

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON SEPTEMBER 27, 2010
AT 5:30 P.M. IN THE CITY COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994**

Roll call was answered by:

**Mayor Michael Mortell
Vice Mayor Carol Waxler
Commissioner James A. Christie
Commissioner Jeffrey A. Krauskopf
Commissioner Mary Hutchinson**

Also present were:

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

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

PRESENTATIONS

1. PROCLAMATION: Proclaiming October 2, 2010 as Community Wellness Day

Chiropractor Dr. Hansbrough came forward and graciously accepted the proclamation and thanked the City Commission.

2. PROCLAMATION: Proclaiming the month of October as Historic Preservation Month

Michael Braid of the Martin County Preservation Commission came forward and graciously accepted the proclamation and thanked the City Commission.

3. Employee of the Month

Deborah Gordon, Human Resources

Debby Gordon came forward and graciously accepted her and thanked the City. Debby announced she will be retiring at the end of the month after 33+ years of service.

4. Employee Service Recognition

David Cantrell, Fire Rescue, 25 Years

Paul Nicoletti, City Attorney, 5 Years
Bruce Beland, Utility & Collection Team, 5 Years

All employees came forward and graciously accepted their awards.

5. Review Energy Use Audit provided by Ameresco

Dan Hudson graciously recognized Milton Leggett, and the entire Building Maintenance Team who worked on the citywide energy conservation program.

Terry Iverson gave a brief overview of the final energy savings audit by Ameresco to the Commission and Public. He too thanked the City staff for their help and Ameresco.

Commissioner Krauskopf thanked Ameresco for their efforts, and most importantly wanted to thank staff for their hard work. He requested the City Manager look into recognizing Milton and his staff for being ahead of the curve.

Mr. Hudson said he would be happy to do so.

COMMENTS BY CITY COMMISSIONERS

Commissioner Hutchinson announced the Stuart Christmas Parade will be moving forward and will be held on December 3, 2010. She also stated they are celebrating their 50th Anniversary. She also said she had the privilege of being selected as a guardian for the Honor Flight Program

Vice Mayor Waxler said she met with the Marine Industries Association who stated they would not be able to hold the annual Holiday Boat Parade in the downtown due to the water being too shallow.

Mayor Mortell disagreed with their decision. He also stated that he was contacted today regarding a County agenda item for tomorrow regarding a Countywide Broadband Internet Service. He said they were looking for support from the City.

Kevin Edwards said he was aware of this and supported the County's efforts.

Commissioner Hutchinson asked if the City supports the County's project would the City be obligated to fund it as well.

City Manager Hudson said he anticipates a funding support from the City.

MOTION: COMMISSIONER HUTCHINSON: MOVED APPROVAL TO SUPPORT THE COUNTY'S EFFORTS TO PRODUCE A BROADBAND INTERNET SERVICE.
SECOND: VICE MAYOR WAXLER
MOTION APPROVED UNANIMOUSLY

Mayor Mortell requested notifying the County before their meeting tomorrow.

COMMENTS BY CITY MANAGER

Dan Hudson announced the next Commission Meeting will be held on October 18th, 2010 following the October 11, 2010 furlough holiday where City Hall will be closed.

Joint City County Meeting will be held on November 8, 2010 from 3 p.m. to 5:00 p.m. to discuss County office space. The meeting will be held at City Hall.

Agenda Item #14 have additional items of correspondence.
Agenda Item # 16a additional consent item

APPROVAL OF AGENDA

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL OF THE AGENDA INCLUDING ITEM 16A.
SECOND: VICE MAYOR WAXLER
MOTION APPROVED UNANIMOUSLY

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

Caryn Yost Rudge came forward and stated she was thankful to the City, staff for caring for the City.

