

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON OCTOBER 26, 2009
AT 5:30 P.M. IN THE CITY COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994**

**Roll call was answered by:
Mayor James A. Christie
Vice Mayor Michael Mortell
Commissioner Carol S. Waxler
Commissioner Jeffrey A. Krauskopf
Commissioner Mary Hutchinson**

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

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

PRESENTATIONS

1. Employee of the Month

John Taylor, Fire Rescue

Fire Chief Lori Recca presented a short video to the Commission and public regarding the Departments Vision for the future. The employee of the month was nominated for the production of this video.

2. Employee Service Recognition

**Kris Johnson, Yard Trash Collection Team, 20 Years
Barry Pope, Commercial Collection Team, 5 Years
Robyn Armstrong, Police, 5 Years**

Kris Johnson was unable to attend and his award was accepted by his supervisor.

Barry Pope came forward and graciously accepted his award and thanked the Commission.

Robin Armstrong was unable to attend and was accepted by Chief Morley.

COMMENTS BY CITY COMMISSIONERS

Commissioner Hutchinson thanked Sam Amerson and Milton Leggett for the new crosswalk signs. She also noted the lights at North of the Old Roosevelt bridge are out. She also noted that on Sunday she had received a call from Armond Pasquale regarding live music noise coming from the Key Lime Café.

Mayor Christie noted that the East Stuart Mainstreet will be presenting to Mrs. Ruby Bell a rendering of her home that was done, and is now the East Stuart Main Street logo. The presentation will be held at 10:00 a.m. Tuesday October 27, 2009 on Martin Luther King Jr. Blvd. She invited everyone to attend.

COMMENTS BY CITY MANAGER

City Manager Hudson noted the Federal Railroad Administration is adopting rules that will allow local governments to establish new quiet zones for grade crossings. He stated that the City may attend some training workshops to find out what the requirements we must follow. He also said that a representative is needed from the City Commission to sit on the Treasure Coast Regional Planning Council. The Commission can discuss it at the first meeting in November.

There were no consent pulls but Item 11 (Resolution 129-09 Jennifer's Bar and Grill) has been continued to November 23, 2009, staff has no objection.

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

Carl Thonnes came forward and expressed concern over the newly erected Lamar Billboard at the corner of Kanner Highway. He said it is very distracting.

Veronica Pasquale voiced her objections to the loud noise created by a 4-piece amplified band that played at the Key Lime Café the past two Sunday afternoons and disturbed the whole neighborhood. She said one of her tenants threatened to move out. She noted that the noise ordinance does not kick in until 9 pm.

Commissioner Waxler said it was not the Commissions intent to allow amplified bands when the Key Lime café came before us for an amendment.

Commissioner Hutchinson said the Key Lime Café has a banner north of the Bridge advertising a Reggae band.

Vice Mayor Mortell said he felt that Mr. White should be present regarding any discussion on the Key Lime café so he could tell his side.

City Manager Hudson will review the agreement and distribute an information packet to the Board.

Bernie Malone announced Stuart Mainstreet's 11th annual Hobgoblin Parade to be held Saturday October 31st starting from the City Hall and proceeding down Osceola led by Grand Marshall Vice Mayor Mortell. There will also be free face painting and Trick or Treat at many of the shops and restaurants after the Parade.

Ms. Hattie Green, 1623 Arapaho Street voiced concern about traffic using the drainage ditch that runs along the side of her house.

Staff will look into the issue.

APPROVAL OF AGENDA

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF AGENDA WITHDRAWING ITEM 11.
SECOND: COMMISSIONER HUTCHINSON
MOTION APPROVED UNANIMOUSLY

