

**REGULAR MEETING OF THE STUART CITY COMMISSION  
TO BE HELD JULY 9, 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**

0:00 ~ 7/9/2007 5:31:12 PM

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

**PRESENTATIONS**

2:53 ~ 7/9/2007 5:34:05 PM

**A. Book Presentation by Dr. W. Jay Thompson, History of East Stuart**

Dr. Thompson came forward and presented 2 volumes of the History of East Stuart Book to Stuart Heritage and stated it had taken 17 years of his life and \$30,000 of his retirement money to write them.

Mayor Hutchinson thanked Dr. Thompson on behalf of the City of Stuart.

5:45 ~ 7/9/2007 5:36:57 PM

**B. Martin County Evaluation and Appraisal Report (EAR) process.  
Presentation by Martin County Growth Management Department**

Martin County Senior Planner David Quigley, who was accompanied by County Growth Management Director Nikki VanVanno, gave a brief power point presentation outlining the County's EAR basics including: minimum requirements; preliminary results of the County Scoping Meetings; and the next steps which included LPA and Martin County workshops on "Major Issues",

Memo of Understanding with DCA, Data and Analysis and Public Hearings to adopt the EAR. Mr. Quigley noted that the County's deadline for adoption of the EAR is October 1, 2008 which is one year earlier than the City's 2009 deadline. He also said the likely coordination issues with the City of Stuart would be Annexation, School Concurrency, Interlocal Agreements, Road Concurrency on Jointly Used Roads, and Consolidation of City/County Services and Facilities.

14:34 ~ 7/9/2007 5:45:46 PM

### **COMMENTS BY CITY COMMISSIONERS**

Vice Mayor Krauskopf asked that Item 18 be added to address Villabella Compliance. He also said an e-mail had been received from School Board member Sue Hershey requesting a meeting to look into FISH.

City Manager Hudson clarified that it had been communicated to the School Board Attorney that a preliminary workshop would be held in mid-summer.

Commissioner Christie said he had received an e-mail that in essence blamed the City of Stuart for noise and traffic congestion caused by the fireworks display.

Mayor Hutchinson and Commissioner Mortell stated they had already responded to the subject e-mail and informed the person it was not a City sponsored event. .

Mayor Hutchinson thanked City staff, Stuart Mainstreet and all others involved in the Fourth of July Fireworks display which she called a "great community event". She also requested that Code Enforcement look into the high grass in the Seminole Street and Osceola Street vacant lots. She also noted that at the end of the riverwalk near the railroad there are pilings in the water which may have historic significance.

### **COMMENTS BY CITY MANAGER AND REVIEW OF TENTATIVE AGENDA**

Mr. Hudson noted referring to Property Tax Reform, Pursuant to HB1, documents were signed and submitted to the Department of Revenue in a timely manner. He noted the following upcoming meetings: Workforce Housing this Thursday (7/12) at 6:30; and the first of three Budget Workshops to be held and the first July 25 at 9 AM. He advised the Commission that an additional item would be added to the agenda as 10a, to approve a change order. He also informed the Commission that items 2 and 3 set date will be amended to August 13, 2007 for both.

City Attorney Nicoletti noted a memo has been placed in front of you regarding Lamar and is item 17 on tonight's agenda.

## **STAFF REPORT ON COMMENTS FROM PREVIOUS COMMISSION MEETING**

- **Historic Building Tax Credits** On Hold
- **Frazier Addition Tree Planting** Complete
- **Monitor County Aquatics Center** Pending
- **SR 707 Haney Creek Maintenance** Pending
- **Annexation Maps** Pending
- **Policy Regarding Pole Signs** Zoning in Progress
- **Villabella Compliance** Pending
- **Review of Moratorium procedures/  
Inventory of Developable Land** Pending
- **EAR Progress Report** Agenda 7/9/07
- **Interlocal Agreement School Board** Pending
- **Fiscal Policy on Investments** Pending
- **Commerce Ave. on Street Parking** Pending

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

### **APPROVAL OF AGENDA**

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL OF THE AGENDA TO INCLUDE ITEM 10A,18 AS WELL AS AMEND ITEM 2 AND 3 SET DAT TO AUGUST 13, 2007.

