

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON JANUARY 28, 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. Presentation by Fred Burkey on Best Management Practices Program

Mr. Fred Burkey, IFAS, Florida Yards and Neighborhoods program presented a plaque to the Mayor Krauskopf the City of Stuart and Milton Leggett in recognition of their cooperation and support of the Best Management Practices. Program protecting Florida's resources 2007.

B. Employee of the Month:

Jeanine Typner, City Manager's Office

Jeanine Typner came forward and graciously accepted her award and thanked the City.

C. Employee of the Year 2007 and Employee of the Year Runner-up 2007

Employee of the Year Runner-up, Mary Kindel. Mary came forward and graciously accepted her award.

Employee of the Year, Jeffrey Montpetit, Jeff came forward and graciously accepted his award and thanked the Commission.

COMMENTS BY CITY COMMISSIONERS

Commissioner Waxler mentioned an article in the newspaper written by Joe Crankshaw regarding the history of Fluoride in the City of Stuart. She stated that it reinforced her decision to put this as a referendum item on the ballot to the citizens.

Vice Mayor Christie thanked all who participated in the Martin Luther King Jr. Parade. He especially thanked the City for making the event possible. He noted that on Wed and Thursday the East Stuart Man Street Board of Directors will be attending a training seminar in Ft. Pierce. The event will help them to proceed with revitalization efforts in the neighborhood.

Commissioner Mortell noted the residents behind the Visiting Nurses Association were concerned over the noise coming from commercial equipment cleaning the parking lots on Sunday Night. Also another group of neighbors on St Lucie Blvd on Monterey are saying commercial lawn services are mowing at 7:30 am. They wished that the sound Ordinance started later. He also expressed concern over the recent robberies in Stuart especially the East Ocean corridor.

Mayor Krauskopf expressed concerns over the recent robberies in Stuart. He requested the Police Chief and City Attorney look into the City's policies regarding the required measurements businesses must take to protect themselves from these types of crimes.

Mayor Krauskopf mentioned the survey's sent out asking for feedback regarding traffic issues. He passed those through the City Manager to present to the County. He noted the majority of concerns were in the area Wright Blvd and Frank-N-Stein requesting a dedicated right turn lane. He received a letter from the Eldorado Park steering Committee and noted that Paul from that committee is present. He urged everyone to go out and vote tomorrow.

Mayor Krauskopf asked if the City would add to the list of legislative priorities to the Florida League of Cities the support for Home Rule, he requested the City Manager prepare a Resolution for adoption by the City Commission in February.

COMMENTS BY CITY MANAGER AND REVIEW OF TENTATIVE AGENDA

City Manager Hudson noted information items to the Commission.

Water Conservation and collection is down. He will begin planning a workshop on the economics of the entire water system.

Strategic Planning Retreat to be held February 15, 2008 beginning at 9:00 am. He reminded the Commission to schedule phone interviews with Pat Bidol. The tentative location for the workshop will be Timer Powers Park, Indiantown.

Poppleton Creek Watershed restoration project is underway; he encouraged the Commission and public to view the project.

He also mentioned the letter to be sent to Governor Crist regarding the State Board of Administration holding Stuart interest earnings. The Mayor will sign the letter and send it tomorrow.

Item #3 will be funded by the City Manager's contingency funds.

Item #10 Pointe at Jensen Beach, allow Mark Mathes to come forward to address the status of the project to date.

Item #11 withdraw.

Item #14 Letters from the FAA be moved forward prior to consent.

Item #5 pulled for discussion

Commissioner Waxler requested that item #11 be heard by the public and hear public input. He also requested a notice be mailed to the downtown property owners so they may be involved.

Commissioner Hutchinson requested pulling item #8 from the consent calendar.

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 |
| • Road Project Update | Agenda 1/28/08 |

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

Robert Hall came forward and requested the Commission continue to discuss the road closure of Lake Street.