CONSENT CALENDAR

3. **Request to approve the minutes of the Regular Commission Meetings of October 12, 2009**
4. **Support for Visiting Nurse Association Air Show and use of City equipment**
5. **RESOLUTION 124-09 Authorization to execute the Indian River Crime Laboratory Interlocal Agreement and first addendum to coordinate among several local government units and independent constitutional officers the funding, administration and management of the Indian River Crime Laboratory**
6. **RESOLUTION 126-09 Authorizing a budget amendment (BA#1) to the 2009-2010 annual general fund operating budget; authorizing the appropriation and expenditure of \$51,407.00 to fund the purchase of in-car cameras, speed trailer and GIS Service**
7. **RESOLUTION 127-09 Authorizing a budget amendment (BA#2) to the 2009-2010 annual development special fees fund and general fund operating budgets; authorizing the appropriation and expenditure of \$20,215.00 to fund the purchase of new playground equipment for Kiwanis Park**
8. **RESOLUTION 130-09 Authorization to approve a Minor Amendment to the "Johnson Honda" Commercial Planned Unit Development, Ordinance No. 2163-08, proposed by Turquoise Moon, LLC owners of the property; permitting the amendment to development documents for a revised final site plan and architectural elevations allowing for a reduction in the overall building square footage and massing (Quasi-Judicial)**
9. **RESOLUTION 131-09 Authorization to approve amendment #2 in the amount of \$4,840.00 to Work Authorization #2 with Matrix Consulting Group to provide Fire Service Maps depicting the locations of Fire/Rescue responses within the incorporated limits of Sewall's Point; and simultaneously authorizing the City Manager to execute amendment #2 upon approval by the City Attorney**

END OF CONSENT CALENDAR

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF THE CONSENT AGENDA 3-9
SECOND: COMMISSIONER WAXLER

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

COMMISSION ACTION

10. RESOLUTION 128-09 Authorization to approve an East Stuart Overlay District Special Exception for the Macedonia Community Outreach Ministries Veterans Home, allowing a group home for homeless veterans with 17 residents, including staff within the East Stuart single family duplex zoning district (SFD) located at 828 Nassau Avenue

Senior Project Planner Tom Reetz gave a brief overview regarding the proposed Special Exception.

Pastor Andrews, CEO and Founder, said the Macedonia Outreach Veterans Home would provide service to help “chronic homeless and addictions that cause homelessness veterans.” The purpose of the shelter is to allow these people back into society as productive citizens. He thanked staff and everyone who worked hard to help with this project.

Terry O’Neil, Acting Development Director stated the exception would be granted for a twelve month period and stressed that this facility is for veterans only and addressed the conditions place on the exception. Records must be kept if any resident has a criminal history. If conditions are strictly adhered to the exception would become permanent.

Public Comment

Frank (inaudible) 2600 Kanner Hwy. VFW Post in Stuart Commander was “excited” about the project that will be “policed” by a number of veteran agencies.

Commissioner Hutchinson agreed there is a need but she had an issue with the number of people being proposed saying 17 is not right for that neighborhood and not enough parking.

Commissioner Krauskopf commented on section 6 page 3 of 3, he requested the special exception be changed to say that a date certain to sunset by November 1, 2010 unless extended by the City Commission.

Vice Mayor Mortell asked if there was a parking requirement there.

Terry O’Neil stated the conditions include a prohibition for program participates having a vehicle. They will have to come there by bus or shuttle.

Vice Mayor Mortell asked how homeless people would be identified to qualify for this location and also wanted to know the effect of a “breach”. He agreed 17 residents would be too many and was concerned that the Commission would become the villain if the project is “sunsetting”.

Pastor Andrews said every occupant will have a federal background check and the entire program is structured to meet Veterans Administration criteria. Each client will be assessed through the VA. The building has enough space to “facilitate” 17 residents and the Fire Department made the terms of capacity. He stated the adjacent property owner is allowing them to use the property for additional recreational use space. He stated that if the client leaves the property for any reason a form must be filed with the staff and get approval from the staff, case manager, or office manager before they can even leave the facility.

Mayor Christie expressed concerns he had received many concerns from the neighbors including , the type and number of individuals who will be housed there and he had concern

over the special exception running with the land. He asked if this would and the exception running with the land and the number of residents.

Pastor Andrews said 17 include, 3 staff members, so there will only be 14 residents and 3 employees. There will be structured programs to address substance abuse, employment opportunities, financial planning and life planning. There will also be case management and a 10 PM curfew for residents.

Commissioner Hutchinson said from a safety standpoint 17 is too many and the City will be put in the position of having to regulate this. She was also concerned about bringing in people from out of the area.

A Representative from the Church clarified that this is a transitional housing program with the objective to put people back into society.

Commissioner Waxler commended the effort but had concerns about adjacent property owners and the number of proposed residents. She suggested a "ramp up" program starting with a lower number of residents and then transitioning upward.

Pastor Andrews said the community has been aware of this program for two years and the VA monitors the programs on a weekly basis. The Church has made a "substantial investment" and depends on VA reimbursements according to the numbers written in the grant that have to be maintained.

The public hearing was reopened:

MOTION: COMMISSIONER HUTCHINSON; MOVED APPROVAL TO REOPEN PUBLIC COMMENT.