SECOND: COMMISSIONER MORTELL  
MOTION APPROVED UNANIMOUSLY

### **CONSENT CALENDAR**

1. **Request to approve MINUTES FROM THE SPECIAL COMMISSION MEETING of May 29, 2007**
2. **Request to set a public hearing date of July 23, 2007 to consider voluntary annexation, future land use map amendment (FLUM) and zoning designation of CPUD, Parcels A, B and C, Fountains at Stuart**
3. **Request to set a public hearing date of July 23, 2007 to consider voluntary annexation, future land use map amendment (FLUM) and zoning designation of CPUD, Parcels D, E, F and G, Fountains at Stuart**
4. **Request to set a public hearing date of July 23, 2007 to consider a master site plan, compliance with the site design qualitative development design standards, a list of development conditions and a timetable for development Center Pointe MXPUD 3705-3735 Kanner Highway**
5. **RESOLUTION 92-07 Authorization to execute Amendment No. 6 to the DEP Agreement No. SP561 for a time extension from December 31, 2007 to June 30, 2008 to complete the Poppleton Creek Stormwater Project**

6. **RESOLUTION 93-07 Authorization to execute an amendment to Section 5 "Term of Agreement" and Section 6 "Consideration" relating to the Nextel South Corporation Lease for part of the water tower**
7. **RESOLUTION 94-07 Authorization to grant a time extension to October 30, 2007 for the declaration of the "Zoning in Progress" amendment to Section 1.02.04 Stuart Land Development Code for Pole Sign Permits originally adopted by Res. 71-07 on April 30, 2007 (QUASI-JUDICIAL)**
8. **RESOLUTION 95-07 Authorization to execute a Letter of Agreement awarding RFP#2007-57 to SunTrust Bank**
9. **RESOLUTION 96-07 Authorization to execute a Letter Agreement with Cherry, Bekaert & Holland to provide for a comprehensive annual financial report for fiscal year 2007**
10. **Authorization for Change Order 1, letter No. LBFH-WA-33 with LBFH, Inc. in an amount not to exceed \$29,383.50 to include three additional tasks associated with keeping the City's Wastewater Treatment Facility at its current location**
- 10A. **RESOLUTION NUMBER 97-07 A Resolution of the City awarding a purchase order to Dickerson Florida Inc. in the amount of \$54,477.80 for resurfacing and drainage improvements to a portion of SE 10<sup>th</sup> Street Utilizing the Martin County Annual.**

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL OF THE CONSENT CALENDAR 1-10A

SECOND: COMMISSIONER CHRISTIE

ROLL CALL

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

**FIRST READING OF ORDINANCES**

11. **ORDINANCE 2113-07 (First Reading) relating to the "Definitions" in Chapter XII, Development Design Standards, Chapter VI and the Administrative Variance Provision Chapter X of the Stuart Land Development Code providing that development may utilize Green Building Elements within its design and construction to obtain development credits (QUASI-JUDICIAL)**

Kevin Freeman gave a brief powerpoint presentation to the City Commission and public regarding the proposal to amend the Land Development Regulation to include Green Development.

Staff addressed what constitutes the elements of Green Development and the implementation of same noting incentives for the voluntary process as well as the LEED Build Green Council certification points.

Vice Mayor Krauskopf said this concept is long overdue. Commissioner Waxler asked if staff had consulted with the building trades associations.

Mr. Freeman stated they had conferred with some builders and this has been in process for 2 years.

Commissioner Mortell addressed incentives and questioned private roadway and alley width as well as the 500 sq. feet increase in building permit.

Staff explained how that would allow positioning on site and that State initiatives would be coming forward.

Mayor Hutchinson was concerned with criteria in current code and exceptions and requested more information before the second reading of this ordinance.

Mayor Hutchinson expressed concern over the use of the word "may."

Attorney Nicoletti said he would look at that.

Commissioner Waxler would like clarifying language on aesthetics and community needs.

Commissioner Christie felt the concept of saving the environment was a positive thing.

Paul Bullwinkle 1600 NW Fork Road came forward and expressed concern over the Green Development plan. He had concern over the reward to the development of a plan that already exists.