City Manager Hudson assured Mr. Hall that this item remains outstanding, but will be discussed as information comes in.

Mr. Hall mentioned that during the event the East 10th Street Recreation Center was closed, but understood that the center was not part of the event permit.

Armond Pasquale came forward and complained over the recent newsletter he received regarding CRA information.

Paul Grosso came forward and expressed concern over the recent comments and discussions made by some LPA Board members he attended last week. He appealed to the City Commission for a reform of the Board. He stated that some board members are qualified and respectful but some members made it very confusing.

Sue Hilton came forward and asked if it was a binding referendum?

Attorney Nicoletti stated that indeed it was a binding item.

Sue Hilton came forward and expressed concern over the fluoridation of the water in Stuart.

APPROVAL OF AGENDA

MOTION: COMMISSIONER MORTELL; MOVED APPROVAL OF THE TENTATIVE AGENDA WITH AMENDMENTS
SECOND: VICE MAYOR CHRISTIE
MOTION APPROVED UNANIMOUSLY

CONSENT CALENDAR

1. **Request to approve the Minutes from the Regular Commission Meeting of January 14, 2008**
2. **Request to set date of February 11, 2008 to consider a major amendment to the Pineapple Commons Commercial Planned Unit Development. Colonial bank, 2511 N. Federal Highway**
3. **Request approval of a Settlement Agreement and General Release between the City of Stuart and Timothy F. Donahue**
4. **Request to Continue to the Meeting of February 11, 2008 the approval of the El Dorado Park Workforce Housing Project.**
5. **RESOLUTION 03-08 Authorization to approve a Mayor Amendment for the Kingsport Residential Planned Unit Development for Kingsport Estates, located on the South side of Central Parkway west of the Willoughby Blvd. Extension, to amend the timetable for development.**
6. **RESOLUTION 04-08 Authorization to execute the First Amended and Restated Interlocal Agreement Creating The Treasure Coast Regional Utilities Organization.**
7. **RESOLUTION 05-08 Authorization to approve a request to include the City Clerk to the Florida Retirement System Senior Management Service Class and upon approval to authorize the publication of the "Notice of Intent" to designate the City Clerk for inclusion in the Senior Management Service of the Florida Retirement System.**
8. **RESOLUTION 06-08 Authorization to approve a second amendment to the net non-subordinated ground lease with Huizenga Holdings, Inc., dated October 23, 2006, together with the construction schedule as required by section 8.7 of said lease.**
9. ***CONTINUE TO THE MEETING OF FEBRUARY 11, 2008***

RESOLUTION 161-07 to consider a Major Site Plan, Key's of Stuart Professional Center (Redo from the September 24, 2007 Commission Meeting).

Item 10 was heard at a later time.

10. CONTINUE TO THE MEETING OF FEBRUARY 11, 2008 ORDINANCE No. 2149-08 (First Reading) Approving a Major Amendment to the Commercial Planned Unit Development to establish the "Pointe at Jensen Beach" Commercial Planned Unit Development a retail commercial development, property located on the SE corner of N. Federal Hwy. and NW Windemere Drive (Quasi-Judicial)

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF THE CONSENT AGENDA
ITEMS 1,2,3,4,6,7,9,.

SECOND: COMMISSIONER WAXLER

ROLL CALL

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

Item 14 was heard at this time:

14. Discussion of Federal Aviation Administration (FAA) Letters

Mike Moon, Airport Manager came forward to present to the Commission and Public regarding the proposed plan for the runway protection zones for the airport.

Helen McBride came forward and expressed concern over the proposed runway protection plan. She stated the City has lost the 18th Street neighborhood as well as the tax revenue.

Dave Shore, came forward and expressed concern over the proposed declared distances shown on the map presented to the Commission. He also expressed concern over the red line on the map and that it still includes the preserve area. "Our feeling is if the FAA states they will never use the preserve area for airport expansion, they would have removed it from the property map, they did not. They did take the time to remove the very top portion where there is a drainage district project, so we do know they looked up there and they did remove something. Why didn't they remove that preserve area? Because as that airport master plan says that area is a preserve zone and it can be used for airport expansion when the airport needs that area. Clearly it is in the airport master plan.

