

**REGULAR MEETING OF THE STUART CITY COMMISSION  
HELD ON JANUARY 8, 2007  
AT 5:30 P.M. IN THE CITY COMMISSION CHAMBERS  
121 S.W. FLAGLER AVE.  
STUART, FLORIDA 34994**

**3:04 ~ 1/8/2007 5:29:08 PM ~ Start Recording**

**Roll call was answered by:**

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

**Also present were:**

**City Manager: Dan Hudson  
City Attorney :Paul J. Nicoletti  
Deputy City Clerk Mary Nash**

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

**4:39 ~ 1/8/2007 5:30:43 PM**

**A. Employee of the Month  
Murriah Dressel – Project Planner, Development Department**

Murriah Dressel came forward and graciously accepted her award and thanked the City Commission.

Kevin Freeman, Development Department Director introduced Dennis Mrozek, Planner II, Pinal Gandhi-Savdas, Senior Planner, Tom Reetz and Senior Project Planner to the Development Department Staff.

**B. PROCLAMATION: Proclaiming January 14, 2007 as the Acacia  
Lodge #163 of Free and Accepted Masons 100<sup>th</sup> Anniversary, Dale Hoffa,  
Representative**

**Dale Hoffa came forward and graciously accepted the Proclamation.**

**PRESENTATIONS**

**9:41 ~ 1/8/2007 5:35:45 PM**

## **COMMENTS BY CITY COMMISSION**

Commissioner Christie : Was happy to see the Martin Luther King Blvd & A1A project was moving forward.

Mayor Hutchinson asked the Commission if they would like to come back at a later date to discuss the Historical Register of Homes.

The Commission agreed to discuss it at a later date as a regular agenda item.

Mayor Hutchinson also reminded the Commission of the date for the Joint City County School Board Meeting. She asked the Commission if their position has changed regarding the Court House property.

Dave Peters stated he would present to the Commission a summary of three options for their use during the joint meeting.

13:46 ~ 1/8/2007 5:39:50 PM

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

Mr. Hudson relayed several comments from Commissioner Mortell:  
Commissioner Mortell wanted to go on record and commend Murriah for employee of the month. He also liked the new Circle K sign on East Ocean Blvd. and commented that pole signs are not necessary; I would like to set an agenda item to set a timeline regarding the golfcourse.

Mr. Nicoletti stated he spoke with Commissioner Mortell regarding that issue and would plan an agenda item to address that comment.

Mr. Hudson continued with Commissioner Mortell's comments: Commissioner Mortell stated that Pelican Café should remain open until 10:00 pm Thursday, Friday and Saturday. Mr. Hudson stated he would follow up on that issue.

Attorney Nicoletti mentioned that items 8 & 9 on tonight's agenda have minor changes and requested they move forward. He stated the Resolutions have been corrected and does not involve substantial information.

Mr. Hudson stated that item 11 involves the RFP for the property now leased by the 7-11, and will be moved from the consent calendar.

The Commission agreed to move item 11, to D& D.

17:22 ~ 1/8/2007 5:43:26 PM

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

### **C. Fluoride Status Report**

Mr. Hudson gave a status report to the Commission and Public regarding the Fluoridation of the City's water supply. He stated that if no action is taken this evening then the City will proceed with fluoridation based on the action taken by prior Commission's.

The following public speakers came forward and gave comment regarding the fluoride issue. Pat Arena, Naomi Flack, Carol Patton, Helen McBride, Carol Ann Leonard, Christi Fuller, George Fuller, William Heller, Dr. Julie Bjornson, Robert Yamin, Armond Pasquale, Veronica Pasquale, Sandra Perini, Monte Perini David Boden, Teri-Ross Icyda, Gene Rifkin, Rad Orlandi, D.D.S, Bonnie Landry, Robert Steinburg and Michael Grovis.

1:41:21 ~ 1/8/2007 7:07:25 PM

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL TTHAT WE DIRECT STAFF TO NOT ADD FLUORIDE TO THE WATER.

Commissioner Christie stated he did not want to vote on this tonight. He stated the citizens should decide through a referendum.

Commissioner Waxler stated she was not going to make a decision that a prior Commission made. She too recommended holding a referendum.

Mayor Hutchinson stated she would like to see a referendum to allow the citizens to make that choice.

Vice Mayor Krauskopf stated he would like to reiterate hi previous comments and his motion stands, to direct staff to not add fluoride.

1:56:18 ~ 1/8/2007 7:22:22 PM

MOTION: COMMISSIONER WAXLER: MOVED APPROVAL TO MOVE THIS A VOTE IN THE FORM OF A REFERENDUM.

