

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON DECEMBER 10, 2007
AT 5:30 P.M. IN THE CITY COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994**

Roll call was answered by:

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

Also present were:

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

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

A. Commissioner Oath of Office

Attorney Nicoletti administered the Oath of Office to Commissioner Mortell and Vice Mayor Krauskopf.

B. Commission Selection of Mayor and Vice Mayor

**MOTION: COMMISSIONER CHRISTIE: NOMINATE JEFFREY KRAUSKOPF AS MAYOR
SECOND: COMMISSIONER MORTELL
MOTION APPROVED UNANIMOUSLY**

**MOTION: COMMISSIONER WAXLER: NOMINATE JAMES CHRISTIE AS VICE MAYOR
SECOND: COMMISSIONER HUTCHINSON
MOTION APPROVED UNANIMOUSLY**

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**

PRESENTATIONS

C. Victory Forge Cadets, Memorial Park

Attorney Nicoletti recognized several Victory Forge Cadets from the Victory Forge Military Academy for a program called Cadets for Vets.

Colonel Weierman came forward and gave an overview of the Victory Forge Cadet program. He stated the cadets took on the sprucing up of Memorial Park as a project. He thanked the City for allowing them to take on this project.

Commissioner Hutchinson personally thanked the cadets for their hard work and dedication to this project. She then presented the cadets with a Certificate of Appreciation.

D. My Safe Florida Home Program

Roy Frederick, Florida Department of Financial Services presented to the Commission and public information on the My Safe Florida Home program. He explained how the grant program works.

COMMENTS BY CITY COMMISSIONERS

Mayor Krauskopf presented former Mayor Hutchinson a sailfish pendant necklace on behalf of her service as mayor.

Commissioner Mortell attended the Holiday Parade Friday Night and thanked city crews cleaning up Stuart.

Vice Mayor Christie thanked Commissioner Hutchinson for her term as Mayor. He stated he attended the Treasure Coast League of Cities. He stated the main topic was the proposed property tax amendment. He said the league is opposing the amendment. He stated the League provided all of the issues in regards to the tax amendment and are trying to reach out to the citizens with a brief presentation on DVD to local governments. He requested the City put the video out for the citizens of Stuart to view.

Commissioner Hutchinson thanked the citizens for allowing her to serve as Mayor. She also asked the Commission on their consensus on road impacts.

Commissioner Waxler thanked Former Mayor Mary Hutchinson for her term as Mayor. She commended her for her as leadership and appreciated her posing as Sammy Sailfish for the Holiday Parade.

She also expressed concern over the use of storage, displays, and buildings within the parking lot area of the Home Depot, and requested the City look into the issue.

COMMENTS BY CITY MANAGER AND REVIEW OF TENTATIVE AGENDA

City Manager Hudson presented a photo to former Mayor Hutchinson and Commission Waxler in their costumes at the Holiday Parade.

City of Stuart Support and Dedication to the Downtown Business Association

He also presented a plaque to the City of Stuart from the Downtown Business Association in appreciation of the City's support and dedication to the downtown.

City Manager Hudson noted a revised exhibit for agenda item number four. He requested the Commission substitute the exhibit.

Attorney Nicoletti introduced the new Assistant City Attorney, Bob Killbride to the Commission. The Commission welcomed him to the City.

STAFF REPORT ON COMMENTS FROM PREVIOUS COMMISSION MEETING

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|-------------------------------------|----------------------------|
| • County Aquatics Center | City Met with County Staff |
| • Annexation Maps | Agenda 12/10/07 |
| • Vilabella Compliance | Magistrate Order 8/9/07 |
| • Fiscal Policy on Investments | Pending |
| • Commerce Ave. "On-Street" Parking | Pending |
| • Road Closure of Lake Street | Letter to School Board |

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

Mr. Robert Hall came forward and noted the letter to the School Board in reference to the Lake Street road closure. He asked to be advised to the status of that issue. He also expressed concern over many roads in Stuart that are in need of resurfacing as well as upkeep of many right-of-ways.

Mayor Krauskopf requested that Mr. Hall jot down the streets that are in need of repair and give it to the City.

Mr. Hall specifically mentioned Martin Luther King Jr. Blvd, in front of the new Public Safety Complex.

