

**REGULAR MEETING OF THE STUART CITY COMMISSION  
HELD ON FEBRUARY 22, 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; Proclaim the week of March 15-21, 2010 as ROTARY CLUB WEEK**

The proclamation was graciously accepted by the Mary Lou Wadsworth, President of the Martin County Rotary Club. She also acknowledged Chief Ed Morley as a Rotary member.

**2. Employee of the Month**

**Mary Kindel, Public Works**

Mary Kindel came forward and graciously accepted her award and thanked the City Commission. She also announced that the neighborhood cleanup program has been very successful.

City Manager Hudson announced the City received a stewardship award from Keep Martin Beautiful. He thanked Public Works as well as Mary Kindel for their work and dedication.

**3. Employee Service Recognition**

**James Parks, Water Treatment Team, 25 Years  
David Dyess, Police Department, 20 Years  
Louis Boglioli, III, Financial Services, 15 Years  
Charles Iverson, Purchasing Division, 10 Years**

All the employees came forward and graciously accepted their awards, and thanked the Commission.

### **COMMENTS BY CITY COMMISSIONERS**

Commissioner Christie wished Commissioner Jeffrey Krauskopf a very happy birthday.

Commissioner Hutchinson expressed concern over the sign twirlers at the corner of Kanner Highway and US 1. She requested the City Attorney look into whether it was legal in the City. She asked the City Commission if this was something the City wanted to enforce or not.

The Commission agreed that if it is prohibited in the City Code then it should be enforced.

City Attorney Nicoletti said it can be enforced by the City if it is the Commissions wishes.

Commissioner Hutchinson felt the City should enforce those businesses who are advertising for a business that is not in the City or far from where it is being advertised.

City Attorney Nicoletti stated he would have Code Enforcement enforce the issue.

### **COMMENTS BY CITY MANAGER**

City Manager Hudson requested item #6 be pulled for separate discussion, and a copy of an appraisal was provided by Johnson & Parrish for item #7.

### **APPROVAL OF AGENDA**

MOTION: COMMISSIONER CHRISTIE; MOVED APPROVAL OF THE AGENDA.  
SECOND: VICE MAYOR WAXLER  
MOTION APPROVED UNANIMOUSLY

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

Armond Pasquale Seminole Street came forward and expressed concern over the recent weekend event that took place in the downtown. He said there is still amplified music coming from Key Lime Café as well as the Dockside Restaurant.

Dr. J. Thompson came forward and gave a salute to Black History Month and said that the Stuart Heritage will present a program on Tuesday at City Hall. The show will begin at 7:00 pm. He invited the public to attend.

### **CONSENT CALENDAR**

- 4. Request to approve the minutes of the Regular Commission Meeting of February 8, 2010**

**5. RESOLUTION 21-2010 Authorizing budget amendments to the 2009-2010 Annual Community Redevelopment Agency and Property Management Funds operating budgets; Authorizing the transfer of funds from the CRA Fund, Infrastructure, to the Property Management Fund, Capital, in the amount of \$100,000; Authorizing appropriation and expenditure of funds for costs associated with the relocation of the Historic Preservation Structure known as the Crary House.**

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL CONSENT CALENDAR #4,5.

SECOND: VICE MAYOR WAXLER

ROLL CALL

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

- **Clerks Note: Item 6 was heard separately.**

**6. RESOLUTION 22-2010 Authorization to execute an agreement for the purchase and sale of real estate with the Board of County Commissioners of Martin County for the purchase of Sailfish Park to be used for County and other Governmental Offices**

Mark Rodgers came forward and was willing to work with the City and appreciates what the City has done in the contract. He said they were comfortable as being partners with the city. He did expressed concern over proposed language in Exhibit E, paragraph 8, that basically allows the City to remove fixtures from the Sailfish site on 60 days notice that the County is ready to begin work on the site. He felt this would allow for an interruption in baseball. Mr. Rodgers gave the City Commission the league schedule. He said there are over 500 baseball games scheduled for this year. He also invited the City Commission to the season opening event to be held at Halpatiokee Park on Friday at 6:30 pm. He also asked the Commission to come out and catch one of the games on any given night. He concluded with he looks forward to supporting the City as best he can at the County Commission Meeting to be held tomorrow.

Commissioner Krauskopf asked the City Attorney for his suggestion on abstaining from the vote for this item.

City Attorney Nicoletti advised him that under the provisions of section 286.12 Florida Statutes he should abstain based upon a business relationship.

Commissioner Krauskopf explained his reason for abstaining. He stated he fully supported the item but one of the references made by the County is the Willoughby site for use of County buildings. He stated he is partner with Ralph Parks who is an owner in the Willoughby project and he and I own another building unrelated to that project together, therefore Florida law states he cannot do anything that would benefit or cost him anything, it works both ways, and for that reason he will be abstaining from the vote on this item. I wish I didn't, and would vote to support it, but in an effort to comply fully with the intent of the law I will abstain from this vote.

Mayor Mortell asked if there was a plan in place for the City Commission to be in attendance at the County Commission Meeting tomorrow.

City Attorney Nicoletti pointed out County Attorney Steve Fry in attendance tonight, and urged the Commission to attend their meeting tomorrow.

Commissioner Hutchinson thanked Mr. Rodgers for his support and cooperation on the City's efforts.