SECOND: COMMISSIONER CHRISTIE

AMENDED MOTION: COMMISSIONER WAXLER: AMEND THE MOTION TO : HOLDING OFF ON THE FLUORIDATION THE CITY'S WATER UNTIL THE OUTCOME OF THE GENERAL ELECTION REFERENDUM IN THE GENERAL ELECTION OF NOVEMBER 2007.

AMENDED SECOND: COMMISSIONER CHRISTIE

Vice Mayor Krauskopf requested the City Manager bring back information regarding the case of interconnects with Martin County and how the fluoridation would effect this.

Mr. Hudson agreed to look into that situation.

ROLL CALL

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

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

2:01:01 ~ 1/8/2007 7:31:36 PM

**APPROVAL OF AGENDA**

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL OF AGENDA AS AMENDED  
SECOND: COMMISSIONER CHRISTIE  
MOTION APPROVED UNANIMOUSLY

2:01:20 ~ 1/8/2007 7:31:56 PM

**CONSENT CALENDAR**

1. Request to approve **MINUTES** from **REGULAR COMMISSION MEETING** November 27, 2006
2. Request to set workshop date on **January 29, 2007 at 9:00 AM** for Discussion regarding the **South Florida Water Management District Alternative Water Supply Grant Funding Program for 2007**
3. **RESOLUTION 01-07** Request approval to accept an easement from **Woodlawn Park, LLC** of approximately **941 Square feet** at the Northwest corner of **Martin Luther King Jr. Blvd. & Dixie Hwy.** to allow for pedestrian and roadway improvements associated with the **MLK Jr. & Dixie Hwy. Intersection/CDBG Improvement Project**
4. **RESOLUTION 02-07** Request to set **Public Hearing Date** for **January 22, 2007** for the proposal to abandon a portion of **SE Fisher Street** east of **SE Commerce Ave.** to the **FEC Railroad** in order to facilitate the development of **Thies Beer**
5. **RESOLUTION 03-07** Requesting authorization for a **Budget Amendment** to the **2006-2007 annual general fund operating budget** for the expenditure of **\$25,000** as a contribution to the **Martin County Pineapple Park Expansion Program**
- 5A. **RESOLUTION 03A-07** Authorizing approval of the **Contribution of Recreation Impact Fees** in the amount of **\$25,000** to the **Martin County Pineapple Park Expansion Program**
6. **RESOLUTION 04-07** Requesting authorization for a **budget amendment** to the **2006-2007 annual general fund operating budget** of the **City of Stuart** for the expenditure of **\$13,390.50** for the purchase of the **Crossmatch Live Scan Device**
- 6A. **RESOLUTION 04A-07** Authorizing approval for the purchase of a **Crossmatch Live Scan device** from **Crossmatch Technologies Inc.** in the amount of **\$13,390.50**

7. **RESOLUTION 05-07 Requesting authorization to Award ITB #2007-198, CDBG East Stuart Commercial Area Improvements to the lowest, most responsive bidder, Sunshine Land Design Inc. in the total base bid amount of \$1,687,585.86 contingent upon DCA approval and CRA approval of budget amendment**
8. **RESOLUTION 06-07 Requesting authorization to approve a Minor Amendment to the Kingsport RPUD Agreement Minor PUD Amendment providing for a revised timetable for development (QUASI-JUDICIAL)**
9. **RESOLUTION 07-07 Requesting authorization to approve a Minor Amendment to the Villagio RPUD Agreement Minor PUD Amendment providing for a revised timetable for development (QUASI-JUDICIAL)**
10. **RESOLUTION 08-07 Requesting authorization for the use of facsimile signatures on checks issued by the City**

Clerk's Note Item 11 was heard under Discussion & Deliberation

11. **Request for review and approval of draft "Request for Lease Proposal (RFP) package for a City-owned parcel at the northeast corner of Kanner Highway and Monterey Road (Property is currently the site of a 7-Eleven convenience store)**

2:01:20 ~ 1/8/2007 7:31:56 PM

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL OF THE CONSENT AGENDA  
ITEMS 1-10

Mr. Hudson read comments from Commissioner Mortell:

Item 2 He is available for that.

Item 3, On projects like this can we have a chart where it is on the CIP or how it would impact the CIP priorities.

Item 5: He expressed concern on item 5. Commissioner Mortell quoted:  
"Before we obligate the City for this \$25,000.00 obligation should we wait until after the joint meeting with the County and School Board to see if they are going to participate in the new track on 10<sup>th</sup> Street?"

