

**REGULAR MEETING OF THE STUART CITY COMMISSION
TO BE HELD OCTOBER 27, 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 (ABSENT)
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 November 15, 2008 as Philanthropy Day

Michelle King, Vice Chair of Philanthropy Association came forward and graciously accepted the proclamation and thanked the Commission.

B. Employee of the Month

Robert Phelps, Public Works

Mr. Robert Phelps came forward and graciously accepted his award and thanked the City.

C. Employee Service Recognition

Steven Graff, Police Department, 20 Years

Steven Graff was unable to attend and the service recognition award was accepted by Police Chief Ed Morley.

Mary Nash, City Attorney, 20 Years

Mary Nash came forward and graciously accepted her award and thanked the City.

Tim Landis, Vehicle Maintenance Team, 20 Years

Tim Landis came forward and graciously accepted his award and thanked the City.

David Ford, Turf and Grounds Team, 10 Years

David Ford came forward and graciously accepted his award and thanked the City.

Rose Marie Keating, Flagler Center, 10 Years

Rose Marie Keating came forward and graciously accepted his award and thanked the City.

Jeffrey Montpetit, Parks & Recreation, 5 Years

Jeff Montpetit came forward and graciously accepted his award and thanked the City.

George Hodge, Community Redevelopment Agency, 5 Years

George Hodge came forward and graciously accepted his award and thanked the City.

Derek Ortado, Police Department, 5 Years

Derek Ortado was unable to attend and his award was accepted by Police Chief Ed Morley.

COMMENTS BY CITY COMMISSIONERS

Vice Mayor Christie announced a wonderful event in the downtown this past weekend and encouraged all citizens to vote this coming election.

Mayor Krauskopf noted a letter he received from the residents surrounding Stuart Motor Sports. He understood the City has Code Enforcement look into the matter.

He also mentioned the residents behind Howard Johnsons and asked the City Manager to provide an update on the matter.

Mayor Krauskopf asked the City Manager to provide an effective date the City will takeover the County Streets.

Attorney Nicoletti stated he would be bringing forward deeds for those streets sometime in November. He also stated the Howard Johnson Issue is being looked at by the Building Official.

COMMENTS BY CITY MANAGER AND REVIEW OF TENTATIVE AGENDA

City Manager Hudson said he had the privilege of representing the City in celebration of Red Ribbon Week Ceremony's at Spectrum School. He also noted the City was looking into a reliable and efficient source on Foreclosures because the Police and Code Enforcement may need to have early warnings, for the safety of the neighborhoods. He mentioned the City was also looking into a possible grant through the County called Neighborhood Stabilization Program. He said the City's intention would be to work under the County because it is not available to City's.

Item #10 relates to the airport and was continued from the October 13, 2008 Commission Meeting. He said Commissioner Waxler was unable to attend tonight's meeting due to a death in her family, but she has provided written comments for this item. City Manager Hudson provided a copy to the Clerk for the record. He said the City has been in contact with DCA and if the City Commission makes comments it should be done this evening.

STAFF REPORT ON COMMENTS FROM PREVIOUS COMMISSION MEETING

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

Chris Sawicki thanked Albie and his staff for their efforts and assistance on all events held at City Parks and Recreation Facilities. She said they are always wonderful. She said that no matter what event they are involved in it is great for the City of Stuart. She also mentioned some minor vandalism and she has spoken with Chief Morley. She thinks it maybe coming from the late night patrons of Club 131.

Bernie Malone came forward and thanked the Vice Mayor for participating in past weekend Hobgoblin Parade as Sammy Sailfish. He also mentioned the Octoberfest held in the Memorial Park Gazebo Park. All events were great and he looks forward to many more events in the future.

