

**SPECIAL MEETING OF THE STUART CITY COMMISSION
HELD ON SEPTEMBER 14, 2009
AT 5:15 P.M. IN THE CITY COMMISSION CHAMBERS
121 SW FLAGLER AVENUE
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.

TENTATIVE BUDGET AND PROPOSED MILLAGE RATE PUBLIC HEARING

- 1. City Manager – Explanation of the change in the proposed millage necessary to fund the FY 2009-2010 City's General Fund Budget, as required by The Florida Legislature.**

City Manager Hudson gave a brief slide presentation regarding the proposed budget for next year. He stated the budget process began last December. He said his main objective was to save jobs and avoid layoffs. The property tax portion of the budget is down almost 10% or almost \$1 million dollars due to declines in property values. The millage tax rate that will be set against property in the City is, 4.3329 mills, that is the same that has been levied for the last two years. This represents a 13.81% reduction from the rollback rate. The rollback rate is the standard that has been used in Florida to measure changes in property values for the past 30 years. He announced a correction to the adoption of the Millage Resolution 99-09, the difference in the millage was added and should have been the percent change. It should reflect 13.81% reduction in property tax rate. Personnel cost has been reduced in almost every department. He also stated a new health insurance plan will be in place that will net a savings of almost \$250-350 thousand dollars. Overtime cost has been reduced. He also stated the employee tuition reimbursement has been suspended but he stated he would like to re-implement it when economic times get better. The budget also includes a new Fire Station 3 to be operational by July 1, 2010. He stated Martin County has contacted him regarding billing of their services after October 1st. he recommend no amendments to the budget but treat it as a contingent item. He stated Stuart is fiscally sound and the budget is balanced.

2. General Public – Comments and questions from the general public regarding the proposed tentative budget and proposed millage rate.

Mark Mathes came forward and thanked the City for their efforts in balancing the budget. He stated that if the City finds it slow in the planning department to look for opportunities to set Stuart up for some opportunities when things come back. He said that means taking a look at some underutilized areas of the City, taking some proactive positions at changing land use or zonings or rewriting some specific codes.

3. City Commission – Discussion by the City Commission and the City Manager of any questions or amendments to the proposed tentative budget.

Commissioner Krauskopf stated it has been a challenging year and is glad everyone pulled it together. He is proud of everything the departments have done.

4. City Commission – Adoption of tentative millage rate resolution for FY 2009-2010 recomputed in light of any changes to the proposed budget.

a. RESOLUTION 99-09 Adopting the Tentative Millage Rate for the Fiscal Year 2009-2010.

City Attorney read into the record amended section (1) of Resolution 99-09:
The tentative millage rate for the 2009-2010 Fiscal Year of the City of Stuart Florida shall be 4.3329 for \$1,000.00 of assessed property value. This is certified by the Martin County Property Appraiser. This rate is also expressed as 4.3329 mills. The rollback rate exceeds the tentative millage rate by .0694%. This is a 13.81% decrease from the rollback rate as tentative adopted.

MOTION: COMMISSIONER HUTCHINSON: MOVED APPROVAL OF RESOLUTION
99-09

SECOND: COMMISSIONER KRAUSKOPF

ROLL CALL

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

5. City Manager – Announcement that the adopted tentative millage rate does not exceed the rolled back rate and in fact is less than the rolled back rate.

6. City Commission – Adoption of tentative budget resolution for FY 2009-2010, including any changes made to the proposed City budget.

a. RESOLUTION 100-09 Adopting the Tentative Budget for the Fiscal Year beginning October 1, 2009, and ending September 30, 2010.

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL OF RESOLUTION
100-09

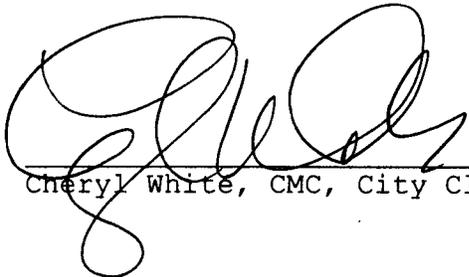
SECOND: COMMISSIONER WAXLER
ROLL CALL

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

7. City Manager – Announces the second and final public hearing on the final millage rate and the final annual budget on September 21, 2009 at 5:15 p.m.

City Manager Hudson announced the second and Final Budget Hearing date will be held on September 21, 2009 at 5:15 pm, 121 SW Flagler Ave, Stuart, Fl. 34994.

ADJOURNMENT:5:28 P.M.