Mr. Hudson stated that item is not on the joint meeting agenda at this time so, ....

Vice Mayor Krauskopf asked if we could add his concern and pull this item for that.

Mr. Hudson said we could because we don't have all the information needed.

Commissioner Waxler stated she supported pulling the item.

AMENDED MOTION VICE MAYOR KRAUSKOPF: MOVED APPROVAL TO DEFER ITEMS 5 & 5A TO THE DISCUSS WITH THE CITY/COUNTY/SCHOOL BOARD MEETING AND THEN TO PASS THE BALANCE OF THE CONSENT CALENDAR THROUGH 10 AND AMEND ITEMS 8-9.

SECOND: COMMISSIONER CHRISTIE  
ROLL CALL

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

### QUASI-JUDICIAL HEARINGS

### FIRST READING OF ORDINANCES

**12. ORDINANCE 2088-06 (First Reading) Requesting approval to Annex 3.8 acres owned by Baker Shoppes, LLC and Baker Shoppes 2 LLC, 1400 NW Federal Highway. Amending the Comprehensive Land Use Plan to Commercial pursuant to the Small Scale Comprehensive Land Use Amendment( QUASI- JUDICIAL)**

2:05:11 ~ 1/8/2007 7:35:46 PM

Kevin Freeman gave a brief overview of the proposed project. He stated the applicant has requested the CPUD element come back as a separate item, at a later date. Staff has no objection to this request.

Brad Curry, Land Design South came forward and gave a brief overview of the proposed project.

Mr. Hudson read a comment from Commissioner Mortell: "Can removal of the billboard be a condition of the annexation development?"

Mr. Curry stated his client was not present but believed the billboard would be removed prior to development anyway.

Vice Mayor Krauskopf expressed two concerns when the site plans come in are the right of way of the turning radius and drainage. Particularly, because that area has a history of flooding.

Mayor Hutchinson stated she would not support this annexation. She felt that this would be an easy way to develop this property if annexed into the City.

MOTION COMMISSIONER CHRISTIE : MOVED APPROVAL OF ORDINANCE 2088-07 ON FIRST READING.

SECOND: VICE MAYOR KRAUSKOPF WITH THE UNDERSTANDING THE APPLICANT WILL CONTACT THE NEIGHBORS TO THE SOUTH OF THE PROPOSED ANNEXATION BEFORE SECOND READING. AND THE APPLICANT WILL REMOVE THE BILLBORAD PRIOR TO ANNEXATION.

ROLL CALL

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

2:23:19 ~ 1/8/2007 7:53:54 PM

**ORD. 2094-06 AND 2095-06 CONTINUED TO THE JANUARY 22, 2007 COMMISSION MEETING**

**13. ORDINANCE 2094-06 (First Reading) Requesting to approve a Master/File Site Plan for Avonlea Residential Planned Unit Development (Avonlea Point and West Village and to amend and extend the development schedule. Intersection of Cardinal Way and SR 707, Avonlea Development Corporation (QUASI-JUDICIAL)**

**14. ORDINANCE 2095-06 (First Reading) Requesting to consider a Rezoning to Commercial Planned Unit Development of +/- 53 acres and to approve a Master/Final Site Plan, a Development Schedule and compliance with the Site Design Qualitative Development Standards. NE side of NE Wright Boulevard and NE Federal Hwy, includes City owned Flag lot. Harbour Walk Preserve (QUASI-JUDICIAL)**

MOTION: COMMISSIONER CHRISTIE: MOVED APPROVAL TO CONTINUE ORDINANCE 2094-06 AND 2095-06 TO JANUARY 22, 2007.

SECOND: COMMISSIONER WAXLER  
MOTION APPROVED UNANIMOUSLY

2:23:24 ~ 1/8/2007 7:53:59 PM

**15. ORDINANCE 2097-07 (First Reading) Requesting to amend the Code of Ordinances at Chapter 38, Environment, by adding Comprehensive Noise Regulations; Amending various provisions of the Land Development Code to implement said noise regulations (QUASI-JUDICIAL)**

Attorney Nicoletti presented a letter to the City Commission and rendered it into the record with the City Clerk. Attorney Nicoletti stated the letter from Kim Ballard who expressed concern over the Monkey King Restaurant and difficulty with enforcement of the noise ordinance.

MOTION COMMISSIONER WAXLER: MOVED APPROVAL OF ORDINANCE 2097-07 ON FIRST READING.

