

**REGULAR MEETING OF THE STUART CITY COMMISSION  
HELD ON NOVEMBER 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 November, 2008 as Hospice/Palliative Care Month**

Dave Hoskish came forward and graciously accepted the Proclamation.

**B. GFOA Presentation of Certificate of Achievement for Excellence in Financial Reporting to the Financial Services Department**

**C. City Check Presentation to the Stuart Hornet Youth Football League**

Jeffrey Montpetit, Parks & Recreation and explained the presentation. Mayor Krauskopf presented the check to Mr. Mo Hamilton, League President, who came forward and graciously accepted the check.

**COMMENTS BY CITY COMMISSIONERS**

Commissioner Mortell complimented the Lyric Theatre for their recent event held. He said the Lyric is a Jewel for the Downtown and is probably under utilized.

Vice Mayor Christie stated that he was proud of the recent presidential election where the first African American was elected as the President of the United States. He stated he looks forward with anticipation for the next four years of his leadership.

Commissioner Hutchinson thanked the citizens of Stuart for electing her to the City Commission for the next two years. She announced the death of Ms. Williams from her neighborhood. Ms. Williams was Ernie Lyons sister who was also a historic icon of the City of Stuart. She also requested moving item #5 before item #3.

Mayor Krauskopf congratulated the City Commission on their victory in the past election. He also thanked the citizens for the number of voters who came out to vote.

### **COMMENTS BY CITY MANAGER AND REVIEW OF TENTATIVE AGENDA**

City Manager Hudson noted the recent completion of the City County Interlocal Agreement. It was finalized and was a significant accomplishment. He also stated its Stuart's turn to approve the appointment of an alternate on the Treasure Coast Regional Planning Council and Vice Mayor Christie has agreed to continue service on the Committee.

**MOTION: COMMISSIONER CHRISTIE: MOVED APPROVAL OF THE APPOINTMENT OF VICE MAYOR CHRISTIE TO THE TREASURE COAST REGIONAL PLANNING COUNCIL.  
SECOND: COMMISSIONER WAXLER  
MOTION APPROVED UNANIMOUSLY**

City Manager Hudson announced the recent foreclosure sale on the property next door has been cancelled but, the City will continue to keep the lines of communications open and will operate under the Commissions prior direction. He also notified the Commission that staff is scheduling a CRA Workshop to be held in the next couple of weeks. It will be to review the update of the plan that was performed by MSCW and the report. He said the CRB spent around 8 hours reviewing the report. He wants to schedule at least 3 hours. He also reminded the Commission of the upcoming holiday schedule is the normal 2<sup>nd</sup> and 4<sup>th</sup> Mondays in November and December.

He noted the first reading of the FPL Franchise Agreement is tentatively scheduled for the second meeting in November.

### **STAFF REPORT ON COMMENTS FROM PREVIOUS COMMISSION MEETING**

Mayor Krauskopf asked when the Howard Johnson's and Neighborhood discussion will be brought back to the Commission.

The City Attorney explained that a meeting was scheduled for next week to meet with the Langnes family.

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

Robert Steinberg, California Avenue came forward and congratulated the Commissioner's on their re-elections. He expressed concern over the financial operations of the Martin County Arts Council.

Mayor Krauskopf asked when the Arts Council Lease would be coming before the Commission for approval.

Attorney Nicoletti stated it should be ready in December.

Commissioner Waxler asked if there were any other relationships between the City and the Arts Council.

City Manager Hudson explained it was just the lease agreement as well as maintenance of the building.

Mr. Steinberg added "Whether the City signs the lease or not the Arts Council needs to be accountable to the Commission, which it has not been."

### **APPROVAL OF AGENDA**

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF THE AGENDA AS AMENDED.

SECOND: COMMISSIONER WAXLER

MOTION APPROVED UNANIMOUSLY

### **CONSENT CALENDAR**

- 1. Request to approve the minutes of the Regular Meetings of the Stuart City Commission of October 27, 2008.**
- 2. RESOLUTION 128-08 Accepting two County Deeds pursuant to the Interlocal Agreement dated September 30, 2008 between the City of Stuart and Martin County to provide for the transfer of roadway maintenance and jurisdiction of certain local streets**

MOTION: COMMISSIONER WAXLER: MOVED APPROVAL OF THE CONSENT CALENDAR ITEMS 1-2

SECOND: VICE MAYOR CHRISTIE

ROLL CALL;

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

### **END OF CONSENT CALENDAR**

**Item # 5 was heard at this time:**

**5. Petition to Close Bryant Avenue**

City Manager Hudson gave a brief overview of the petition to close Bryant Avenue. He stated that staff reviewed the request by the neighborhood and determined that we do not find reason to justify closing the road. He did ask for the Commission direction or other ideas.

