

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON DECEMBER 22, 2008
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

A. Employee of the Month

Deborah Gordon, HR Department

Debby Gordon came forward and graciously accepted her award and thanked the City Commission.

B. Employee Service Recognition

**Diane Kirkland, Police Department, 10 Years
Dennis Heald, Fire Rescue, 5 Years
Walter Bowman, Commercial Collection Team, 5 Years
Clarence Marevelle, Distribution & Collection Team, 5 Years
John Lapadula, Building Maintenance Team, 5 Years
Nicholas Briglia, Police Department, 5 Years**

Diane Kirkland, John Lapadula both came forward and graciously accepted their awards and thanked the Commission. Walter Bowman and Clarence Marevelle were unable to attend. Dennis Heald came later in the meeting, and graciously accepted his award and thanked the Commission.

COMMENTS BY CITY COMMISSIONERS

Commissioner Waxler, the City's representative to the Witham Advisory Noise Abatement Committee (ANAC), gave an update on a January 2008 letter received from FAA regarding "RPZ" – Runway Protection Zone. A local charter company volunteered his time and fuel to conduct a practice take-off procedure over the inlet using various parts of the procedure. The County has received grant funds to set up equipment stations to monitor noise and will be

able to identify the type of noise, its speed, plane numbers, temperature, wind origination and which aircraft is causing it. She stated the ANAC is finally making progress and doing some real positive things.

Commissioner Hutchinson asked if the FAA will make the County buy out the remaining homes in the Runway Protection Zone.

Commissioner Waxler said ANAC was told it would be voluntary but different than what the City was told before.

Commissioner Hutchinson wished everyone a very Happy Holiday Season.

Commissioner Krauskopf received a email from the Schindler's on Mango Place regarding the issue of flooding in their area. We had told the son that we would look into the flooding their.

City Manager Hudson stated he will have staff follow up.

Commissioner Krauskopf also addressed the FPL franchise agreement and the possibility of using a portion of the old land fill for photovoltaic farm. He too wished everyone a Happy Holiday Season and Merry Christmas.

City Manager Hudson stated a study is forthcoming from the TCRPC.

Vice Mayor Mortell had been approached by neighbors who heard extremely loud music on Saturday night and he personally heard loud music in the vicinity of Martin Memorial Hospital last night.

City Staff said officers checked out the area and determined the music was coming from an area south of East Ocean Blvd. City Manager Hudson stated they will check into the matter.

Mayor Christie wished everyone a Happy and Safe Holiday Season.

COMMENTS BY CITY MANAGER AND REVIEW OF TENTATIVE AGENDA

City Manager Hudson informed the Commission that it is anticipated Art Dehon's request regarding the former TA Verns property will be heard the first meeting in January (1/12/09). An attorney client session regarding certain lawsuits will also be scheduled at 4:30 or 5:00 p.m. on 1/12/09.

City Attorney Nicoletti stated it may involve the following outstanding litigation cases; Continental Concrete, Clark Collins Case and Lamar Advertising.

Mr. Hudson noted the following agenda items: Consent Agenda Item 4 – Revocable permit for 600 SE Camden – Commissioner Waxler has filed the proper forms and will abstain from voting on this item.

Regarding Consent Item 7 –Commissioner Krauskopf would like this made more "poignant" with an accompanying letter to the Legislature identifying what the economic impact on the City will be noting that it will cause the City to raise its utility rates by 20% to make up for lost revenue. He wanted to know why we should do this "when only one county cannot get it straight". The City Manager will include the information in the transmittal letter.

STAFF REPORT ON COMMENTS FROM PREVIOUS COMMISSION MEETING

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

APPROVAL OF AGENDA

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL TO APPROVE THE AGENDA

**SECOND: COMMISSIONER HUTCHINSON
MOTION APPROVED UNANIMOUSLY**

CONSENT CALENDAR

- 1. Request to approve the minutes of the regular City Commission Meetings of November 24, and December 8, 2008.**
- 2. RESOLUTION 140-08 Authorization to approve a road closure for the 34th annual Stuart Boat Show on January 7th through January 12th along Dixie Highway from Albany Avenue South of the Old Roosevelt Bridge to Fern Street at the FEC RR crossing, North of the draw bridge**
- 3. RESOLUTION 141-08 Authorization for the use of Facsimile Signatures on checks issued by the City**
- 4. RESOLUTION 142-08 Authorization to approve a revocable permit for Carol S. Waxler as attorney-in-fact for Ronald Bartels for property located at 600 S.W. Camden Avenue; being lot 1 and the North one-half of lot 2, block 22 of Frazier Addition; permitting the use of public right-of-way for driveway access and a portion of an ADA parking space along S.W. 6th Street**
- 5. RESOLUTION 143-08 Authorization to approve the minor amendment to the "Stuart Lodge Adult Living Facility" Planned Unit Development Agreement described in Ordinance No. 1829-02 and amended by Ordinance No. 2045-05, Ordinance No. 2082-06, and Ordinance No. 2160-08 of the Stuart City Commission; providing for the deletion of a deadline for the issuance of building permits for the Adult Living Facility at Palm Beach Road & 14th Street in the City; amending the conditions of development (Quasi-Judicial)**
- 6. RESOLUTION 144-08 Authorization for the Mayor to make proper application to the United States Department of Justice, Edward Byrne Memorial Justice Assistance Grant (JAG) program in the amount of \$2,822.00 and if successful authorize the Mayor and City Clerk to execute grant and subsequently approve the expenditure of grant to fund low power consumption lighting and larger saddle bags for the motorcycle unit**
- 7. RESOLUTION 145-08 Opposing and protesting any change in the City's water and sewer utility rate making authority established by the Florida Legislature in section 180.91, Florida Statutes, and specifically the efforts of Miami-Dade County to prohibit municipal water and sewer utilities from levying a surcharge on consumers outside the City unless an equal surcharge is levied on consumers inside the City**

END OF CONSENT CALENDAR

Commissioner Krauskopf asked if he could discuss item #7, the Commission agreed.