Commissioner Waxler assured Mr. Shore that the master plan is also going to be readdressed, and looked at and re written. We talked about that, and the county will include that as preserve area going forward,, so it cannot be used by the airport.

Bill Shanley came forward and asked Mr. Moon how the runway was increased over time from 5000 ft to 5300 and something ft, he also asked if an environmental impact study was done, when that runway was increased. He also asked what the legal basis for any of the FAA land that isn't on the earlier map for the airport, such as the golf course the fairgrounds and the YMCA. We have now learned that the surplus property obligations were fraudulent leverage used against this community telling us that we had no choices. There was no surplus property obligation, the land was never owned by the defense department. It was leased and the lease was terminated. He asked again what the legal basis was for any of the land other than what we know as the airport.

Mike Moon came forward and explained the airport was formally maintained by and Airport Authority. He explained the increase on the powerpoint presentation. In summary, what happened was runway 1230 became 5, 366 feet and runway 7 was reduced to 4,625 ft. The surplus property agreement

Ivar Wold came forward and expressed concern over the distances of the proposed runway.

Mr. Moon explained the distance needed for take offs and landings.

Maggie Wold came forward and explained that she had written to the FAA regarding the extension to the North. She stated they replied by saying they did not approve of the extension North of 460 feet, but because aircraft were already using it they decided to acknowledge they would accept the use of that pavement, but they said in accepting the use of that end of the pavement they had requested that Martin County shorten the use of the runway at the end by declaring distances, but they never did and haven't, since the question in 2007. She asked why the County ignored that suggestion.

Mr. Moon explained the calculation used in place of the declaring distances calculation.

Eula Robinson Clarke also came forward and expressed concern over the proposed runway expansion. She explained that she used to be the transportation planner for Martin County, and participated in the plan for the airport. She also stated she was also involved with the WAAM group. Her biggest concern was the vacant land left behind from the purchases of the homes and that the area is maintained as well as a management plan in place.

Mr. Moon stated that as the homes are raised they will be coming back in with sod, and the airport maintenance people will maintain the grounds. He did say that if the red area remains the RPZ, the county is not mandated or required to purchase those homes in question. He did state they are presently looking at updates to the noise exposure map.

Mr. Hudson stated that as long as there are residents living on any of those streets they will receive full city services. He also said the City was working with the County to assure those green space areas don't become a traffic nuisance.

Commissioner Waxler thanked Martin County and Mr. Moon for their presentation. She did ask if the property boundary issue is separate and apart from the RPZ issues.

Mr. Moon ; "Yes they are two separate issues, but you do run a risk if you say well we will tale the property boundary but we are not going to take your recommendation on the runway, then there is a risk that the FAA will back off from the property boundary."

Commissioner Waxler said she heard from Commission Heard they were separate.

Mr. Moon stated this presentation will be made to the Martin County Commission on February 5, 2008 at 10:30 am, by the airport Attorney and encouraged the City to attend.

Commissioner Waxler wanted to advise the public that on September 12, 2005 this Commission voted to make the following recommendation as a Resolution to the Martin County Board of Commissioners. " Martin County Board of County Commissioners is to take immediate action to have the 460 foot extension of runway 1230 removed, thereby moving the runway protection zone for runway 1230 to airport property and the right of way to Monterey Road. As a basis for this request it is understood that shortening the length of the runway 1230 will not limit the type aircraft that are currently qualified to use runway 1230 as long as these aircraft reduce their takeoff fuel loads to compensate for the shortening of the runway. "

She further explained that she has the same concerns that she addressed in front of the Martin County Board of Commission, when it came to taking City neighborhoods, to resolve an airport issue. She also said that she understood that the FAA expects to get repaid for the monies in the buyout program. The way that works is the entity that is buying them out and handling the process is supposed to turn around and sell that to a compatible use. "That is not going to happen, and my concern is that in some point and time the FAA is going to say where is our money?"

