

**REGULAR MEETING OF THE STUART CITY COMMISSION  
HELD ON JUNE 28 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 (absent)  
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. Employee of the Month**

**Judy Browning, Financial Services**

Judy Browning came forward and graciously accepted her award and thanked the Commission.

**2. Employee Service Recognition**

**Thomas Harmer, Police Department 30 Years  
Sergio Pecori, Turf & Grounds Team, 10 Years  
Jeffrey Read, Police Department, 5 Years  
Sharon Crandall, Utilities Financial, 5 Years**

Tom Harmer came forward and graciously accepted his award, and thanked the Commission. The other employees were unable to attend.

**3. Presentation by Tammy Simoneau, Executive Director, Economic Council of Martin County for an update on Martin County Consortium for Life Science and Research and Technology Advancement**

Joe Capra for Tammy Simoneau gave a PowerPoint slide presentation to the Commission for informational purposes only. He said the council has a goal and vision for a life science center or campus. He said they would like to have a spin off from the businesses that are coming online in the adjacent city. He requested the City support their request to the State Legislature.

#### **4. Presentation of the Stuart Police Department Explorer Program**

Chief Morley announced that on May 8<sup>th</sup> the Stuart Police Department Explorers Post 878, competed against 8 other Treasure Coast Agencies, and won the 1<sup>st</sup> place position in the 2010 Law Enforcement Challenge. There were 9 events ranging from physical fitness, felony stops, shooting, and crime scene investigations. He thanked Phillip Lagalo who brought the competition to Stuart this year. He also thanked all those leaders who helped the explorers prepare for the event. He presented a PowerPoint presentation of pictures from the event.

Bill Pecci came forward and stated the 14 Police Explorers were headed to the National Competition in Atlanta on July 18, 2010.

Bernie Malone, came forward, and praised and thanked the explorers for their hard work, and dedication in helping with the many Stuart Main Streets events throughout the year. He said the community is blessed to have them.

#### **COMMENTS BY CITY COMMISSIONERS**

Commissioner Hutchinson requested adding an item at the end of the agenda to discuss the Governmental Center.

Commissioner Krauskopf requested the Commission set interviews of the Candidates for Martin County sometime in the second week of July.

City Manager Hudson suggested adding the interview questions to the meeting of July 12<sup>th</sup> and schedules the interviews at a later date.

Commissioner Krauskopf said he would rather accelerate it.

Mayor Mortell said he was fine with that however he wanted to assure with the 5<sup>th</sup> of July being a holiday that may interfere with their attendance.

The Commission agreed to try and hold the discussions at 5:30 on July 12, 2010.

#### **COMMENTS BY CITY MANAGER**

City Manager Hudson announced that the July4th Celebrations were all set to go, and activities are set to begin at 4:00 P.M. with Fireworks at about 9:00 p.m. He also stated the FDOT contractor cleared its storage from the site under the Roosevelt Bridge.

#### **APPROVAL OF AGENDA**

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF THE AGENDA AS WITH ADDED ITEM TO DISCUSS THE CONSTITUTIONAL OFFICES.

SECOND: COMMISSIONER HUTCHINSON  
MOTION APPROVED UNANIMOUSLY

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

5. Request to approve the minutes of the regular Commission Meeting of June 14, 2010
6. RESOLUTION 58-2010 Authorization to approve the award of a bid to Sunshine Land Design, Inc. the lowest most responsive and responsible bidder for a total bid amount of \$706,036.58 for the CDBG-R Woodlawn Park improvements project.
7. RESOLUTION 61-2010 Authorization to approve the award of a bid to Custom Built Marine Construction, In., the lowest, most responsive and responsible bidder for a total bid amount of \$121,315.00, for the boat ramp/dock renovations/dredging project at Shepard Park.
8. RESOLUTION 63-2010 Authorization restoration of Everglades (To Be Submitted).
9. RESOLUTION 64-2010 Authorizing budget amendments to the 2009-2010 annual discretionary sales tax fund and general fund operating budgets; Authorizing the transfer of funds from the discretionary sales tax fund to the general fund, community services, buildings in the amount of \$90,000; Authorizing appropriation and expenditure of funds for costs associated with the construction of restroom facilities at Martin Luther King, Jr. Park.
10. RESOLUTION 65-2010 A Resolution of the Coty Commission of the City of Stuart, Florida expressing non-support and objection for House Resolution 413 in the United States Congress; regarding federal intervention in the collective bargaining process for public safety employees; and for other purposes.