MOTION: VICE MAYOR MORTELL: MOVED APPROVAL OF THE CONSENT CALENDAR ITEMS 1-6 WITH PULLING ITEM 7 FOR SEPARATE DISCUSSION AND THAT COMMISSIONER WAXLER ABSTAINS FROM ITEM 4.

SECOND: VICE MAYOR MORTELL

ROLL CALL;

COMMISSIONER KRAUSKOPF	YES	COMMISSIONER HUTCHINSON	YES
MAYOR CHRISTIE	YES	VICE MAYOR MORTELL	YES
COMMISSIONER WAXLER	YES ITEMS 1,2,3,5,6 -ABSTAIN- ITEM 4		

Commissioner Krauskopf asked that item #7 that this be a bit poignant for the legislatures and identifying for them what the economic impact would be to us. If you implement this, it will cause us to raise our water and sewer rates by 20% to compensate for the drop in revenue we are going to have here, and why should we do that to the citizens and bond holders, just because one county can't get it straight. You know encourage them to focus on solving the problem were, the people are irritated and not bothering other folks, that seem to have their finances well thought out. If you can please give that in a follow-up letter or some transmittal letter.

City Manager Hudson stated he would.

MOTION: VICE MAYOR MORTELL: MOVED APPROVAL OF THE CONSENT CALENDAR ITEMS 1-6 WITH PULLING ITEM 7 FOR SEPARATE DISCUSSION AND THAT COMMISSIONER WAXLER ABSTAINS FROM ITEM 4.

SECOND: VICE MAYOR MORTELL

ROLL CALL;

COMMISSIONER KRAUSKOPF	YES	COMMISSIONER HUTCHINSON	YES
MAYOR CHRISTIE	YES	VICE MAYOR MORTELL	YES
COMMISSIONER WAXLER	YES ITEMS 1,2,3,5,6 -ABSTAIN- ITEM 4		

ORDINANCE SECOND READING

- 8. ORDINANCE 2176-08 Amending the Stuart Comprehensive Plan relating to Capital Improvement Element**

MOTION: VICE MAYOR MORTELL: MOVED APPROVAL OF ORDINANCE 2176-08 ON SECOND READING.

SECOND: COMMISSIONER WAXLER

Commissioner Hutchinson asked to go back and look at the traffic count numbers and expressed concern over the decrease in the count. She asked why the decrease, and asked the City Manager if the City has looked to see why those 2007 numbers have decreased from 2005?

City Manager Hudson explained that an analysis has not been done but, in his discussion with the County Engineer who stated that the 2005 numbers may be higher because of the hurricanes and the construction traffic, hauling debris.

Commissioner Hutchinson also asked the City Manager to look into a Traffic Exempt Area north of the bridge.

City Manager Hudson stated he would look into the past action history regarding the TCEA area.

ROLL CALL;

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

DISCUSSION & DELIBERATION

9. Appointment of Commissioners to Various Board Memberships

Business Development Board: Mary Hutchinson

Martin County Arts Council: Carol Waxler

Tourist Development Council: Jeff Krauskopf

MPO: Mary Hutchinson, Vice Mayor Mortell

Treasure Coast Council of Local Governments : Mayor Christie

Treasure Coast Regional Planning Council: Mayor Christie, Alternate

Business Development Board ; Mark Robitaille, and Mary Hutchinson.

Airport Noise Advisory; Carol Waxler

School Board Long Range Planning Committee: Vice Mayor Mortell.

The Commission agreed to have the Mayor look into attendance of the Treasure Coast Regional League of Cities, and no appointments were made at this time.

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL TO APPROVE THE APPOINTMENTS LISTED ABOVE.

SECOND: COMMISSIONER HUTCHINSON

MOTION APPROVED UNANIMOUSLY

10. Clarification/Simplification of the Land Development Code including Chapter III, the Urban Code

Development Director Doug James reviewed a memo that gave an overview of the issues he had discussed with individual members of the Commission for the clarification and simplification of the Land Development Code. He stated a committee has been formed involving various city staff departments.

Once a working draft is finished, representatives of the development community will be asked to review the draft and then meet with staff with suggested changes. Using a matrix format, suggested changes will be provided for consideration during the workshops and public hearings.

Staff hopes to have this ready for the Commissions review by summer.

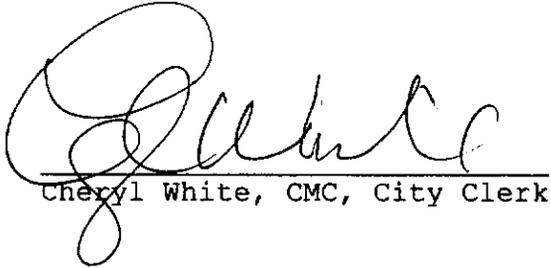
Commissioner Krauskopf wants to be sure an individual will be able to go the parking section of the code, where it is solely dedicated to parking and no parking discussions should be in

buffers. He wants a clear, user friendly, Land Development Code. He wants an individual to be able to go thru the process without having to hire a professional guide.

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL TO APPROVE THE CLARIFICATION/SIMPLIFICATION PROCESS OF THE LAND DEVELOPMENT CODE AND CHAPTER III, THE URBAN CODE.

**SECOND: COMMISSIONER HUTCHINSON
MOTION APPROVED UNANIMOUSLY**

ADJOURNMENT: 6:08PM


Cheryl White, CMC, City Clerk


James A. Christie, Mayor

Minutes approved at the Regular Commission
Meeting this 12 Day January 2009