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

Eric Brent came forward and thanked staff and the community for doing a great job on this project and said we need to take a close look at what is being proposed. The VA has put this program together for a "continuum of care" to address the needs of veterans.

Commissioner Hutchinson said we are not "tossing veteran's aside", and was looking out for the best interest of the community in a whole.

Mayor Christie said no one on the Commission has said they do not want to see this project move on but there are concerns to be addressed and 17 people are too many to live in this house.

City Attorney Nicoletti suggested hearing public comments and staff comments and possibly bring this back at the next meeting.

John Addex, Martin County Director of Veterans Services, was very familiar with homeless veterans and said the Workforce Solutions Veterans representative would work with these people. He also noted that we have a Stuart VA Clinic and a VA Hospital. He understood the concerns and said there will be a lot of people policing the facility and the applicant intends to invite the community into visit the home.

Helen McBride came forward and commended the group who wants to give a helping hand to our veterans and noted that during the construction boom as many as 14 people had lived in one side of a duplex.

City Attorney Nicoletti explained that 17 is the total occupancy level for that size facility based on fire code not on zoning.

Vice Mayor Mortell said he would be "hard pressed" to vote in favor of any more than 9 residents. He also questioned the kitchen facilities, garbage volume, number of baths, etc. noting that this would be much bigger than a boarding house.

Pastor Andrews described the split level home that has a basement has six bedrooms and four baths in a very manageable space.

Commissioner Waxler was willing to give the project a chance but on "a short leash".

MOTION: COMMISSIONER WAXLER; MOVED APPROVAL OF RESOLUTION 128-09 WITH A SUNSET REVIEW IN 6 MONTHS.

SECOND: COMMISSIONER KRAUSKOPF

City Attorney Nicoletti stated he was rewriting section 1: "East Stuart's overlay district special exception shall be granted until November 1, 2010 unless further extended by the City Commission. A review by the City Commission shall be conducted on or about May 1, 2010 by public hearing, during which the use may be continued with additional conditions or discontinued."

Vice Mayor Mortell expressed concern again over the number of residents that will be housed there.

Commissioner Hutchinson asked if there was a way out of the basement.

Mayor Christie asked Pastor Andrews if there were going to be local veterans there.

Pastor Andrews stated yes and there were four waiting local.

ROLL CALL

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

Item #11 has been continued to November 23, 2009

11. RESOLUTION 129-09 Authorization to approve a Major Urban Code Exception to Stuart Arcade Associates, LLC; the property is located in the "Old Downtown Section" of the City, consisting of one parcel, as further described herein; to allow for the sale and consumption of alcoholic beverages within the "Old Downtown Section" (Quasi-Judicial)

12. RESOLUTION 95-09 Authorizing to adopt revised and new fees and charges for Special Events within the City; providing an effective date of November 1, 2009

Commissioner Hutchinson stated she was comfortable with what is being presented and addresses the issues that came up in the past.

City Manager Hudson stated the idea of this item was to not changing the small routine special events and would just add a security deposit.

MOTION: COMMISSIONER HUTCHINSON; MOVED APPROVAL OF RESOLUTION 95-09

SECOND: COMMISSIONER WAXLER

ROLL CALL

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

ORDINANCE FIRST READING

ORDINANCE SECOND READING

DISCUSSION & DELIBERATION

13. Update on proposed relocation of the Crary residence

City Manager Hudson updated the City Commission to relocate the Crary House. He suggested three ideas; One, relocate it onto some other private property in the area. Second, relocate it to City owned property on Martin Luther King Blvd beside Bruner Pond. Third, relocate it to behind the feed store.

He explained the City has contracted with a structural engineer to provide an evaluation of the building, and Commissioner Hutchinson, and myself have met with Stuart Heritage to discuss the matter and perhaps the funding for the renovations and operations of the property.

Chris Sawicki came forward and stated she met with the City regarding their plans, she suggested hiring an engineer to see if it can be moved. She stated they do not have any money at this time but said they would be glad to raise some of the funds. They possibly may get funding from an estate at the end of the year. She said it is of historic value.

Commissioner Hutchinson requested the City look into a designation of the downtown as a historic district.

Helen McBride came forward and requested the neighborhood be notified of the status of the Crary Home and recommended the home be moved behind the feed store.

ADJOURNMENT 7:30 P.M.

Attest:

Cheryl White, CMC, City Clerk

James A. Christie, Mayor

**Minutes approved at the Regular Commission
Meeting This 26th Day October 2009**