

**REGULAR MEETING OF THE STUART CITY COMMISSION  
TO BE HELD NOVEMBER 24, 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.**

Mayor Krauskopf announced that Congressman Elect, Tom Rooney was present in the audience. He also congratulated Mr. Rooney on his victory.

Mr. Rooney came forward and introduced himself, he stated he looks forward to working with the City of Stuart.

**PRESENTATIONS**

**A. Employee of the Month**

**Debbie Arnold, Development Department**

Debby Arnold came forward and graciously accepted her award and thanked the City.

**B. Employee Service Recognition**

**Jody Davenport, Public Works, 15 Years  
Joshua Hoffner, Public Works, 5 Years**

Jody Davenport came forward and graciously accepted her award and thanked the City.

Joshua Hoffner came forward and graciously accepted his award and thanked the City.

City Manager Hudson announced two special awards named "The Award of Gratitude" to Constantine Braun and Marcus Turk who are students from Kohl Germany. They have been assisting in the Recreation and Water Departments while here.

Mayor Krauskopf presented both with a Sailfish Statue and letter from the Mayor.

Both Marcus and Constantine came forward and graciously accepted their awards and letters. They also thanked the City staff for their support during their stay.

**C. GFOA Presentation of Certificate of Achievement for Excellence in Financial Reporting to the Financial Services Department**

Allen Ownes, presented the Certificate of Achievement for Excellence in Financial Reporting to the City of Stuart. He said the City of Stuart has been awarded this prestigious award for many years.

**D. Presentation by City Investment Advisor, Steven Alexander, CTP, CGFO, Managing Director, PFM Asset Management LLC**

Mr. Steven Alexander of PFM Asset Management came forward and presented the City Commission a handout.

City Manager Hudson announced the purpose for Mr. Alexander's visit tonight.

Mr. Alexander wanted to report to the City Commission the status of the investment marketplace.

**COMMENTS BY CITY COMMISSIONERS**

Commissioner Hutchinson wished everyone a Happy Thanksgiving and thanked Milton Leggett for being the #1 total fundraiser for the Heart Walk.

Vice Mayor Christie wished everyone a safe and happy holiday.

Commissioner Mortell noted that over the weekend he had seen the City Fire Crew putting up Christmas lights at Molly's House and was impressed with the spirit of cooperation.

City Manager Hudson stated it is an annual tradition.

Commissioner Hutchinson also thanked the Fire Chief Sunderman for her help with sprucing up the holiday reindeer and sleigh.

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

City Manager Hudson noted a special presentation of *Awards of Gratitude* (in the form of sailfish statuettes) to the City's two interns who are returning to Germany. He also noted that the City team took 3<sup>rd</sup> place in Heart Walk fundraising and reiterated that Milton Leggett earned 1<sup>st</sup> place in total fundraising. In reviewing the tentative agenda, Hudson clarified that Item 7 on the Arts Council Lease follows consent and is set under Commission Action to allow for discussion.

The City Attorney clarified an error in agenda Item 2 stating the City would provide only a 10' easement when in fact it should be listed as 10' & 15' foot underground utility easement to the Harbormaster Building at the Southpoint Anchorage. He stated the final version will be corrected.

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

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

#### **APPROVAL OF AGENDA**

**MOTION: COMMISSIONER WAXLER: MOVED APPROVAL TO APPROVE THE AGENDA**  
**SECOND: VICE MAYOR CHRISTIE**  
**MOTION APPROVED UNANIMOUSLY**

#### **CONSENT CALENDAR**

- 1. Request to approve the minutes of the Regular Meeting of the Stuart City Commission of November 10, 2008**
- 2. RESOLUTION 129-08 Authorization to execute an easement agreement between the Florida Power and Light (FPL) and the City to provide a ten foot underground utility easement running to the Harbormaster Building at the Southpoint**
- 3. RESOLUTION 130-08 Authorization to execute a non-exclusive fifteen (15) foot utility easement for the operation and maintenance of a water main from Rudy D. Taylor, owner and grantor of the attached described easement**
- 4. RESOLUTION 131-08 Authorization to accept a special Warranty Deed from Kingsport Development of Stuart, LLC dedicating the easterly fifty**

