

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON APRIL 23, 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 ~ 4/23/2007 5:31:28 PM ~ Start Recording

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

PROCLAMATION

**A. Employee Service Recognition, Arlee Coleman, Public Works
Department, 10 years**

Arlee Coleman came forward and graciously accepted his award and thanked the Commission.

**Employee Service Recognition, Michael Gerwan, Police
Department, 5 years**

Michael Gerwan was unable to attend.

**Employee Service Recognition, Nicholas Testa, Fire Rescue
Department, 5 years**

Nicholas Testa came forward and graciously accepted his award and thanked the Commission.

**B. Employee"s" of the Month
Vince Felicione, Leroy Ehret, Johnathan Huneycutt Stuart Fire Rescue
and Philip Lagalo, Stuart Police Department**

Fire Chief Sunderman introduced the employees and presented them as employees of the Month, for their heroic efforts in saving a young boys life.

All employees came forward and graciously accepted their awards and thanked the Commission.

C. PROCLAMATION: Proclaiming the Week of April 29 through May 5, 2007 as LAW WEEK

Attorney Nicoletti read the Proclamation and graciously accepted the Proclamation on behalf of the Bar Association.

D. PROCLAMATION: Proclaiming the week of April 29 through May 5, 2007 as MUNICIPAL CLERKS WEEK, Cheryl White, City Clerk

City Clerk Cheryl White graciously accepted the Proclamation on behalf of the International Association of City Clerks.

COMMENTS BY CITY COMMISSIONERS

Mayor Hutchinson announced on May 6, 2007 the Riverwalk Jazz Series will she will be unable to attend. Commissioner Christie stated he would be in attendance.

Commissioner Christie stated the Treasure Coast Council of Local Governments viewed a presentation by Kev Freeman regarding the Urban Code, and stated it was well received and complimented by all.

COMMENTS BY CITY MANAGER AND REVIEW OF TENTATIVE AGENDA

Mr. Hudson stated that Martin County has requested a City Commissioner to participate in three way discussions regarding the coordination of regional utilities. The participants would be the Manager and one elected official from the City, Martin County and the Town of Jupiter Island. He suggested Vice Mayor Krauskopf serve.

**MOTION: COMMISSIONER MORTELL: MOVED APPROVAL TO NOMINATE VICE MAYOR
KRAUSKOPF**

**SECOND: COMMISSIONER CHRISTIE
MOTION APPROVED UNANIMOUSLY**

Mr. Hudson also stated that his has been the City's history to advertise in the Conference addition to the Quality Cities magazine hosted by the Florida League of Cities Conference, in the amount of \$700.00 for ¼ page ad. He requested the City's direction in continuing this sponsorship.

The Commission agreed to not advertise this year.

He also reminded the Commission that he distributed annexation maps for the Commissions review and feedback to the City Manager by May 1, 2007. He also requested pulling item 3 from Consent Calendar to be heard in conjunction with item 11 because the two items are related. He also requested item 13 be heard prior to item 12.

Commissioner Mortell requested the City include on the agenda, a line that reads, status of pending matters.

Commissioner Waxler requested that items 6 & 7 be pulled from Consent for separate discussion.

STAFF REPORT ON COMMENTS FROM PREVIOUS COMMISSION MEETING

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

APPROVAL OF AGENDA

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

CONSENT CALENDAR

1. Request to set a public hearing date of May 14, 2007 to consider a rezoning from R-3 Multifamily residential to a Mixed Use Planned Unit Development, Palm Point, Palm Beach Road
2. RESOLUTION 63-07 Authorization to approve a Revocable Permit for HHR, LLC 945 S.E. Bahama Avenue permitting the use of Public Right-of-Way for two on-street parking spaces along S.E. Bahama Avenue
3. RESOLUTION 64-07 Authorization to approve a Revocable Permit Application dated December 11, 2006 to 600 E. Ocean Blvd. permitting the use of Public Right-of-Way. The proposed improvements include 3 on street parking spaces on 5th Street, landscaped islands, brick paver driveways and improve a 10' alley adjacent to parcel B with a layer of asphalt
4. RESOLUTION 65-07 Authorization to approve a budget amendment to the 2006-2007 annual tree replacement fund operating budget for \$90,000 to fund the design, planting materials and irrigation for the Parkside Village Workforce Housing Project (\$50,000) and funding for the design, project oversight and planting materials for the Dixie Highway Landscaping project (\$40,000)
5. RESOLUTION 67-07 Authorization to renew agreements with Inter-Tel Leasing, Inc. and Inter-Tel Technologies, Inc. to provide telephone equipment and service for a period of sixty (60) months and execute contracts upon review by the City Attorney