Commissioner Christie stated he had many questions that have not been answered regarding the changes requested of the airport.

Commissioner Mortell stated that he felt there was room for redesign of the airport runways.

Mayor Krauskopf thanked Mr. Moon and Martin County for their presentation.

Commissioner Waxler stated that on a positive note the airport was working with the control tower out of Palm Beach to have a declared departure profile to have those planes taking off from runway 12 would be required to go out to the ocean first to elevate the noise impact to the area.

Commissioner Hutchinson suggested that the City either readopt the City's Resolution 161-05 or send a letter stating that the City stands behind that resolution.

Item 5 was heard at this time.

5. RESOLUTION 03-08 Authorization to approve a Mayor Amendment for the Kingsport Residential Planned Unit Development for Kingsport Estates, located on the South side of Central Parkway west of the Willoughby Blvd. Extension, to amend the timetable for development.

Commissioner Hutchinson expressed concern over the request for an extension of timetable for development on this project. She felt the economy was not just cause.

Mayor Krauskopf also expressed concern over the request for timetable extension.

Attorney Bob Raynes came forward and explained that this request for a timetable extension is not only because of the economy but the entire process with other governmental permitting, also create a timetable issue. He agreed to continue the item to a later date and would come back to the Commission and bring additional information regarding their delay in the project. .

MOTION: COMMISSIONER MORTELL; MOVED APPROVAL TO ASK THE APPLICANT TO RESUBMIT FOR A TIMETABLE EXTENSION WITH SPECIFIC OUTLINE OF THE INFORMATION AS IT PERTAINS TO THE BASIS WITH THEY FEEL THEY QUALIFY.
SECOND: COMMISSIONER WAXLER
MOTION APPROVED UNANIMOUSLY

Item 8 was heard at this time:

8. RESOLUTION 06-08 Authorization to approve a second amendment to the net non-subordinated ground lease with Huizenga Holdings, Inc., dated October 23, 2006, together with the construction schedule as required by section 8.7 of said lease.

Commissioner Hutchinson expressed concern over the complete closure of the Anchorage during the construction of the marina project. She stated that her neighbors expressed concern over the displaced boats that would anchor further down the river in the neighborhood. She asked if the live aboard boats could remain anchored there during the construction phase.

Commissioner Mortell expressed concern over the City's involvement in the anchorage during the construction of the leased property. He understands the issues involved with the live aboard boards being displaced but feels the involvement of the City with the anchorage is going to create a problem with the project and the tenants rights.

Mayor Krauskopf also received a call from a resident who expressed concern over the anchoring boats off shore. He stated that his concern was the boaters coming on shore in his back yard. He asked the City Attorney how the situation could be dealt with if all the current mooring balls at the Southpoint Anchorage be removed.

Attorney Nicoletti stated that any of the problems arising from the anchored boats would be a code enforcement issue. He suggested having the City assist in the location of space for those displaced.

City Manager Hudson stated that the Harbormaster has already begun a pro active program involving the existing guest. He understood that dockage is being made available on the North side of the bridge and affordable.

Mayor Krauskopf felt that was a good solution.

Commissioner Waxler would like to request that the developer manage it as best as they can and to give every consideration to try and minimize the impact but did not want to micromanage their business.

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF RESOLUTION 06-08

SECOND: COMMISSIONER WAXLER

ROLL CALL

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

10.CONTINUE TO THE MEETING OF FEBRUARY 11, 2008 ORDINANCE No. 2149-08 (First Reading) Approving a Major Amendment to the Commercial Planned Unit Development to establish the "Pointe at Jensen Beach" Commercial Planned Unit Development a retail commercial development, property located on the SE corner of N. Federal Hwy. and NW Windemere Drive (Quasi-Judicial)

Mayor Krauskopf announced that this item is requested to be continued to February 11, 2008.