**feet of the property required for the extension of SE Willoughby Boulevard**

- 5. RESOLUTION 132-08 Confirming the results of the Canvassing Board of Martin County for the City of Stuart City Commission Groups I, III, and V for the General Municipal Election held on November 4, 2008**
- 6. RESOLUTION 134-08 Supporting the South Florida Water Management Districts proposed amendments to mandatory year-round landscape irrigation conservation measures**

**MOTION: COMMISSIONER WAXLER: MOVED APPROVAL OF THE CONSENT CALENDAR ITEMS 1-6 WITH AMENDMENTS TO ITEM 2**

**SECOND: COMMISSIONER MORTELL**

**ROLL CALL;**

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

### **COMMISSION ACTION**

- 7. RESOLUTION 133-08 Authorization to execute a five (5) year lease agreement between the City of Stuart and the Arts Council, Inc. for the property located at 80 SE Ocean Boulevard known as the "Old Martin County Courthouse" and "The Cultural Art Center" for the purpose of operating a fine art museum and gallery**

Arts Council Executive Director Nancy Turrell introduced a video presentation entitled "An Artful Journey" that included interviews with Arts Foundation members and views of Arts Fest and various exhibitions. Miss Turrell then did a power point presentation listing plans for the future that include renovations to the historic building and possibly an elevator to the second floor to make the facility ADA approved and open up the second floor for exhibitions.

Robert Steinberg came forward and expressed concern over the operation of the Martin County Arts Council. He cited excerpts from a March 2007 "State of the Arts Survey" that he claims showed the Martin County Arts Council has been a failure. He said the County arts community is "fragmented" and to grant a 5-year lease is "absurd".

Mayor Krauskopf asked the City Manager to "budgetary quantify the leasor responsibilities in here, unless you feel you have sufficient shock absorber in the budget, item that we are responsible for, roof, how long has it been there ect, change the words into dollars.

City Attorney Nicoletti explained the Interlocal Agreement with the County.

City Manager Hudson stated the maintenance of the building is budgeted as part of the said the City's interest in this building is historic preservation and was identified 20 years ago, with the original Duany Redevelopment Plan.

Commissioner Mortell was "all for continuing to participate" but he was also does not want it to be an Interlocal Agreement that in the event some new design happens for Memorial Park, and the County could say that Interlocal Agreement is expired.

Attorney Nicoletti said there is an Interlocal agreement with the County and basically I think it is for an indefinite term. He stated that he included in the document a sentence that states, that in the event the Interlocal Agreement is terminated by Martin County this lease agreement shall terminate not later then said Interlocal Agreement and would be "co-terminus". He also stated that his discussions with the Arts Council that they were getting ready to make some significant capital improvements. If they do that they felt it could be amortized out over the lease.

**MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF 133-08 FOR THE FULL FIVE YEARS.**

Commissioner Mortell also commented on Mr. Steinberg's comments and stated: My proposal here is to extend this lease to support the arts and historic preservation. As it relates to the management of the inner workings of the Arts Council, I just don't think the Stuart City Commissioners really has the authority to micro manage the Arts Council, and although you made some comments about people saying in the survey that they felt that other places that they have lived have better arts and benefits. I think that those people took a balance and said well; do I want to live in New York City, were there is a better Museum or do I want to live in Stuart were there might not be as much art, but there is less congestion and other things. He also stated that 9 years ago before Nancy started with the Arts Council there was not even a mailing list that was organized. I don't think the City should look into the tenants, we don't get into the Stuart Feed Store.

**SECOND: VICE MAYOR CHRISTIE**

Vice Mayor Christie felt the Arts Council was an asset to the City.