Jeff Sill came forward and explained that he was in favor of the road closure. He stated the car dealerships at the intersection of US1 and Bryant Avenue is the cause of the problem. He stated the neighborhood is being used as a test track and loading zone. He said the cars and motorcycles are coming thru the neighborhood at a high rate of speed with no tags on them. He said they should not be allowed to come down Bryant Ave. He requested a barrier to eliminate the traffic flow coming into the neighborhood.

Theresa Adelhoch, 634 Bryant Avenue came forward and also expressed concern over the car and motorcycle dealerships. She stated they are parking cars on her property and blocking her driveway. She said that six or seven times a day she has to go outside and tell people to move from her mailbox.

Ginger Baldwin, 648 Bryant Avenue came forward and expressed concern over the increase in traffic in her neighborhood. She also expressed concern over the trucks entering the roadways that are posted no trucks. She also stated the neighborhood is becoming blighted.

Marcus Braunschweiger came forward and stated he had video footage of the traffic along Bryant Ave. He said that he has contacted the police department on several occasions and as soon as the police leave there is always a car that comes up the road from the 621 address, speeding or he sends three or four cars up the street just to make a point that the police are gone now and I can do anything I want to. He said there are signs posted no parking. He requested a gate be installed along Bryant Avenue. He said it would not be the first gate in Martin County.

Ronald Rose 636 Bryant Avenue came forward and stated he felt the only issue was safety. He requested a barrier closure of Bryant Ave.

Joan Moore, 644 Bryant Avenue came forward and stated that one of the petitioners was the owner of Sunrise Auto. She said the businesses have been sited by the City and they do not care. "They are not interested in being good neighbors." She said the increase in traffic into the neighborhood is a direct result of the two businesses. She stated the steps that the City has taken to prevent the issues in the neighborhood are not working. She has also been harassed by the business owner and has a case on file because they threatened to shoot her dog.

Marcus Braunschweiger came forward again and asked the City to look into the enforcement of the parking for their customers. He said the customer parking spaces are being used for sale vehicles. Also he does not see any handicapped parking spaces.

Commissioner Hutchinson stated she lives in the neighborhood. She stated this issue has been going on for two years. She stated that originally the neighborhood tried to work it out and be good neighbors. She said the car dealerships have repeatedly tried not to be good neighbors. She suggested adding a temporary gate to eliminate the traffic congestion.

Vice Mayor Christie asked if a traffic calming device would work.

Commissioner Hutchinson felt that the businesses would find a route around the traffic calming.

Commissioner Mortell was not opposed to a gate but would want a sunset clause. He said he would support a temporary measure.

Commissioner Waxler asked if the patrol officers in marked or unmarked units.

Chief Morley stated he believes the officers were all in marked cars.

Commissioner Waxler expressed concern over the behavior of the business owners after there was no longer police on scene.

Police Chief Morley also expressed concern over the parking situation on site.

Commissioner Waxler requested the City look into the rules for parking on-site as well as handicapped parking spaces. She stated the City should have laws in the books to prohibit this nuisance.

Vice Mayor Christie recommended patrolling the area in a monitoring posture. He said if that does not work then put the gate in.

Mayor Krauskopf stated he would entertain a motion to approve a gate, with a review after 5 years, also accelerated Code Enforcement on the offender.

Commissioner Mortell stated he would support a gate but felt 5 years was too long.

**MOTION: COMMISSIONER HUTCHINSON MOVED APPROVAL TO MOVE FORWARD TO INSTALL A GATE AT BRYANT AVENUE AS DEPICTED IN THE PICTURE WITH REVIEW AFTER 1 YEAR ALONG WITH INCREASED CODE ENFORCEMENT OF THE SAID PROPERTIES AND WITH STAFF TO REVIEW THE POSSIBILITY OF ZONING REGULATIONS OF USED CAR LOTS WITHIN THE US 1 DISTRICT.**

Commissioner Waxler said she would support the plan however felt 1 year was too long.

