

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON APRIL 14, 2008
AT 5:30 P.M. IN THE CITY COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994**

Roll call was answered by:

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

Also present were:

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

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

PRESENTATIONS

- A. PROCLAMATION: PROCLAIMING THE WEEK OF MAY 18 THROUGH MAY 24, 2008 AS NATIONAL PUBLIC WORKS WEEK, Sam Amerson, Public Works Director.**

Carmen Capezzuto came forward and graciously accepted the proclamation and thanked the City Commission.

- B. PROCLAMATION; PROCLAIMING THE MONTH OF APRIL AS "CHILD ABUSE PREVENTION MONTH", Cliff Whitehall, CEO of Hibiscus Children's Center.**

A representative came forward and graciously accepted the proclamation on behalf of the Hibiscus Children's Center.

- C. PROCLAMATION: PROCLAIMING MAY 3, 2008 AS KEEP MARTIN BEAUTIFUL GREAT AMERICAN CLEANUP AND CLEANUPALOOZA DAY, Jeff Sabin, President of Keep Martin Beautiful.**

Jeff Sabin came forward and graciously accepted the proclamation and thanked the City Commission.

- D. PROCLAMATION: PROCLAIMING THE WEEK OF APRIL 13 THROUGH 19, 2008 AS NATIONAL CRIME VICTIMS' WEEK, Cheryl Kirby, Representative**

Cheryl Kirby came forward and graciously accepted the proclamation and thanked the City Commission. She stated they were anxious to break ground at the Memorial Garden and Gazebo Park on April 18, 2008 at 6:00 p.m.

COMMENTS BY CITY COMMISSIONERS

Commissioner Mortell stated he would not be prepared to discuss the Environmental Preservation Ordinance until he receives an inventory of residential and commercial land which he requested some weeks ago.

Vice Mayor Christie thanked Sam Amerson and Dave Peters for the presentation to the Treasure Coast Elected Officials on Sammy Sailfish and the City's recycling program. He also noted he and his family had a great time at the recent City Picnic.

Commissioner Hutchinson noted a couple of newspaper articles regarding the City/County merger of fire rescues services and said the City has not commented on the merger as information because they have not yet discussed any plans at this point. She also noted that during these economic times the City needs to look at a more balanced economy and asked the Commission to approve having Ron Bunch of the Business Development Board to make a presentation to the City regarding business opportunities and jobs for the area. .

The City Commission agreed.

Mayor Krauskopf suggested inviting Don Pickard of the Martin County Taxpayers Association to also make a presentation to the Commission regarding as well.

Mayor Krauskopf said he has received e-mails concerning closing of the driving range and he referred them to other driving ranges in the area.

COMMENTS BY CITY MANAGER AND REVIEW OF TENTATIVE AGENDA

City Manager Hudson noted pending items listed on the agenda:

Vilabella Compliance : Villa Bella is in compliance and the POA is maintaining the property. He stated he has asked the Development Director to draft a memo for his signature to the Commission.

Fiscal Policy on Investments : The Financial Services Director met with the new advisory and would be coming back to the Commission at it's next regular meeting with a discussion on what can be done in the shorter while the policy is being refined.

Road Closure of Lake Street : Informal communication came from the School Board that they are putting this request on hold at this time. He stated he would be transmitting a letter to them outlining the procedure for any future request.

City Manage Hudson said a memo would be forthcoming on the intent to discontinue the golf driving range operations effective April 30.

He noted the following items for tonight's agenda:

Item #1 Carolina Canal Project be pulled for discussion.

Item # 10a will be added to the agenda to appoint Mark Robeteal to the Business Development Board.

STAFF REPORT ON COMMENTS FROM PREVIOUS COMMISSION MEETING

- | | |
|--------------------------------|-------------------------|
| • Vilabella Compliance | Magistrate Order 8/9/07 |
| • Fiscal Policy on Investments | Pending |
| • Road Closure of Lake Street | Letter to School Board |

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

Joan Hart came forward and stated the sprinkler heads in the Flagler Park shoot out into the river and are wasting hundreds of gallons of water. She also stated the flag flying at the Flagler Recreation Center is un-lit and requires a light on the flag after sunset.

Bernie Malone 803 Central Parkway came forward and requested that the public speaking tonight on the proposed public hearing.

APPROVAL OF AGENDA

MOTION: COMMISSIONER MORTELL; MOVED APPROVAL OF THE TENTATIVE AGENDA , PULLING ITEM #1 FOR SEPARATE DISCUSSION AND ADDING ITEM 10A AS AMENDED

SECOND: COMMISSIONER HUTCHINSON
MOTION APPROVED UNANIMOUSLY

CONSENT CALENDAR

Item #1 was heard after 10a.