**ROLL CALL;**

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

**END OF CONSENT CALENDAR**

## **ORDINANCE FIRST READING**

- 8. ORDINANCE 2174-08 Authorization providing an amendment to the "Central Park Lofts (North)" and the "Central Park Lofts (South)" residential planned unit development agreement described in Ordinance No. 2031-05 dated May 16, 2005 amended by Resolution No. 84-06 dated May 8, 2006 and amended by Resolution No. 47-07 providing for a new timetable for submission of site permit, submission of building permit for construction and issuance of Certificates of Occupancy for a multi-family housing facility and professional office at the North and South sides of Central Parkway and East of the proposed Willoughby Blvd. extension in the City (Quasi Judicial)**

Sworn

Tom Reetz

Dave Giunta

Doug James

Tom Reetz Senior Project Planner gave a power point presentation noting that the project had been approved for three different phases - 1) Central Park Lofts North Multifamily 2) Professional Office and 3) Central Parkway Lofts Multifamily.

He said the applicant has asked for a 2-year extension and has agreed to dedicate the proposed portion of the property towards the Right of Way required for the extension of Willoughby and must be done no later then 30 days of this approval. He also stated the applicant has agreed to pay the \$60,000 fair share for the traffic signal at the intersection of Central Parkway and US 1. Reetz stated that similar to the neighboring Kingsport Development that it be within 120 days.

The following amendments are staff recommended:

Amend Resolution 47-07: Relating to the timetable

Amend the Original Ordinance Condition #22.

Amend Condition #12 relating to traffic signal be accelerated

Amend Condition #35 relating to the right-of-way dedication be accelerated.

Attorney Nicoletti asked about section 2 (A) of the Ordinance: It stated the amount of the contribution has not changed, so the \$60,000.00 is the same?

Tom Reetz stated yes it remains the same.

David Giunta applicant representative said staff has know since "day one" that the developer did not agree to the conditions proposed.

The Willoughby Extension is a key element in the project and the County's shift in plan for the Extension is justification for a time table extension. No one knows when the Extension will be built but the applicant is prepared to dedicate the requested

ROW. They are not prepared to pay any money up front beyond the original agreement.

Commissioner Hutchinson clarified that Kingsport have paid their fair share of the signal as well as the dedication of the ROW .

Mr. Reetz stated they have done both.

Mayor Krauskopf clarified that when Central Parkway was originally put in that throughout all the PUD's folks were suppose to contribute to the signal.

Commissioner Hutchinson also addressed earlier PUDs and donations to the School Board and said we need to look at "fixed value" in the time table extensions. She agrees the money for the traffic signal should be paid.

Commissioner Mortell expressed concern over the applicant not moving forward and not contributing to the traffic signal. said the real issue is these are "local guys" who are not going to come up with the money and that would cause the PUD to collapse. He agreed with Hutchinson on money value *but could not see the applicant coming up with money for an Extension that might not be built. It would benefit the City to give the time extension conditioned on some kind of arrangement on interest that might be earned in exchange for the ROW.*

Krauskopf asked this applicant should be treated differently than Kingsport.

Vice Mayor Christie said the signal light will happen regardless if we get the ROW.

City Manager Hudson said the City is committed to putting in the light at Central Parkway and US 1.

Commissioner Hutchinson stated it is difficult to plan for road improvements when projects keep getting pushed back.

Commissioner Mortell addressed economic hardship,

**MOTION: COMMISSIONER WAXLER: MOVED APPROVAL OF ORDINANCE 2174-08 WITH CONDITION B & C AND WITH A CONDITION THAT THE APPLICANT SIT DOWN WITH CITY STAFF AND COME UP WITH AN AGREEMENT ON A CONDITIONAL CARRY ON THE FUNDS THAT WOULD HAVE BEEN PAID UNDER CONDITION A.  
SECOND: VICE MAYOR CHRISTIE**

David Giunta stated he would be glad to pay the interest on the money that the City had to pay on the applicants behalf up until the applicant pays the signal cost.