He also questioned the discretionary power of the Development Director and what he referred to as "trade offs".

Mayor Hutchinson and Commissioner Mortell clarified that the discretionary power is already in the code.

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL OF THE ORDINANCE  
2113-07 ON FIRST READING

SECOND: COMMISSIONER MORTELL

ROLL CALL:

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

**12. ORDINANCE 2114-07 (First Reading) relating to consistency and concurrency determinations Chapter 4 Section 4.07.00 of the Stuart Land Development Regulations regarding the Traffic Concurrency Management System (QUASI-JUDICIAL)**

MOTION: COMMISSIONER WAXLER: MOVED APPROVAL OF THE ORDINANCE  
2114-07 ON FIRST READING

SECOND: COMMISSIONER MORTELL

ROLL CALL:

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

**SECOND READING OF ORDINANCES**

***ORDINANCE 2104-07 (SECOND READING) TABLE TO A DATE TO BE DETERMINED***

**13. ORDINANCE 2104-07 (Second Reading) to consider a rezoning to Commercial Planned Unit Development, NE corner of NW Federal Highway and Baker Road, Publix (QUASI-JUDICIAL)**

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL TO TABLE ITEM 13  
ORDINANCE 2104-07 TO A DATE TO BE DETERMINED.,

SECOND: COMMISSIONER CHRISTIE

MOTION APPROVED UNANIMOUSLY

**14. ORDINANCE 2112 -07 (Second Reading) Request approval of the ballot Language and requesting the Supervisor of Elections to place a referendum on the January 29, 2008 Presidential Primary Election regarding adoption of a program to fluoridate the potable water supply for the utility customers of the City of Stuart**

MOTION: COMMISSIONER CHRISTIE MOVED APPROVAL OF THE ORDINANCE  
2112-07 ON SECOND READING

SECOND: COMMISSIONER MORTELL

ROLL CALL:

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

### **DISCUSSION & DELIBERATION**

1:29:58 ~ 7/9/2007 7:01:10 PM

#### **15. Possible rezoning and Future Land Use change to remove non-conformity to an existing Gas and Vehicle repair facility**

Owner Anthony Greco would like to extend the use of his property but it is a non-conforming use with a future land use of Office/Residential.

Kev Freeman stated that a possible solution would be to change the future land use to Commercial B-2.

Mr. Greco explained that he would like to add two more bays for the repair of automobiles.

Vice Mayor Krauskopf explained that he remembered the concern from the neighbors when the previous owner wanted to add a car wash facility and requested the City pull the minutes of those meetings.

Helen McBride came forward and was opposed to the proposed expansion.

Bernie Malone came forward and was in favor of the proposed expansion.

The Commission agreed that Mr. Greco needed to go through the formal application process with the City.

1:52:03 ~ 7/9/2007 7:23:14 PM

#### **16. Follow-up on Monterey Pointe Golf Range and Teaching Center**

City Manager Hudson gave a short introduction to this item noting that there is a situation of golf balls reaching into adjoining properties creating a liability issue which becomes a budget issue because of the cost of installing netting and additional insurance. He suggested the best approach for the City would be to continue to operate the facility on an interim basis but at the same time go ahead and test the market under the RFDQ process to see if there is a private sector interest or maybe no interest.

Mortell felt we should continue to have the City run the facility.

Albie Scoggins gave a brief presentation to the Commission regarding the

Vice Mayor Krauskopf agreed but also wanted to proceed to seek other uses. He stated it would be an additional \$13,000.00. He asked for an update on how much revenue the City would receive and when on the Cell Tower on that property. He also stated the City should proceed and look at both Developer and or Owner User including other governmental agencies.

Commissioner Christie asked if we could continue with golf and also use an RFDQ process simultaneously.

Mr. Hudson stated that we could.

Commissioner Mortell asked if the City should limit the RFP to a specific use. He expressed concern that the City was going to move forward to a specific use and then not do it.

Commissioner Waxler expressed concern because she felt the City does not have the expertise on running a golf course or practice range. She feels that Municipalities do not belong in the golf range business.

Mayor Hutchinson stated she received financial numbers from Recreation regarding the operation of the golf course and felt the numbers were not that bad during the slow season. She also asked how the decision would effect the current litigation.