Cheryl White, CMC, City Clerk


James A Christie Jr., Mayor

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



PRESENTATIONS

PROCLAMATION: Proclaiming Constitution Week September 17-23, 2009

PROCLAMATION: Proclaiming 81st Observance of the Hurricane of 1928, on September 16, 2009

Florida Festival and Events SUNsational Awards

The City of Stuart Parks and Recreation Department won 5 awards, 3 First Place and 2 Runner Up. Staff thanked the Stuart News for sponsorship and great coverage.

COMMENTS BY CITY COMMISSIONERS

Hutchinson praised the CRA inspired summer program of free movies at the Lyric and noted the favorable public response. She hoped the program would be repeated next summer.

Krauskopf said he had sent out "200 notes to folks" throughout the community asking for input on what those residents would like to see the City Commission do. He will share the responses with other Board members through a workshop program.

COMMENTS BY CITY MANAGER

Dan Hudson gave an update on Willoughby Blvd. saying the Florida Community Trust is to consider the issue on 9/24/09. Staff is working on an agenda item on Special Events Fees for the 9/21/09 Agenda. Hudson reminded the Board that there will be a CRA meeting on 9/21/09 at 5:00 PM. He also introduced 2 Sewall's Point Commissioners who were in attendance regarding the Interlocal Local agreement with TSP for Fire Rescue Services.

Hudson also said that Item 15 (Exception for Don Miguel's Cigar Lounge) is being withdrawn noting that the space has been leased to a different tenant.

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

Helen McBride thanked the Board for responding to the requests from residents in her neighborhood regarding code enforcement as well as installing "speed tables" on 10th Street to protect the school children.

Stanley Huddleston, resident of Cardinal Way, referenced the proposed City pier that has been rejected by his neighborhood and suggested the pier be relocate to another neighborhood that would like to have it – namely the dead end street at the end of Manor Drive.

APPROVAL OF AGENDA

Krauskopf's motion to approve the Agenda as amended passed 5-0.

CONSENT CALENDAR – No Pulls – Items 4-13 approved 5-0.

4. Request to approve the minutes of the regular Commission Meetings of August 10, 2009 and August 24, 2009
5. Approval of deadline change with EcoVentures LLC Lease from September 1, 2009 to September 15, 2009
6. RESOLUTION 96-09 Authorization to execute an underground facilities conversion agreement with Florida Power & Light Company
7. RESOLUTION 97-09 Authorization to execute a special construction agreement with AT&T, Inc.
8. RESOLUTION 102-09 Authorization to approve the award of invitation to bid (ITB) 2009-243 Chemicals; Water/Wastewater Treatment Plants to the lowest, most responsive and responsible bidders
9. RESOLUTION 103-09 Authorizing to execute an Interlocal Agreement between the City of Stuart and Martin County to provide for construction of a Southbound right turn lane on SR 707 at N.W. Wright Boulevard
10. RESOLUTION 104-09 Authorization to execute an Interlocal Agreement between the City of Stuart and Martin County to provide for traffic signal installation and maintenance on SR-5 (US-1/Federal Highway) at SE Slater Street, NW Baker Road and NW Windemere Drive
11. RESOLUTION 105-09 Authorization to approve a site plan amendment to a major site plan proposed by Monterey Medical Center, LLC, permitting development in accordance with such major site plan of approximately 9,500 total square feet of building area (Quasi-Judicial)

12. RESOLUTION 107-09 Authorization to execute an Interlocal Agreement between the City of Stuart and the Town of Sewall's Point to provide for fire-rescue protection, fire inspection and emergency medical services commencing October 1, 2010

13. RESOLUTION 108-09 Authorizing a budget amendment to the 2008-2009 annual general fund operating budget to transfer funds from general fund, fund balance to general government operating expenditures in the amount of \$112,140.86 for the expenditures of funds for payment due to a prior employee for a lump sum distribution from the terminated City Pension Plan (transferred to the Florida Retirement System on September 1, 2006), the excess funding which was transferred to general fund, fund balance in 2007, in the amount of \$112,140.86

END OF CONSENT CALENDAR

COMMISSION ACTION

14. Consider the purchase of 100' lot from Donna Dorney and relocation of the Evans Crary Home, the cost to the City is approximately \$150,500 for the land purchase and about \$45,000 to move the structure and an additional \$50,000 for electrical, HVAC, plumbing, etc.

