

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON APRIL 28, 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 WEEK OF MAY 4-10,
2008 AS MUNICIPAL CLERKS WEEK; Mary Nash, Deputy City Clerk.**

Mary Nash, Deputy City Clerk graciously accepted the proclamation and thanked the Commission.

B. Employee Service Recognition

**Karin Ashmore, Finance Department, 5 Years
Judith Browning, Finance Department, 5 Years
Brian Huffman, Police Department, 20 Years
David Sonzella, Fire Rescue Department, 20 Years
Sandra Morgan, Public Works Utilities Department, 30 Years**

Karin Ashmore graciously accepted the award and thanked the Commission.

Judith Browning graciously accepted her award and thanked the City Commission.

Brian Huffman was unable to attend and Chief Morley accepted the award.

David Sonzella was unable to attend Chief Sunderman accepted the award and thanked the Commission.

Mayor Krauskopf asked the audience to stand in recognition of Sandra Morgan 30 years of service.

Sandy Morgan graciously accepted the award and thanked the City and the Commission.

Employee of the Month

Janine Wilde

Janine Wilde graciously accepted the award and thanked the Public Works Department.

C. Presentation on the Single Stream Recycling for residential and multi-family units in the City of Stuart

Dave Peters and Mary Kindel presented a power-point presentation to the Commission on an update of how the new streamline recycling program is working. He stated the community support has been wonderful with an increase of participation 96%. A diversion rate of 57% for both residential and multi family. He stated the City should save approximately \$87,000.00. He stated he would like to implement the recycling program at all special events.

COMMENTS BY CITY COMMISSIONERS

Commissioner Mortell announced the Stuart in Bloom campaign is going on and encouraged people to view the power-point presentation Cheryl Miller put together of the before and after of Stuart. He also stated someone from Palm City has put together a video and has posted on the internet, You Tube site.

Vice Mayor Christie reiterated his concerns over the East Stuart area and the need for commercial economic development. He stated he presented to the Commission a draft of a meeting that will be held here at City Hall by the East Stuart partnership, Inc. He stated the organization is applying for a "Main Street" designation. The forum is scheduled for May 14, 2008 at 7:00 pm here at City Hall.

Commissioner Hutchinson suggested that staff draft an Ordinance allowing pets in certain eating establishments in the downtown.

Mayor Krauskopf suggested Winter Park Florida may have an Ordinance in place for review.

Commissioner Hutchinson asked about the status of the signal at Martin Luther King Jr. Blvd. and Dixie Highway.

Mr. Hudson stated the last thing they were looking at was an agreement to connect the light at the cross bars and should be approved by Martin County tomorrow.

Commissioner Hutchinson also mentioned the passing of Phil Cavanagh she stated he touched alot of people lives and asked people to remember him.

Commissioner Waxler requested the City look at the handicapped ramp near the Southpoint Anchorage/ Huizenga near the bridge. She also complimented and thanked all City Staff and noted Stuart looked really good.

Mayor Krauskopf announced the Stuart in Bloom judges were in town and thanked all those who contributed to the campaign. He said he was looking forward to the City capturing the award. He also called upon Sam Amerson to the podium and presented a tree he had received to the City for planting. He also requested setting an hour or two meeting to coordinate with Martin County.

COMMENTS BY CITY MANAGER AND REVIEW OF TENTATIVE AGENDA

Mr. Hudson formally recognized all of the contributions and donations that have gone into the Stuart in Bloom project. He also thanked the City staff for their hard work.

He noted the following calendar items;

May 6, 2008 at 9:00 City Commission Meeting for an Impasse Hearing with the PBA.

May 19th is the Regular City Commission Meeting due to the Memorial Day Holiday.

A potential joint meeting with the Martin County School Board on May 20th at 6:00 pm prior to their meeting.

He noted that item #5 on tonight's agenda is being withdrawn.

Commissioner Hutchinson wanted to assure the applicants money be refunded.

City Manager Hudson said they would.