Attorney Nicoletti stated the City should have a good answer by September.

Commissioner Christie stated the property was a former landfill. He stated the City leased it with the understanding that the property could be used for a golf course. He asked what else the property could be used for.

Mr. Hudson stated other projects could be built there.

A member from the audience stated that Martin County High School was built on a landfill.

**MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL TO CONTINUE THE OPERATIONS THRU THE FISCAL YEAR IF WE DON'T HAVE TO SPEND THE \$10,000.00 FOR THE NETTING THEN LETS NOT AND COME BACK WITH A DRAFT RFP AND LETS FIGURE OUT AT THAT MEETING WHAT WE WANT TO EXCLUDE FROM THE RFP.**

**SECOND: COMMISSIONER MORTELL**

Mayor Hutchinson asked if we do buy netting that it be a product that can be reused in a baseball field or something like that.

Albie Scoggins stated he could look at other uses for the netting if needed.

Vice Mayor Krauskopf asked if it would be easier to pay for the small dent then it would be to spend netting.

**ROLL CALL:**

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

2:12:17 ~ 7/9/2007 7:43:29 PM

**17. Update on negotiations with Lamar Advertising regarding billboards**

Attorney Nicoletti gave a brief presentation to the Commission regarding the recent negotiations with Lamar Advertising for sign placement north of the Roosevelt Bridge. He stated that it is Lamar's intent to seek enforcement of the settlement agreement.

Commissioner Mortell asked what was different from the original settlement agreement.

Attorney Nicoletti stated the delay of two years as well as the public service spots on the signs and reduction of 35 feet max and placing it on City land.

Commissioner Waxler had concern that if the City did not reach an agreement as to the South sign location it would lead to litigation anyway. She stated she was the last person who wanted these signs but felt the City needs to make the best out of a bad situation. She stated she has seen the litigation with other Cities and that Lamar has a history of this type of business practice.

Mayor Waxler requested that Lamar comply with Federal Law and new legislation regarding billboards if it changes.

Attorney Nicoletti stated that he would look at that within the agreement.

**MOTION: VICE MAYOR KRAUSKOPF; MOVED APPROVAL OF ITEMS 3-4 PER THE  
7-9-07 MEMO ONLY.**

**SECOND: COMMISSIONER MORTELL**

**MOTION: VICE MAYOR KRAUSKOPF; MOVED APPROVAL OF THE ENTIRE 07/09/07  
MEMO**

**SECOND: COMMISSIONER CHRISTIE**

Dr. Francis DuCoin, 808 East Ocean Blvd. came forward and expressed concern over the proposed billboards. He requested the City Attorney look at the purpose for the entire agreement and re-negotiate the fee because he felt the City was not getting enough.

Mayor Hutchinson requested the City Attorney look at the

**ROLL CALL:**

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

Vice Mayor Krauskopf stated that the plus side to the public notices is that it could find a missing child.

2:40:21 ~ 7/9/2007 8:11:33 PM

**18. Villa Bella Compliance Issue( requested by Vice Mayor Krauskopf)**

Vice Mayor Krauskopf requested the City bring forward the responsible party to the project. He expressed concern that the City would have the same problems with this project as with The Pines and Windemere projects. He stated the City needs an enforcement tool.

Attorney Nicoletti stated the City does have a requirement in there PUD and the City could go forward with enforcement proceedings.

Attorney Nicoletti plans on moving forward to site them in the next day or so.

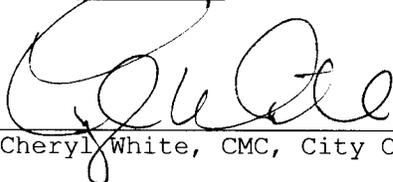
The City is moving forward with photos ect. If they fail to do that then we go after the PUD and amendments and other sanctions.

The Commission agreed to move forward with the enforcement action.

Vice Mayor Krauskopf requested the City proceed and report back to the Commission.

The Commission agreed.

**ADJOURNMENT**

  
Cheryl White, CMC, City Clerk

  
Mary L. Hutchinson, Mayor

Minutes approved at the Regular Commission Meeting this 9th Day August 2007