- 1. Authorization for Option 1. Reject all bids received pursuant to ITB #2008-229m Dredging Project, Carolina Canal. Concurrently repeal special Assessment and authorize repayment of assessments collected to date. Option 2. Reject all bids, authorize staff to re-bid the project with a revised scope of work**

- 2. RESOLUTION 29-08 Authorizing the negotiation of a contract with B&M Construction Company to provide/install above ground fuel storage tanks systems and removal of existing underground fuel dispensing system per the unit prices in the agreement in an amount not to exceed \$350,000.00**
- 3. RESOLUTION 30-08 Authorization to execute an application for financial assistance from the Florida Inland Navigation District Waterways Assistance Program to construct Phase III of the Downtown courtesy dock improvements and river walk enhancements**
- 4. RESOLUTION 31-08 Authorization to adopt the February 2008 Water and Sewer Standard Specifications and Standard Detailed Drawings last updated in 2001**
- 5. RESOLUTION 34-08 Authorization to approve a letter agreement between the City and Thomas Baird P.A. to act as Special Master in a proceeding involving the City of Stuart and Stuart Key Developers LLC initiated by Attorney Nathan Nason of Nason, Yeager Gerson & White**
- 6. RESOLUTION 35-08 Supporting the creation and funding by the Florida Legislature of a successor program to the Florida Forever Land Conservation Program and urging the County Legislative Delegation to vigorously support the creation and increased funding of such a successor program; directing the City Clerk to forward a copy of this resolution to the President of the Florida Senate, the Speaker of the Florida House of Representatives, Governor Charlie Crist, and the members of the County Legislative Delegation**
- 7. RESOLUTION 36-08 Authorization to execute a Utility Service Agreement with Harborage Cottages, Stuart LLLP to provide water and sewer infrastructure to serve the Harborage Development in accordance with the City's specifications for the total amount of \$528,688.00**
- 8. RESOLUTION 37-08 Authorization to adopt the ten-year water supply facilities work plan in accordance with the July 15, 2005 changes to Chapter 163 and 373 of the Florida Statutes**
- 9. RESOLUTION 38-08 Authorizing the execution of a Ground Lease with the "Road to Victory Military Museum, Inc." a not for profit corporation and I.R.S. Section 5019(c)(3) educational organization for a portion of Memorial Park Land and a bill of sale for the building (formerly the American Legion Building) located at 319 Stypmann Boulevard**

10. RESOLUTION 39-08 Authorization to approve a budget amendment to the 2007-2008 annual general fund operating budget for appropriation and expenditure of \$35,000 for outside Legal Counsel

Added 10A

MOTION: VICE MAYOR CHRISTIE: MOVED APPROVAL OF THE CONSENT AGENDA
ITEMS 2-10A

SECOND: COMMISSIONER HUTCHINSON

ROLL CALL

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

Item #1 was heard at this time.

- 1. Authorization for Option 1. Reject all bids received pursuant to ITB #2008-229m Dredging Project, Carolina Canal. Concurrently repeal special Assessment and authorize repayment of assessments collected to date. Option 2. Reject all bids, authorize staff to re-bid the project with a revised scope of work**

Sam Amerson, Public Works Director, explained to the Commission and public that the City approved a special assessment for the dredging of the Carolina Canal. The bids were received and came in with the lowest being \$145,000.00. The Special Assessment was capped at \$75,000.00 at the request of the public and approved by the City Commission.

Mayor Krauskopf announced that he had received two notices from residents that were not in favor of doing the project, Bill Davis and Mr. Richardson.

Commissioner Mortell stated if the City even thinks about a new plan then all the owners should be notified and the meeting needs to be held all over again.

William McDowell 512 South Carolina Drive came forward and requested the Commission adopt option #2, and re-submit the bid and re-scope the work.

Thomas Albanese 516 SW South Carolina Drive came forward and expressed concern over the mouth of the canal and felt it was too shallow. He said it was un-navigable on low tide. He requested the Commission choose option 2 on the agenda.

Charles Geary came forward and presented pictures of the canal to the City Commission. He described the pictures and requested the Commission move forward with the dredging project.

The Commission agreed that the City has spent too much time on the project and chose option 1, staff recommendation.

MOTION: COMMISSIONER WAXLER: MOVED APPROVAL TO CHOOSE OPTION 1
STAFF RECOMMENDATION.

SECOND: COMMISSIONER HUTCHINSON

Thomas Albanese came forward and expressed concern that if the project does not get done the permit will expire.