STAFF REPORT ON COMMENTS FROM PREVIOUS COMMISSION MEETING

- **Fiscal Policy on Investments** **Pending**

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

Mark Mathes came forward and expressed concern over the recent City's changes to the Comprehensive Plan and the Land Development Regulations without substantial public involvement and outreach to effective property owners. He feels the City is doing a better job at this and encouraged the City to keep it up. He requested notification of any future hearings regarding any of those changes to the environmental policies.

APPROVAL OF AGENDA

MOTION: COMMISSIONER WAXLER; MOVED APPROVAL OF THE AGENDA WITH THE
WITHDRAW OF ITEM #5

SECOND: VICE MAYOR CHRISTIE

MOTION APPROVED UNANIMOUSLY

CONSENT CALENDAR

- 1. Request to approve the minutes from the Regular Commission Meeting of March 24, 2008**
- 2. Request approval to implement an early retirement incentive program that consists of a greater benefit offering for City employees that have met eligibility requirements under the pension program**
- 3. Request approval to allow Horse Drawn Dreams, Inc. LLC to operate horse and carriage rides on City Streets**
- 4. Proposed change to the City Fiscal Policy**

Item #5 has been withdrawn.

- 5. RESOLUTION 40-08 Authorization to approve a Special Exception use under the City's Land Development Code allowing a service use in a R-3 zoning district located on the property at 417 SE Coconut Avenue (Quasi Judicial)**
- 6. RESOLUTION 41-08 Authorization to submit three (3) Water Saving Incentive Cooperation Funding Grant Applications to the South Florida Water Management District in the amount of \$25,000 and if successful to execute the three (3) Grants upon subsequent review and approval by the City Attorney**
- 7. RESOLUTION 43-08 Authorization to execute a amendment #1 to agreement between the City of Stuart and American Tower, LP for lease of property on old City Landfill to construct, maintain and sublease space on a communication tower; extending the term of the agreement for three (3) additional five (5) year renewal periods at the original lease rate of 16% of gross revenue earned by subleasing space to cell phone service providers and providing for a one-time payment to the City in an amount of \$15,000**
- 8. Memorial Park Redevelopment Funding Discretionary Sales Tax**
- 9. RESOLUTION 44-08 Authorization to amend the 2007-2008 annual general fund capital budget for appropriation and expenditure of \$1,000,000.00 to fund capital expenses for redevelopment and drainage improvements at Memorial Park**
- 10. RESOLUTION 45-08 Authorization to accept a temporary landscape easement deed from Clyde Coutant (Grantor) to the City of Stuart**

(Grantee) for the purpose of the installation by the City of Stuart or its agents of landscape, irrigation, water service line and necessary appurtenances thereto on property located at the Northwest corner of Martin Luther King Boulevard and Palm Beach Road

11. RESOLUTION 46-08 Authorization to execute a settlement agreement attached as exhibit "A" between the City and Vincent Paul Sibilla stemming from a lawsuit filed in the United States District Court objecting to a Code Enforcement violation subsequently brought into compliance

12. RESOLUTION 47-08 Authorization to execute a third lease agreement amendment between the City of Stuart and Collective Design, Inc. amending section three (3) to extend the term of the lease through September 30, 2010 and amending section nine (9) to allow lessee to sublet a portion of premises to Culpepper and Terpening

13. RESOLUTION 48-08 Authorization to execute a license agreement between the City of Stuart and Cetpac, LLC granting permission for the City to use one (1) boat slip with boat lift on its dock at 301 NW Flagler Avenue at no cost to the City for temporary relocation of the City's Public Safety Boat during the period of construction of the City marina facility and mooring field at 615-625 SW Anchorage Way from May 1, 2008 to approximately July 31, 2009

Mayor Krauskopf requested separate discussion for items #2,#3, #4, #8 and #9

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF THE CONSENT AGENDA
ITEMS 1,2,,6,7,10,11,12,13

SECOND: COMMISSIONER WAXLER

ROLL CALL

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

Item #2 , 3, 8 and 9 were heard at this time.

2. Request approval to implement an early retirement incentive program that consists of a greater benefit offering for City employees that have met eligibility requirements under the pension program

Mayor Krauskopf asked what the financial impact is?

City Manager Hudson stated there was 22 employees that this would qualify for this program. He indicated the same program was a previous program used by the City. He stated that if the 22 employees took this buyout then the total cost would be just over one million dollars. He anticipates approximately four employees to take the buyout plan.

