

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON APRIL 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 ~ 4/9/2007 5:30:25 PM ~ Start Recording

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

PROCLAMATION

2:02 ~ 4/9/2007 5:32:27 PM ~ ITEM A:

- A. PROCLAMATION: To Proclaim the Month of April 2007
AS FAIR HOUSING MONTH.**

Attorney Nicoletti accepted the Proclamation and stated he would mail it to the respective party.

3:29 ~ 4/9/2007 5:33:54 PM ~

- B. PROCLAMATION: To Proclaim the week of May 20-26, 2007 as
NATIONAL PUBLIC WORKS WEEK.**

Sam Amerson graciously accepted the Proclamation and thanked the Commission.

5:10 ~ 4/9/2007 5:35:36 PM

- C. PROCLAMATION: To Proclaim the Week of April 22-28, 2007 as
NATIONAL CRIME VICTIMS' RIGHTS WEEK**

Cheryl Kirby Victims Rights Coalition came forward and graciously accepted the proclamation and also announced the organizations upcoming events.

7:32 ~ 4/9/2007 5:37:58 PM

COMMENTS BY CITY COMMISSIONERS

Mayor Hutchinson commented that due to the drought there have not been any discharges from Lake Okeechobee and the view from the Roosevelt Bridge shows clear water she also saw an otter in Fraizer Creek over the weekend. She also noted that the walkway along the creek near Shepherd Park is showing wear and tear and needs some attention.

Commissioner Mortell followed up by saying that on the walkway, it may just be a loose nail. He also addressed the State Legislative discussions and said there will probably be some "fairly substantial" changes and possibly a roll back with a special session being held after the City budget process. In order for the City to be prepared, he suggested the Commission create direction for a roll back before the budget meetings.

10:00 ~ 4/9/2007 5:40:25 PM

COMMENTS BY CITY MANAGER AND REVIEW OF TENTATIVE AGENDA

Mr. Hudson addressed a memo from Dave Peters and notification of pending Phase 1 Water Use Restrictions to be mandated by SFWMD possibly this week in Martin County. The City has in place an Ordinance which allows for rate modification but that is not being considered at this time, but will continue to monitor it." He noted that even numbered street numbers can water Tuesday, Thursday and Saturday with odd numbers watering on Monday, Wednesday and Friday. He also requested the following changes to the agenda;

Consent Calendar Pull for discussion Item 4 (Lamar signs) requested by Mayor Hutchinson.

12:19 ~ 4/9/2007 5:42:45 PM

City Attorney Nicoletti addressed the litigation on the Thomas proposed condemnation and said a number of items are being negotiated for a tentative settlement. He suggested the Commission discuss the issues at an Attorney Client Session prior to the meeting scheduled for April 18th at 5:30 p.m.

The Commission agreed to meet in an executive session to discuss the matter at 5:00 p.m on April 18, 2007.

Commissioner Mortell said two people had approached him requesting that he ask the Board to stop any growth north of the Roosevelt Bridge.

STAFF REPORT ON COMMENTS FROM PREVIOUS COMMISSION MEETING

13:34 ~ 4/9/2007 5:44:00 PM

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

Commissioner Mortell said two people had approached him requesting that he ask the Board to stop any growth north of the Roosevelt Bridge whether commercial or Residential. He stated he would bring it up at the meeting, and he has done so.

14:23 ~ 4/9/2007 5:44:49 PM

APPROVAL OF AGENDA

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

SECOND: COMMISSIONER CHRISTIE
MOTION APPROVED UNANIMOUSLY

14:43 ~ 4/9/2007 5:45:08 PM

CONSENT CALENDAR

1. Approve MINUTES FROM REGULAR COMMISSION MEETING of March 26, 2007
2. Set date of April 18, 2007 at 5:30 pm for a joint Commission, LPA and CRB Roundtable-Workshop to discuss Urban Code Rewrite
3. Set date of April 30, 2007 at 9:00 am for a Special Meeting devoted to fiscal matters
4. RESOLUTION 32-07 Approval of two license agreements with The Lamar Company, LLC allowing for the installation of a steel mono-pole off-premise sign on City-controlled right-of-way just north of the Roosevelt Bridge at North Fork Road and Wright Boulevard and on City-owned property at the northeast corner of SR-76 and Monterey Road
5. RESOLUTION 55-07 Authorization for a budget amendment to the annual property management fund operating budget for an expenditure of \$28,910.00 to fund the intersection improvements at SE St. Lucie Avenue and SE Martin Avenue

6. **RESOLUTION 56-07 Authorization to award ITB #2007-211, to lowest bidder, Rosso Paving & Drainage, Inc. for the total amount of \$28,910.00 for intersection reconstruction SE St. Lucie Blvd. and Martin Avenue**
7. **RESOLUTION 57-07 Authorization for a budget amendment to the water sewer fund operation budget for an expenditure of \$473,659.00 to fund construction costs for sanitary sewer along North and South Carolina Drive**
8. **RESOLUTION 58-07 Authorization to execute a Nova Merchant Application Agreement with Viaklix Credit Card Processing Service to enable internet and telephone credit card transactions including utility bill payments, permit fees, inspection fees, business taxes and fines**
9. **RESOLUTION 59-07 Authorization for a budget amendment to the general fund operating budget in the amount of \$20,000.00 to fund advertising costs for the City Clerk Division**
10. **RESOLUTION 60-07 Authorization for a budget amendment to the general fund operating budget for an expenditure of \$60,000.00 to fund outside Legal Services for the City Attorney Division**
11. **RESOLUTION 61-07 Authorization to execute an agreement between the City of Stuart and Hazen and Sawyer, P.C. for engineering design and permitting services related to the Memorial Park Drainage Improvements in an amount not to exceed \$53,280.00**
12. **RESOLUTION 62-07 Authorization to send a letter to the South Florida Water Management District rejecting the Grant of \$200,000.00 for Phase III of the City's reclaimed water system**

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL OF THE CONSENT
CALENDAR EXCLUDING ITEM 4 TO
DISCUSS SEPERATE.