CONSENT CALENDAR

- 6. Request to approve the minutes of the Tentative Budget and Regular Commission Meetings of September 13, 2010**
- 7. RESOLUTION 49-2010 Authorization for a budget amendment to the 2009-2010 General Fund Budget, Property Management Fund Capital Outlay, Buildings; Authorizing the appropriation and expenditure of \$180,000.00 to Fund Improvements to the Crary House**
- 8. RESOLUTION 81-2010 Authorization to execute extension of the Lease Agreement between the City of Stuart and the Pelican Café, LLC for that certain property known as the "Coast Guard Auxiliary Building", 351 SW Flagler Avenue, Stuart, Florida for two additional (5) year terms**

- 9. RESOLUTION 86-2010 Authorization for the amendment and restatement of lease between the City of Stuart, Florida and the Stuart Community Redevelopment Agency with SDG Group, LLC**

- 10. RESOLUTION 88-2010 Authorization for the execution of extension to Lease Agreement between the City of Stuart and Stuart Main Street Association for office space in the City Hall Annex, 300 SW Flagler Avenue and office space in City Hall, 121 SW Flagler Avenue**

- 11. RESOLUTION 101-2010 Authorization to rescind renewal of the agreement between the City of Stuart and Allied Universal Corp. to provide Sodium Hypochlorite and award a bid to Odyssey Manufacturing Co., the second lowest, most responsive and responsible bidder for the purchase of Sodium Hypochlorite as needed by the City**

- 12. RESOLUTION 104-2010 Authorization to execute an Interlocal Agreement between the City of Stuart and the City of Sewall's Point to provide for the maintenance of the Town's storm sewer inlets and baffle boxes**

- 13. RESOLUTION 105-2010 Authorization for budget amendments to the 2009-2010 annual General Fund Infrastructure Tax Fund, Stormwater Fund Operating Budgets; authorizing the transfer of funds from the General Fund Development Special Fees, Infrastructure Tax and Stormwater Funds, fund balances, to the General Fund, Capital Outlay, in the amount of \$1,711,000; authorizing appropriation and expenditure of funds for the funding of construction costs for Phase 1 Memorial Park Festival improvements**

- 14. RESOLUTION 108-2010 Authorization to approve the award of a bid to West Construction, Inc. the lowest, most responsive and responsible bidder for a total bid amount of \$1,710,467.57 for the Memorial Park Festival improvements, Phase I Project**

- 15. RESOLUTION 106-2010 Authorization to execute an Amended and Restated Interlocal Agreement creating the Treasure Coast Regional League of Cities**

16. RESOLUTION 107-2010 Authorization to execute a Utility Agreement between the City and Paul and Paula Nicoletti (Developer) to construct a low pressure sewer main at 1445 SE Lark Boulevard to serve seven (7) adjacent properties

16a added for change order #1 Custom built Marine Construction

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF THE CONSENT CALENDAR WITH ADDED ITEM 16A

SECOND: VICE MAYOR WAXLER

ROLL CALL

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

END OF CONSENT CALENDAR

ORDINANCE FIRST READING

17. ORDINANCE 2215-2010 (First Reading) Adopting certain Land Development Code Amendments and rearranging and restating the Land Development Code of the City, by amending Chapter I (general provisions), Chapter II (zoning districts uses allowed, density, intensity, Chapter III (overlay zones), Chapter IV (concurrency determinations formerly known as consistency and concurrency determinations), Chapter V (resource protection related development standards formerly known as resource protection standards), Chapter VI (on-site and off-site development standards formerly known as development design and improvement), Chapter VII (reserved formerly known as accessory structures and uses), Chapter VIII (administration and enforcement formerly known as signs), Chapter IX (reserved), Chapter X (reserved formerly known as hardship relief), Chapter XI (processing of plan applications, formerly known as administration and enforcement), Chapter XII (definitions)

MOTION: VICE MAYOR WAXLER; MOVED APPROVAL OF ORDINANCE 2215-10

SECOND: COMMISSIONER HUTCHINSON

ROLL CALL

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

18. ORDINANCE 2216-2010 (First Reading) Amending Section 6.07.14, "Dog-Friendly Restaurants," to the Stuart Land Development Code; providing for an authorized exemption from State Law to allow dogs in outdoor areas of public food service establishments

during operating hours; providing for regulations; providing for application and permit procedure; providing for a complaint procedure; providing for permit revocation; adding a definition for “Public Food Service Establishment” and “Employee”; providing for repeal of conflicting ordinances

