

**REGULAR MEETING OF THE STUART CITY COMMISSION  
HELD ON OCTOBER 22, 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.**

**PRESENTATIONS**

**A. (1) PROCLAMATION, Proclaim the week of October 21-27, 2007 as  
RESPIRATORY CARE WEEK**

Karen Booth came forward and graciously accepted the proclamation and thanked the City.

**(2) PROCLAMATION, Proclaim the week of October 21-27, 2007 as  
FLORIDA CITY GOVERNMENT WEEK**

Chuck Weiser came forward and graciously accepted the award and thanked the City.

Mayor Hutchinson announced the City will have a booth set up on October 27, 2007 from 10:00 a.m. to 4:00 pm in conjunction with the Hobgoblin Parade and Antique Car show promoting information about the City.

\* Added Proclamation: Proclaim the welcoming of the Chiro Games to be held November

A representative of the Martin County Tourism Agency came forward and graciously accepted the proclamation.

**B. Employee Service Recognition:**

**David Gorny, Police Department, 25 Years  
Lisa Scott, Police Department, 20 Years  
William Pecci, Police Department, 20 Years  
Richard Shine, Police Department 5 Years**

David Gorny, Lisa Scott, William Pecci all came forward graciously accepted their awards and thanked the City.

Richard Shine was unable to attend.

**C. Presentation on the Business Development Board Presented by Ronald Bunch, CEcD, Executive Director**

City Manager Dan Hudson gave a brief introduction.

Mr. Ronald Bunch gave a brief presentation to the Commission and public, he addressed visitation, business retention and expansion noting that some businesses are having a problem finding suitable employees. Addressing the new BDB website, Bunch said there is a portal to specifically support existing businesses. The community needs to know more about economic development and the economic impact of the aviation sector and we need to leverage the brand of The Research Coast.

**This item was heard later in the meeting.**

**D. Public Commendation, Stuart Fire Rescue recognizes and Commends the heroic actions of the staff of Kathy and Nick's Barber Shop: Nick Nocito, Christine Molloy, Patricia Beauregard patron Henry Stasiewicz and David Lawson, Alex Ginossi, Derek Wallace, Mark Champion, Mark Smith, Vince Felicione and Jonathan Huneycutt**

**COMMENTS BY CITY COMMISSIONERS**

Commissioner Christie thanked the City Manager and staff for the strategic plan and update. He also noted he would not be here for the Regular City Commission meeting on November 13<sup>th</sup>, 2007.

Vice Mayor Krauskopf noted an E-mail he had received regarding a new constitutional amendment petition that would put a cap on ad valorem. He said even though the State Legislature had promised to work on tax and insurance issues, public frustration is still out there.

Mayor Hutchinson said in driving around the City she has noticed that the green development signs posted on properties are difficult to read and asked staff to look into the issue.

Commissioner Mortell wants to add to the list of on-going projects the issue of a parking garage in downtown Stuart. He stated the Fountains project and the fact they are building a parking garage in the back of that. The only place that does not have the parking requirement is downtown Stuart, which is parking exempt. My thought is that downtown should be the center of our business district. As far as office rent, it is probably the lowest office rents in the entire county due to the parking issue in the

downtown. He asked staff to "relate" to sites and ways that we could work together to build a parking garage.

Mayor Hutchinson stated the City could discuss this in the meeting scheduled for tomorrow.

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

City Manager Hudson presented a "City Manager Award for Excellence" for making a difference to two members of Public Works Department for their work on the Sammy Sailfish and single stream recycling project. Mary Kindel and Greg Schommer.

Commissioner Waxler said she is now a recycler and has heard terrific, fantastic comments from her neighbors about the program and thanked Mary & Greg for their work in the program.

Manager Hudson mentioned relative to the agenda, item 13, the Joint Resolution with Martin County regarding Greenways and Trails, Hudson clarified that the language in there is referring to a Conceptual Alignment of the Greenway Trail.

Also added is an additional Item, 15A, consideration for a request for a time extension of the SDG lease, which is the Northpoint project. It has been added to the Consent Calendar and although there are no requests to pull, there may be citizens here to speak on Item 5, Bryant Ave. or Item 11, California Avenue.

Mayor Hutchinson stated she had a request from the public to speak on item 11.