Mark Mathes, Lucido & Associates came forward, and stated the proposed project has been reduced to include onsite preserve. .

Mayor Krauskopf asked for the information on the vista B parcel before this comes back on the agenda.

Kev Freeman stated he would provide that.

MOTION: COMMISSIONER HUTCHINSON: MOVED APPROVAL TO TABLE ORDINANCE 2149-08 TO FEBRUARY 11, 2008
SECOND: COMMISSIONER WAXLER
MOTION APPROVED UNANIMOUSLY

Item 11 has been withdrawn

ORDINANCES FIRST READING

11. ORDINANCE No. 2148-08 (First Reading) Approving proposed text amendment to Section 3.01.06 of the Land Development Regulations, incorporating a procedure for a Determination of Alternative Compliance process, is recommended for incorporation into the Urban Code as an interim measure in pre-emption to the Urban Code Rewrite (Quasi-Judicial)

12. ORDINANCE No. 2150-08 (First Reading) Amending the Emergency Purchasing Authority of the City Manager providing for conflicts, providing a severability clause, providing for codification (Quasi-Judicial)

MOTION: COMMISSIONER WAXLER: MOVED APPROVAL OF ORDINANCE 2150-08 ON FIRST READING

SECOND: VICE MAYOR CHRISTIE

ROLL CALL

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

DISCUSSION & DELIBERATION

13. County Roads CIP Update

Public Works Director Sam Amerson gave a general update on road priorities including Willoughby Blvd, Green River Parkway, Windemere East West connector, a signal at Windemere & US1, US1 8-laning, and Baker Road 4-laning.

Mayor Krauskopf said his basic interest was generated by the FCT not authorizing the Green River Parkway. He felt the City should focus on doing what is real.

Commissioner Mortell suggested connecting Windemere to the Pines development and the extension to US 1 would not have to happen.

Mayor Krauskopf suggested moving the East/West connector funding to Baker Road.

The signal at US1 and Windemere will wait until approval of The Pointe at Jensen Beach. The Commission agreed that the 8-laning of US1 was not needed, even with the completion of Green River Parkway.

The Commission agreed to wait to see what happens with Green River Parkway, before any discussions take place for the 4-laning of Baker Road.

Mr. Amerson continued to discuss various roadway projects involving cameras to monitor intersections along US1 as well as all State Roads. He stated this project was supposed to be presented to the MPO.

Commissioner Hutchinson recalled the discussion at the MPO but also remembers having a concern over the funding for the entire project. She said she would email the presentation to the rest of the Commission.

Sam Amerson noted that the County has a design for a right turn lane eastbound on Monterey and Kanner Hwy, and also mentioned they are almost complete with the right turn lane at Monterey Road extension for the southbound right onto Federal Highway.

The Commission noted how pleased they all were with the repaving of East Ocean Blvd, they all thanked Sam Amerson and the contractor.

Mayor Krauskopf asked for the City Manager to prepare a letter for his signature to inform Martin County as to the City's thoughts.

Mr. Hudson said he would prepare a letter addressing Willoughby Blvd at this time.

Commissioner Mortell suggested adding the Windemere extension as well.

Mr. Hudson said he would include the overall comments of the City Commission.

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL TO HAVE THE CITY
MANAGER DRAFT A LETTER TO MARTIN COUNTY
DESCRIBING THE CITY ROAD PRIORITIES AS
DISCUSSED TONIGHT.

SECOND: COMMISSIONER WAXLER
MOTION APPROVED UNANIMOUSLY

The following item was heard earlier.

14. Discussion of Federal Aviation Administration (FAA) Letters

ADJOURNMENT: 8:07 pm.

ATTEST:

Cheryl White, CMC, City Clerk

Jeffrey Krauskopf, Mayor

**Minutes approved at the Regular Commission
Meeting This 11th Day February 2008**