

**REGULAR MEETING OF THE STUART CITY COMMISSION  
HELD ON JUNE 22, 2009  
AT 5:30 P.M. IN THE CITY COMMISSION CHAMBERS  
121 S.W. FLAGLER AVE.  
STUART, FLORIDA 34994**

Roll call was answered by:  
Mayor James A. Christie  
Vice Mayor Michael Mortell  
Commissioner Carol S. Waxler  
Commissioner Jeffrey A. Krauskopf  
Commissioner Mary Hutchinson

Also present were:  
City Manager: Dan Hudson  
City Attorney: Paul J. Nicoletti  
City Clerk: Cherie White

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

**PRESENTATIONS**

- 1. PROCLAMATION: Proclaiming Stuart Training School Lion Days June 26-28, 2009.**

Mayor Christie accepted the proclamation on behalf of the School.

- 2. Employee of the Month**

**Belinda Parker, City Clerk's Office**

Belinda Parker graciously accepted her award and thanked the City Commission.

- 3. Employee Service Recognition**

**David Hutton, Jr., Fire Rescue, 15 Years  
Michael Marshall, Distribution & Collection Team, 5 Years  
Jessica Rodriguez, 10<sup>th</sup> Street Center, 5 Years  
Jessica Velazquez, Flagler Center, 5 Years  
Michael Woodside, Water Treatment Team, 5 Years  
Jose Rivera, Water Treatment Team, 5 Years**

All employees were present and accepted their awards with the exception of Michael Woodside and Jose Rivera.

## **COMMENTS BY CITY COMMISSIONERS**

Commissioner Hutchinson noted that the Chris at Edelweiss started the Music Fest held at the Gazebo next to the Court House on the third Friday of the month is a great family event.

Commissioner Krauskopf requested permission to explore an Ordinance of "City of Naples and the County of Collier" on the use of "green fertilizer", he hopes it will help our river.

Vice Mayor Mortell agreed that the Music Fest is a great family event and best of all it is free. He also noted Gene Rifkin's remarks at the earlier special CRA meeting, and said that it sounds like there may be some type of rail service from Jacksonville to Miami that is Amtrak related. He noted they may be lining up cities for the train stops along the way. He felt like Amtrak would be looking at shovel ready cities.

He would like staff to consider hiring or consulting with Treasure Coast Regional Planning Council for the purpose of taking the downtown area and coming back ASAP with a feasible location for a transit center/train station. He suggested maybe we could ask FDOT to allow us to amend the application.

City Manager Hudson said it is important that we keep in line with the transit center and train station.

Commissioner Hutchinson asked if we had already gone through this process.

Vice Mayor Mortell said in 2000 the City sited a train station across from the Feed Store but at that time we had not purchased the old AMOCO station.

Commissioner Hutchinson said there are only three feasible locations and felt the planning could be done in house and no consultant would be needed.

City Manager Hudson stated he would look into the issue and prepare an agenda item for a future meeting.

Mayor Christie reiterated the invitation to his fellow Commissioners to attend the Treasure Coast Council of Elected Officials, July 1st Bar-B-Q to be held in Okeechobee. The guest speaker will be Congressman Tom Rooney.

## **COMMENTS BY CITY MANAGER**

City Manager Hudson noted the upcoming Budget Workshops, he said the Property Appraiser has received a timetable extension to July 11, 2009. He noted that date is when the tax roll will be released. Staff is proceeding to finalize the budget based upon available information with the goal to have the manager recommended budget available to the commission July 6 or 7 in order to stay on calendar schedule as long

as possible. In reviewing the tentative agenda, Hudson suggested moving FPL annexation continuation Items 9 and 10 to the Consent Agenda. The Board agreed. Hudson also had comments on Items 12, 13 and 14 that will be noted prior to discussion of those items.

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

### **APPROVAL OF AGENDA**

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

SECOND: COMMISSIONER HUTCHINSON  
MOTION APPROVED UNANIMOUSLY

### **CONSENT CALENDAR**

4. **Request to approve the minutes of the regular Commission Meeting of June 8, 2009**
5. **RESOLUTION 56-09 Authorization to amend resolution 47-93 by re-establishing a policy for the issuance of proclamations and concurrently approving and adopting an updated City of Stuart Proclamation Policy**
6. **RESOLUTION 60-09 Authorization to execute a Utility Service Agreement between the City of Stuart and Huizenga Holdings, Inc. to provide water and sewer service to property known as Sunset Bay Marina**
7. **RESOLUTION 73-09 Authorization for a budget amendment to the 2008-2009 annual general fund and infrastructure sales tax fund operating budgets; Authorizing receipt of 2008-09 Florida Inland Navigation District (FIND) Grant funds in the amount of \$107,973.00; Authorizing the transfer of funds from the infrastructure sales tax fund for the City 50% grant match in the amount of \$150,000.00; Authorizing the appropriation and expenditure of fund for the design and construction of the phase III courtesy dock and riverwalk improvements in the amount of \$257,973.00**

