

**REGULAR MEETING OF THE STUART CITY COMMISSION
TO BE HELD SEPTEMBER 24, 2007
AT 5:30 P.M. IN THE CITY COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994**

Roll call was answered by:

**Mayor Mary L. Hutchinson
Vice Mayor Jeffrey A. Krauskopf
Commissioner Carol S. Waxler
Commissioner Michael J. Mortell
Commissioner James A. Christie, Jr.**

Also present were:

**City Manager: Dan Hudson
City Attorney: Paul J. Nicoletti
City Clerk: Cherie White**

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

PRESENTATIONS

- A. Employee Service Recognition, Melanie Forsythe, Police Department, 5 years**

Melanie Forsythe was unable to attend, Chief Morley accepted the award on her behalf.

- B. Employee of the Month, Nicholas Testa, Fire Department**

Nicholas Testa came forward and graciously accepted the award and thanked the City for their financial contribution from the budget. He also thanked the YMCA for their donations of equipment.

- C. Presentation by Robert J. Henninger, Jr. Executive Vice President of Huizenga Holdings, Inc. to request extension of the Inspection Period of the Lease with the City from September 30, 2007 to January 31, 2007. (Robert Raynes, Esq.)**

Robert Henninger, Executive Vice President of Huizenga Holdings, Inc. came forward and requested an extension to the existing lease agreement for the Southpoint Anchorage project until January 31, 2008. Mr. Henninger stated that the Huizenga Holdings would like to pick a date certain to get all of the work done.

Commissioner Krauskopf suggested looking at a date of November 6, 2007 and see if all of the documents are back from the State to review them.

Mark Vincini, SDG Group, Northpoint Marina project came forward and also requested an extension for his project due to the delay by the State and its permitting.

After discussion by the City Commission the following motion was made;

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL TO ALLOW FOR AN EXTENSION TO THE HUIZENGA HOLDINGS, INC. LEASE AGREEMENT TO JANUARY 31, 2008 FOR THE SOUTHPOINT ANCHORAGE PROJECT AND DIRECT THE CITY MANAGER TO EXECUTE THE DOCUMENTS.

SECOND: COMMISSIONER CHRISTIE
ROLL CALL

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

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL TO ALLOW FOR A 30 DAY EXTENSION TO THE SDG GROUP. LEASE AGREEMENT TO NOVEMBER 1, 2007 FOR THE NORTHPOINT MARINA PROJECT AND DIRECT THE CITY MANAGER TO EXECUTE THE DOCUMENTS.

SECOND: COMMISSIONER WAXLER
ROLL CALL

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

COMMENTS BY CITY COMMISSIONERS

Vice Mayor Krauskopf addressed a note he had received from Dr. Dillard and passed on to the City Manager regarding refuse pile in an alley.

Commissioner Mortell addressed some issues in the Bryant Avenue neighborhood and no parking signs that were removed. He also stated he had received a call from the residents along the Monterey Road corridor, and complained over the noise on Sunday morning at 9:00 am.

They stated the commercial businesses along that corridor are diligently cleaning, mowing and pressure washing at that time.

Mayor Hutchinson stated that the City Manager will be bringing forward the Bryant Avenue issue in October.

Mayor Hutchinson also expressed concern over the use of chain link fencing along the US 1 corridor. She also noted that she had received notification from County Commissioner Weberman that there is a 9/25/07 County Commission consent agenda item concerning the 10% administrative costs for El Dorado Park and that they only award half of the funding and the County would maintain the other half. The Mayor has requested that the County move the item to be heard after 10:30 AM so she can be present.

COMMENTS BY CITY MANAGER AND REVIEW OF TENTATIVE AGENDA

Mr. Hudson noted a request by Bill Summers representing a civic group called "Martin County Consensus" and asked if the City wishes to participate in a roundtable discussion on the 3-party local agreement regarding school concurrency at 6 PM on October 1st. Commissioner Mortell said Stuart has a different role in concurrency and if the School Board and County are represented he would represent the City.

Commissioner Mortell said he was frustrated because he walked into David Anderson Middle School is "drop dead gorgeous" with partial City impact dollars but we constantly collect and charge impact fees and yes they rebuilt JD Parker began the adult education program there an while renovations to Stuart Middle School are on indefinite hold.

Addressing the tentative agenda, Mr. Hudson noted the following changes:
Items 2, 15 and 20 are to be removed from the agenda.

He also noted the addition of Item 23-A – Future Land Use Map and Zoning for the Ajax annexation.

STAFF REPORT ON COMMENTS FROM PREVIOUS COMMISSION MEETING

- | | |
|---|-----------------------------------|
| • Historic Building Tax Credits | On Hold |
| • County Aquatics Center | City Met with County Staff |
| • SR 707 Haney Creek Maintenance Pending | |
| • Annexation Maps | Pending |
| • Policy Regarding Pole Signs | Zoning in Progress |
| • Villabella Compliance | Magistrate Order 8/9/07 |
| • Fiscal Policy on Investments | Pending |
| • Commerce Ave. "On-Street" Parking | Pending |
| • Signs Palm City Road | Pending |
| • Bryant Ave. Proposed Closure | Pending |

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

APPROVAL OF AGENDA

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL OF THE AGENDA AS
AMENDED

SECOND: COMMISSIONER MORTELL
ROLL CALL

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

***COMMENTS FROM THE PUBLIC WERE HEARD HERE**

Derrick Peterson 518 SW California Avenue came forward and expressed concern over the removal of item 2 from the agenda. He said that next to his home the sidewalk was removed and he now has to leave from the back of his house.

