

**REGULAR MEETING OF THE STUART CITY COMMISSION  
HELD ON SEPTEMBER 13, 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 (ABSENT)**

**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 the month of September as National Sickle Cell Awareness Month**

A representative of the Sickle Cell Foundation of the Palm Beach/Treasure Coast Chapter came forward and graciously accepted the proclamation, and thanked the City Commission.

**2. PROCLAMATION: Proclaiming the week of September 17 through September 23, 2010 as 2010 Constitution Week**

Attorney Porcia Scott, American Society of Daughters Revolution came forward and graciously accepted the proclamation and thanked the City Commission.

**2a. PROCLAMATION: Proclaiming September 25, 2010 as; Keep Martin Beautiful International Coastal Cleanup Day.**

Mary Kindel, Keep Martin Beautiful Board Member came forward and graciously accepted the proclamation and thanked the City. She invited participants to attend the waterway cleanup event to be held on September 25, 2010.

**COMMENTS BY CITY COMMISSIONERS**

Commissioner Krauskopf said he was aware of an item on the Martin County agenda relating to the Constitutional Officers building space.

He motioned :”If the County decides to locate the officers outside of the downtown, and properties are being converted from the tax roll to a non-tax status then the City should send a letter from the Mayor requesting a payment in lieu of taxes from Martin County”.

Commissioner Hutchinson: seconded the motion, to send the letter.

City Manager Hudson clarified that he understands, it would wait to see what the decision is and then if it is to move then we would send a letter following the decision.

Commissioner Hutchinson said she spoke with members of the County Commission to discuss the matter this past weekend.

MOTION APPROVED UNANIMOUSLY

Mayor Mortell said he attended the Pirates Fest event in the downtown over the weekend and said it was a well attended and a good event, he encouraged the public to attend in the future.

### **COMMENTS BY CITY MANAGER**

City Manager Hudson announced the following:  
The South Florida Water Management District is opening up grants for alternative water supply program. He said the City would like to make application for this.

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL TO SUBMIT  
APPLICATION TO THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR  
AN ALTERNATIVE WATER SUPPLY GRANT.  
SECOND: VICE MAYOR WAXLER  
MOTION APPROVED UNANIMOUSLY

He also announced that the City has received bids on Memorial Park and they are very competitive. He provided the Commission an outlined memo. He further added the City Commission will see future agenda items relating to the project.

Mr. Hudson announced that Thursday September 16, 2010 at 6:00 pm, the Fall 2010 Parent Orientation is being held at the 10<sup>th</sup> Street Recreation Center and the Commission is invited to attend.

The following agenda items are:

Item #4 SDG Northpoint lease staff has requested withdrawing the item.

Item #10 Business Improvement District Special Assessment corrected Resolution typo correction in paragraph #2 whereas should read: \$15,637.00.

Item #13 PBA Union contract was revised and a copy was prepared and put in the Commission mailbox last week. He also said the employees did ratify the contract on Friday and is 100% on the ratifications.

Item #17; A supplemental memo has been provided with some staff minor site plan amendments.

Item #20: Crary House, A supplemental memo has been provided, with a final draft of the RFP attached.

He thanked the employees for their hard work and sacrifice during the budget process for 2010-2011. He really appreciates the willingness to participate in and assure the City stays sound.

### **APPROVAL OF AGENDA**

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF THE AGENDA AS AMENDED

SECOND: VICE MAYOR WAXLER

MOTION APPROVED UNANIMOUSLY

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

Armond Pasquale came forward and expressed concern over the past weekend event. He recommended the City allow the activity to take place in the park.

Mayor Mortell said the past weekend event was held by another group and they had to follow the policies and procedures of the City's Special Event permit.

Caryn Yost-Rudge came forward and expressed concern over the decision of the City as to where they have to locate the driveway on the property. She asked that the city look for a better way.

Stephen Leighton came forward and stated that the past weekend event Pirates Fest was a wonderful event. He said there were many visitors from other city's who also felt it was a good event. He said the City did a wonderful job and encouraged more events in the downtown.