City Manager Hudson reviewed the background and proposal for the preservation of the historic Evans Crary Home, namely purchasing the lot adjacent to the house's current location and moving the structure to that new location. This would allow Ms. Dorney to move forward with her plans to build a new structure on the site. There is concern about a short time line due to a 30-day demolition permit. Hutchinson said the City has lost a number of historic houses and she believes this house is "historically significant" and should be saved. An attorney representing two of the residents on Cardinal Way said her clients object to the proposal being considered by the Board because of concern for the "short date" for the contract and additional costs that have not been listed. She said the City might face a legal challenge on purchasing a private home with public funds and suggested the City consider the CRA suggestion to have a priority list for historic homes. There is also concern there is no deed restriction to guarantee that the home would be preserved in perpetuity. Helen McBride was "all for the preserving historic homes" and suggested they should go on City owned land behind the Stuart Feed Store that had been proposed to be the site of a historic village.

Waxler said this is a difficult situation noting that her grand parents had bought a historic home but eventually had to sell and the home was torn down. She said a game plan is needed and we have to start putting aside funds to move donated historic homes. She "applauded" moving forward with a game plan but felt this should be a private/public project with the house being moved to the site behind the Feed Store. Arthur Earhardt thanked the Board for wanting to be a "willing player for historic preservation" but objected to this proposal to put a lot of money into what could be a "rental house." He said the current owner is willing to donate the house and the proposed agreement is not the vehicle to reach the objective. Sally Dadko read excerpts from a Palm Beach Post article on successful historic preservation in Boynton Beach and said she is in favor of the City purchasing and preserving this house. Robin Hicks Connors, City resident and current President of the Historic Preservation Society, encouraged the Board to take this opportunity to save this house. Cardinal Way resident Joan Schmidt, who claimed to have been mis-quoted in the News, distributed a document to the Board presenting her arguments against the City's proposal. She said it is "folly to waste money on a white elephant" and there are no guarantees that the money will be recouped by selling the property. She felt it would be better to move the house to City owned property.

Hutchinson said there is nothing new about the City getting into the real estate business and we cannot inspect the house until we own it. She believes it is imperative to save this house because we are losing our historic structures one by one. The City has not spent any amount of money on historic preservation and needs to take on the leadership for joint public/private partnership. Kraukopf said the City does have a plan. We adopted the Duane Historic Village concept behind the Stuart Feed Store. "Business begets business" and the City will provide the land and pay for the water and sewer connections. He noted a suggestion made by Realtor Debbie Duvall who said we could buy ourselves some time by giving a one-year variance to Ms. Dorney so the City can raise funds to move the house.

Mortell said the majority of communications he received "related to economics" and we should address the Duane Historic Village. In the past there has been some reluctance to spend money to convert homes to commercial use with ADA compliance. Absent a foundation you will not find resources to maintain a historic house as a museum. Mortell said this is the third time this particular property has held him "hostage" and he would support having the City move forward and do more due diligence. If the owner sticks to the September 30 deadline we will lose another historic house. He said the question is timing and it is not in our best interest to buy something without knowing the total cost. If this house is historical we should continue working with the seller of the house while we look for a solution.

Arthur Earhardt said the owner is willing to donate the house but her timeline is due to the City holding her building project hostage.

Mayor Christie feels strongly about not losing our historic homes and said we will end up with no sense of history. This issue is being driven by a 30 day demolition permit and he would like to see a way to let Ms. Dorney continue her plans while the Crary house is still on site. When he asked the City Attorney if that is possible to do, Nicoletti said it is possible but the problem is

timing and Dorney did not want to be hindered by the variance process. To date the City has not gotten a "hard price" for moving the house but he is willing to talk to Ms. Dorney.

Hutchinson said when we bring a historic house up to code we lose the integrity of the house. There is a variance for the code and the City will have to spend some money for historic preservation.

Mortell could not imagine what the insurance would be if we put that house on the site behind the Feed Store near the waterfront. If we are going to continue on the premise of a Historic Village he recommended that we do the proper analysis of the cost to move the house over on the adjacent lot.

Waxler said we need to pick our battles and identify what we want and where. We need to have a specific goal and make a plan and this particular house does not make much sense. When Hutchinson said all we have done is talk about historic preservation, Waxler said she wants to have a workshop. Christie wants to save the house and is willing to go to Ms. Dorney and ask if she will extend the time. After Hutchinson listed four possible options, Mortell brought up the question of associated costs. When Nicoletti said that is impossible to do in one week, Hudson insisted that the estimates on moving the house are good. Hutchinson proposed that we go back to Dorney and ask for time to raise funds to move the house behind the Feed Store. Nicoletti said the contract offer has been submitted but no comment has been received from Dorney. Hudson said we could just move the house over to the lot so Dorney could build her new house. He noted his past experience with two other historic homes that were moved to a temporary location.