**END OF CONSENT CALENDAR**

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF THE CONSENT CALENDAR

SECOND: COMMISSIONER HUTCHINSON

ROLL CALL

COMMISSIONER CHRISTIE	YES	COMMISSIONER KRAUSKOPF	YES
MAYOR MORTELL	YES	COMMISSIONER HUTCHINSON	YES

**COMMISSION ACTION**

**ORDINANCE FIRST READING**

11. ORDINANCE 2208-10 (First Reading) Adopting and enacting a new Code of Ordinances for the City of Stuart, Florida; providing for the repeal of certain ordinances not included therein; providing a penalty for the violation thereof; providing for the manner of amending such code; and providing when such code and this ordinance shall become effective.

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF THE ORDINANCE 2208-10

SECOND: COMMISSIONER CHRISTIE

ROLL CALL

COMMISSIONER CHRISTIE	YES	COMMISSIONER KRAUSKOPF	YES
MAYOR MORTELL	YES	COMMISSIONER HUTCHINSON	YES

**12. ORDINANCE 2209-10 (First Reading) Providing an amendment to the Commercial Planned Unit Development Agreement described in Ordinance No. 2160-08 amended by Resolution No. 143-08 providing for a new timetable for approval of construction permits and the issuance of Certificates of Occupancy for an Assisted Living Facility located on 2.7 acres consisting of 96 individual units on the North East corner of SE Palm Beach Road and SE 14<sup>th</sup> Street; amending the conditions of development accordingly (Quasi-Judicial).**

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF THE ORDINANCE 2209-10

SECOND: COMMISSIONER CHRISTIE

ROLL CALL

COMMISSIONER CHRISTIE	YES	COMMISSIONER KRAUSKOPF	YES
MAYOR MORTELL	YES	COMMISSIONER HUTCHINSON	YES

**ORDINANCE SECOND READING**

**13. .ORDINANCE 2204-2010 (Second Reading) Amending certain provisions in Chapter 6, Alcoholic Beverages of the City of Stuart code of Ordinances relating to noise levels; walk-up window sales; nightclubs; package goods sales; and a floor area ratio related to establishments in a described area of the “Old Downtown Section;” Providing for repeal of conflicting ordinances**

Murriah Dekle City Planner stated that 100 mailed notices of the proposed Ordinance were mailed to the owners within the designated area. She noted the only change was the square footage to the Post Office Arcade was slightly off and has been corrected. Staff recommends approval of the proposed Ordinance.

Mayor Mortell asked if this modifies the operation of businesses or create any excess inventory.

Mrs. Dekle said, no that will remain the same and the excess inventory question the inventory remains the same and has been accounted for.

Veronica Pasquale came forward and requested the City look into the matter concerning noise, and music, parties specifically from the Key Lime Café. She expressed concern over a new sign that has been added to the wall near the Key Lime Café stating Live Music 6:30-10:00 by Ritchie Lyons. She urged the Commission to adopt this Ordinance.

Armond Pasquale came forward and said downtown bars need more regulation and played a tape recording of the type of noise residents are being exposed to.

MOTION: COMMISSIONER CHRISTIE; MOVED APPROVAL OF THE ORDINANCE 2204-10 ON SECOND READING

SECOND: COMMISSIONER KRAUSKOPF

ROLL CALL

COMMISSIONER CHRISTIE	YES	COMMISSIONER KRAUSKOPF	YES
MAYOR MORTELL	YES	COMMISSIONER HUTCHINSON	YES

**14. REQUEST TO CONTINUE SECOND READING TO THE JULY 12, 2010 COMMISSION MEETING (No Back-up) ORDINANCE 2206-2010 (Second Reading) Adopting a Comprehensive Sign Code for the City, by amending the general sign provisions; Amending the definitions; providing for conflicting provisions; providing for codification.**

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL TO CONTINUE ORDINANCE 2206-10 TO JULY 12, 2010

SECOND: COMMISSIONER HUTCHINSON

ROLL CALL

COMMISSIONER CHRISTIE	YES	COMMISSIONER KRAUSKOPF	YES
MAYOR MORTELL	YES	COMMISSIONER HUTCHINSON	YES

**15. ORDINANCE 2207-2010 (Second Reading) Providing a further amendment to the Country Inn & Suites Commercial Planned Unit Development Agreement adopted in Ordinance No. 2075-06, approve June 26, 2006 as amended by Resolution No. 113-07, approved August 7, 2007; providing for a new timetable for obtaining building permit for construction and issuance of Certificate of Occupancy for a hotel consisting of 13,270 square feet consisting of one (1) primary building on 2.75 acres (119,790 SF) on the East side of SE Fisher Street; amending the conditions of development (Quasi-Judicial)**