**Item 9& 10 were placed here for consent action.**

**FP&L ANNEXATION - REQUEST TONIGHT'S PUBLIC HEARING BE CONTINUED TO JULY 13, 2009 ORDINANCE 2185-09 (First Reading) Annexing a parcel of land consisting of 3.34 acres owned by Florida Power & Light Company located at 1401 SE Monterey Road**

**FP&L ANNEXATION – ESTABLISHING FUTURE LAND USE REQUEST TONIGHT’S PUBLIC HEARING BE CONTINUED TO JULY 13, 2009 ORDINANCE 2186 (First Reading) Amending the Comprehensive Land Use Plan of the City thereby assigning a “Commercial” land use designation to a parcel of land consisting of 3.34 acres owned by Florida Power & Light Company located at 1401 SE Monterey Road, said lands to be concurrently designated as B-4 on the City of Stuart zoning map**

**END OF CONSENT CALENDAR**

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF THE CONSENT AGENDA ITEMS 4,5,6,7,9,10.

SECOND: COMMISSIONER WAXLER

ROLL CALL

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

**COMMISSION ACTION**

**ORDINANCE FIRST READING**

- 8. ORDINANCE 2182-09 (First Reading) Amending sections 2-246, 18-1 (a), 34-1, and 42-91, of the City Code regarding Fire-Rescue related fees, and providing for codifications.**

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF ORDINANCE 2182-09 ON FIRST READING.

SECOND: VICE MAYOR MORTELL

ROLL CALL

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

**Item 9&10 were heard and motioned under the Consent Calendar.**

- 9. FP&L ANNEXATION - REQUEST TONIGHT’S PUBLIC HEARING BE CONTINUED TO JULY 13, 2009 ORDINANCE 2185-09 (First Reading) Annexing a parcel of land consisting of 3.34 acres owned by Florida Power & Light Company located at 1401 SE Monterey Road**

- 10. FP&L ANNEXATION – ESTABLISHING FUTURE LAND USE - REQUEST TONIGHT’S PUBLIC HEARING BE CONTINUED TO JULY 13, 2009 ORDINANCE 2186 (First Reading) Amending the Comprehensive Land Use Plan of the City thereby assigning a “Commercial” land use designation to a parcel of land consisting of 3.34 acres owned by Florida Power & Light Company located at**

**1401 SE Monterey Road, said lands to be concurrently designated as B-4 on the City of Stuart zoning map**

- 11. ORDINANCE 2187-09 (First Reading) Approving a Major Amendment to the commercial planned unit development (CPUD) located on the Southeast side of SE Federal Highway (US 1) and SE Market Place; providing for approval of a change in the boundary of the commercial planned unit development (CPUD) district and a revision to the originally approved final site plan and development conditions allowing for an increase in signage to amend the established "Shoppes at Market Place" commercial planned unit development consisting of retail and restaurant uses ( Quasi-Judicial)**

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF ORDINANCE 2187-09 ON FIRST READING DELETING THE SIGNAGE ELEMENT.  
SECOND: VICE MAYOR MORTELL

The applicant requested that the Commission withdraw the motion and continue the item to the next meeting.

WITHDRAW MOTION: COMMISSIONER KRAUSKOPF;  
WITHDRAW SECOND: VICE MAYOR MORTELL

MOTION: COMMISSIONER WAXLER; MOVED APPROVAL TO CONTINUE ORDINANCE 2187-09 TO JULY 13, 2009.  
SECOND: COMMISSIONER HUTCHINSON  
MOTION APPROVED UNANIMOUSLY

The following 3 items were heard together, item 14 will need to be heard 1<sup>st</sup> ,and voted on 1<sup>st</sup>. He indicated that if #14 does not succeed, items 12 and 13 would not move forward.