**AMENDED MOTION: COMMISSIONER HUTCHINSON MOVED APPROVAL TO MOVE FORWARD TO INSTALL A GATE AT BRYANT AVENUE AS DEPICTED IN THE PICTURE WITH REVIEW IN 6 MONTHS AFTER CONSTRUCTION INSTALLATION ALONG WITH INCREASED CODE ENFORCEMENT OF THE SAID PROPERTIES AND WITH STAFF TO REVIEW THE POSSIBILITY OF ZONING REGULATIONS OF USED CAR LOTS WITHIN THE US 1 DISTRICT.**

**SECOND: COMMISSIONER WAXLER**

**ROLL CALL:**

<b>MAYOR KRAUSKOPF</b>	<b>YES</b>	<b>COMMISSIONER HUTCHINSON</b>	<b>YES</b>
<b>VICE MAYOR CHRISTIE</b>	<b>YES</b>	<b>COMMISSIONER MORTELL</b>	<b>YES</b>
<b>COMMISSIONER WAXLER</b>	<b>YES</b>		

**Clerks Note: Commissioner Mortell recommended the City Manager come back with a cost estimate on the gate and a recommended funding source for approval.**

### **ORDINANCE FIRST READING**

#### **3. ORDINANCE 2173-08 Authorization to amend the regulations concerning special events within City parks and elsewhere within the City; providing for repeal of conflicting ordinances**

City Attorney Nicoletti gave a brief overview of the proposed code amendment to the Special Events regulations and standards for permitting.

Commissioner Hutchinson stated she felt this was a step forward but was not quite there yet. She expressed concern over the time frames within the application. She also stated the City needs a central location for permitting.

Commissioner Waxler noted discrepancies between the application and the Ordinance. She also stated she feels the number of attendees for special events needs to be broken down.

**MOTION: COMMISSIONER MORTELL: MOVED APPROVAL TO ASK STAFF TO PUT TOGETHER A COMMITTEE OF PEOPLE WHO HAVE REGULARLY PUT ON EVENTS IN THE CITY OF STUART, MAIN STREET, ARTS COUNCIL, SMALLER GROUPS TOO AND HAVE THEM WORKSHOP IT.**

The motion dies for a lack of a second.

Christine Madsen came forward and clarified some comments made by the Commission.

The City Attorney suggested a stakeholders group would be more productive rather than a Committee.

Armond Pasquale came forward and expressed concern over the downtown special events. He requested the City hold them in other locations such as Memorial Park.

The Commission agreed to have staff put together a stakeholders group to discuss the matter.

**4. ORDINANCE 2170-08 Authorization to establish regulations concerning the use of operating low speed vehicles and golf carts on the streets and areas in the City**

Commissioner Waxler expressed concern over the speed limit of the low speed vehicles.

Commissioner Hutchinson expressed concern over the number of neighborhoods surrounded by State or County Roads. She felt that adopting the Ordinance may create more problems.

Mayor Krauskopf suggested designated crossing areas.

City Attorney stated he added language to the Ordinance pertaining to designated cart crossings. He also stated that if a designated crossing was established it would have to be agreed upon with the other governing agency.

Vice Mayor Christie expressed concern over the proposed Ordinance and did not want to support it.

Commissioner Mortell stated he had been approached by several residents regarding the Golf Cart Ordinance. He felt it was not a big deal. He also stated he did not want the golf carts to be exceeding 25 mph because in his mind he wants to keep a pedestrian type environment in the City. He thought by having an interlocal agreement between the City and the County or DOT work be a great idea. It would also allow an affordable form of transportation.

Vice Mayor Christie asked if there were any liability issues for the City.

Attorney Nicoletti stated not any more than a pedestrian or bicycle or a car on the roadways.

Mayor Krauskopf stated he supports NEV, Neighborhood Electric Vehicles, and agrees with Commissioner Waxler regarding the speed of the vehicles. He asked about the governmental ID card.

Attorney Nicoletti stated there is an age limit of 14 and a school ID card would work.

Helen McBride came forward and expressed concern over the age of the drivers.

Kevin Henderson came forward and stated there was only one mechanism with the State regarding golf carts and that was you have to create a certified golf cart community. He said the DOT has no provisions for golf carts and sharing of the roads. He said there were no mechanisms to implement them safely do not exist yet.