Hutchinson clarified that Dorney is perfectly within her rights to have the house demolished. Waxler agreed with giving staff direction to go back and talk with Dorney but she was not willing to have the City pay money for the lot. Hutchinson said some money will have to be spent to save this house. Nicoletti suggested we get the building donated and get it out of Dorney's way to bid time. Mortell moved to direct staff to negotiate with the seller to donate the house to the City and to allow the house to be moved to the 100 foot lot for a "finite time". Hutchinson seconded and the motion passed 5-0.

15. RESOLUTION 106-09 Authorization to approve a Major Urban Code Exception to Don Miguel's Cigar Lounge, LLC; Tenant of the property located at 9 SW Osceola Street, consisting of one parcel, as further described herein; to allow the sale of alcoholic beverages at an established restaurant located within the "Old Downtown Section" (Quasi-Judicial) This Item was withdrawn from the Agenda.

ORDINANCE FIRST READING – None at this time.

ORDINANCE SECOND READING

13. ORDINANCE 2193-09 (Second Reading) Repealing Ordinance 2171-08 abandoning that certain public right-of-way within the City being that portion of the unimproved S.E. 8th Street Krauskopf moved approval. Hutchinson seconded and the motion passed 5-0.

DISCUSSION & DELIBERATION

14. **Martin County Airport Home Acquisition, Phase 1 noise land inventory and reuse plan. (This item is on the 9/15 BCC agenda)** Commissioner Waxler, who represents the City on the Airport Noise Advisory Committee (ANAC), said she and some of the other committee members voted against the County's plan to leave the Home Acquisition lots vacant because they felt the County should "dictate to the FAA" that something creative should be allowed on that site. She said the City "should protest" and she personally would like to send the County a bill for the taxes the City is losing. Krauskopf agreed a letter should be written to the County. Waxler said according to the FAA nothing involving people can go in there. Mortell asked if we are "accepting that really nothing can go there" or can we go to the County and have them turn the site back to a natural state with trees and landscaping. Krauskopf wanted to put a positive spin on the letter. Mortell doubted the County would pay much attention to this issue on at its 9/15 meeting as it has other problems to handle. Hudson suggested doing an "after action letter" and the Board agreed.

End of SCC14September.09 Report

UPCOMING MEETINGS/EVENTS

(All meetings to be held at City Hall unless otherwise indicated)

September 15, 2009	4:30 p.m.	Stuart Mainstreet
September 17, 2009	6:30 p.m.	Local Planning Agency
September 17, 2009	7:00 p.m.	East Stuart Mainstreet 10 th Street Recreation Center
September 21, 2009	5:00 p.m.	CRA Meeting
September 21, 2009	5:15 p.m.	Final Budget Hearing
September 21, 2009	5:30 p.m.	Regular Commission Meeting
September 24, 2009	7:00 p.m.	Board of Adjustment

AGENDA

EVALUATION AND APPRAISAL REPORT (EAR)

JOINT SPECIAL MEETING AND PUBLIC HEARING

WITH THE

STUART CITY COMMISSION AND STUART LOCAL PLANNING AGENCY (LPA)

SEPTEMBER 14, 2009, 4:00 PM

CITY COMMISSION CHAMBERS

1. Call to Order (Mayor James Christie)
2. Roll Call of the LPA and the SCC (Cherie White, City Clerk)
3. Opening Comments and Introductions (Dan Hudson, City Manager)
4. Overview of Document (Linda Strutt, Strutt Consulting)
5. Comments and Questions from City Commission and Local Planning Agency (Members)
6. Comments and Questions from the Public
7. Motion by the Local Planning Agency with recommendation to the City Commission (LPA)
8. Motion to adopt Resolution No. 98-09 by the City Commission (SCC)
9. Adjournment (Mayor James Christie)

CITY COMMISSION MEETING
REQUEST TO SPEAK

SPEAKER#

6

ITEM#

14

The City Commission encourages public participation during their meetings.
Please follow instructions, complete the form and present it to the City Clerk.

NAME Joan Schmitt
(PLEASE PRINT)

DATE _____

ADDRESS _____

CITY _____

ZIP _____

PHONE _____

DRESSING THE CITY COMMISSION (ORD# 1279-93)

Members of the public who have been called upon to speak should come forward to the microphone, state their name, city in which they reside, and the item number.
All remarks shall be addressed to the City Commission as a body and not to a particular City official.