SECOND: COMMISSIONER CHRISTIE  
ROLL CALL

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

**SECOND READING OF ORDINANCES**

2:31:47 ~ 1/8/2007 8:02:22 PM

**16. ORDINANCE 2086-06 07 ( Second Reading) to consider a Major Amendment to the Stuart Centre Commercial CPUD to approve a Master Site Plan, Compliance with the Site Design Qualitative Development Design Standards and a list of Development Conditions. Property Location 2419 & 2423 SE Federal Hwy. (QUASI-JUDICIAL)**

MOTION COMMISSIONER WAXLER: MOVED APPROVAL OF ORDINANCE 2086-07 ON SECOND READING.

SECOND: VICE MAYOR KRAUSKOPF

ROLL CALL

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

***ORD. 2087-06 CONTINUED TO THE JANUARY 22, 2007 MEETING***

2:33:02 ~ 1/8/2007 8:03:37 PM

**17. ORDINANCE 2087-06 (Second Reading) to consider a Major PUD Amendment to Ord. 1527-97, to approve a Master Site Plan consisting of 121,672 square feet of warehouse/office space, Master/Final Site Plan approval, and compliance with the Site Design Qualitative Development Design Standards. Property located on the east side of SE Commerce Ave. Thies Beer Distributorship CPUD (QUASI-JUDICIAL)**

MOTION: COMMISSIONER WAXLER: MOVED APPROVAL TO CONTINUE ORDINANCE 2087-06 TO JANUARY 22, 2007.

SECOND: VICE MAYOR KRAUSKOPF

MOTION APPROVED UNANIMOUSLY

2:33:29 ~ 1/8/2007 8:04:04 PM

**DISCUSSION & DELIBERATION**

Clerk's Note Item 11 was heard at this time.

**11. Reuest for review and approval of draft "Request for Lease Proposal (RFP) package for a City-owned parcel at the northeast corner of Kanner Highway and Monterey Road (Property is currently the site of a 7-Eleven convenience store)**

Commissioner Krauskopf stated he would like to keep an option for signage at this location and not close the idea. "I believe it has value, as we move through the negotiation process." He requested the Attorney research and maybe solicit the concepts of the value that the City could receive for instituting non- compete clauses."

Jim Baugher, Representing 7-11 came forward and stated it was the desire to remain tenants at their current location. He stated 7-11 was in good faith negotiations when they suddenly stopped last week. He requested they have the opportunity to resume negotiations with the City.

Anita Wetherhold, Representing the 7-11 Corporation came forward to answer any questions the City may have.

Commissioner Waxler asked why the negotiations have stopped.

Mr. Hudson stated the property has much more value then the 7-11 tenant was offering.

Terry O'Neil stated he has communicated with Ms Wetherhold what the competitive market holds.

Mayor Hutchinson stated the City's purpose is to look at the best interest of the citizens and that by going out for RFP, 7-11 is more then welcome to apply like everyone else can. She stated she did not have a problem putting it off for a couple of weeks until the 22<sup>nd</sup> but at that point if it is at impasse then we are going for RFP for the best interest of the City, because it is a prime piece of property for the City. .

Commissioner Waxler stated the City was at the bottom line and she would put it off for two weeks. She informed Ms. Wetherhold where the City stands and she appreciated the long term relationship with 7-11.

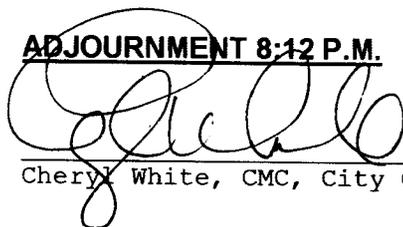
Terry O' Neil announced an error in the RFP on page 10. Struck language of Gasoline and motor fuel stations from the list of permitted uses and obviously we want that to be included. Please disregard that struck language, we will put that back in.

MOTION: COMMISSIONER WAXLER: MOVED APPROVAL TO CONTINUE DISCUSSION OF RFP TO JANUARY 22, 2007.

Vice Mayor Krauskopf requested leaving open the option for signs, and also explore the value of non-compete clauses, as part of the negotiation process.

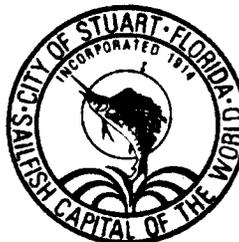
SECOND: VICE MAYOR KRAUSKOPF  
MOTION APPROVED UNANIMOUSLY

**ADJOURNMENT 8:12 P.M.**

  
Cheryl White, CMC, City Clerk

  
Mary L. Hutchinson, Mayor

Minutes approved at the Regular Commission Meeting This 26th Day February 2007



**Cheryl A. White**  
City Clerk page 9 of 9