6. **RESOLUTION 68-07 Authorization for a budget amendment to the 2006-2007 annual general fund and property management fund for an expenditure of \$20,000 to provide funding for operations of the City Golf Range Facility for the 90 day period commencing March 26th 2007**
7. **RESOLUTION 69-07 Authorization for a budget amendment to the 2006-2007 annual general fund operating budget for an expenditure of \$1,000 to fund a donation to the Florida Police Accreditation Coalition, Inc.**
8. **RESOLUTION 70-07 Authorization to execute a Utility Agreement between the City of Stuart and WMD Stuart North, LLC to provide water and sewer services to the Stuart Center North Shopping Center located at the intersection of US 1 and Monterey Road**
9. **REQUEST TO CONTINUE (1ST TIME) SECOND READING OF ORDINANCE 2104-07 TO THE MEETING OF MAY 14, 2007.**

ORDINANCE 2104-07 Authorization to consider a Mayor Amendment to the Commercial Planned Unit Development Publix at the NE corner of NW Federal & NW Baker Road (QUASI-JUDICIAL).

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL OF THE CONSENT CALENDAR, EXCLUDING ITEMS 3,6 & 7
SECOND: COMMISSIONER CHRISTIE
ROLL CALL
MAYOR HUTCHINSON YES COMMISSIONER CHRISTIE YES
VICE MAYOR KRAUSKOPF YES COMMISSIONER WAXLER YES
COMMISSIONER MORTELL YES

Item 6 and 7 were heard here.

6. **RESOLUTION 68-07 Authorization for a budget amendment to the 2006- 2007 annual general fund and property management fund for an expenditure of \$20,000 to provide funding for operations of the City Golf Range Facility for the 90 day period commencing March 26th 2007**

Commissioner Waxler expressed concern over the expenditures involved in subsidizing the golf course going into a slow time for this type of business. She asked if it makes good business sense to spend \$20,000.00 to break even.

Vice Mayor Krauskopf asked if this item would be executive session material due to the current litigation involving the property.

City Manager Hudson clarified the already approved expenditures were, the purchase of assets, for \$11,000.00 and the remaining \$9,000.00 were one time improvements to bring the property up to safety and ADA standards to a minimum passable level.

Attorney Nicoletti agreed that item 6 may need to be discussed as part of an Attorney Client Session. He recommended scheduling the session on April 30, 2007 at 8:30 a.m.

The Commission agreed.

7. RESOLUTION 69-07 Authorization for a budget amendment to the 2006-2007 annual general fund operating budget for an expenditure of \$1,000 to fund a donation to the Florida Police Accreditation Coalition, Inc.

Commissioner Waxler stated she would not support this item.

MOTION: COMMISSIONER CHRISTIE: MOVED APPROVAL OF RESOLUTION 69-07
SECOND: COMMISSIONER MORTELL

ROLL CALL

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

FIRST READING OF ORDINANCES

10. ORDINANCE 2106-07 (First Reading) Authorization to approve a Commercial Planned Unit Development providing a land use designation of Commercial for a Professional and Medical Office Center on a 4.88 acre parcel of land on the North Side of SE Central Parkway, Towne Center Professional Center, LLC (QUASI-JUDICIAL)

Sworn: William Mathers, 1230 Parakeet Lane, Stuart, Fl.

Kevin Freeman gave a brief presentation to the Commission regarding the proposed project.

Helen McBride came forward and suggested adding more handicap parking spaces and felt they would be needed for the proposed medical building.

Commissioner Mortell agreed that medical office buildings need more parking than public and private parking and a "wider swing" would be needed to accommodate senior drivers.

Commissioner Christie asked, "Were the neighbors notified of this project, and are there any issues that would impact them?"

Mr. Mathers stated that they had met with adjacent neighbors and have resolved any issues they might have. The developer had agreed to contribute to the lighting plan.

Commissioner Waxler wanted to be sure there is enough landscaping and it would be maintained by the applicant. She also expressed concern over the close proximity of the fence to the pool located on the adjacent property. She requested the landscaping be increased near the pool.

Mr. Mathers stated he had already received input from Town Park who indicated where they would like the landscaping and fencing.