PREPARED STATEMENTS shall be presented to the City Clerk for the record.

To ensure fair and equal treatment of all who appear before the City Commission, speakers will be limited to five minutes.

CORUM (ORD 1279-93)

Any person making personal, impertinent, irrelevant or slanderous remarks, or who becomes boisterous while addressing the City Commission or while attending the Commission meeting, shall be removed from the City Commission Chambers at the direction of the presiding officer. The sergeant-at-arms shall carry out all orders and instructions given by the Mayor for the purpose of maintaining order and decorum at the Commission meeting.

CITY COMMISSION MEETING
REQUEST TO SPEAK

SPEAKER# 5 ITEM# 14

The City Commission encourages public participation during their meetings.
Please follow instructions, complete the form and present it to the City Clerk.

NAME Robin Hicks-Connors DATE 9-14-09
(PLEASE PRINT)
ADDRESS 907 E Weir St. CITY Stuart ZIP 34994
PHONE 772-260-6701

DRESSING THE CITY COMMISSION (ORD# 1279-93)

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CITY COMMISSION MEETING
REQUEST TO SPEAK

SPEAKER# 4 ITEM# 17

The City Commission encourages public participation during their meetings.
Please follow instructions, complete the form and present it to the City Clerk

NAME Sally Dadko DATE 8-14-09
(PLEASE PRINT)
ADDRESS 1101 River Side Dr. CITY Stuart ZIP 34996
PHONE 283-4450

DRESSING THE CITY COMMISSION (ORD# 1279-93)

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CITY COMMISSION MEETING
REQUEST TO SPEAK

SPEAKER# 3 ITEM# 14

The City Commission encourages public participation during their meetings.
Please follow instructions, complete the form and present it to the City Clerk

NAME Arthur Eshwandt DATE _____
(PLEASE PRINT)
ADDRESS 320 Egret Pl CITY SWAZI ZIP _____
PHONE _____

DRESSING THE CITY COMMISSION (ORD# 1279-93)

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CITY COMMISSION MEETING
REQUEST TO SPEAK

SPEAKER#

2

ITEM#

14

The City Commission encourages public participation during their meetings.
Please follow instructions, complete the form and present it to the City Clerk

NAME Helen B McBrid DATE 9-14-09
(PLEASE PRINT)

ADDRESS 921 E Flamingo Av CITY STUART ZIP 34996

PHONE 287-0759

DRESSING THE CITY COMMISSION (ORD# 1279-93)

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CITY COMMISSION MEETING
REQUEST TO SPEAK

SPEAKER#

1

ITEM#

14

Commission Action
#14 Purchase of
Dorney Lot

The City Commission encourages public participation during their meetings.
Please follow instructions, complete the form and present it to the City Clerk

NAME Sheila Biehl

DATE 9/14/09

(PLEASE PRINT)
ADDRESS 406 SW 7th St

CITY Stuart ZIP 34990

PHONE 772-223-5353

ADDRESSING THE CITY COMMISSION (ORD# 1279-93)

- 1.) Members of the public who have been called upon to speak should come forward to the microphone; state their name, city in which they reside, and the item number.
- 2.) All remarks shall be addressed to the City Commission as a body and not to a particular City official.
- 3.) **PREPARED STATEMENTS** shall be presented to the City Clerk for the record.
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DECORUM (ORD 1279-93)

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CITY COMMISSION MEETING
REQUEST TO SPEAK

SPEAKER#

2

ITEM#

Public

The City Commission encourages public participation during their meetings.
Please follow instructions, complete the form and present it to the City Clerk

NAME STANLEY HUDDLESTON DATE SEPT. 14 '09
(PLEASE PRINT)

ADDRESS 334 CARDINAL WAY CITY STUART, FL ZIP 34996

PHONE 286-5859

DRESSING THE CITY COMMISSION (ORD# 1279-93)

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CITY COMMISSION MEETING
REQUEST TO SPEAK

SPEAKER# 1

ITEM# Public

The City Commission encourages public participation during their meetings.
Please follow instructions, complete the form and present it to the City Clerk

NAME Helen B Mc Bride DATE 9-14-09
(PLEASE PRINT)
ADDRESS 921 Sk Flamingo CITY Stuart ZIP 34994
PHONE 287-0759

DRESSING THE CITY COMMISSION (ORD# 1279-93)

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