Mr. Hudson stated this issue would be handled by the Code Enforcement, and would go before the Magistrate in October.

Mr. Nicoletti stated it may be resolved by stipulation prior to the hearing date.

Mike Braid came forward and expressed concern over the issue and felt it had already been resolved.

CONSENT CALENDAR

- 1. Request to approve the Minutes from the Regular Commission Meetings of August 13 and 27, and Joint Meeting with Martin County Board of County Commissioners and Martin County School District from June 11, 2007.**

2. **RESOLUTION 99-07 Authorization to approve a Revocable Permit for 512 SW California Avenue, permitting the use of the public right-of-way and ratify the existing brick paver improvements to portions of the SW California Avenue right-of-way located along the street frontages**
3. ***CONTINUE THE PUBLIC HEARING OF ORD. 2115-07 FOR SECOND READING TO OCTOBER 8, 2007.* (Ordinance No. 2115-07 Approve a Major Amendment to the Commercial Planned Unit Development located on the east side of Kanner Highway (SR 76) North of Indian Street for a master/final site plan, CenterPointe CPUD**
4. **RESOLUTION 126-07 Authorization to approve the submission of a Florida Recreation Development Assistance Program (FRDAP) application in the amount of \$150,000 to defray the cost of constructing a running track at the 10th Street/Guy Davis Park in the East Stuart recreation area**
5. **RESOLUTION 127-07 Awarding ITB #2007-223 in the amount of \$64,000.00 to Donovan Industrial Services, LLC to prepare, clean & coat the elevated water tower at 301 Stypmann Boulevard**
6. **RESOLUTION 128-07 Approving an earned benefit contract between Edward Morley, City Police Chief and the City of Stuart in a lump sum payment amount of \$132,652.00**
7. **RESOLUTION 132-07 Authorizing a budget amendment to the 2006-2007 annual general fund operating budget for the appropriation and expenditure of approximately \$800,000 for payment of the incentive bonus pay to Fire Rescue and Police pension plan participants that elected to transition into the Florida Retirement System**
8. **RESOLUTION 133-07 Authorization to approve a retainer agreement between the City of Stuart and Christine D. Hanley & Associates, P.A. in the amount of \$13,500.00 to be appropriated from the Legal Contingency Account**
9. **RESOLUTION 134-07 Authorization to approve the road closure from 6:00 AM to 12:00 Noon for the 2007 Heart Walk on September 29, 2007 along Dixie Highway (SR 707) going north, from Albany Avenue across the old Roosevelt Bridge (SR 707) to Fern Street.**
10. **RESOLUTION 139-07 Adopting the revisions for Special Events held on public property to include the development of a master special events calendar of proposed downtown events and for the revision of special event fees**
11. **RESOLUTION 140-07 Adopting revised Parks & Recreation Department Facility Use Guidelines and Fee Revisions for Flagler and East 10th Street Recreation Centers**

- 12. RESOLUTION 141-07 Awarding RFP#2007-61 to Beck Disaster Recovery, Inc. for disaster debris monitoring services as primary provider and authorizing execution of the contract subsequent to review and approval by the City Attorney**
- 13. RESOLUTION 142-07 Awarding RFP#2007-61 to Captec Engineering, Inc. for disaster debris monitoring services as secondary provider and authorizing execution of the contract subsequent to review and approval by the City Attorney**
- 14. RESOLUTION 143-07 Authorizing the execution of modification No. 1 to the Hazard Mitigation Grant Program, FEMA project No. 1545-118-R related to grant funding for the Memorial Park Drainage Improvement Project**
- 15. RESOLUTION 144-07 Authorization to terminate the Interlocal Agreement for use of the Old Martin County Courthouse (Cultural Arts Center) dated January 25, 1999, and Lease dated September 6, 1990 with a lease cancellation date of September 30, 2007.**
- 16. RESOLUTION 145-07 Authorization to suspend enforcement of the service charge for excessive false alarms for Martin County Public Schools**
- 17. RESOLUTION 146-07 Adopting a schedule of fees, charges, and deposits for solid waste collection under Chapter 66, and for utilities, under Chapter 82 of the City Code**
- 18. RESOLUTION 147-07 Approving the additional payments to the City of Stuart Police Pension Plan participants based on the termination of the City of Stuart Police Pension Plan and the Transition into the Florida Retirement System**

19. CONTINUE THE PUBLIC HEARING OF ORD. 2135-07 ON FIRST READING TO OCTOBER 22, 2007 (Ordinance No. 2135-07 Approve a rezoning to Mixed-Use Planned Unit Development Celebrity Residence, south side of SE Ocean Boulevard adjacent to the Kingswood Condominium development).