### **CONSENT CALENDAR**

#### **3. Request to approve the minutes of the Regular Commission Meetings of August 9 and 23, 2010**

**Item #4 has been continued**

4. **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**
5. **RESOLUTION 87-2010 Authorization for execution of License Agreement between the City of Stuart and the Stuart Green Market, Inc., for the paved area of the parking lot located at Stuart City Hall, 121 SW Flagler Ave.**
6. **RESOLUTION 89-2010 Authorization for execution of Lease Extension between the City of Stuart and Road to Victory Military Museum, Inc. for the form American Legion Post Building located in Memorial Park**
7. **RESOLUTION 90-2010 Authorization of the signing of Lease between the City of Stuart and Culpepper & Terpening for 151 SW Flagler Ave. Stuart for a period of one year**
8. **RESOLUTION 91-2010 Authorization for a budget amendment to the 2009-2010 annual Public Safety Budget for the re-appropriating of funds from grant funds-deferred to the Public Safety Fund and expenditure of funds to pay for continuing education, books and operating supplies**
9. **RESOLUTION 92-2010 Authorization to renew a contract for Disaster Debris Monitoring Services with Beck Disaster Recovery, Inc. as primary provider and with Captec Engineering, Inc. as secondary provider**
10. **RESOLUTION 93-2010 Authorization to adopt the Non-Ad Valorem Assessment Roll for the fourth year (2010) of the ten year "Business Improvement District (2)" Special Assessment; directing the Mayor to certify the Assessment Roll to the Martin County Tax Collector as required by law**
11. **RESOLUTION 94-2010 Authorization to ratify a three year Collective Bargaining Agreement between the City and the Professional Firefighters of Stuart Local #2411 of the International Association of Firefighters ("IAFF") to begin October 1, 2010 through September 30, 2013; providing an effective date of October 1, 2010**
12. **RESOLUTION 95-2010 Authorization to ratify a three year Collective Bargaining Agreement between the City and the International Union of Professional Engineers Local #487 ("IUOE") to begin October 1, 2010 through September 20, 2013; providing an effective date of October 1, 2010**

- 13. **RESOLUTION 96-2010 Authorization to ratify a three year Collective Bargaining Agreement between the City and the Palm Beach County Police Benevolent Association, Inc. to begin October 1, 2010 through September 30, 2013; providing an effective date of October 1, 2010**
- 14. **RESOLUTION 97-2010 Authorization to renew a contract for Temporary Employee Services with Emerald Labor Source, LLC and with Manpower**
- 15. **RESOLUTION 100-2010 Authorization to approve and authorize an Early Retirement and Early Separation Incentive Program for those City Employees that meet eligibility criteria**
- 16. **ORDINANCE 2205-2010 (Second Reading) REQUEST TO CONTINUE TO THE MEETING OF SEPTEMBER 27, 2010, the DCA issue an Objections, Recommendations, and Comments (ORC) Report for EAR-Based Comprehensive Plan amendments on August 5, 2010, Staff submitted its proposed responses to DCA the following week for review and comments. Unfortunately, the DCA's response was not received until late Thursday, September 2<sup>nd</sup>. While Staff does not anticipate difficulties in making the additional changes asked for by DCA, there does not appear to be ample time to make the changes and resubmit to DCA for re-view and meet the September 13, agenda deadline**

Commissioner Hutchinson wanted to thank Linda Skelton, Unions and staff for their hard work and dedication for coming into agreement on all contracts. She said this City is a team effort and a family effort, she commends everyone for their hard work.

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF THE CONSENT CALENDAR ITEMS 3,5,6,7,8,9,10,11,12,13,14,15,16.

SECOND: COMMISSIONER HUTCHINSON  
ROLL CALL

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

**END OF CONSENT CALENDAR**

**ORDINANCE FIRST READING**

- 17. **ORDINANCE 2213-2010 (First Reading) Approve a Major Amendment to the "K'Bana Grill" Commercial Planned Unit Development" (CPUD) changed to become Stuart Race Trac; 4201 SE Federal Highway; approving a final site plan, landscape plan, unified signage plan with architectural elevations and conditions**

**of development for the 1.6 acre parcel; declaring the PUD  
Development to be consistent with the Comprehensive Plan of the  
City; repealing all ordinances in conflict herewith (Quasi-Judicial)**

Sworn were:

Murriah Dekle, City of Stuart Planner

Erik Jumano, Creech Engineers

Steve Rittk, Race Trac

Terry O'Neil, Interim Development Department

Murriah Dekle, Planner for the City gave a brief presentation regarding the proposed project. She reminded the Commission of the minor amendments to the proposed site plan they were provided. She stated the applicant is requesting additional wall signage.

Erik Juliano came forward.

Commissioner Hutchinson expressed concern over the size of the monument sign at the corner and the location of the sign. She said that people who are riding bikes have visual impairment at the corner where the two sidewalks meet. She also felt that the wall signage is much larger than the Race Trac North of the bridge.

Mr. Juliano said the monument signage will be highly landscaped so the signage needs to be raised. He felt the wall signage was not as obtrusive.

Commissioner Hutchinson also asked if there were any plans to add fast food to the Race Trac.

Mr. Juliano said no, it's just a convenience store; they may sell hot dogs or something like that.

Commissioner Hutchinson also asked about the two exits, and felt from a safety standpoint wouldn't it be better with one way in and one way out.

Mr. Juliano said that is the Race Trac design.