SECOND: COMMISSIONER WAXLER

ROLL CALL:

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

15:32 ~ 4/9/2007 5:45:58 PM
Item 4 was heard at this time

4. RESOLUTION 32-07 Approval of two license agreements with The Lamar Company, LLC allowing for the installation of a steel mono-pole off-premise sign on City-controlled right-of-way just north of the Roosevelt Bridge at North Fork Road and Wright Boulevard and on City-owned property at the northeast corner of SR-76 and Monterey Road

Mayor Hutchinson asked that this item be heard separate. She stated she would not support this item.

Commissioner Mortell expressed concerned that the height and lighting of the sign at the north end of the Roosevelt Bridge would cause a negative impact on the residents who will be residing in the riverfront condos east of the Bridge. He felt there should be restrictions on the height, time and illumination of the sign and the amount of changes.

Mayor Hutchinson stated that she understood the signs would be located where existing signs were.

Commissioner Waxler stated that the settlement agreement proposed Wright Blvd and North Fork Road.

Attorney Nicoletti stated the signs were proposed for the north end of the Bridge and at Indian Street, but as it has worked out, and we wanted them primarily on City property, the City did not have property south of Indian Street that worked and so the recommendation came back to put it on the Kanner Highway. Whatever the Board approves will be taken back to the Magistrate and ask for an order basically re-approving the settlement.

Mortell was concerned that the changing light would impact the neighbors near Fork Rd.

Terry O'Neal quoted statements by Lamar but said they would not commit to an exact location, and they had another location near or at the base of the bridge on private property if the city denies that on City Land.

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL OF RESOLUTION 32-07

There was no second.

DISCUSSION & DELIBERATION

24:08 ~ 4/9/2007 5:54:33 PM

13. Current Construction of Osceola Place Balcony on the SW Seminole Street elevation.

Kevin Freeman presented a memo to the Commission that stated the survey shows the height of the balcony slab and it's projection in compliance with code. The cantilever supports on the balcony impacts into the 10 feet sidewalk level as they joint the base of the building. This is approximately 4 inches into the 10 feet.

Mr. Hudson said there is a "deminimus impact" and recommended approving this administratively, with this issue being taken to the Board of Adjustment.

Mayor Hutchinson suggested this type of issue be addressed at the April 18th special meeting on the Urban Code rewrite.

Armond Pasquale, presented a copy of the 1995 Urban Code depicting the balcony requirements. He stated that the code "spells out" that no balcony can go over the 3 foot sidewalk edge.

Hutchinson questioned if what she was looking at was the up to date information in the Code and requested the City Attorney look into the matter.

Mr. Nicoletti stated he would do so.

31:20 ~ 4/9/2007 6:01:45 PM

14. Review of Public Safety Building Construction and Funding Status

Sam Amerson and Terry Iverson came forward and gave a brief presentation to the City Commission they described the "significant progress" that has been made since the last report as well as the remaining incomplete items. An inspection date for the phase 2 site work and lighting is estimated to be held on April 23.

Vice Mayor Krauskopf requested revisiting item 4 again for discussion.

- 4. RESOLUTION 32-07 Approval of two license agreements with The Lamar Company, LLC allowing for the installation of a steel mono-pole off-premise sign on City-controlled right-of-way just north of the Roosevelt Bridge at North Fork Road and Wright Boulevard and on City-owned property at the northeast corner of SR-76 and Monterey Road**

Vice Mayor Krauskopf expressed concern over the lack of motion for this item and stated the City is moving toward a settlement agreement. He stated the City needs to look at the economics. He stated that if no action is taken the City is walking away from \$1.7 million dollars.

Mayor Hutchinson expressed concern over the location of the signs. She also stated the signs are very bright and the new Harbourage project residents may have a concern over the brightness of the signs.

Commissioner Mortell also expressed concern over the signs and felt the revenue source should not be considered. He said that, "there was no doubt that if we went back to Lamar and said hey, instead of 45 feet how about 35 and the ones that are right here in the middle of the residential thing, we though this was going to be commercial land, can you just put some restraints on the lights. I could live with it no problem."

Commissioner Christie asked if we could negotiate that with the applicant.

Attorney Nicoletti stated he was trying to negotiate this and control it as the owner of the property. He said maybe we could negotiate this with Lamar.

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL RESOLUTION 32-07
WITH A 35 FEET HEIGHT LIMIT AND
BLINDERS ON THE SIDE.

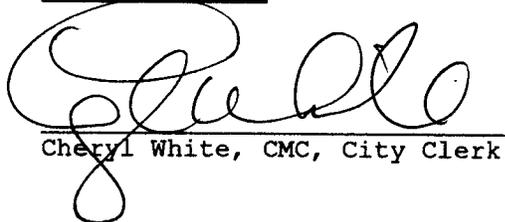
SECOND: COMMISSIONER MORTELL

ROLL CALL:

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

44:44 ~ 4/9/2007 6:15:09 PM ~ Stop Recording

ADJOURNMENT


Cheryl White, CMC, City Clerk


Mary L. Hutchinson, Mayor

Minutes approved at the Regular Commission
Meeting This 14th Day May 2007