Attorney Nicoletti stated he would add the option that it be paid not later then, So that if the applicant see the light is up then the funds can be paid at that time.

Mr. Giunta agreed.

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

**9. ORDINANCE 2175-08 Authorization to grant to Florida Power & Light Company, its successors and assigns, an Electric Franchise, imposing provisions and conditions relating thereto, providing for monthly payments to the City of Stuart**

Helen McBride came forward and expressed concern over the Franchise Fees as well as Utility taxes. She also questioned why the citizens are paying an FPL Franchise when they should be paying it.

City Manager Hudson said the rate is going down from 6% to 5.9%.

City Attorney Nicoletti said FPL came to the City and said they would like to put up poles and wires in the City ROW. The City said okay then you pay for the use of our ROW. This is not a new practice and it goes back to the 1940s. It also is a significant revenue source for the City.

Mayor Krauskopf suggested Ms. McBride look into a tax write off for these fees.

Armond Pasquale addressed the City Utility Tax and said FPL collects tax and passes it on to us.

Commissioner Hutchinson brought up the issue of the annex on FPL site. Speaking for FPL, Nick Blount explained that a letter is on its way to the City regarding annexation and FPL does not want to lose any rights with the County as far as the zoning standpoint.

Mayor Krauskopf voiced his frustration at not be able to get any answers from FPL on energy generated equipment including solar panels and asked Blount to point him in the right direction.

Nick Blount assured the Mayor that some one from FPL would talk to him about the property the City has.

Commissioner Hutchinson supports having the City Commission take the lead on solar power.

FPL attorney Ken Rubin clarified the language in the franchise agreement regarding the City's ability to take advantage of alternative energy options. change in technology.



**MOTION: COMMISSIONER HUTCHINSON: MOVED APPROVAL OF ORDINANCE 2175-08 ON FIRST READING**

**SECOND: COMMISSIONER MORTELL**

**ROLL CALL;**

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

**ORDINANCE SECOND READING**

**10. ORDINANCE 2164-08 Amending the "Conservation" Element of the City's Comprehensive Plan; mandating the removal of exotic species; adding conservation easements as a mechanism for protecting environmentally sensitive lands; deleting provisions allowing on-site intensity transfers from environmentally sensitive lands; amending provisions allowing on-site density transfers from environmental lands by requiring an additional 10<sup>th</sup> of an acre of preserve area for each transferred residential unit; requiring uniform average wetland buffer widths of 75 feet for outstanding wetlands and 50 feet for average wetlands; giving priority to off-site wetland and preserve area mitigation within watershed basins identified in the City's Comprehensive Plan and within Martin County**

**MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF ORDINANCE 2164-08 ON SECOND READING**

**SECOND: COMMISSIONER HUTCHINSON**

**ROLL CALL;**

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

**ORDINANCE 2165-08 Amending Chapter 7 "Resource Protection" and Chapter 10 "Hardship Relief" of the City's Land Development Code, providing definitions for the terms "Avoidance," "Minimization" and "Practicable"; establishing impact avoidance and minimization standards for wetlands and other environmentally sensitive lands; providing for an increase in the required construction setback from upland buffer areas from 5 feet to 10 feet; changing the size of parcels required to provide greenway linkage from ten acres or more to five acres or more; requiring a habitat study prior to on-site and off-site relocation of required native vegetative preserve areas; giving priority to off-site wetland and preserve area mitigation within watershed basins identified in the City's Comprehensive Plan and within Martin County**

**MOTION: VICE MAYOR CHRISTIE: MOVED APPROVAL OF ORDINANCE 2165-08 ON SECOND READING**

**SECOND: COMMISSIONER HUTCHINSON**

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

**ADJOURNMENT 7:21 pm**

  
Cheryl White, CMC, City Clerk

  
James A. Christie, Mayor

Minutes approved at the Regular Commission  
Meeting this 22 Day December 2008