Commissioner Krauskopf agreed with Commissioner Hutchinson and said his main concern was that Capra signed off on this as to drainage. He asked where does the water go because the site does not hold it all.

Mr. Juliano said there is about 700 feet of exfiltration trench. Our discharge point is into the existing system. We have to permit the site with Water Management District as well as County approvals.

Commissioner Krauskopf said so we don't have to ask the question we are preempted by the County and South Florida.

Mr. Juliano said their criteria are more stringent than yours and the whole center will discharge to the hole in the back of the site in the event of a major storm.

Murriah Dekle stated that condition #28, speaks to the applicant and the Stuart Business Park drainage improvements that the City and County are currently working on. The applicant agrees to participate in a fair share agreement.

Commissioner Hutchinson asked what the route of the delivery trucks were.

Mr. Juliano said it would depend on where there coming from. Most likely they will be coming in from I 95.

Commissioner Hutchinson wanted to assure they will be able to make the sharp turn.

Mr. Juliano said it will be no problem.

Commissioner Hutchinson asked Chief Morley if the police department has any comments on one entrance verses two.

Chief Morley said it was reviewed by staff and they had no problem with it.

The Commission agreed to request the applicant to modify the signage before second reading.

The applicant's representative agreed.

Helen McBride came forward and stated there is a large amount of walkers and foot traffic at that location and agreed the sign proposed is way too large. She also asked if Market Place is owned by the City, and if the applicant has paid their fair share of impact fees for the roadway.

Mayor Mortell said they have.

MOTION: COMMISSIONER HUTCHINSON; MOVED APPROVAL OF ORDINANCE 2213-2010 ON FIRST READING WITH THE CHANGE THAT THE MONUMENT SIGN BE DECREASED IN WIDTH BY 5 FEET AND SETBACK SO THAT THE CLEARANCE FOR PEDESTRIANS, THERE IS A GREATER PEDESTRIAN CLEARANCE AT THE INTERSECTION OF MONTEREY AND US1.

SECOND: VICE MAYOR WAXLER

City Attorney Nicoletti stated that this PUD amendment renames the PUD to "Race Trac PUD". It's not in the title but I am going to add it to the Ordinance as I read it.

ROLL CALL

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

## **ORDINANCE SECOND READING**

### **18. ORDINANCE 2210-2010 (Second Reading) Adopting comprehensive amendments to the City's flood damage prevention code; updating and standardizing provision in accordance with Federal and State Law and guidelines**

Commissioner Krauskopf asked how many existing homes do not meet the threshold?

Terry O'Neil stated the City does not have an inventory, but we have some idea of the affected areas and there are several properties that abut the flood areas.

Attorney Nicoletti stated that whatever exists today is the same.

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF ORDINANCE 2210-2010 ON SECOND READING

SECOND: COMMISSIONER HUTCHINSON

ROLL CALL

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

### **19. ORDINANCE 2212-2010 (Second Reading) Defining and designating "Pain Management Clinics" as a Special Exception use in certain districts and areas of the City; Adopting regulations regarding the operation of Pain Management Clinics**

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF ORDINANCE 2210-2010 ON SECOND READING

SECOND: VICE MAYOR WAXLER

ROLL CALL

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

## **DISCUSSION & DELIBERATION**

### **20. Update on Crary House**

City Manager Hudson gave a brief synopsis of the Staff Report. He said he felt that if the City takes the leadership of doing the renovations, it would really move us down the road to house a tenant faster. He said we have had discussions with other government official on the possibility of bringing in a government official as a tenant.

Mayor Mortell wanted to move forward with the project, and wanted to be assured that the intention of the commission gets maintained. He said the idea of a government official tenant appeals to him, because one; the City maintains control of the historic preservation of it. Its effectively open to the public at all times.



Vice Mayor Waxler agrees on negotiating with a government official.

Commissioner Hutchinson agreed with Mayor Mortell.

MOTION: COMMISSIONER HUTCHINSON: MOVED APPROVAL TO NEGOTIATE A LEASE WITH THE GOVERNMENT OFFICIAL AND APPROVING THAT HOUSE FOR THEIR USE OF THAT BUILDING.

City Manager Hudson said he will be bringing a budget amendment forward at the next meeting for Commission approval.

SECOND: COMMISSIONER KRAUSKOPF

Commissioner Krauskopf stated, "We have a certain level of confidence that the rents will amortize it over a 12 or 15 year period, and that basically the taxpayers are made whole, and that we have preserved as part of it. He also requested the City define a line behind the feed store similar to the Atwood House and what we will see shortening behind the feed store, so there is a common area of maintenance that has the same line defined in the amount. For clarification this buttons it up, in a plain vanilla fashion and we can go out and lease."

MOTION APPROVED UNANIMOUSLY

ADJOURNMENT 6:30 PM

**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 27thDay September 2010**