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF THE CONSENT AGENDA ITEM 2 ;REQUEST APPROVAL TO IMPLEMENT AN EARLY RETIREMENT INCENTIVE PROGRAM THAT CONSISTS OF A GREATER BENEFIT OFFERING FOR CITY EMPLOYEES THAT HAVE MET ELIGIBILITY REQUIREMENTS UNDER THE PENSION PROGRAM

SECOND: COMMISSIONER WAXLER
ROLL CALL

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

3. Request approval to allow Horse Drawn Dreams, Inc. LLC to operate horse and carriage rides on City Streets

Armond Pasquale came forward and expressed concern over the proposed Horse & Carriage proposal. He said that was tried in the past and was a problem. He read into the record newspaper articles from the past.

Chuck Weiser, CRA Coordinator came forward and gave a brief history on the proposal and how other areas are doing this same type of business. He stated this is a very common business. He recommended approval of the proposal.

Attorney Nicoletti stated this is approved as a revocable permit and if the City finds that this does not work it could be revoked at any time.

Helen McBride came forward and felt it was a good proposal and if it works fine then if it does not then revoke it. She thinks it is a good idea.

Commissioner Mortell asked if could sunset?

Vice Mayor Christie asked if the City is liable?

Attorney Nicoletti stated the business would use the city streets just like a taxi or similar type business.

Vice Mayor Christie asked where the harness and hook up area.

Chuck Weiser stated the horses will be delivered set up from Indiantown and unloaded in a Bank Parking lot across from the Court House.

MOTION: COMMISSIONER HUTCHINSON :MOVED APPROVAL OF THE CONSENT AGENDA ITEM 3 ; REQUEST APPROVAL TO ALLOW HORSE DRAWN DREAMS, INC. LLC TO OPERATE HORSE AND CARRIAGE RIDES ON CITY STREETS
SECOND: COMMISSIONER MORTELL

ROLL CALL

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

4. Proposed change to the City Fiscal Policy

Mayor Krauskopf had a question on this item page 11 item D, he asked about a situation where the stormwater bill is \$1.35 and it cost four hours of staff time to chase it. He requested a not to exceed number.

City Manager Hudson said he would look at this issue. He said the intent was to use the standard of logic that we don't spend \$10.00 to collect \$10.00.

MOTION: COMMISSIONER HUTCHINSON :MOVED APPROVAL OF THE CONSENT AGENDA ITEM 3 ; REQUEST APPROVAL TO ALLOW HORSE DRAWN DREAMS, INC. LLC TO OPERATE HORSE AND CARRIAGE RIDES ON CITY STREETS
SECOND: COMMISSIONER MORTELL

ROLL CALL

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

8.Memorial Park Redevelopment Funding Discretionary Sales Tax

9.RESOLUTION 44-08 Authorization to amend the 2007-2008 annual general fund capital budget for appropriation and expenditure of \$1,000,000.00 to fund capital expenses for redevelopment and drainage improvements at Memorial Park

Mayor Krauskopf asked for a half hour overview of what is planned for this item.

City Manager Hudson said he would bring back a discussion item for May 12, 2008 regular Commission Meeting.

Mayor Krauskopf asked for a graphic overview.

Commissioner Hutchinson stated there was a strong citizens group to get this project underway.

City Manager Hudson also stated that if a selection for the consultant needed to be done then the City would initiate that selection prior to the 12th.

Mayor Krauskopf also asked for economics on the proposal as well.

Bernie Malone came forward and encouraged the City to move forward with the project.

MOTION: COMMISSIONER WAXLER :MOVED APPROVAL ITEMS 8 AND TABLE ITEM 9
RESOLUTION 44-08.TO MAY 12, 2008

SECOND: COMMISSIONER CHRISTIE

ROLL CALL

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

END OF CONSENT CALENDAR

ADJOURNMENT 6:25 pm

ATTEST:

Cheryl White, CMC, City Clerk

Jeffrey Krauskopf, Mayor

Minutes approved at the Regular Commission
Meeting This 12TH Day MAY 2008