ROLL CALL

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

END OF CONSENT CALENDAR

QUASI-JUDICIAL

11. RESOLUTION 32-08 Authorization to approve a minor site plan proposed by Huizenga Holdings, Inc., Lessee of the property located at 625 SW Anchorage Way, lying in the City of Stuart; in accordance with City of Stuart Resolution 52-06 and Resolution 06-08 "Second Amendment" permitting the approval of a final development site plan including approximately 13,428 total square feet of building area, 175 slip marina and 69 moorings (Quasi-Judicial)

Sworn for item 11 were

Robert Henniger
Alex Muxo Jr.
Thomas Lucido
Steve Garrett
Melissa Corbett
David Decker

Staff

Kev Freeman
Dennis Mrozek

Intervener:

Valerie Jones

Dennis Mrozek Development Department gave a brief presentation to the City Commission for the proposed project.

Robert Henniger, Vice President Huizenga Holdings gave a brief visual presentation to the City Commission regarding the proposed site plan approval. He stated the restaurant is a family casual dining format moderately prices and will feature seafood and steaks. It is open from 11:00-11:00 pm, but can be open until 2:00 a.m.

Attorney Nicoletti asked Mr. Henniger if tenants could remain up to one year.

Mr. Henniger explained that non live- a -boards can not lease more then one year and live a boards 6 months in one year.

Intervener, Valerie Jones came forward and questioned the applicant regarding the proposed site plan. She stated this proposal is not entirely bad but the scope and scale of the proposal "is off the charts". She stated she was here as an Intervener for three reasons; Historical, legal and financial.

Intervener presented into the record a composite view of the scale of the proposed marina and moorings and said it would create a "hazard to passage through the channel".

Key Freeman Development Director asked the intervener to clarify that what she has presented is not the outline of the proposal that we have today.

Valerie Jones stated it was the outline of the proposal today.

Mayor Krauskopf asked if staff has any questions of the Intervener as well as if the Intervener had any further questions.

Valerie Jones stated she did not.

Comments from the Public:

Ron Paradise owner 200 -203- 206- 210 Atlanta Avenue reviewed the site plan and agrees it will be an improvement to the City itself. Possible problems he sees Joan Jefferson & Atlanta asked the city to look at a possible turn lane at the Joan Jefferson Intersection and Atlanta. He asked the City to look at the timing of the light.

Randy Enlow came forward and stated the property was defiantly ripe for development but also expressed concern over the scale of the proposed project.

Gail Byrd Owner of property in the CRA District supports the plan

Michelle Miller, Marine Industry Representative came forward and supports the project.

John Hennessy, Chairman of the Port Salerno NAC Board of Directors. in support of the project.

Armond Pasquale came forward and stated the project was not public use and public property used for private purposes and does not support the proposed project.

John Fox came forward and requested the City manage the cost per slip for a boat.

Mayor Krauskopf called for John Donaldson who was not present.

Susan Thompson Edgewater Villas resident came forward and expressed concern over the size of the proposed site and wanted to be assured the area would remain open to the public.

Steve Leighton came forward and stated he was born and raised in Stuart and requested the City approve project.

Bert Mounts (NOT PRESENT)

Arnesto Valasco resident of Martin County for 28 years and is very much for the project.

Shirley Burson came forward and complimented the City and likes the project. She would like to see the walkway opened to cross the bridge during construction.

April Price came forward she is the Public Relations for Marine Industries of the Treasure Coast. She is in favor of the project and feels the increased in dockage to Stuart will benefit the industry.

Tammy Simino, Economic Council came forward and liked the project

Bob Davis Former Owner of the Jolly Sailor came forward and liked the project.

Avron Rifkin came forward and stated he was for the project.

Vincent Sibilla came forward and expressed concern over the proposed project.

Evelt Wardall expressed concern over the live aboard vessels and requested a small reduction of the density. She also expressed concern over the crosswalk and the safety of the public. She asked about the one dock going out the Fire and Police Boat site and felt it was too small to maneuver the boat in and out.

Mike Braid came forward and looks forward to the project and supports the project.

Jeff Daughtery came forward and felt the project supports economic development. and supports the project.

Helen McBride asked if the property would be leased. She had concern over handicapped parking spaces in the proposed site plan. She also expressed concern over the closing of the Riverwalk at 10:00.

David Collier came forward and stated he started the project as City Manager. He said the project has moved forward as planned. He supports the project.

Larry Don came forward and strongly supports the project.

Peter Murray came forward and thanked the City for the use of property for the sailing club in Stuart Years ago. He requested the City look at having a beach area so that sailboats who drift astray or have problems they have someplace to beach their boats.

George Field requested approval of the project.

City Attorney Nicoletti proposed three added conditions for the approval

ADDED CONDITIONS

#25 "Applicant shall agree to accept and honor the conditions of the agreement between the riparian owners of

Edgewater Villas and other owners and the City. "

#26 "Maintain an open sidewalk on the east side of the property during construction."