Kev Freeman stated there has been substantial meetings with Town Park Property Owners Association who ultimately they defined the line of the fence. He stated that issue would be reinvestigated.

Vice Mayor Krauskopf requested curb gutter & sidewalk on the proposed project. He stated he would like to see the issues addressed on the second reading of this ordinance.

Mayor Hutchinson asked about the wall whether it was wood or masonry.

Mr. Mathers stated it would be masonry.

Mayor Hutchinson requested the word wood be removed. She also requested that the project include right turning lane going into the project and also a turn lane off of Central Parkway, if people are taking a left at one of those two entrances.

Mr. Mathers stated he would come back at final reading with those changes.

Vice Mayor Krauskopf requested curb gutter & sidewalk on the proposed project. He stated he would like to see the issues addressed before second reading of the ordinance.

Commissioner Mortell requested a larger map that include the Willoughby extension proposal that will tie in too, just so I can see how that is going to play into it.

Kev Freeman agreed to provide that.

**MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL OF ORDINANCE 2106-07
ON FIRST READING WITH THE COMMENTS ADDRESSED HERE AND BE
BROUGHT BACK AT SECOND READING.
SECOND: COMMISSIONER MORTELL**

Mayor Hutchinson requested the applicant look into additional dumpsters for the site.

Mr. Mathers stated he would address that at second reading.

ROLL CALL

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

SECOND READING OF ORDINANCES

11. ORDINANCE 2100-07 (Second Reading) Authorization to approve a rezoning from Multi-Family Office (R-3) and Two Family (R-2) to Residential Planned Unit Development for 600 building located on the South side of SE Ocean Boulevard and SW 5th Street (QUASI-JUDICIAL)

Sworn: Monica Graziani, Captec Engineering.

Kev Freeman stated that at first reading this item was approved subject to on-street parking being addressed. He stated the applicant met with the School Board and the packet shows removal of any on-street parking. The application is now in compliance and staff recommends approval.

Monica Graziani of CAPTEC Engineering representing the applicant came forward and verified that on-street parking had been removed.

Armand Pasquale came forward and noted that CAPTEC is under contract with the City and stated he sees a conflict of interest here.

Attorney Nicoletti did not see a conflict.

Commissioner Mortell said if we denied a City consultant to have other work we would be hard pressed to find quality work.

Vice Mayor Krauskopf stated he understood Pasquale's point but he has found CAPTEC to be "pretty rigorous" of the City requirements and supportive of City Codes.

Commissioner Waxler asked to be walked through the School Board situation again.

Monica Graziani submitted a record of her meetings with the School Board and was told that the curb along High School Avenue can remain where it is today.

The Commission agreed that the street would be better if there was no on street parking.

Commissioner Waxler referred to Item #3 and said asking for revocable license for 3 parking slots which mean that if the City so chooses we can revoke that license, but without those three spots they still have enough on site parking for the development.

Kev Freeman: Yes.

Monica Graziani: The parking meets the code for residential units.

Commissioner Waxler: I want to make sure it's clear that as a Commission by authorizing a revocable permit for three parking spaces we are not enabling this particular project to happen but for these three it would not happen. It has enough parking to maintain the four corners of the site plan.

Monica Graziani: You are absolutely correct.

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL OF ORDINANCE 2100.07
ON SECOND READING

SECOND: COMMISSIONER WAXLER

ROLL CALL

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

- 3. RESOLUTION 64-07 Authorization to approve a Revocable Permit Application dated December 11, 2006 to 600 E. Ocean Blvd. permitting the use of Public Right-of-Way. The proposed improvements include 3 on street parking spaces on 5th Street, landscaped islands, brick pavers driveways and improve a 10' alley adjacent to parcel B with a layer of asphalt**

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF RESOLUTION 64-07

SECOND: VICE MAYOR KRAUSKOPF

ROLL CALL

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

DISCUSSION & DELIBERATION

13. To consider the proposed amendment to the Land Development Regulations concerning Pole Signs

Pinal Gandhi-Savdas gave a brief overview of the proposed amendment prohibiting pole signs in Stuart and providing amortization of the existing pole signs.

Commissioner Waxler stated the two areas within the City, meaning the CRA and the rest of the City need to mirror each other, so the City does not have a problem.

Attorney Nicoletti said at some point the two ordinances may be merged in the recodification process.

Vice Mayor Krauskopf said we need to be very clear and must be sent to the sign companies. He said there would be a large amount of people who would speak on behalf of the amortization of signs. "I think any benefit you can get from the 1980-1981 sign Ordinance that was to be done by 1991. He requested the City review the process so we can learn from that exercise.