APPROVAL OF AGENDA

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

CONSENT CALENDAR

- 1. Request to approve the minutes of the Regular Meetings of the Stuart City Commission of October 13, 2008**
- 2. RESOLUTION 122-03 Approving a partial award of a request for proposals RFP #2008-69 to Emerald Labor Source, LLC to provide for temporary employee services and simultaneously authorizing the Mayor**

and City Clerk to execute a contract pursuant to approval by the City Attorney

- 3. RESOLUTION 123-08 Approving a partial award of a request for proposals RFP #2008-69 to Manpower to provide for temporary employee services and simultaneously authorizing the Mayor and City Clerk to execute a contract pursuant to approval by the City Attorney**
- 4. RESOLUTION 125-08 Authorization to execute an amendment to the AIG Section 415 Qualified Retirement Plan to assure compliance with the Federal Tax Laws as well as IRS regulations**
- 5. RESOLUTION 126-08 Authorization to approve and adopt the City of Stuart "Red Flag" Anti-Identity Theft Policy under the Fair and Accurate Credit Transactions Act of 2003 ("Facta") in conjunction with the City of Stuart application for utility services**

MOTION: COMMISSIONER HUTCHINSON: MOVED APPROVAL OF THE CONSENT CALENDAR ITEMS 1-5

SECOND: COMMISSIONER MORTELL

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

END OF CONSENT CALENDAR

COMMISSION ACTION

- 6. RESOLUTION 124-08 Authorization to approve an amendment to Exhibit "C" Development Conditions (Text) for the major development "City Square" described in Resolution No. 166-07; providing for a revised timetable for development; amending the conditions of development accordingly**

Dennis Mrozek gave a brief presentation regarding the proposed amendment. He indicated the applicant is requesting an extension for the building permit of 12 months and an extension of 12 months for the CO.

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF RESOLUTION 124-08

SECOND: VICE MAYOR CHRISTIE

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

- 7. RESOLUTION 127-08 Authorization and direction to the City Manager to pursue acquisition of the Dockside Restaurant property**

City Manager Dan Hudson gave a brief overview of the proposed purchase of the property adjacent to City Hall, and staff is still working thru the liens against the property. He said that the City could bid on the property at 100% of the appraised value or 115% of the appraised value of the property if needed.

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF RESOLUTION 127-08 GIVING AUTHORIZATION FOR THE CITY MANAGER TO PERSUE ACQUISITION OF UP TO 110% OF THE CONFIDENTIAL APPRAISED VALUE.

SECOND: COMMISSIONER HUTCHINSON

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF RESOLUTION 127-08 GIVING AUTHORIZATION FOR THE CITY MANAGER TO PERSUE ACQUISITION OF UP TO 115% OF THE CONFIDENTIAL APPRAISED VALUE.

SECOND: COMMISSIONER HUTCHINSON

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

ORDINANCE SECOND READING

- 8. ORDINANCE 2172 -08 (Second Reading) Approve a major amendment to the Residential Planned Unit Development (RPUD) on the property located on the Northwest corner of SE Indian Street and SE Aster Lane; providing for an approval of a final site plan and a timetable for development; to establish the "Allegro at Willoughby" Residential Planned Unit Development, an adult assisted living facility; declaring the RPUD Development to be consistent with the Comprehensive Plan of the City; approving certain development documents; repealing all Ordinances (2157-08 and 1982-04) in conflict herewith; providing a severability clause (Quasi Judicial)**

Sworn:

Murriah Dekle, City Planner
Douglas James, City Development Department Director
Joe Capra
Dave Kirkland

Murriah Dekle gave a brief overview of the proposed amendment to the RPUD Allegro.

Terry McCarthy came forward and stated the applicant agrees to the staff's recommendation.

Dave Kirkland came forward and stated he will be going out to bid on the project very soon.

Commissioner Mortell asked for clarification on what utilities will be buried as part of the RPUD agreement.

Attorney McCarthy stated the applicant intends on burying all utilities on site excluding FPL transmission lines along Indian Street. He stated that would be cost prohibited.

Nick Blount FPL came forward and stated he was not familiar with the FPL lines near the proposed project but from what he is hearing the applicant intends on burying the lower voltage lines not high voltage transmission lines.

Attorney McCarthy stated he did not know of any distribution lines adjacent to the site now. But all utilities on site will be buried underground.

Attorney Nicoletti clarified the applicant's obligation of condition #28. He said he would also create some sort of quantitative standard so that we don't face this issue again.