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL OF THE CONSENT CALENDAR EXCLUDING ITEMS 2 & 15 AS AMENDED

SECOND: COMMISSIONER WAXLER

Mayor Hutchinson asked about item # 11 and stated that the difference between profit and non profit at each center differ and felt they should be more in line. She asked that this issue be looked at for the future.

ROLL CALL

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

END OF CONSENT CALENDAR

FIRST READING OF ORDINANCES

***Item 20 was removed from the agenda**

20. ORDINANCE 2136-07 (First Reading) Approve a rezoning from Multi-Family Residential (R-3) to the Palm Point Mixed Use Planned Unit Development (MXPUD) of 1.24 acres located at 1300 SE Palm Beach Road, providing for approval of a master/final site plan for the HAI Group. (QUASI-JUDICIAL)

SECOND READING OF ORDINANCES

21. ORDINANCE 2104-07 (Second Reading) Request to consider a Major Amendment to the Commercial Planned Unit Development (CPUD) for the Publix Shopping Center located on the NE corner of N. Federal Highway and NW Baker Road, for approval of a master/final site plan (QUASI-JUDICIAL)

Sworn:

Ernie Euler
Rick Renfro
Rick Kendust
Mike Renfro
Herb Green
Tom Reetz (staff)
Kev Freeman (staff)

Kev Freeman gave a brief visual presentation to the Commission and staff.

Attorney Terry McCarthy asked that DOT has jurisdiction over item #15. He stated that #16 is not needed because the property will not be platted. Additional items are for the most part engineering items.

Herb Green came forward and gave a brief history of the proposed project that began in the County.

Item #13 should be after recalculation as a result of the revised landscape plan to \$36,400 reduced from what is stated.

Commissioner Mortell requested the applicant scale down the fountain in front and make that more of a road frontage to alleviate traffic off Baker road. They will still have to comply with the code as far as the fountain is concerned.

Mayor Hutchinson asked what was included in the conditions as far as mitigation. She had concern over the mitigation being outside the City.

Kev Freeman stated the resource permit needs to be obtained prior to issuance of development permit.

Commissioner Mortell also requested the approval not include the bank parcel as part of this project and to come back as a PUD amendment.

Sandra Hawken resident of North River Shores came forward and was opposed to the construction of Publix because she said she will not be able to get to it due to all of the new traffic generated from approved projects now coming online.

Krauskopf: Concerned over the project and felt there could be some additional revisions to make more mobility to the traffic flow.

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF 2104-07 ON SECOND READING REDUCE OR RELOCATE THE FOUNTAIN SIZE AND MAKE THE DRIVEWAY CLEAR TO GO NORTH ON US HIGHWAY 1. ALSO THE PROPOSED BANK SITE WILL BE APPROVED AS AN AMENDMENT TO THE CPUD ALSO APPROVE STAFF RECOMMENDATIONS.

**SECOND: COMMISSIONER WAXLER
ROLL CALL**

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

Vice Mayor Krauskopf announced he has filed a Form B and would be abstaining from items 22 & 23.

22.ORDINANCE 2133-07 (Second Reading) annexing a parcel of land consisting of 5.0 acres owned by Parks Indian, LLC, located at SE Indian Street, providing for repeal of all ordinances in conflict (QUASI-JUDICIAL)

Sworn:
Ryan Strom

Kev Freeman gave a brief presentation to the Commission and public and recommended approval.

**MOTION: COMMISSIONER CHRISTIE: MOVED APPROVAL OF 2133-07 ON
SECOND READING**

**SECOND: COMMISSIONER MORTELL
ROLL CALL**

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

23.ORDINANCE 2134-07 (Second Reading) amending the Future Land Use Map of the City of Stuart to "Commercial," Pursuant to the Comprehensive Land Use Amendment laws of the State of Florida; a concurrently zoning the property in the Mixed Use Planned Unit Development District on the City of Stuart Official Zoning Map for a parcel of land consisting of 5.0 acres located at SE Indian Street, Stuart, Florida owned by Parks Indian, LLC, a Florida Limited Liability Company. (QUASI-JUDICIAL)

MOTION: COMMISSIONER WAXLER: MOVED APPROVAL OF 2134-07 ON
SECOND READING

SECOND: COMMISSIONER CHRISTIE
ROLL CALL

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

Item 23a was added here:

23a. ORDINANCE 2110-07 (Second Reading) Amending the Comprehensive Land Use Plan of the City of Stuart to "Commercial" pursuant to the Comprehensive Land Use Amendment laws of the State of Florida for a parcel of land consisting of 10.6 acres owned by Ajax Development Corporation located at East of US1, West of FEC railway in Stuart, Florida; and being more fully described in Exhibit A; said lands to be concurrently designated as a Commercial Planned Unit Development CPUD Land Development zoning district on the City of Stuart official zoning map. (QUASI-JUDICIAL)

Kev Freeman gave a brief presentation to the Commission and public.

