

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON MAY 24 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 the week of May 30 – June 5, 2010 as Paralegal Week**

Mary Nash, Paralegal for the City of Stuart came forward graciously accepted the proclamation, and thanked the City Commission.

- 2. PROCLAMATION: Proclaiming the week of June 7 – 13, 2010 as Stuart Garden Week**

A representative of the Stuart Garden Club came forward graciously accepted the proclamation, and thanked the City.

- 3. Employee of Month**

William "Bill" McGighan, Police Department

Office William McGighan was recognized and awarded the City Employee of the Month, as well as the Medal of Valor and Meritor of Service for his courageous act at the Raceway gas station, where three men were robbing the store at gunpoint.

- 4. Employee Service Recognition**

**Kevin Edwards, Information Services, 20 Years
David Jackson, Fire Rescue, 10 Years
Kathleen Lannon, Police Department, 10 Years
Matthew Cernuto, Police Department, 5 Years**

All employees came forward and graciously accepted their awards.

COMMENTS BY CITY COMMISSIONERS

Commissioner Hutchinson requested an item be brought forward to discuss the proposal by staff and funding to build restrooms at the East Stuart Park.

Commissioner Waxler said she received a phone call today from Mac Stuckey regarding Stuart Heritage. He said he would be meeting with the Stuart Heritage tonight to discuss a partnership with the City on the Crary House. She stated Attorney Stuckey is encouraging the Stuart Heritage to hire a Property Manager. She said if they do decide to move forward with that then she would like the City Attorney to sit down with Attorney Stuckey and try to reach some sort of management agreement. She said if they are committed to do that then the City should try to work something out.

Mayor Mortell said he is inclined to have the Stuart Heritage come forward with a check, and the City already has a good property management system in place, as well as a large investment. He expressed concern over just passing it off to Stuart Heritage after the time and financial investment already made by the City. He stated that did not make sense to him.

Commissioner Christie stated he did concur with Commissioner Waxler, and felt it was important that the City try to look at it as a reconciliatory way rather than just cutting them off all together.

Commissioner Krauskopf said he would like the City to concurrently put the Crary House and possibly the Feed Store building, out to the private sector, and see if the City can get real on the rents there.

Commissioner Hutchinson noted there are many non profits who rent from the City at little or no rents, and that is traditionally how it has worked instead of the City physically spending money for the Arts, Stuart Heritage, Historic Preservation, for Main Street.

Commissioner Krauskopf suggested taking one building at a time, and did not have a problem looking out there to see if someone wants to fix it up and get a few years free rent before they pay real rent. He expressed concern over the financial situation of Stuart Heritage.

No further comments were made.

COMMENTS BY CITY MANAGER

City Manager noted the following:

Community Redevelopment Board Meeting scheduled for June 2, 2010 at 4:00 p.m.

The City also received a Hospitality Appreciation Award from the Martin County Convention and Visitors Bureau, for the City's support of tourism.

He noted a correspondence from Stuart Main Street regarding a shortfall of funds to the fireworks fund. He said the City is looking at pursuing the shortage for Main Street.

Drafted a new section to the Code relating to bonding requirements, as well as amended language to the code for fire protection. He said they would be included in the re-codification of the code.

Two draft letters for the Mayors signature;

A letter to Martin County relating to the operation of Sailfish Park.

A letter to Department of Transportation regarding outside storage under the Roosevelt Bridge.

MOTION: COMMISSIONER WAXLER; MOVED APPROVAL TO SUBMIT BOTH LETTERS.

SECOND: COMMISSIONER KRAUSKOPF
MOTION APPROVED UNANIMOUSLY

Item 6, minutes regarding Palm City Road, added a clarification of "And Instead" to the motion following the clause, rescinding the previous motion.

Mr. Hudson recognized Jean Law-Scott and Helen McBride who were present in the audience, and were on the agenda for appointment to the Stuart Independent Review Board. He also noted carry over appointments to the Recreation Advisory Board but the City is currently looking at the operation of that Board. Item 9, has been requested to pull for discussion by Commissioner Hutchinson, He also wanted to recognize Beth Beltran, new MPO Administrator who was also present for item #15. He noted a minor modification to the Alcoholic Beverage regulation Ordinance.