MOTION: COMMISSIONER HUTCHINSON: MOVED APPROVAL OF ORDINANCE 2172-08 ON SECOND READING

SECOND: COMMISSIONER MORTELL

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

DISCUSSION & DELIBERATION

9. Direction to City Manager to bring the ordinance forward for consideration and adoption Re: 30 Year Franchise with Florida Power and Light Franchise Agreement

Attorney Nicoletti gave a brief overview of the proposed 30 year FPL Franchise Agreement.

Nick Blount, FPL Representative came forward and stated they have renewed 40+ Franchise agreements. He stated the majority of the renewals are due to the Municipalities or Counties are now realizing a financial benefit to a new formula, that is used to calculate the franchise fees. Based on the new formula the City of Stuart would receive approximately \$90-\$100,000.00 in additional revenue over the 2 ½ years remaining in the current terms of the franchise. He stated that is based on current revenues, and of course as those revenues change the franchise changes accordingly.

Commissioner Hutchinson requested the City Attorney compare the old Franchise Agreement and the proposed agreement to see the difference with underline and strikethroughs. She also noted the letter from the City to FPL regarding the possibility for the infill of FPL property connects into the City.

Mr. Blount stated he forwarded the letter to the corporate real estate group, with the recommendation to consider that.

Mayor Krauskopf asked Mr. Blount if the new agreement provides for a homeowner or the City who has any photovoltaic and that FPL would buy back the power or anything in the new agreement that would prevent that?

Mr. Blount mentioned that there is legislature that allows an individual or business or City has the right to generate a certain level of power from a renewable energy source and we would purchase from you any additional power that you generate that you're not using. That rate has been set.

Mayor Krauskopf then stated then that is a formula that we can attach as an exhibit so if our budget people wanted to look at the economics, if the City chooses to get into renewable energy.

Mr. Blount stated that Net Metering was part of the Public Service Commission Rules, and he could pull the tariff and provide a copy to the City Attorney. He stated the question about renewable energy from local governments has come up throughout the state, and stated that it is not prohibited according to the proposed Franchise Agreement. He stated he would get with the City Attorney to come up with language to please the Commission.

Attorney Nicoletti stated he may have first reading on this item on November 10, 2008.

10. Discussion of proposed amendment to Martin County's Comprehensive Plan pertaining to Transportation Element text regarding Witham Field and its effects on City's plans, policies, and activities.

City Manager Hudson gave a brief overview of the proposed amendment to the Martin County's Comprehensive Plan. He said the item consist of two sections; One being does the City wish to discuss and take action on this item and if so; Two) what would that action be?

Mr. Hudson stated that Martin County staff, Mr. Moon, Airport Director and Mr. Dulin, Growth Management were present.

Mr. Dulin gave a brief overview of the amendment to the City Commission.

Commissioner Mortell stated he felt like the City was brought in after the fact. " Now that it is all said and done, and they are now asking for a stamp of approval, because 10 years from now, they will come back and say the City of Stuart approved it, and I just can't do that."

Vice Mayor Christie said he was willing to stand on the previously adopted Resolution 20-08.

Commissioner Hutchinson: "The one item that is in this amendment that I can support is the doing away with the commercial service at the airport. " But I do not support the other items because the Commission has always taken the stance that anything that has a threat of taking more homes, we don't support, and that is the way it has always been."

Commissioner Mortell: "I am not going to jump in and agree with it because it has the line that say's no commercial service."

Commissioner Hutchinson: I can support the amendment the part of it that is saying that its going to do away with commercial service at the airport, but not the rest. If it is the Commissions decision to support it in anyway, I can do that too. I just think the commercial end, getting rid of is a benefit to the City."

Commissioner Mortell: As I see it we have three things to do, we can support it, we can reject it, or we can stand by the letter we sent in February and effectively do nothing. I don't think we can support part of it, it's either were in or were out. It sounds like were out, so the next question is, do we spend the time to send another letter. I don't think it is necessary, I think we stand by what action was taken in February, and we have said our position."

Michael Moon, Airport Director: "I know the Resolution that you passed in February, and I know it has been a concern. I would like to address a couple of things relating to the action the board took on their Comp Plan Amendment. You requested in that Resolution that the 460 foot extension be removed. Although it is not being physically removed, it is being discontinued for service for takeoffs on runway 30. So, it will not add additional homes which, was apiece of your resolution, but will in fact, if it's approved by DCA and the FAA will actually remove homes from the runway protection zone. So the Boards action does comply with your resolution."