MOTION: COMMISSIONER CHRISTIE: MOVED APPROVAL OF 2110-07 ON SECOND
READING

SECOND: COMMISSIONER MORTELL
ROLL CALL

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

RESOLUTIONS

24. RESOLUTION 116-07 Authorization to approve a major site plan proposed by Stuart Key Developers, LLC, for the property located at 2601 SE Willoughby Blvd. as described in Warranty Deed recorded in OR Book 1471, Page 1698, Public Records of Martin County, Florida, for a Major Development Site Plan of approximately 231,770 square feet of building area. (QUASI-JUDICIAL)

Sworn:

**Nat Nasan
Troy Holloway
Rocky Boe
Tom Reetz (staff)**

Kev Freeman gave a brief presentation for the proposed project.

Attorney Nat Nathan came forward and read from the Sheriff's department minutes of their 9/10/07 meeting and said the County has the right to approve

improvements to the road. He also read into the record e-mails he had received today saying the County has drafted a letter but the necessary signatures were not available today. He said the applicant has been working very hard with the County and we are close to resolving all issues. Mr. Nathan also placed into the record title documents and a letter from FDOT and said the possibility of alternative ingress and egress had been discussed. He also noted protections exist within the proposed development agreement.

He also stated that in condition #31, we don't know for sure FDOT is going to allow flashing emergency light there. WE have committed \$50,000.00 if they do and that is why you see that contingent language in there. It is contingent upon access grant by FDOT. In response to issues raised by Mortell concerning specific conditions, Nicoletti said we do not know what FDOT and Martin County are going to approve. Hutchinson and Mortell were concerned that we do not have official County approval. Nicoletti said the possibility that we do not get County approval will change the whole project. Nathan said we do not know if FDOT is going to allow the flashing emergency traffic control light for which the applicant has allocated \$50,000.

Mayor Hutchinson expressed concern over the design of the project and the traffic flow out the rear entrance.

Additional discussion regarding the back egress and ingress and the issue of the 50% build out were also discussed.

Attorney Nicoletti stated the funding for condition #31 may or may not come to the City or may go directly for construction and would not really be used until it was issued by DOT for construction. The 50% build out quoted in the condition is tied to the access and a trigger point.

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL RESOLUTION 116-07 BASED ON STAFF RECOMMENDATION AND CONDITIONS ADDRESSING THE INGRESS AND EGRESS OFF HOLT ROAD.

AMENDED MOTION: COMMISSIONER MORTELL: AMENDED MOVED APPROVAL RESOLUTION 116-07 BASED ON STAFF RECOMMENDATION AND CONDITIONS ADDRESSING THE INGRESS AND EGRESS TO SE MONTEREY RD OFF OF HOLT ROAD PRIOR TO ISSUANCE OF BUILDING PERMITS.

Attorney Nicoletti stated that condition #28 shall read: The developer shall provide a vehicular ingress and egress off of Holt Road to SE Monterey Road prior to the issuance of building permits.

Donna Goodman came forward and expressed concern over the proposed project and the use of her property for traffic and proposed turn lanes. She also stated she did not receive public notice regarding this hearing.

Mayor Hutchinson clarified the motion on the floor. If the applicant cannot get access thru Holt Road then the project would have to come back to the Commission.

Commissioner Mortell stated that if they cannot get access off Holt Road the deal is off. They have to figure out something else.

Mayor Hutchinson asked Mrs. Goodman if she had received notification of this meeting tonight?

Mrs. Goodman stated she has informed herself of the public hearings but stated she believes she has never received notice of this project.

**SECOND: COMMISSIONER MORTELL
ROLL CALL**

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

AMENDED MOTION: COMMISSIONER MORTELL: AMENDED MOVED APPROVAL RESOLUTION 116-07 ASSUMING THAT PUBLIC NOTICE HAD BEEN SENT. BASED ON STAFF RECOMMENDATION AND CONDITIONS ADDRESSING THE INGRESS AND EGRESS TO SE MONTEREY RD OFF OF HOLT ROAD PRIOR TO ISSUANCE OF BUILDING PERMITS. IF PUBLIC NOTICE HAS NOT BEEN GIVEN THEN THE APPROVAL IS VOID.

Attorney Nicoletti said it does become a "do over" if proper notice was not given.

The applicant assured the Commission that certified notice had been sent to every one on the list supplied by staff.

**SECOND: VICE MAYOR KRAUSKOPF
ROLL CALL**

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

RESOLUTIONS AND ORDINANCES

**Sworn:
Katherine Coury
Charlie Trotman
Gay Timon
John Henry
Mark Mathes**

Robert Maione

Kev Freeman gave a brief history regarding the proposed Annexation, Annexation agreement as well as Comprehensive Land Use Amendment, for each of the 4 parcels G,F,E and D. He stated the annexation agreements have been discussed prior to this hearing. Parcels C, B and A will be heard later in the meeting.

Terry McCarthy came forward and stated that before his applicants can move forward the Fountains Annexation needs to take place.

He then proceeded to discuss the Stuart Nissan property. He stated that the issues with the annexations with the exceptions of SPS, the three parties are not developers and are business owners. They are not in the business of development. He requested the agreement with Stuart Nissan read as follows: "All buildings signs existing on site as of the date of annexation may be repaired or replaced for a period of 10 years of annexation, thereafter all repairs and replacements shall conform to the City Code."

"For a period of 10 years from annexation all new signs will be permitted to conform to the following standards."