Commissioner Krauskopf stated he would like to pull item #10 for separate discussion.

APPROVAL OF AGENDA

MOTION: COMMISSIONER HUTCHINSON MOVED APPROVAL OF THE AGENDA AS AMENDED

SECOND: COMMISSIONER KRAUSKOPF
MOTION APPROVED UNANIMOUSLY

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

Noah Houscal, no address given came forward and expressed concern over the City regulation against people who hold signs alongside the roadway. He said that because of the regulation he is out of a job.

Mayor Mortell said the new sign ordinance would be discussed at the second meeting in June.

William Rudge ...

Mayor Mortell advised Mr. Rudge that he spoke with his Attorney recently and that his Attorney was surprised at the Rudge's for speaking at a public meeting without him being aware of it. Mayor Mortell did not want to have it conferred that the City condoned any type of exparte communication with you, and in fact you are the one coming here to speak with us.

William Rudge expressed concern that the last time he was at the Commission meeting he was unable to ask questions of the City Commission.

Mr. Rudge was advised that the City is following the rules and that his pending lien case by the City has been appealed by his Attorney.

City Attorney Nicoletti advised Mr. Rudge to speak with his attorney regarding any question he may have of the city or city Commission.

Caryn Yost-Rudge came forward and expressed concern over the injunction and lien placed on her property.

Robert Hall came forward and requested the City look into the regulations against people who hold signs, and stated this would also eliminate people and not for profits trying to raise money by holding signs for car washes.

Mayor Mortell explained the Ordinance was put in place because people were holding signs in front of other businesses and not in front of their own business. He said the City is not trying to put people out of business but were trying to protect the rights of all businesses in the City.

Mr. Hall said the other businesses should not be concerned if the sign holder is on public right of way and not private property.

CONSENT CALENDAR

- 5. Request to approve the minutes of the regular Commission Meeting of April 28, 2010 and May 3, 2010 Budget Workshop**
- 6. Request to approve the minutes of the regular Commission Meeting of May 10, 2010**
- 7. Various Board re-appointments and appointments**
- 8. RESOLUTION 44-2010 Authorization to approve amendments to the City of Stuart Personnel Policy at Section 28, paid time off**
- 9. RESOLUTION 47-2010 Authorization to award RFP#2010-86 to Skyshades of South Florida, LLC, for a total lump sum price of \$163,212.00 to provide and install shade structures for riverside stage and bleacher areas**
- 10. RESOLUTION 50-2010 Authorization to execute an indemnification agreement between S.P.S. Commercial Center, Inc. and the City of Stuart, for the purpose of realigning a roadway located in the City known as S.E. Slater Street; and accepting right-of-way easement deed from S.P.S. Commercial Center, Inc. (Grantor) to the City of Stuart (Grantee) for right of way purposes**
- 11. RESOLUTION 51-2010 Authorization to execute an agreement amending ICMA Retirement Corporation Governmental Money Purchase Plan & Trust Adoption Agreement for plan number 106324; permitting Chief Edward Morley to contribute to the plan**

12. **RESOLUTION 52-2010 Authorization for the Fire Department to apply for a Federal Emergency Management Association (FEMA) Assistance to Firefighters Grant (AFG) in the amount of \$209,000 with a \$5,500 match to be provided equally between the City and Sewall's Point; and if successful to execute the Grant providing funding for extrication equipment, firefighter safety equipment and vehicle maintenance equipment**
13. **RESOLUTION 54-2010 Authorization to amend the City of Stuart Investment Policy originally adopted by Resolution 54-08 on May 12, 2008 to include under Section XIII of the policy, a subsection "L, Tax Lien Certificates" providing authorization to purchase Tax Lien Certificates as a City investment**
14. **RESOLUTION 55-2010 Authorization to execute an interlocal agreement between the City of Stuart and Martin County to provide Memorial Park Stormwater outfall culvert replacement within S.E. Ocean Boulevard**
15. **RESOLUTION 56-2010 Authorization to execute a joint interlocal agreement among the City of Stuart, Martin County, St. Lucie County, city of Port St. Lucie, City of Fort Pierce, Town of Sewall's Point, the Economic Council of Martin County, Inc., the Economic Development Council of St. Lucie County, Inc. and the Florida Department of Transportation to form a Regional transit Organization (RTO) relating to public transportation on the Treasure Coast**
16. **RESOLUTION 57-2010 Authorization to execute an Interlocal Agreement between the City of Stuart and Martin County to provide for the construction and installation of a sidewalk on SE Ruhnke Street and SE Aster Lane in Stuart**