Dave Shore, WAAM Organization came forward and requested the City oppose the Martin County Comprehensive Amendment 0634, Airport. He stated Mr. Moon has no assurances that the additional 460 ft runway will be removed. Mr. Moon has not got the approval from the FAA. He stated the WAAM organization has been doing research and have not been able to determine what property was returned to the County back in 1947. He stated a substantial amount of property was in the City of Stuart and you have been treated like an orphan in this and disregarded. He agreed with Commissioner Mortell and that the City has been treated like an after thought. He stated that if the City does not oppose this amendment the property will belong to the airport and the County and the City will not see any revenue from that property. This amendment legitimizes or recognizes the FAA claim of ownership of that property. He concluded by saying, the City has a real stake in this, one you have been ignored, two you do have a stake, you have already had a tremendous tax base on 18th street wiped out. You have a piece of property that has a fence around it that used to be homes that were affordable housing homes. He requested the City take

the stand and oppose this resolution for the fact I just stated. He again asked the Commission to reject and oppose the Martin County Comprehensive Amendment.

Helen McBride came forward and stated she had great faith in the City Commission to do what is best for the citizens of the City.

Bernie Malone came forward and stated the airport has been there since 1942 and stated it was a valuable asset to the City and this County. He expressed concern over the WAAM organization. He said the airport is a valuable asset and feels it should be kept. He said he would support anything to keep it there.

Chris Ballard came forward and expressed concern over the runway and his home. He said he stated the existing runway does pose a hazard to his home.

Maggie Wold came forward and expressed concern over the FAA and their role in the community. She stated they were not in the business of residents and homes in the community surrounding airports. She said it is up to the residents and governments to control what airports do to the neighborhoods.

Ivar Wold came forward and mentioned an incident that occurred with a jet in North Carolina a month ago, when a tire blew from the aircraft while taking off. The airplane landed $\frac{3}{4}$ of a mile past the end of the 8000 sq foot runway.

Commissioner Mortell reiterated what he said in February and requested the Resolution 20-08 be ratified.

City Manager Hudson stated that if it is the consensus to rely upon the already existing Resolution 20-08, that is already an action by the Commission and he would be happy to forward another copy to the Department of Community Affairs.

Commissioner Mortell stated that is what he proposes.

Valerie Jones came forward and suggested that if City land is being seized then maybe you could consider a Resolution demanding the County pay fair market value for the land they are going to take.

Dave Shore came forward and stated that if the City does not oppose the Comp Plan Amendment then most likely DCA will not see it as your opposition to the Comp Plan Amendment.

Mike Moon came forward and stated for the record that there is airport land county owned land that lies within the City limits of Stuart but there is no City owned land within the Airport that is being seized.

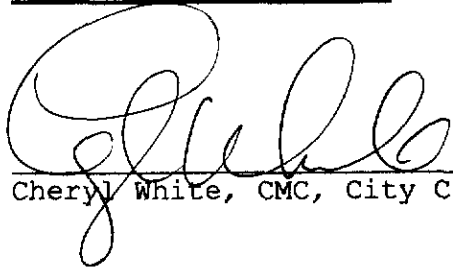
MOTION: COMMISSIONER MORTELL: MOVED APPROVAL TO STAND BEHIND PREVIOUSLY ADOPTED RESOLUTION 20-08, AND INSTRUCT THE CITY MANAGER TO FORWARD THE RESOLUTION TO DCA.

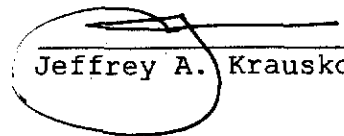
SECOND: VICE MAYOR CHRISTIE
ROLL CALL
COMMISSIONER HUTCHINSON
VICE MAYOR CHRISTIE

YES
YES

MAYOR KRAUSKOPF YES
COMMISSIONER MORTELL YES

ADJOURNMENT: 6:48 pm


Cheryl White, CMC, City Clerk


Jeffrey A. Krauskopf, Mayor

Minutes approved at the Regular Commission
Meeting this 10 Day November 2008