And those are the standards that are set forth in your annexation agreements presented. They want to be able to keep their signs that they have now for a period of 10 years. They want to have the ability to repair or replace them with respect to an automobile dealership, as Mr. Wallace tells us, If Nissan comes in tomorrow and they have a new program they are going to change his signs. They will put up a new sign they will have a new logo and all sorts of new stuff. He wants to be able to do that and change to a new sign and keep that ability for a period of 10 years.

Attorney Nicoletti stated he sees a problem with what Mr. McCarthy is asking for.

The City Commission also expressed concern over the request for a new sign.

Mark Mathes stated that at 10 years and one day the sign becomes a non conforming structure subject to your non conforming requirements, whereas if it is damaged by a certain percentage it cannot be replaced.

Attorney Nicoletti stated the problem is with the new sign within.

Mark Mathes stated again new signs are not subject to the County allows, the new signs are subject to the four conditions in the annexation agreement which mirror closely to the City of Stuart standards. We are only talking about existing signs. I think the request is close to the City allowances. I don't think there exactly. I would think as far as new sign goes, we have not spoke specifically to our clients whether or not these four could be replaced with a simple allowance to the City Code, but being that these are very close, I think we could confer for a couple of minutes and accept that condition. But I just want to make sure we are all understanding the differences between new signs and existing. Existing at 10

years and 1 day becomes a non conforming sign and would be subject to all the replacement requirements that you currently have on the books.

Commissioner Mortell: I understand where you are coming from on that and in 11 years from now a storm comes through and blew one of the existing signs down then we are back at the drawing board. So long as that did not happen realistically.

Vice Mayor Krauskopf: I thought the way I understood it from what Terry said is, new sign old sign, 10 years + 1 day everything's is according to the City Code.

Attorney Terry McCarthy: Non conforming, that is they would stay until they were damaged.

Commissioner Mortell: From my prospective they said because if we didn't do the annexation they would stay the same.

Terry McCarthy: Yes, the signs would stay the same. The only thing there protecting themselves from is the ability to keep them the way they are for a period of 10 years.

Commissioner Mortell: I am just a little caught off by these properties having there own special sign Ordinance, different from everyone if we adopt these conditions that goes past the 120 month period.

Mark Mathes: These four conditions do not apply after 10 years. These four conditions apply only during the first 10 years if you want to do a new sign. After 10 years any new sign meets the City of Stuart requirements. It was kind of like existing signs and during the 10 years maybe existing Stuart regulations plus a little bit after 10 years, City of Stuart.

Commissioner Waxler: So they are all four are fairly similar with what they have. I was just curious why and can understand Stuart Nissan having vehicular sales displays at number 4, why carry that through on the other three parcels?

Terry McCarthy said it is a form only.

Commissioner Waxler asked that language only be included in the agreement with Stuart Nissan and not the others.

Terry McCarthy stated that Mrs. Curry has an existing dealership and may be needed. Just as a side note Mr. Wallace explained that in the past an additional property he brought into the City he had a similar provision and he has been delighted with the way the City has treated him and have not bothered him. He has been able to do those things that he was told he could do with respect to his vehicular sales and that is why coming into the City didn't cause him heartburn, on that particular issue. The issue is they just want to rest assure that when they wake up the next day things are just going to be the same.

Attorney McCarthy further stated, the only other issue we had was with the night clubs. A night club has been defined as; "uses located in 3000 sq feet gross or more of indoor and outdoor space having service of alcoholic beverages for consumption on premises with or without amplified music and dancing which routinely stay open for business after midnight."

Mr. Mathes also requested an amendment to the special events section of the condition and requested that the applicant not have to come back to the city each time a special event is held but include on file a pre approved event so we don't have to review the same event over and over again.

Attorney Nicoletti; after hearing this request particularly Kev and I have talked about codifying it so the City Commission could pre approve a series of special events if you so chose. This way they don't have to come back one way or another.

Mr. Mathes also proposed that within the document there is reference to how the City will appropriately zone the property. We would like that to reference to zone the property to CPUD.

Attorney Nicoletti stated that all the Ordinance do this anyway.

Attorney McCarthy asked about the reference to Gay Street there is a phrase in there that states: It may be used by the public for the purposed described in easement. There is no use by the public there. I don't have a problem if it states; It may be used for the purposed described in the easement. He further added the additional comment with Mr. Mathes.

Mr. Mathes commented on the following;
SPS have existing poles and have plans moving forward for project identification signs for there new project. There project signs are proposed at 8x24 two sided which is slightly over the 100 sq feet that is listed in here as advertising space. We would either like to have that increased to 8x24 which is 192, just so it covers her sign, which she has already ordered. He also stated it was a temporary sign to mark a project under development only.

John Henry, SPS properties came forward and stated this would be temporary only. He agreed to the terms of; "prior to the Certificate of occupancy but no more then eighteen months."