Sworn Terry O'Neil, Interim Development Director

MOTION: COMMISSIONER HUTCHINSON: MOVED APPROVAL TO APPROVE ORDINANCE 2207-10 ON SECOND READING

SECOND: COMMISSIONER CHRISTIE

ROLL CALL

COMMISSIONER CHRISTIE	YES	COMMISSIONER KRAUSKOPF	YES
MAYOR MORTELL	YES	COMMISSIONER HUTCHINSON	YES

**DISCUSSION & DELIBERATION**

Commissioner Hutchinson requested the City submit a letter stating its disappointment to Martin County after their decision to move the constitutional offices to Willoughby.

Mayor Mortell, who had attended the 6/22/10 County Commission meeting, said it had not been clearly understood that a government center was not contingent on the County offices moving downtown. He said he met with all five Commissioners and was never surer of the way the matter was going to go.

Commissioner Krauskopf asked if Mayor Mortell felt there could be a change in 3-2 vote to a, 2-3 vote in favor.

Mayor Mortell said there was no way that Commissioner Valliere was going to vote in favor of the City's proposed project. He felt it was really a 4-1 vote; her vote was to do nothing, and felt they did not want to address this issue before the November elections. Doug Smith has always "pushed" moving the constitucionals back downtown but he was also looking at don't pull the trigger on Willoughby, ;let's do a joint deal with the City but were also looking at MPO funds to pay them to tie it to the train station, and a redevelopment of that whole area down there. He said they were not interested.

Commissioner Krauskopf asked if it would be worthwhile to address the issue to particular candidates running for the County Commission.

City Manager Hudson noted that a letter had been received from the Acting County Administrator terminating the contract regarding the downtown constitutional offices in the downtown, and staff discussed this morning putting together a plan to program or relocation of the Sailfish Ball Fields, it is time to move forward. He said he would bring forward a D&D discussion regarding the matter at a future meeting.

Commissioner Christie said East Stuart would welcome the ball fields to Guy Davis Park.

Commissioner Hutchinson asked if Sarah Heard say that East Stuart did not want to lose the Sailfish ball Park.

Mayor Mortell noted the Tax Collectors stand on the matter and stated that her revenue has increased since moving to Willoughby. He said that due to the closings of various tax collector offices on the Treasure Coast, it would have created more revenue anyway no matter where her office was.

Commissioner Hutchinson addressed traffic issues and said we need to clarify to the County that if the offices were located in the downtown it would have more outlets. She also noted the amount of property being taken off of the tax roll by the County's airport action as well as the Willoughby complex.

Mayor Mortell said Commissioner Smith should get credit for standing up and stating "This is exactly what I was worried about, even when you moved temporarily the Constitutional away from downtown, that we would never get them back, this is our last chance. We should not do this hastily; this is taking it away and has a long term

effect on Stuart. He really did support City's position, but to no avail, but at least he took the shot."

He also noted that Martin County is continuing to negotiate because, the appraisal came in at \$1 million dollars less than the actual current contract price.

Commissioner Hutchinson felt it was a shame that the City does not have the support of the County Commission.

Mayor Mortell said we should send a letter to the County that the City would like to continue negotiations. We would state in the letter that the City is still moving forward, we are still interested, and please keep us in mind as you negotiate this. But recommended waiting until after the forum with the County candidates to see how it plays out.

City Manager Hudson clarified that a letter would not be sent to the County Commission until after the City Commission meeting on 7/12.

Mayor Mortell stated that Commissioner Ciampi stated on the record that the County wants to pay the fair share of the cost and maintenance of Sailfish Park. From my perspective, and I don't know how this decommissioning is going to play out but, it's probably not going to play out for a couple of years. "If he wants to pay his fair share of the park, we can do that today. If he really means it then they can do that as part of their budget next year. We should address that in the letter as well."

Commissioner Krauskopf stated with an October 1<sup>st</sup> date, but is not a guarantee.

**ADJOURNMENT 6:40 P.M.**

**ATTEST:**

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**Cheryl White, CMC, City Clerk**

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**Michael Mortell, Mayor**

**Minutes to be approved at the Regular Commission  
Meeting This 12<sup>th</sup> Day July, 2010**