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

- |  |                            |
|--|----------------------------|
| • Historic Building Tax Credits          | On Hold                    |
| • County Aquatics Center                 | City Met with County Staff |
| • SR 707 Haney Creek Maintenance Pending |                            |
| • Annexation Maps                        | Staff is Assembling        |
| • Policy Regarding Pole Signs            | Zoning in Progress         |
| • Villabella Compliance                  | Magistrate Order 8/9/07    |
| • Fiscal Policy on Investments           | Pending                    |
| • Commerce Ave. "On-Street" Parking      | Pending                    |
| • Signs Palm City Road                   | Pending                    |
| • Bryant Ave. Proposed Closure           | Agenda 10/22/07            |

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

John Katsock, owner of the property at 20 N. Dixie Highway. He came forward and expressed concern over the adjacent property zoning of industrial when the use for the entire CRA is not industrial.

Attorney Nicoletti stated he would get back with Mr. Katsock to discuss the matter.

## **APPROVAL OF AGENDA**

MOTION: COMMISSIONER CHRISTIE; MOVED APPROVAL OF THE TENTATIVE AGENDA WITH AMENDMENTS

SECOND: VICE MAYOR KRAUSKOPF

MOTION APPROVED UNANIMOUSLY

## **CONSENT CALENDAR**

1. **Request to approve the Minutes from the Regular Commission Meeting of September 24, 2007 and October 8, 2007**
2. **Set date of November 13, 2007 to consider a Major Site Plan, Stuart Commercial Properties, 1801 SE Federal Highway**
3. **Set date of November 13, 2007 to consider a Major Site Plan, Key's of Stuart Professional Center (Redo from the September 24, 2007 Commission Meeting)**
4. ***CONTINUE THE PUBLIC HEARING OF ORD. 2131-07 FOR SECOND READING TO NOVEMBER 13, 2007* (Ordinance No. 2131-07 Parcel "A" Amending the Comprehensive Land Use Plan to commercial a parcel of land consisting of 19.31 acres owned by Stuart Town Center 1, LLC Fountains of Stuart, located along SE Federal Highway, said land to be concurrently designated within a CPUD district on the City of Stuart zoning map (Sent to DCA)**
5. **Authorization to discontinue any further research into closing Bryant Avenue**
6. **Report of Public Safety Building Construction and Funding Status and acceptance of final payment request to Urban Building Systems, Inc. in the amount of \$431,875.32**
7. ***CONTINUE THE PUBLIC HEARING OF ORD. 2115-07 FOR SECOND READING TO NOVEMBER 13, 2007* (Ordinance No. 2115-07) to consider a Major Amendment to the Commercial Planned Unit Development located on the east side of Kanner Highway (SR 76) North of Indian Street for a master/final site plan, Center Pointe CPUD (Quasi-Judicial) (RC**
8. **RESOLUTION 153-07 Intent to abandon and set public hearings dates for November 13, 2007 and November 26, 2007 to consider 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**
9. ***CONTINUE RES. 154-07 TO NOVEMBER 13, 2007* (RESOLUTION 154-07) to approve a Site Plat Titled "Stuart Commons" f.k.a. "Center Pointe" for the Master Site Plan, Property located on the east side of S. Kanner Highway, North of Indian Street**

10. **RESOLUTION 155-07 Intent to abandon and set public hearing date for November 13, 2007 and November 26, 2007 to abandon a portion of an improved right-of-way and relocation of SE Slater Street, The Fountains of Stuart**
11. **RESOLUTION 156-07 Authorization to ratify and approve a Revocable Permit Dated June 30, 2007 to Michael Braid, owner of property located at 512 SW California Avenue and ratify the existing improvements to portions of the SW California Avenue right-of-way located along the street frontages of the adjacent properties**
12. **RESOLUTION 157-07 Authorization to execute a work authorization letter to Boyle Engineering, Inc. in accordance with the master agreement for continuing professional engineering services dated October 27, 2003 to provide engineering services related to water and wastewater utility needs in an amount not to exceed \$188,850.00 (Quasi-Judicial)**
13. **RESOLUTION 158-07 A joint Resolution between the City Commission and Board of County Commissioners regarding support of the East Coast Greenway**
14. **RESOLUTION 159-07 Authorizing a Budget Amendment to the 2007-2008 Annual Budget of the Water Sewer Fund \$188,850**
15. **RESOLUTION 160-07 Authorizing a Budget Amendment to the 2007-2008 Annual Budget to continue operations of the Monterey Pointe Golf Range until a long-term plan is determined**

**\*15A Request made from SDG Group a time extension of the lease commencement date of 10 days from the receipt by SDG Group, LLC of the City's written notification that the SLL's signed by FDEP are at City Hall, or January 31, 2008, whichever comes first.**

**MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF CONSENT CALENDAR AS AMENDED 1,2,3,4, 6,7,8,9,10, 12,13,14,15,15A**

**SECOND: COMMISSIONER CHRISTIE**

**ROLL CALL**

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

**END OF CONSENT CALENDAR**

**Item D was heard here:**

- E. Public Commendation, Stuart Fire Rescue recognizes and Commends the heroic actions of the staff of Kathy and Nick's Barber Shop: Nick Nocito, Christine Molloy, Patricia Beauregard patron Henry Stasiewicz and David Lawson, Alex Ginossi, Derek Wallace, Mark Champion, Mark Smith, Vince Felicione and Jonathan Huneycutt**

Chief Lori Sunderman gave a brief presentation to the Commission and Public and presented a public commendation to the heroic actions of all in the saving of the life of Mrs. Barber All the Firefighters were unable to attend due to an emergency call but were all thanked anyway.

Item 5 was heard here :

**5. Authorization to discontinue any further research into closing Bryant Avenue**

Joanie Moore came forward and stated that she had discussed this issue with the Fire Chief and will meet with the City Manager because the issue is not resolved.

City Manager Hudson stated that staff does not recommend closure of the road but there are businesses in the neighborhood that have code violations.

Commissioner Mortell said the City Engineer knows better than he does but someone has completely ignored the spirit of cooperation by pulling the no parking signs out of the ground. He said that clearly the issue needs to be addressed.

Mayor Hutchinson said she lives in this neighborhood and does not want to do a "permanent fix to a temporary problem". We need to monitor to try to get these businesses to be a good neighbor do business within the law.

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF CONSENT CALENDAR  
ITEM 5

SECOND: COMMISSIONER WAXLER

ROLL CALL

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

**11.RESOLUTION 156-07 Authorization to ratify and approve a Revocable Permit Dated June 30, 2007 to Michael Braid, owner of property located at 512 SW California Avenue and ratify the existing improvements to portions of the SW California Avenue right-of-way located along the street frontages of the adjacent properties**

Robert Steinburg came forward and expressed concern over the revocable permit.

Attorney Nicoletti stated he has not had a chance to review this but felt the item needed to be pulled.

MOTION: COMMISSIONER WAXLER: MOVED APPROVAL TO PULL ITEM 11 FROM THE AGENDA

Mayor Hutchinson expressed concern over Mr. Braid and the fact he has done what he was suppose to do.

Mr. Hudson stated the item on tonight's agenda is Mr. Steinburg's proposal and not recommended by the City.

MOTION: COMMISSIONER WAXLER: MOVED APPROVAL TO WITHDRAW HER ORIGINAL MOTION AND MOVED APPROVAL OF RESOLUTION 156-07 AS STAFF RECOMMENDED. AS PRESENTED TO THE CITY COMMISSION.

SECOND: COMMISSIONER MORTELL  
ROLL CALL

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

**FIRST READING OF ORDINANCES**

- 6. ORDINANCE 2135-07 (First Reading) Request to consider a rezoning from Multi-Family Residential to Mixed-Use Planned Unit Development, Located at the South side of SE Ocean Blvd. adjacent to Kingswood Condominiums, Celebrity Associates LLP (Quasi-Judicial)**

Sworn were:

David Sacks

Maria Deleon-Fleites Project Archt

Larry Parr , Landscape Archt

Bill Mathers, Project Civil Engineer

Kev Freeman, Pinal Gandhi-Savdas

Kev Freeman Gave a brief presentation to the City Commission with a powerpoint visual presentation regarding the proposed project.

Issues at 1st hearing September 10<sup>th</sup> were.

1 lift station.

Applicant is still waiting to hear from Kingswood.

Staff considers approval with the 41 Development conditions.

David Sacks gave a brief presentation regarding the History of the proposed project.

Maria Deleon-Fleites Project Archt gave a visual presentation.

Larry Parr gave a visual presentation regarding the proposed landscaping for the project.

Bill Mathers, Civil Engineer gave a brief presentation regarding the proposed project.

Dale Sorenson 227 SE Pelican Drive came forward and stated he was in favor of the proposed project.

Attorney Jane Cornett 401 East Osceola representing Kingswood III. She stated the Board of Directors of Kingswood III have not meet and will be meeting next week to discuss the easement for traffic to flow over to Kingswood Terrace.

She stated the first she has heard of any drainage issues was tonight and suggested adding a condition that Mr. Mathers must remain on as the engineer. She also stated the Kingswood

III residents also had concern over the compatibility of these proposed residents and the existing residents.