Mr. Mathes also stated that exhibit B 's which are attached to most of the annexation agreements for those that have no intent to modify their site in the near term. It is just a copy of the survey. Showing what is out there today so there is record of what you are agreeing to as existing conditions. As you know surveys don't give you a picture of a sign which you are also agreeing to as an existing condition. He also noted that the curry parcel used the US1 frontage for product dealer display. He wanted to note on the survey the area of product display so it is also considered an existing condition according to the terms of this agreement. It would be the existing grass strip in front of the parking lot along the US1 frontage, but not in the public right of way.

Mr. Mathes moved onto the property known as 5051, LLC. He noted that exhibit B and the applicants near term plans for improvement to the site. He said it is the old Carolina Furniture and now a Yamaha Dealership. He wanted to note there is a couple minor changes to exhibit B.

Requesting a 5' setback on the Southside and rear of the property for vehicular use.

Request a reduction in the sign setback of equal to half of the foundation width of the sign. In other words the sign would be on private property with a zero foot setback to the foundation. He stated there were a couple of signs that are not existing but are proposed and we have provided the sign elevations and so forth. He said that the near term plans are respected in the City.

Commissioner Waxler expressed concern over the absence of a site plan for review by the Commission.

Attorney Nicoletti stated he removed exhibit B because the language was revised to only include exhibit B in 5051, LLC.

Commissioner Waxler stated she was not ready to commit to any conditions within a site plan tonight.

Mr. Mathes stated he was not aware full size plans were not provided. He understands their concern and the applicant wanted to be assured they would not loose what they already have in the County.

Attorney Nicoletti stated I think what we should do is call this a concept plan and in fact adjust the language in the agreement where the document is just the concept and it is acknowledged that in fact this is kind of the start of it, and what the development will do. It is not a technical site plan, it does not have all the elements of a site plan, many more things have to be considered. Maybe that is what we do within the document itself.

Mr. Mathes stated that we see it as controlling certain regulations on the site that if we bring back a site plan consistent with that we expect deference to this concept plan.

Attorney Nicoletti stated he would amend the following : At the bottom of page two the 5051 agreement paragraph four (A) : The concept plan attached as exhibit B to this agreement forms the basis for the president future development of the property maybe modified in accordance with the terms and procedure of the City Land Development Code except that any substance of provisions for signs and setbacks contained herein shall control over those in the Land Development Code to the extent of their applicability."

That should resolve your issue. I would defer to the Development Director about the one setback about

Key Freeman suggested a minimum setback of five feet for CPUD's.

Mark Mathes asked for a specific number so they can be assured that their sign does not overhang the right of way if the City would be interested in a 2 ½ feet setback. He stated the pavement is already 2 ½ feet to the property line in this area. The applicant is trying to avoid putting a sign in the middle of the pavement which would then have additional disruptions to his operations.

Kev Freeman stated it could be fixed so the sign does not hang over the property line. I think that would be better.

Mr. Mathes wanted to clarify in regards to paragraph B where it talks about what now reads the concept plan attached. We just want to make it clear on the record that it also reflects the landscape and parking provision onsite as the date of this annexation agreement. His operation being an old development has a certain level of landscaping and he would like that to be part of the same existing conditions as is the parking. Just as the parking drive aisles are just as the buildings are just as the fences are. We just wanted to be assured the existing landscaping and parking is part of this exhibit B.

Commissioner Waxler expressed concern over not having any plans to look at as to what the Commission is agreeing too.

Mark Mathes stated he would provide photos of the sign elevations and landscaping as an exhibit, so there would be no question in the future.

Mayor Hutchinson agreed with Commissioner Waxler as to the need for what was exactly approved as part of the annexation.

Commissioner Mortell felt that more work needed to be done with these annexation agreements and stated it should come back for a future meeting.

Commissioner Krauskopf stated he thought they were looking at annexations tonight not site plans.

Charlie Trottman came forward and stated he felt obligated to come forward and stated that these annexations are here tonight due to his project and his request. He stated that he may have gotten the wrong impression by talking to some of the people he was dealing with in the City. "My feeling was the City was going to do everything in their power to make this a good thing for these four property owners to come into the City.

Commissioner Mortell said he has no problem approving an annexation agreement that states they have the same rights they have in the county for the next ten years, I am done lets do it. But all these sign issues and setbacks aren't rights they have in the county, they are gaining new rights. That is ok because it is part of a negotiation, I am not suggesting I have a problem with that either.

Commissioner Mortell and Mayor Hutchinson stated they felt the Fountains was a great project but it is a two way street and needs to be a benefit to the City.

Mayor Hutchinson felt the annexation agreements needed to go both ways.

Attorney Nicoletti stated he has written over 100 annexation agreements and never negotiated one on the floor. "I just think that with respect to the folks who have come here tonight and they all have something different. He felt that to try and come in this afternoon and talk about issues an hour before the public meeting just simply is not going to work, and so I think from that standpoint we have got one more window before DCA rules and I don't think they will have any problems with the Fountains development. I don't think we have any indication of comment coming back. I would think that by October we should have DCA approval and this could be done all at once. I think it would be a mistake to try and piece it out and will not work. Because of the complexity and the lateness of how some of these issues have come to us even on the floor tonight, I would encourage you to continue all of these items until October 8, 2007. By that time either these annexation agreements will be worked out or they won't. Either these folks will continue with their voluntary annexations or they won't. I agree that if we said whatever the county zoning code is for x years that, that would have been far simpler then trying to figure out a 2 ½ foot setback, and some of the issues we have been dealing with on the floor tonight."