APPROVAL OF AGENDA

MOTION: COMMISSIONER WAXLER; MOVED APPROVAL OF THE TENTATIVE AGENDA
SECOND: COMMISSIONER MORTELL
MOTION APPROVED UNANIMOUSLY

CONSENT CALENDAR

1. Request to approve the Minutes from the Regular Commission Meeting of November 13, 2007
 - 1a. Approve City Commission Meeting dates for 2008
2. **CONTINUE TO THE MEETING OF DECEMBER 17, 2007**
RESOLUTION 161-06 to consider a Major Site Plan, Key's of Stuart Professional Center (Redo from the September 24, 2007 Commission Meeting)
3. RESOLUTION 177-07 Accepting the return of the 10th Street Recreation Center property from the Housing Authority of Stuart and finalize the business term agreement necessary to effect the transaction

4. **RESOLUTION 178-07 Authorization to execute a ten foot (10) easement to Florida Power & Light (FPL) on City property known as Penn Plaza and leased by Robert and Joan Desantis, Rescinding Resolution 174-07**
5. **RESOLUTION 179-09 Authorization to execute an assignment of lease from Pelican Café, Inc. to the Pelican Café, LLC**
6. **RESOLUTION 180-07 Authorization for the use of Facsimile signatures on checks issued by the City**
7. **RESOLUTION 181-07 Authorization of procurement of Environmental Monitoring Services from Environmental Research & Design, Inc. Orlando using the Martin County Service Agreement #2007-2054 in an amount not to exceed \$69,989.45**
8. **RESOLUTION 182-07 Authorization to sign and forward a letter to the Chairman of the Martin County Commissioners supporting the execution of a Memorandum of Understanding with terms and conditions for a 20-year Interlocal Agreement for bulk water and wastewater service**
9. **RESOLUTION 183-07 Authorization to execute a Non-Exclusive Sewage Force Main Easement with Martin County on property located in Witham Field and the Martin County Golf Course for the operation and maintenance of a sewage force main**
10. **RESOLUTION 184-07 Authorization to execute a Utility Service Agreement with Tom McNicholas to construct a low pressure sewer main at 531 Manor Drive to serve six (6) properties on manor drive**

END OF CONSENT CALENDAR

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF THE CONSENT AGENDA WITH AMENDED ITEM #4 EXHIBIT

SECOND: COMMISSIONER WAXLER

ROLL CALL

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

Mayor Krauskopf mentioned the approval of the Fountains project at the last Commission meeting. "In part of that discussion was the sign lease, North and South. I heard a comment regarding, should we have had a sign location on 76 instead? I just wanted to find out if we were interested in that before we proceed on item 11, or whether were still focused on North and South US1?"

The Commission did not respond to Mayor Krauskopf's question.

SECOND READING OF ORDINANCE

11. ORDINANCE 2142-07 (Second Reading) Provide for the abandonment of certain public right-of-way within the City being the 30 foot wide right-of-way southeast to northeast, perpendicular to Kanner Highway Stuart Commons f.k.a. Center Pointe (Quasi-Judicial)

MOTION: VICE MAYOR CHRISTIE: MOVED APPROVAL OF ORDINANCE 2142-07 ON SECOND READING

SECOND: COMMISSIONER HUTCHINSON

ROLL CALL

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

12. ORDINANCE 2146-07 (Second Reading) Establishing Land Use Design and Development Criteria and Definitions for "Cottage Lots" (Quasi-Judicial)

Commissioner Hutchinson asked on page 4 regards to the first floor living area. You said it is the under air living area. How do we prevent people if they put on porches that they don't enclose it or can someone build maximum amount if they don't choose to have air conditioning?

Kev Freeman: I think the definition of under air maybe something that needs greater definition.

Commissioner Hutchinson stated she did not want to see someone build a house and they say there not going to put air conditioning in it and they build it to 40 to 50% square footage, and then they come back later and put in AC. I don't know from a control standpoint but there is more to just define that area. I just want to make sure that the living area is not greater then 30%.

Kev Freeman deletes any reference to under air under air.

Vice Mayor Christie noted a letter he received from Mr. Frieijomel in reference to parking.

Kev freeman it as not the intention of the City to change any of the City's parking for residential, single family or duplex requirements. He said the only thing that has been removed at second reading is the shared parking.

MOTION: COMMISSIONER HUTCHINSON: MOVED APPROVAL OF ORDINANCE 2146-07 ON SECOND READING WITH THE DELETION OF UNDER AIR.