They did meet to discuss the Kingswood Parcel A landscape

Linda Hillman, 1 Heritage Way Sewalls Point. Realtor expressed concern over the 55 older communities and presented data to the Commission as to the vacancies of 55 an older

Attorney Maxine Noel representing Kingswood II, expressed concern over the proposed project, especially the lift station. She was informed that the water lines for Kingswood II were on the proposed project property and this also is a grave concern to the residents.

Eugene Sobolesky, Kingswood Phase I came forward and expressed great interest in the proposed truck delivery access road. He felt the system should be looked at and alternative routes discussed. He also asked if there would be agreements with the existing roadways. He also asked about the set aside green space in lieu of the density permitted.

Dennis O'Kane 2950 SE Ocean Blvd had concern over the location of the proposed volleyball courts and barrier trees and its size.

Peter Feeney, Kingswood II had concern over the runoff for the project.

Helen McBride, Flamingo Avenue came forward and expressed concern over the drainage problem and the retention for her neighborhood.

Vice Mayor Krauskopf: Expressed concern over the project being ready for approval. He had concern over the lift station. Also the easement has also not been resolved by the parties. The water lines he just heard tonight and stated that on two occasions the City has been embarrassed over the location of water lines and proposed developments. He said this project should make sure it does not complicate the residents.

He did recognize a wider turn radius, one was the ability was for the folks to see a bigger visual area while entering or exiting the area.

He also expressed concern over the runoff of the property located near the volleyball courts.

Commissioner Christie: Had several concerns, traffic coexisting, and asked if the City can restrict the project as 55 and older. He said he could not support the project with many unanswered questions and concerns.

Waxler stated the developer should go straight zoning and build 144 residential units and cannot support a PUD.

Commissioner Mortell expressed concern over straight zoning and the Commission would never have any of these discussions or concerns of the adjacent properties.

He would like to see less dense more green space and not straight zoning... He said it would be a bigger problem.



Mayor Hutchinson: Had concern over straight zoning should be a great project and the City needs to write the codes properly so the City can say the project is great under the codes with straight zoning. She stated that the project needs to also fit in the community.

David Sacks came forward and wanted to rebut and answer any questions brought up by commission and the public.

Attorney Noel came forward and stated she did not have anything to add but the fact there have been no agreements regarding the lift station and also the concern over the existing water lines located within the area of the proposed project.

MOTION: COMMISSIONER WAXLER: MOVED APPROVAL TO APPROVE 2135-07 ON FIRST READING

MOTION: COMMISSIONER WAXLER: MOVED APPROVAL TO WITHDRAW HER MOTION

MOTION: COMMISSIONER WAXLER: MOVED APPROVAL TO NOT APPROVE 2135-07 ON FIRST READING

Mayor Hutchinson passed the gavel and seconded the original motion.

SECOND: MAYOR HUTCHINSON

ROLL CALL

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

### **DISCUSSION & DELIBERATION**

#### **7. Review, revise and approve request for Developer Qualifications #2007-62 to Lease Old Landfill Property and simultaneously authorize legal advertisement of RFDQ**

Terry Iverson gave a brief overview on the proposed RFDQ to lease the Old City Landfill Property.

The Commission suggested be included in the review of the proposals and asked staff to include their comments.

Attorney Nicoletti suggested a caveat to reserve an opportunity to look at the survey and title work.

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL TO MOVE FORWARD ON THIS TAKING INTO ACCOUNT THE COMMISSION AND CITY ATTORNEY'S SUGGESTIONS.

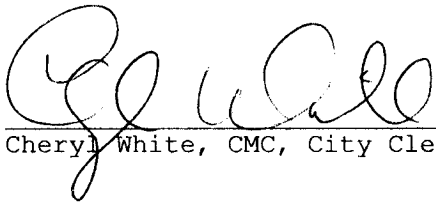
Mike SanFlippo came forward asked the City Commission if they have intentions to continue the operation of a Recreational Facility or are they going to offer the property as a RFDQ.

The Commission stated it would be going out as a RFDQ.

Commissioner Mortell had concern over the Home Depot Parking lot and the fact that they had it blocked off for a sale. This created a problem for parking and wanted staff to look at if they are in compliance with their parking when they do that.

SECOND: COMMISSIONER MORTELL  
MOTION APPROVED UNANIMOUSLY

**ADJOURNMENT 9:00 pm.**



Cheryl White, CMC, City Clerk



Mary L. Hutchinson, Mayor

Minutes approved at the Regular Commission  
Meeting this 13nd Day November 2007