Commissioner Mortell noted several news articles with respect to communities allowing golf carts on their streets.

Police Chief Morley also expressed concern over the age of the driver.

Mayor Krauskopf and Commissioner Mortell both support the Ordinance.

**MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF ORDINANCE 2170-08 ON FIRST READING.**

**Mayor Krauskopf passed the gavel and made the following motion;**

**SECOND: MAYOR KRAUSKOPF**

**ROLL CALL:**

<b>MAYOR KRAUSKOPF</b>	<b>YES</b>	<b>COMMISSIONER HUTCHINSON</b>	<b>NO</b>
<b>VICE MAYOR CHRISTIE</b>	<b>NO</b>	<b>COMMISSIONER MORTELL</b>	<b>YES</b>
<b>COMMISSIONER WAXLER</b>	<b>NO</b>		

The item failed.

## **DISCUSSION & DELIBERATION**

### **Item #5 was heard earlier**

#### **5. Petition to Close Bryant Avenue**

- 6. Direct staff to prepare a resolution of support for Green River Parkway, including a finding that the road is a necessary arterial road linkage in the overriding public interest, provide staff direction as to the roundabout at the intersection of Green River Parkway and SR707.**

City Manager Hudson gave a brief overview of the proposed Resolution.



Commissioner Hutchinson stated she expressed concern to the MPO regarding the Gables property being connected to the Green River Parkway property.

**MOTION: COMMISSIONER MORTELL: MOVED APPROVAL TO RESEND THE ORIGINAL POSITION ON GREEN RIVER PARKWAY THAT SUPPORTED GREEN RIVER PARKWAY AND REQUESTED A TRAFFIC CIRCLE AT THE TERMINUS.**  
**SECOND: COMMISSIONER WAXLER**

Paul Banks came forward and stated the roundabout at the terminus was discussed about a year ago. The issue that we had there was the States requiring a two lane roundabout which were not sure will fit. He said they could design a single lane roundabout but the City or the County would have to maintain 707 from Savannah to the old Roosevelt Bridge.

Joe Capra, Captec Engineering came forward and gave a visual presentation to the City Commission regarding the proposed Green River roadway plan.

**MOTION APPROVED , MORTELL, HUTCHINSON, KRAUSKOPF, CHRISTIE  
DENIED, WAXLER  
4/1**

**7. Discussion of Stuart's official position on Willoughby Boulevard from Central Parkway to US1.**

City Manager Hudson gave a brief overview of the position on Willoughby Boulevard from Central Parkway to US1. He stated he has begun to develop a different perspective on Willoughby Boulevard. He stated he would like to take away some obstacles that are in the path of moving forward with Willoughby Boulevard.

**MOTION: COMMISSIONER MORTELL: MOVED APPROVAL TO FOLLOW THE CITY MANAGERS RECOMMENDATION.**

City Manager Hudson clarified his recommendation and stated that would be to pursue the full length from Monterey Road to US1. He also recommended moving forward with the application to FCT for funding.

Mayor Krauskopf understood that during a discussion with the County they had agreed to help fund the roadway project.

Commissioner Hutchinson stated the City was cooperative with the County for their needs, and they are not being cooperative to our needs. She stated she wanted to have the funding secured before the application is completed to FCT.

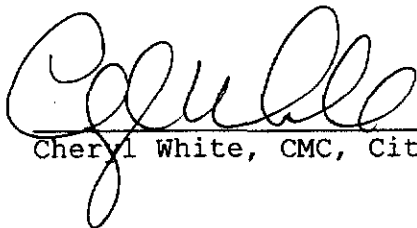
Kevin Henderson came forward and stated he would like to see the project go forward.

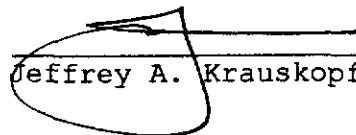
Sam Amerson suggested moving forward with a Memorandum of Understanding outlining the guidelines for the governmental entities and then bring forward an Interlocal agreement spelling out commitments and milestones.

Commissioner Mortell stated he stands behind his motion.

**SECOND: VICE MAYOR CHRISTIE  
MOTION APPROVED UNANIMOUSLY**

**ADJOURNMENT 7:42 P.M.**

  
Cheryl White, CMC, City Clerk

  
Jeffrey A. Krauskopf, Mayor

Minutes approved at the Regular Commission  
Meeting this 24 Day November 2008