MOTION: COMMISSIONER HUTCHINSON; MOVED APPROVAL OF THE CONSENT CALENDAR ITEMS 5,6,7,8,11,12,13,14,15,16

SECOND: COMMISSIONER WAXLER

ROLL CALL

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

ITEM 9 WAS HEARD AT THIS TIME.

9. **RESOLUTION 47-2010 Authorization to award RFP#2010-86 to Skyshades of South Florida, LLC, for a total lump sum price of \$163,212.00 to provide and install shade structures for riverside stage and bleacher areas**

Commissioner Hutchinson expressed concern over the proposed shade structure and how it would block the waterfront view.

Mayor Mortell said he agrees it may affect the view but did not feel it was blocking access to the water.

MOTION: COMMISSIONER WAXLER; MOVED APPROVAL OF RESOLUTION 47-2010

Mayor Mortell passed the gavel and made the following motion.

SECOND: MAYOR MORTELL

ROLL CALL

COMMISSIONER CHRISTIE	NO	COMMISSIONER KRAUSKOPF	NO
VICE MAYOR WAXLER	YES	COMMISSIONER HUTCHINSON	NO
MAYOR MORTELL	YES		

ITEM 10 WAS HEARD HERE;

10. **RESOLUTION 50-2010 Authorization to execute an indemnification agreement between S.P.S. Commercial Center, Inc. and the City of Stuart, for the purpose of realigning a roadway located in the City known as S.E. Slater Street; and accepting right-of-way easement deed from S.P.S. Commercial Center, Inc. (Grantor) to the City of Stuart (Grantee) for right of way purposes**

Commissioner Krauskopf asked if the County was constructing the road.

City Attorney Nicoletti stated the road will be built by Dickerson by the County.

City Commissioner Hutchinson wanted to be assured that while the roadway was under construction that the businesses be accessible.

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF RESOLUTION 50-2010

SECOND: COMMISSIONER WAXLER

ROLL CALL

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

END OF CONSENT CALENDAR

COMMISSION ACTION

17. **RESOLUTION 53-2010 Authorization to amend and re-approve an East Stuart Overlay District Special Exception, with reasonable conditions, for the Macedonia Community Outreach Ministries Veterans Home allowing a group home for homeless veterans with 17 residents, including staff within the east Stuart single family duplex zoning district, located at 828 Nassau Avenue (Quasi-Judicial)**

Terry O'Neil gave a brief overview regarding the status of the project. The Commission requested this project be revisited in 6 months after approval of Resolution 128-09, to see how the operation was going. He explained the operation is not up and running to date, and requested the Commission re visit the project in 6 months from today's date.

Pastor Andrews stated they were looking at opening the doors the first week of July.

MOTION: COMMISSIONER WAXLER: MOVED APPROVAL OF RESOLUTION 53-2010 ALLOWING THE REVISIT OF THE PROJECT IN SIX MONTHS.

SECOND: COMMISSIONER KRAUSKOPF

ROLL CALL

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

ORDINANCE FIRST READING

18. ORDINANCE 2201-10 (First Reading) Approving an amendment to the Future Land Use Map of the Stuart Comprehensive Plan to designate the land use of .79 acres within the City of Stuart from "Public Institutional" to "Office/Residential" proposed by Church of Christ, LLC, owner of the property; parcel of land consisting of .79 acres located at 500 SE Palm Beach Road; said land to be concurrently changed from "R-2" to "R-3" on the City of Stuart zoning map (Quasi-Judicial)

Commissioner Krauskopf asked if the applicant wanted this item withdrawn. He suggested setting it for a date certain rather than just withdrawing the item.

Tyson Waters said the applicant agrees to set the hearing for August 9th, 2010, rather than withdraw the item.

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL TO TABLE ORDINANCE 2201-10 TO AUGUST 9TH, 2010.