- 12. ORDINANCE 2188-09 (First Reading) Major Amendment to the Sunbelt Partners Commercial Planned Unit Development (CPUD) located on the West side of US Highway 1 and South of SE Fischer Street; providing for approval of a final site plan; providing conditions for compliance with site design qualitative development standards; declaring the development to be consistent with the Comprehensive Plan of the City (Quasi-Judicial)**

- 13. ORDINANCE 2189-09 (First Reading) Major amendment to the SK Partners II (Advantage Ford) Commercial Planned Unit Development (CPUD) located on the West side of US Highway 1 and North of SE Pomeroy Street; providing for approval of a final site plan, conditions for compliance with site design qualitative development standards; development to be consistent with the Comprehensive Plan of the City (Quasi-Judicial)**

**14. ORDINANCE 2190-09 (First Reading) Major amendment to the SK Partners II CPUD and the Sunbelt Partners CPUD to form a new Commercial Planned Unit Development to be known as “Market Place of Stuart CPUD” located on the West side of S.E. Federal Highway and North of Advantage Ford and South of Lowes; providing for approval of a final site plan; providing conditions for compliance with site design qualitative development standards; development to be consistent with the Comprehensive Plan of the City (Quasi-Judicial)**

City Manager Hudson recommended changing the name of the project during the discussion.

Douglas James gave a brief overview of the proposed project and the history of the project.

Mark Mathes of Lucido & Associates gave a powerpoint presentation to the public and Commission regarding the proposed project(s).

In addressing Community Outreach with neighboring Willoughby Golf Club and staff, Mathes said the applicant has tried to be responsive as new issues arise. He noted that the Lowes building is not attractive to residents and this site has a stronger buffer for Willoughby with 100 feet of trees and a parapet on the building to shield mechanical equipment. He offered to plant trees on Willoughby's berm using a portion of the tree mitigation fund.

**Public Comments:**

Michele Reilly, General Manager of Willoughby Golf Club agreed that the developer has been accommodating to the residents' concerns. She indicated there is a concern that the buildings may impede into the preserve area. She requested the building jut no further West than Lowes. Also a concern is the height of the building. She also addressed tree mitigation dollars and said Willoughby is an “in town oasis” for wild life in the center of Martin County.

Golf Course Superintendent Jason Reilly agreed with Michele's comments as did a number of Willoughby residents. Some disagreed with Mark Mathes assumption that the proposed buffer would shield a 29 foot building but said there could be some middle ground on the water retention site issue. Other residents voiced concerns about setbacks and devaluing property values of Willoughby.

Mike Craig presented to the Commission a picture of Lowes building height and its landscaping. He expressed concern over the proposed building height, and retention.

Richard Berjian, came forward and expressed concern over the proposed project. He felt the natural preserve would be severely impacted.

Helen McBride commended the Willoughby residents for being here to voice their concerns and said her concern was that the front of the building looked like a “strip mall” and no landscaping had been shown.

Commissioner Hutchinson said when she first met with the applicant’s representative she had questions about the two preserve areas and she did not feel the package had been “fully vetted” before it came to her. She had questions on environmental issues and received more information today which she has not had appropriate time to review. She also questioned the expiration date of the SFWMD permit.

Commissioner Waxler felt the residents of Willoughby have a reasonable expectation for the buffer to remain at the width behind Lowes and unless or until an agreement is reached with Willoughby she would not support this project. She also agreed with Hutchinson on tree mitigation.

Vice Mayor Mortell addressed annexation for development of the US 1 corridor and said he was “not caught up” with wetlands in the middle of the site. He liked the creative idea of drainage and did not hear anyone from Willoughby say they want this project denied. The residents of Willoughby expressed a strong position on the 26 foot height and buffers and trees.

Mark Mathes compared Lowe’s 26 foot height without a parapet noting that it shows an asphalt roof and AC units, but he said the applicant would be willing to talk about building height. He also gave a number of reasons why the buildings cannot be moved forward.

Commissioner Krauskopf expressed concern over the promised buffer to the residents of Willoughby. He also asked about the wetlands mitigation bank.

Chris Sopotnick, Ecological Consulting of Florida stated the wetland mitigation occurred on the RG Reserve in Martin County, which is a permitted mitigation bank in the western area of Martin County.

Mayor Christie stated the applicant has done allot and suggested the Willoughby residents address their concerns and recommended making any adjustments that need to be made.

Mark Mathes requested a continuance of the first public hearing to a date certain, so they may work on the issues addressed tonight.

MOTION: COMMISSIONER WAXLER; MOVED APPROVAL TO CONTINUE ORDINANCE 2188-09, 2189-09 AND 2190-09 TO JULY 13, 2009.

SECOND: VICE MAYOR MORTELL  
MOTION APPROVED UNANIMOUSLY

**ORDINANCE SECOND READING**

**DISCUSSION & DELIBERATION**

**ADJOURNMENT:8:29 pm**

**ATTEST:**

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**Cheryl White, CMC, City Clerk**

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**James A. Christie, Mayor**

**Minutes approved at the Regular Commission  
Meeting This 27th Day July 2009**