sewalls Point and the City of Stuart seek to merge with the County, they shall use all reasonable efforts to assure the Town and City shall be provided Fire Rescue Services by a merged department on a fair and equitable basis.

Commissioner Krauskopf asked that a graphic depicting the service area of the Town of Sewalls Point be included into the Interlocal Agreement. He also asked if the call load information provided to the City by Martin County or Sewalls Point?

Lori Sunderman Fire Chief stated it was provided by Sewalls Point and is consistent with what Martin County provided.

Commissioner Krauskopf asked if the City Manager recommended this for approval.

City Manager Hudson said yes.

Commissioner Hutchinson wanted to include a paragraph stating an additional charge would be levied if the Town annexes any additional property.

City Attorney Nicoletti stated he would add a paragraph and bring it back to the next meeting.

City Manager Hudson noted that the Town of Sewalls Point is having "open conversation" with Martin County regarding this same issue.

Commissioner Hutchinson said we need to give staff firm direction.

Vice Mayor Mortell said we also have to set a time limit to Sewalls Point for approval of the agreement.

The City Attorney said this is a draft and the agreement will come back to the Commission for approval.

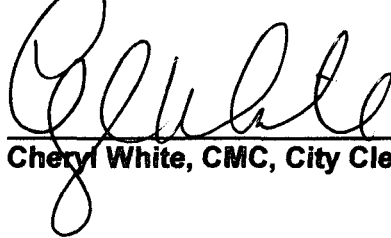
Commissioner Waxler said they will "shop" with the County and use our agreement for negotiation.

Commissioner Hutchinson wants to add that this will be a 5-year contract.

Commissioner Krauskopf suggested the Town be given 30-days to return the Interlocal once it is submitted.

ADJOURNMENT: 6:48 pm

ATTEST:


Cheryl White, CMC, City Clerk


James A. Christie, Mayor

**Minutes approved at the Regular Commission
Meeting This 14th Day September 2009**



REQUEST TO SPEAK

Pub. Speech

The City Commission encourages public participation during their meetings. Please follow instructions, complete the form and present it to the City Clerk

NAME Helen B McBride DATE 8-16-09
(PLEASE PRINT)
ADDRESS 921 SE F/Amings CITY STUART ZIP 34996
PHONE 287-0759

ADDRESSING THE CITY COMMISSION (ORD# 1279-93)

- Members of the public who have been called upon to speak should come forward to the microphone: state their name, city in which they reside, and the item number.
- All remarks shall be addressed to the City Commission as a body and not to a particular City official.
- PREPARED STATEMENTS** shall be presented to the City Clerk for the record.
- To ensure fair and equal treatment of all who appear before the City Commission, speakers will be limited to five-minutes.

DECORUM (ORD 1279-93)

Any person making personal, impertinent, irrelevant or slanderous remarks, or who becomes boisterous while addressing the City Commission or while attending the Commission meeting, shall be removed from the City Commission Chambers at the direction of the presiding officer. The sergeant-at-arms shall carry out all orders and instruction given by the Mayor for the purpose of maintaining order and decorum at the Commission meeting.

CITY COMMISSION MEETING
REQUEST TO SPEAK

SPEAKER# _____

ITEM#

PUB SPEAK

The City Commission encourages public participation during their meetings.
Please follow instructions, complete the form and present it to the City Clerk

NAME ARMOND PASQUALE DATE 8/10/09
(PLEASE PRINT)

ADDRESS SEMINOLE ST CITY STUART ZIP 34994

PHONE 283-5677

DRESSING THE CITY COMMISSION (ORD# 1279-93)

Members of the public who have been called upon to speak should come forward to the microphone; state their name, city in which they reside, and the item number.

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CORUM (ORD 1279-93)

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