SECOND: COMMISSIONER WAXLER

MOTION APPROVED UNANIMOUSLY

19. ORDINANCE 2204-10 (First 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"

Terry O'Neil reviewed the background of this ordinance noting the concern about the number of special exceptions being sought regarding alcoholic beverages.

Murriah Dekle gave a visual presentation to the public and commission regarding the current license and their status in the historic downtown. It was explained that staff is currently looking at a ratio standard that sets a certain square footage that can be used. She further described the Ordinance in detail.

Staff recommends approval of Ordinance 2204-10 with modifications.

Commissioner Hutchinson asked if the alcohol sales regulation near churches or schools was still in place.

Murriah Dekle stated that it was and was actually in a different part of the code.

Commissioner Hutchinson requested the business owners be notified of the proposed Ordinance and the Ordinance is clear so that everyone understands the policy of the City.

City Attorney explained the property owner's rights for additional floor space and square footage requirements.

Terry O'Neil said the landlords will be notified between the first and second reading.

Veronica Pasquale Seminole Street came forward and stated she was pleased with the proposed Ordinance however still expressed concern over the noise ordinance.

City Attorney Nicoletti said we are now only dealing with alcohol beverage code but staff would look at the noise ordinance at a later date.

Veronica Pasquale requested the City look into further regulating the noise in the downtown. She asked that the City include into the regulation, plainly audible, or with 65 decibels meter 24 hours a day. She also informed the Commission that the past weekend was very noisy, due to the many events in the downtown.

MOTION: COMMISSIONER HUTCHINSON: MOVED APPROVAL OF ORDINANCE 2204-10 WITH AMENDMENTS AND DIRECTION ON FIRST READING

SECOND: COMMISSIONER CHRISTIE

ROLL CALL

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

20. ORDINANCE 2205-10 (First Reading) Providing for Evaluation and Appraisal (EAR) based and other Comprehensive Plan Amendments including Future Land Use Element, Transportation Element, Housing Element, Infrastructure Element, Conservation 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

Terry O'Neil gave a brief overview on the proposed Ordinance.

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL OF ORDINANCE 2205-10

SECOND: COMMISSIONER HUTCHINSON

Eula Robinson-Clark 1008 E 16th Court came forward and expressed concern over the vacant 18th Street land taken over by the County as the airport runway protection zone.

Terry O'Neil stated that land use will be conservation because the city feels that it best protects the property as well as the adjoining land.

The Commission explained that the FAA will not allow any use on the property whatsoever. The conservation land use restricts the use of the property.

Eula Robinson-Clarke stated that when she purchased the property there was an easement for 17th Street, and she said there may be an encroachment in the easement. She also asked if she would need a revocable permit to use a portion of the easement.

Mr. O'Neil stated that she would.

Eula Robinson Clarke stated she just wanted to be sure that she could plant a tree line along the back part of her property for protection purposes.

Vice Mayor Waxler was saddened by the promise the County made when the properties were purchased and then assured the City there would be some type of use for the buyout properties. She stated the FAA regulates the land and they will not approve anything for that land.

Eula Robinson-Clark also asked if the noise meter was still in place in the area, and requested the street lights remain in place for safety concerns.

Vice Mayor Waxler stated that there was still a noise meter in place. She also stated the Airport Advisory Noise Committee has been working on landing and takeoff procedures. She agreed that the street lights need to left on.

ROLL CALL

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

ORDINANCE SECOND READING

21. ORDINANCE 2200-10 (Second Reading) To approve a Major Amendment to the "Central Park Commercial Planned Unit Development" (PUD); providing a provision to exclude a 1.525 acre parcel from the "Bridges Montessori Parcel 4", Children's Services Council of Martin County; approving a final site approval for the 1.525 acre parcel; declaring the PUD Development to be consistent with the Comprehensive Plan of the City (Quasi-Judicial)

MOTION: COMMISSIONER WAXLER: MOVED APPROVAL OF ORDINANCE 2200-10 WITH ON SECOND READING

SECOND: COMMISSIONER HUTCHINSON

ROLL CALL

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

DISCUSSION & DELIBERATION


Cheryl White, CMC, City Clerk


Michael Tortell, Mayor

Minutes to be approved at the Regular Commission
Meeting This 14th Day June, 2010