Attorney Nicoletti called for a motion to continue all of the remaining annexation items.

Linda Hake came forward and suggested the Commission not try to work out these issues on the floor. She indicated she is the only person here who does not have an annexation agreement and plans to come back with a site plan as soon as the property is annexed. She suggested continuing these items until October 8, 2007.

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL TO CONTINUE ITEMS 25-26 TO OCTOBER 8, 2007 AT 5:30 AND HAVE STAFF DETERMINE THAT IF THE CITY COMMISSIONERS NEED A SPECIAL MEETING TO DISCUSS OTHER ISSUES OR NEED TO REORGANIZE THEIR MEETING THEY CAN ADDRESS TOMORROW AND NOT ON THE FLOOR.

SECOND: COMMISSIONER WAXLER

ROLL CALL

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

25. ANNEXATIONS OF PARCELS "G," "F," "E," AND "D"

A. Parcel "G" Stuart Nissan LLC – 4.0 Acres 4313 SE Federal Hwy.

RESOLUTION 135-07 Authorization to adopt an Annexation Agreement between the City of Stuart and Stuart Nissan, LLC, located at 4313 SE Federal Highway, providing certain allowances regarding the development requirements in the applicable land use (zoning) district (QUASI-JUDICIAL)

ORDINANCE 2118-07 (Second Reading) Parcel "G", annexing a parcel of land consisting of 4.0 acres owned by Stuart Nissan, LLC, located at 4313 SE Federal Highway (QUASI-JUDICIAL)

ORDINANCE 2119-07 (Second Reading) Parcel "G", amending the Comprehensive Land Use Plan to Commercial a parcel of land consisting of 4.0 acres owned by Stuart Nissan, LLC, located at 4313 SE Federal Highway, said lands to be concurrently designated within a CPUD district of the City of Stuart zoning map (QUASI-JUDICIAL)

B. Parcel "F" Stuart Paint and Supply – 4.054 Acres 4353 SE Federal Hwy.

RESOLUTION 136-07 Authorization to adopt an annexation agreement between the City of Stuart and Stuart Paint & Supply, Inc., located at 657 NW Dixie Hwy., Jensen Beach, providing certain allowances regarding the development requirements in the applicable land use (zoning) district (QUASI-JUDICIAL)

ORDINANCE 2120-07 (Second Reading) Parcel "F" Annexing a parcel of land consisting of 4.054 acres owned by Stuart Paint & Supply, Inc., located at 4353 SE Federal Hwy. (QUASI-JUDICIAL)

ORDINANCE 2121-07 (Second Reading) Parcel "F" Amending the Comprehensive Land Use Plan to Commercial a parcel of land consisting of 4.054 acres owned by Stuart Paint and Supply, Inc., located at 4353 SE Federal Highway, said lands to be concurrently designated within a CPUD district of the City of Stuart zoning map (QUASI-JUDICIAL)

C. Parcel "E" Coury, LLC KMC Shopping Center – 1.718 Acres 2792 SE Gay Street

RESOLUTION 137-07 Authorization to adopt an annexation agreement between the City of Stuart and Coury, LLC, located at 2844 SE Monroe Street, providing for certain allowances regarding the development requirements applicable land use (zoning) district (QUASI-JUDICIAL)

ORDINANCE 2122-07 (Second Reading) Parcel "E" Annexing a parcel of land consisting of 1.718 acres owned by Coury, LLC, located at 2792 SE Gay Street (QUASI-JUDICIAL)

ORDINANCE 2123-07 (Second Reading) Parcel "E" Amending the Comprehensive Land Use Plan to Commercial a parcel of land consisting of 1.718 acres owned by Coury, LLC, located at 2792 SE Gay Street, said lands to be concurrently designated within a CPUD district of the City of Stuart zoning map (QUASI-JUDICIAL)

D. Parcel "D" 5051 LLC Yamaha Dealer – 2.583 Acres 5051 SE Federal Hwy.

RESOLUTION 138-07 Authorization to adopt an annexation Agreement between the City of Stuart and 5051, LLC, located at 5051 SE Federal Hwy, providing for certain allowances regarding the Development requirements applicable land use (zoning) district (QUASI-JUDICIAL)

ORDINANCE 2124-07 (Second Reading) Parcel "D" Annexing a parcel of land consisting of 2.583 acres owned by 5051 LLC, located at 5051 SE Federal Hwy. (QUASI-JUDICIAL)

ORDINANCE 2125-07 (Second Reading) Parcel "D" Amending the Comprehensive Land Use Plan to Commercial a parcel of land consisting of 2.583 acres owned by 5051 LLC, located at 5051 SE Federal Hwy. said land to be concurrently designated within a CPUD district of the City of Stuart zoning map (QUASI-JUDICIAL)