SECOND: COMMISSIONER WAXLER

ROLL CALL

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

13. ORDINANCE 2147-07 (Second Reading) Increasing the monetary limits from \$10,000 to \$25,000 and City Manager authority for certain purchases and services, and disallowing negotiation with bidders after bid opening; and exempting certain products and services from competitive solicitation (Quasi-Judicial)

MOTION: VICE MAYOR CHRISTIE: MOVED APPROVAL OF ORDINANCE 2147-07 ON SECOND READING

SECOND: COMMISSIONER HUTCHINSON

ROLL CALL

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

DISCUSSION & DELIBERATION

14. Review of requirements and conditions for approval of extension to PUD timetable of development

Development Director Kev Freeman gave a brief power point presentation regarding timetable extensions. He stated there are current issues with Development Timetables in PUDs approved since 2000, with a "degree of inconsistencies" and too many factors of conditions. The proposed amendment would require full review of the project simplifying the language of the timetable of development and assigning one date with two years to obtain a CO.

Commissioner Mortell stated that staff's presentation was difficult to follow.

Kev Freeman stated that the City is working on a 2-year time period as a "drop dead date". What we are looking to do is really set out a firm time scale for developers, to realize when they come in the door and seek approval that the City is expecting them to undertake the Development within two years. Staff asked for direction from the Commission regarding moving forward with a proposed Ordinance to the LPA.

Frank Wacha came forward and expressed concern over a blanket type of condition for every project. He requested the City look at each project on a case by case basis.

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL TO MOVE TO DIRECT STAFF TO AMEND THE LDC THAT IF A PUD EXPIRES, THEN IT WOULD REVERT BACK TO THE UNDERLYING LAND USE DESIGNATION IF IT IS AN OVERLAY ZONING IT WOULD REVERT BACK TO THE OVERLAY DESIGNATION.

SECOND: COMMISSIONER WAXLER

MOTION APPROVED UNANIMOUSLY

15. Presentation of the South Point Anchorage Marina Redevelopment

Bob Henniger, Executive VP Huzeinga Holdings came forward and gave a visual presentation to the Commission on the status of the Southpoint Anchorage.

Tom Lucido & Associates gave a powerpoint presentation to the Commission including the Harbormaster building, Restaurant, Marina, Public Promenade and Boardwalk.

There was discussion by the Commission regarding the transient dockage as well as public access to the project. Commissioner Waxler questioned transient dockage and said it appears the entry to the docks has been moved.

Mr. Henninger explained with the proper signage the public would have no trouble with access to the site and would also be pedestrian friendly.

Commissioner Mortell expressed concern over the parking between the restaurant and marina.

Commissioner Hutchinson expressed concern over the delivery trucks and where they would park. She stated she did not want to see semi-trucks parked on SR 707 in the early morning hours and asked the developer to work with the City on designated delivery times.

Mayor Krauskopf said the City is willing to work with the developer and DOT to address additional parking for employees at a site under the bridge.

Mr. Henniger stated their goal is to get a construction schedule by the end of January.

Helen McBride came forward and requested the Developer look at additional handicapped parking spaces for the site.

Mr. Hudson clarified for the Commission and Public that this is not the final site plan approval but is approval of the presentation and concept plan.

**MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF THE CONCEPT PLAN
PRESENTATION OF THE SOUTHPOINT PROJECT.
SECOND: VICE MAYOR CHRISTIE
MOTION APPROVED UNANIMOUSLY**

16. Annexation Principles and Map

City Manager Dan Hudson said the goal was to identify areas of consensus on future annexations.

He addressed potential annexation infill areas pointing out the vicinity of US 1 and Indian Street and both sides of Monterey Road in the vicinity of Willoughby Blvd.

Commissioner Mortell made it clear that the City has no intention to annex North River Shores.

Mayor Krauskopf addressed "planning versus reacting" and said we should have an idea of what is best suited in specific areas. He is interested in what we want to see developed in the infill and redevelopment areas.

Vice Mayor Christie did not want to be labeled as not wanting to see Stuart grow in the way we should but he has a concept of opportunities of redevelopment already within the City. He wants to look at services that have to be provided and focus more on what we already have as well as making improvements there.

Commissioner Mortell clarified that the City is not considering any mandatory annexation. He also clarified that we are not annexing the airport and said he would like a map to show what is available.

Attorney Nicoletti mentioned that the City has been approached regarding annexation across the street from the previously annexed Fountains, but noted this was discouraged.

Mayor Krauskopf requested the removal of any potential annexations from the map, and requested a map that included developable land within the current City boundary.

Commissioner Hutchinson suggested this be added for discussion at the next Commission retreat.

Mayor Krauskopf suggested working on the existing boundary and focus on "refreshed areas" and redevelopment. .

ADJOURNMENT 7:52 PM

ATTEST:



Cheryl White, CMC, City Clerk



Jeffrey Krauskopf, Mayor

Minutes approved at the Regular Commission Meeting This 14 Day January 2008