MOTION: COMMISSIONER HUTCHINSON; MOVED APPROVAL OF ORDINANCE 2216-10

SECOND: VICE MAYOR WAXLER

ROLL CALL

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

ORDINANCE SECOND READING

19. ORDINANCE 2205-2010 (Second Reading) Providing for evaluation and appraisal (EAR) based and other Comprehensive Plan Amendments including amending the Future Land Use Map of the Future Land Use Element, reclassifying City-owned water reclamation facility totaling approximately 3.4 acres, located on the corner of SE Flagler Avenue and SE Stypmann Boulevard, from Recreation to Public, reclassifying a City-owned parcel located on the corner of SE Dixie Highway and SE 15th Street totaling approximately 0.3 acres, from Commercial to Public, reclassifying City-owned Poppleton Creek parcels totaling approximately 10.6 acres, located along SE Central Parkway, from Multi-Family residential and Office/Residential to Conservation, reclassifying City-owner Fire Station 2 parcel totaling approximately 1 acre, located on SE Monterey Road Extension, from Public to Commercial, reclassifying Martin County School Board-owned parcel, Russell Holloway Track (NKA JD Parker Elementary School) totaling approximately 4.6 acres, located on SE 10th Street, from Recreation to Public, and reclassifying 23 Martin County-owned parcels approximately 5 acres, located on SE 18th Street, from low density Residential and Institutional to Conservation; amending the Future Land Use Element, Transportation Element, Housing Element, Infrastructure Element, Recreation and Open Space Element, Intergovernmental Coordination Element, Capital Improvements Element and Concurrency Management System, Coastal Element and Public School Facilities Element; Approving transmittal of the Comprehensive Plan Amendments to the Department of Community Affairs and any other interested Governmental Entity

MOTION: VICE MAYOR WAXLER; MOVED APPROVAL OF ORDINANCE 2205-10
 SECOND :COMMISSIONER CHRISTIE
 ROLL CALL
 COMMISSIONER CHRISTIE YES MAYOR MORTELL YES
 VICE MAYOR WAXLER YES COMMISSIONER HUTCHINSON YES
 COMMISSIONER KRAUSKOPF YES

DISCUSSION & DELIBERATION

20. Workshop Discussion Status of County Office Buildings

Mayor Mortell requested the Commission move down to a workshop setting to discuss the status of County Office Buildings. City Manager Hudson reviewed an outline on how the City should approach the joint meeting with the County and explained that Terry O’Neil will be the lead coordinator. Hudson had staff compile a list of planning provisions to support having County offices in downtown Stuart with a focus on the vicinity of the Court House. He said the Little League issue has been addressed and the Flagler Avenue site would not impact the Little League fields at all so the ball fields could stay indefinitely. When Hudson said an analysis of Tax Collector data needs to be done, Mortell said there is no way she could make that statement if analysis had not been done but there was a spike in the numbers because auxiliary offices had “collapsed.”

Commissioner Krauskopf suggested a letter from the Mayor be sent asking for the Tax Collector’s report on data on increased revenues. Mr. Hudson suggested a joint meeting be held at the Recreation Center and said we have sun-setted the baseball park and the County has to consider Willoughby coming off the tax rolls and the cost of maintaining baseball fields.

Mayor Mortell suggested asking the TCRPC’s opinion on good planning practices considering they are planning a train station in downtown Stuart.

Commissioner Christie remembered when the decision was made to tear down the Old Court House, and the City organized and got the County to change its mind.

Mayor Mortell said we are entering into an Interlocal on the train station and the BCC needs to include baseball fields in the County budget.

Commissioner Hutchinson addressed payment in lieu of taxes concept.

City Manager Hudson said staff will bring back a draft of the meeting.

Mayor Mortell suggested inviting members from all of the City boards and get concurrence from the School Board.

Betty Smith resident came forward and encouraged participation in the honor flight program Commissioner Hutchinson volunteered for.

ADJOURNMENT 7:00p.m.

ATTEST:

Cheryl White, CMC, City Clerk

Michael Mortell, Mayor

**Minutes to be approved at the Regular Commission
Meeting This 18th Day October, 2010**