The ability to properly analyze the amortization is going to be a very important issue. He also requested scheduled notifications to all parties involved with compliance to the code so the people cannot say they did not know about it at the last minute.

Commissioner Mortell said he had been contacted by attorney David Earle representing his father-in-law who owns the Gibson parcel and expressed concern that the City would prohibit private property owners from receiving profit from having signs placed on their property. He stated we need to look at sunset provisions on the two existing pole signs.

Attorney Nicoletti stated that bill boards and pole signs are different and the license agreements do expire.

Commissioner Waxler expressed concern over the Lamar agreements, and said the City look at ways to get money but License Agreement with Lamar is not worth it.

There was continuing discussion on the Lamar settlement.

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL TO HAVE STAFF
BRING BACK AN AGENDA ITEM TO READDRESS THE LAMAR
SETTLEMENT AGREEMENT TO THE NEXT CONVENIENT COMMISSION
MEETING (DUE TO THE ABSENCE OF ATTORNEY NICOLETTI)
SECOND: COMMISSIONER WAXLER

Commissioner Waxler would like the City Manager to provide the Commission additional options.

Commissioner Christie said he was not part of the original agreement but his decision was based on the fact that signs on City property would be 10 feet shorter and have diffused lighting as well as produce revenue for the City. He stood by his vote.

Vice Mayor Krauskopf agreed with Commissioner Christie and also stood by his vote.

ROLL CALL

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

Back to the discussion on Item #13,

Commissioner Waxler said she now thought Vice Mayor Krauskopf had a valid point and would like staff to come back with clarification on phasing.

Commissioner Mortell did not like telling everyone but the City to take down signs.

12. Update on East Ocean Government Center

City Manager Hudson gave a brief overview and update regarding the East Ocean Government Center. The three entities have all agreed to hire a planning consultant to map out those areas that can be redeveloped excluding the wastewater plant, water tower as part of the plan. He suggested the City authorize expenditure of \$10,000.00 toward the planning consultant

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL THE EXPENDITURE OF \$10,000.00 TOWARD A PLANNING CONSULTANT.
SECOND: COMMISSIONER CHRISTIE

Helen McBride expressed concern over the School Board contribution to the project.

ITEM 13 HEARD EARLIER:

13. To consider the proposed amendment to the Land Development Regulations concerning Pole Signs

14. Program Cost Estimate dated April 4, 2007 for relocating the City's Garage Complex

Sam Amerson gave a brief presentation to the Commission regarding the garage complex relocation. He stated a site has not been determined yet but it has been determined the cost would be around \$5 million dollars to relocate the facility. He requested direction from the Commission regarding moving forward with the purchase of new metal buildings as well as replacement of the fuel system.

Mayor Hutchinson asked if once up the metal buildings could be disassembled and moved.

Sam Amerson stated they could. The new site would require concrete foundations to place the buildings of course.

Dan Hudson recommended proceeding in the direction with the budgeted items, the buildings and new fuel system. "That would be my suggestion."

Commissioner Mortell suggested moving forward with the steel buildings but holding off on the fuel system.

Commissioner Christie stated that the 2003 East Stuart Charette, one of the things that was on the priority list was removing the City Garage. He stated if there was any way that the City can come up with while we are redoing MLK to hide it. Some landscaping or put something that will not take away from the neighborhood if redeveloped.

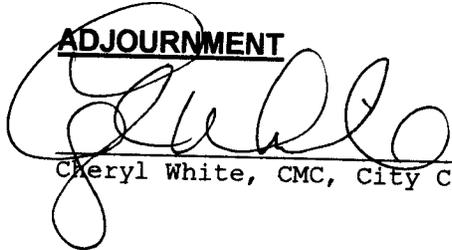
Mayor Hutchinson stated the City should move forward with a planner to look at that area and work through that process so we can address these issues. I think the best thing we can do for East Stuart is to move that garage. I think we should move forward with the process and some of our questions might be answered.

Sam Amerson wanted to clarify the decision made by the Commission;
Move forward with the assembly of the metal buildings but wait on the fuel system until the City has had further discussion with Martin County.

The Commission concurred.

2:30:10 ~ 4/23/2007 8:01:33 PM ~ Stop Recording

ADJOURNMENT


Cheryl White, CMC, City Clerk


Mary L. Hutchinson, Mayor

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