Mayor Mortell stated he has heard that Commissioner Ciampi has taken a position that he is not in favor of the city's offer to buy Sailfish property. He wanted to go on record that the issue of the alternative and the idea being that the City has given a lot of thought, and consider this to be a planning exercise that we are looking for a plan for the City of Stuart that will reach well beyond the next 24 months, and will be a 25-50 year planning objective that will create the downtown, and our County seat. He just wanted to assure that anyone who reviews this record that the County Commissioners in selecting the site that suits our county as a whole don't simply grab the easiest and fastest solution, but rather provide us with an explanation as to why they think any other alternative is a better plan for our community as a whole over the course of the next 25-50 years, and give us some real reasons for this.

MOTION: VICE MAYOR WAXLER; MOVED APPROVAL RESOLUTION 22-2010

SECOND: COMMISSIONER HUTCHINSON

ROLL CALL

COMMISSIONER CHRISTIE        YES        MAYOR MORTELL                                YES

VICE MAYOR WAXLER                YES        COMMISSIONER HUTCHINSON YES

COMMISSIONER KRAUSKOPF    ABSTAIN

### **COMMISSION ACTION**

**7. RESOLUTION 19-2010 Authorization to execute an amendment to the amended and restated Ground Lease with the Robert G. DeSantis and Joan C. DeSantis Revocable Trust of 1985 and the Vivian I. Jones Inter Vivos Trust and James DeSantis (Lessees) of City property located at the Old City Landfill**

Attorney Terry McCarthy representing Mr. DeSantis, who is appealing to have the City look at the lease again for modification of the terms. He brought forward an expert appraiser Mr. Tom Johnson. Mr. Johnson concluded that Mr. DeSantis rent is quite high, considering the current economic circumstances.

Tom Johnson came forward and explained what should be the fair market value for rent in the current economic conditions for Penn Plaza's ground lease. He said that the fair market rental rate as of today should be around \$31,200.00.

Commissioner Krauskopf stated he met with Mr. DeSantis this afternoon and passed along his suggestion on what the City could do regarding lease payments. He said the City should focus on growing the business rather than ride it down. He said what Mr. DeSantis needs is time and what the City needs is not to write down the rents, when we have other leases out there. He suggested not collecting rents for year 7,8,9 and 10, and for us to take that total and divide it over the 20 years of the remaining term. That keeps us close to whole and gives

Mr. DeSantis, what he is looking for, and that is time, for the economy to come back. He felt this was something he could support and made the following motion;

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL TO ACCEPT WHAT COMMISSIONER KRAUSKOPF SUGGESTED.

City Attorney Nicoletti stated it would be called amendment number 3 subject to the language necessary to accommodate this into the lease.

Attorney Terry McCarthy asked for a moment to discuss the matter with his client before agreeing to the terms.

The City Commission heard item 8 at this point.

**8. RESOLUTION 20-2010 Authorization to approve a Revocable permit for Stephen M. Dutcher, owner of property located at 301 SE Detroit Avenue; permitting the conversion of public right-of-way for a handicap accessible parking space along SE Osceola Avenue.**

Murriah Dekle City Planner explained the request by the applicant. Staff explained that all city departments have reviewed the application and are in agreement except for Public Works and Police, who have denied the application. Staff recommends the Commission consider the application and make a final determination for approval.

City Manager Hudson explained that staff has no objection to the fundamental principle of the request, the concern of Public Works is the use of Osceola verses the Detroit. Police have stated that on the same street there is another property where the City required the applicant provide on-site handicap parking. He stated that my only comment on that is it was under a previous administration and we are looking at applications differently now.

Monica Graziani representing the applicant came forward, and explained the applicants request. She requested approval for the request.

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL RESOLUTION 20-2010

SECOND: VICE MAYOR WAXLER

ROLL CALL

COMMISSIONER CHRISTIE      YES      MAYOR MORTELL      YES

VICE MAYOR WAXLER      YES      COMMISSIONER HUTCHINSON YES

COMMISSIONER KRAUSKOPF      YES

**Item #7 was heard again at this point :RESOLUTION 19-2010**

Attorney Terry McCarthy came forward and requested this item be continued to March 3, 2010. He said he appreciates everything the City has done tonight.

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL TO TABLE ITEM 7  
SECOND: VICE MAYOR WAXLER

City Attorney Nicoletti suggested this item be continued and not tabled.  
MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL TO CONTINUE  
ITEM 7 TO MARCH 3, 2010.  
SECOND: VICE MAYOR WAXLER  
MOTION APPROVED UNANIMOUSLY

**ORDINANCE FIRST READING**

**ORDINANCE SECOND READING**

**DISCUSSION & DELIBERATION**

**9. Martin County Offices Update**

City Manager Hudson gave a brief update regarding the proposal made by the City to Martin County. He said that in looking at the proposed County project the Tax Collector is essential to the success of the project.

Mayor Mortell stated that the City needs to push the County Commission to consolidate the county offices all in one place for the benefit of the entire community.

Commissioner Hutchinson said she plans on expressing the importance of having the constitutional offices back in the downtown at a meeting with the Stuart News this week. She said it is vital to the success of the downtown for the next 50 years.

Mayor Mortell said that the Tax Collector feels comfortable where she is now but does not have any concern for the future.

Vice Mayor Waxler said it is important for everyone to be on board with the idea.

Commissioner Hutchinson said that a couple of years ago the City and County at a joint meeting agreed the importance of having the constitutional offices in the downtown. She said they used to be in the downtown and was important to the downtown.

**ADJOURNMENT: 6:36 p.m.**

**ATTEST:**

---

**Cheryl White, CMC, City Clerk**

---

**Michael Mortell, Mayor**

**Minutes to be approved at the Regular Commission  
Meeting This 3<sup>rd</sup> Day March, 2010**