26. ANNEXATION OF PARCELS "C," "B," "A"

A. Parcel "C" Kremser Family Limited Partnership North – 5.38 Acres SE Dominica Street and Federal Highway

ORDINANCE 2126-07 (Second Reading) Parcel "C" Annexing a parcel of land consisting of 5.38 acres owned by Kremser Family Limited Partnership North, located along SE Dominica Street and SE Federal Highway (QUASI-JUDICIAL)

ORDINANCE 2127-07 (Second Reading) Parcel "C" Amending the Comprehensive Land Use Plan to commercial a parcel of land consisting of 5.38 acres owned by Kremser Family Limited Partnership North, located along SE Dominica Street and SE Federal Highway, said land to be concurrently designated within a CPUD (QUASI-JUDICIAL)

B. Parcel "B" Frank S. Schilleci - .68 acres along SE Dominica Street East of US 1

ORDINANCE 2128-07 (Second Reading) Parcel "B" Annexing a parcel of land consisting of .68 acres owned by Frank S. Schilleci, located along SE Dominica Street East of US 1 (QUASI-JUDICIAL)

ORDINANCE 2129-07 (Second Reading) Parcel "B" Amending the Comprehensive Land Use Plan to commercial a parcel of land consisting of .68 acres owned by Frank S. Schilleci, located along SE Dominica

Street East of US 1, said land to be concurrently designated within a CPUD district on the City of Stuart zoning map (QUASI-JUDICIAL)

- C. Parcel "A" Stuart Town Center 1, LLC – 19.31 acres along SE Federal Highway**

ORDINANCE 2130-07 (Second Reading) Parcel "A" Annexing a parcel of land consisting of 19.31 acres owned by Stuart Town Center 1, LLC, located along SE Federal Highway (QUASI-JUDICIAL)

CONTINUE THE PUBLIC HEARING OF ORD. 2131-07 ON FIRST READING TO OCTOBER 8, 2007 (Ordinance No. 2131-07 Parcel "A" Amending the Comprehensive Land Use Plan to commercial a parcel of land consisting of 19.31 acres owned by Stuart Town Center 1, LLC located along SE Federal Highway, said land to be concurrently designated within a CPUD district on the City of Stuart zoning map (Sent to DCA)

- D. SET DATE for Public Hearing on October 8, 2007 for Major Amendments to the Commercial Planned Unit Development (CPUD) for Parcels "A," "B," and "C," above.**

DISCUSSION & DELIBERATION

*Item 30 was heard at this time:

30. Juvenile Protection Ordinance

Chief Morley gave a brief presentation regarding the proposed Ordinance. He stated that law enforcement was looking for a tool with juvenile crime and to help protect the individuals. He stated it was a program that would last from midnight to 6 am 7 days a week.

Vice Mayor Krauskopf asked if the State has enough law already on the books. He said, let's not throw a net over all kids, including the good ones. Let's focus on the folks who have violated their probation and kind of look at from that prospective. That's where I would want to put the focus of it.

Commissioner Christie agreed that the City needed this type of Ordinance in place.

Elise Isadore, 936 Tarpon Avenue came forward and expressed concern over the neighborhood and the drug activity going on. She felt the Ordinance was a good thing.

Helen McBride came forward and gave a brief history lesson on past curfews in the City of Stuart. She felt this was the step in the right direction.

The Commission authorized staff to move forward in the preparation of an Ordinance.

27. Proposed East Coast Greenway

The representative of the East Coast Greenway project Chuck (inaudible) came forward to provide information to the City about their project. He gave a visual presentation to the Commission. He indicated the project would link 25 major cities on the East Coast.

28. Changes to required parking calculations.

Kevin Freeman gave a brief presentation regarding the parking regulations. He stated staff is looking at uses and spaces and the number of employees and seats. Vice Mayor Krauskopf favors 10 foot spaces.

29. Over-hire Request for an Information Systems Coord. Police Dept.

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL TO OVERHIRE 1 INFORMATION SYSTEMS COORDINATOR FOR THE POLICE DEPARTMENT.

SECOND: COMMISSIONER WAXLER

ROLL CALL

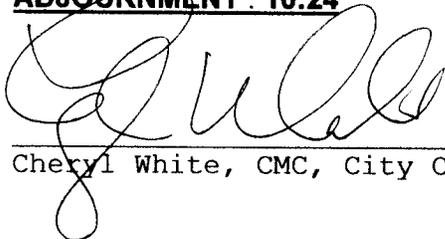
MAYOR HUTCHINSON	YES	COMMISSIONER CHRISTIE	YES
VICE MAYOR KRAUSKOPF	YES	COMMISSIONER WAXLER	YES
COMMISSIONER MORTELL	YES		

Vice Mayor Krauskopf asked that if the City was going to mitigate wetlands and uplands and when Kim Delaney wrote all the LDR's, I argued against it but it happened anyway. What I was saying that if we are going to trade a wetland or an upland here in the City. He feels that accepting mitigation outside the City does not make sense. He also asked the City to get a handle on the environmental consulting stuff. I feel it has a voodoo smell to it.

Item 30 was heard earlier.

30. Juvenile Protection Ordinance

ADJOURNMENT : 10:24


Cheryl White, CMC, City Clerk


Mary L. Hutchinson, Mayor

Minutes approved at the Regular Commission Meeting this 22nd Day October 2007