#27" Relocate the PD/FD Boat slips some 50 or so feet to the West."

He stated that it is too close to the bulkhead.

Robert Henniger, Huizenga Holdings came forward and stated they would honor the agreement between Edgewater Villas and other owners entered into in 2000. As regards to the open sidewalk he would open the sidewalk as soon as possible. The relocation of the Police and Fire Boats and too agrees to move it to create sufficient turning base and room there for the boats. " Just one other point while I am up, there was some concern by one of the neighbors about walking on the riverwalk and not being able to do that again. I just want to restate for the record, there are no gates on the riverwalk. The gates are all on the docks that go out to where the boats are, and they again will have the operating hours. Again there will be no limited access with regards to the riverwalk or the public promenade."

Commissioner Christie appreciated Valerie Jones information to the Commission and public with regards to the history of the Anchorage and what has happened and what is happening. He stated Stuart is a boating community. He also stated that there has been many hours of public meetings and he cannot think of any other use for the property.

Commissioner Hutchinson announced she would abstain from the project. Her husband has bid on the project for the art on the site.

She agreed that the project will be an added boost for the area. She asked the City to keep an eye on the intersection at Joan Jefferson Way and US1. She also requested the riverwalk remain open.

Carol Waxler does not support the project because she felt the public access was not enough.

Mortell likes the project supports the project and agrees to come forward and accept any changes that the City has tonight and the residents concerns.

Krauskopf feels the project should move forward and appreciated the direction the applicant is moving forward.

Commissioner Hutchinson requested the applicant not use the spaces for employee parking that interfere with the existing business at the end of Flagler Ave.

The applicant agreed.

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF RESOLUTION 32-08 AS PRESENTED WITH THE ADDED CONDITION #25 #26 #27.

SECOND: VICE MAYOR CHRISTIE

ROLL CALL

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

12. RESOLUTION 33-08 Authorization to approve a Revocable Permit for Huizenga Holdings, Inc., Lessee of property located at 625 SW Anchorage Way, permitting the use of public right-of-way for concrete brick pavers at the termination of SE Anchorage Way (Quasi-Judicial)

MOTION: VICE MAYOR CHRISTIE: MOVED APPROVAL OF RESOLUTION 33-08

SECOND: COMMISSIONER MORTELL

ROLL CALL

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

ORDINANCES SECOND READING

13. ORDINANCE 2155-08 (Second Reading) Relating to Residential Docks and Residential Multi-Family Docks and Seawalls, amending Chapter 18 Buildings and Building regulations of the City of Stuart Code of Ordinances by amending Article VIII, Seawalls, Bulkheads and Marine Construction to provide for recognition of riparian rights, the prior requirement of State Permits (Quasi-Judicial)

MOTION: COMMISSIONER CHRISTIE: MOVED APPROVAL ON ORDINANCE 2155-08 ON SECOND READING AS AMENDED TO ADD PIER TO SECTION 18-236

SECOND: COMMISSIONER WAXLER

ROLL CALL

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

14. ORDINANCE 2156-08 (Second Reading) Amending the City Code of Ordinances, Article XI Building Maintenance Code, Sections 18-301 through 18-312 changing the title of Article XI from “Building Maintenance Code” to Property Maintenance Code” (Quasi-Judicial)

MOTION: COMMISSIONER MORTELL; MOVED APPROVAL ON ORDINANCE 2156-08 ON SECOND READING

SECOND: VICE MAYOR CHRISTIE
ROLL CALL

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

15. ORDINANCE 2157-08 (Second Reading) Authorizing approval of a Major Amendment to the Residential Planned Unit Development (RPUD) on the property located on the NW corner of SE Indian Street and SE Aster Lane for an approval of a master site plan providing conditions for development and to establish the “Allegro at Willoughby Residential Planned Unit Development” an adult assisted living facility (Quasi-Judicial)

MOTION: COMMISSIONER MORTELL; MOVED APPROVAL ON ORDINANCE 2157-08 ON SECOND READING

SECOND: COMMISSIONER HUTCHINSON

Murriah Dekle, City Development stated that language changes to the RPUD are as follows; Client must submit a complete application for final site plan no later then March 30, 2009 rater then the development documents. She also stated that #27 strike thru all.

City Attorney Nicoletti and the applicant all agreed.

AMENDED MOTION: COMMISSIONER MORTELL; MOVED APPROVAL ON ORDINANCE 2157-08 ON SECOND READING WITH CHANGES

SECOND: COMMISSIONER HUTCHINSON
ROLL CALL

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

ADJOURNMENT 9:05 PM.

ATTEST:

Cheryl White, CMC, City Clerk

Jeffrey Krauskopf, Mayor

**Minutes approved at the Regular Commission
Meeting This 12TH Day MAY 2008**