

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON NOVEMBER 26, 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**

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

PRESENTATIONS

- A. PROCLAMATION, Proclaim November 28, 2007 as WHITE DOVES DAY,
Carol Hodnett, Director of Martin Volunteers**

Carol Hodnett came forward and graciously accepted her award and thanked the Commission.

- B. Employee Service Recognition:**

**Clark Campbell, Fire Department, 25 Years
Jeanine Tynner, City Manager's Office, 20 Years**

Clark Campbell and Jeanine Tynner came forward and graciously accepted their awards and thanked the Commission.

- C. Employee of the Month:**

Teresa Pezzino, Recreation Department

Teresa Pezzino came forward and graciously accepted her award, thanked the City and the entire Recreation Department.

- D. Presentation of a commendation certificate to David Hill, a Life Scout with Troop #832 in Stuart for his Eagle Scout Project in conjunction with "Stuart in Bloom" for replacement of plants and new flowering trees in Kiwanis Park damaged due to hurricanes**

David Hill came forward and thanked the City as well as the many sponsors who assisted him with his project.

E. Government Finance Officers Association (GFOA) presentation of Certificate of Achievement for Excellence in Financial Reporting

Allen Owens came forward and presented the Certificate of Achievement for Excellence in Financial Reporting to the City and the Finance Department.

COMMENTS BY CITY COMMISSIONERS

Vice Mayor Krauskopf referred to items on selecting environmental planners (# 9, 10, & 11) and requested that staff look at codes to see if they are "too liberal or too strict". He also felt there are a lot of projects asking for timetable extensions and felt this would be a good time to address "new urbanism and new minimalism" and seriously look at any timetable extensions.

Mayor Hutchinson agreed and wanted to put on the record
Commissioner Christie stated he had a conversation with the Martin Luther King Day Celebration committee and they will be asking for a proclamation for MLK Day.

Commissioner Waxler agreed with Vice Mayor Krauskopf and said we will be seeing more requests for timetable extensions. She requested that such requests be "put off" until the Commission can have a discussion on this issue.

Mayor Hutchinson noted three upcoming events:
Holiday Boat Parade, December 1st,
1st Annual Riverwalk Holiday Jazz Festival, December 2nd from 12-8:pm
The annual Soroptimist Holiday Parade on December 7th.

COMMENTS BY CITY MANAGER AND REVIEW OF TENTATIVE AGENDA

City Manager Hudson addressed the Publix at Baker Road that was discussed at the last meeting. He noted staff has reviewed and accepted the revised drawings; therefore there is no need for further action by the City Commission. The Ordinance of repeal, that was approved on first reading will be voided.

Review of tentative agenda:

Items 7, 12, 14, and 15, Sovereign Submerged land leases – Staff has not received the actual documents for Southpoint project as of this date but have received the Northpoint leases. Given the fact these are going to be the same form of leases as the Northpoint he requested that all four leases be approved subject to the final review by the City Attorney.

He also mentioned item 5, The Keys of Stuart that there were some residents in the audience who may wish to speak on that item. He also requested that items 2 and 3 be set tonight. He stated the City staff will put together a discussion item for the commission meeting regarding timetable extensions for a very near future Commission meeting.

Commissioner Mortell did not think all could be addressed at once because each project is different.

Commissioner Mortell also mentioned that the Green River Parkway project looks dim, and we need to address traffic concurrency.

Key Freeman suggested postponing items 2 and 3 until the City has had a chance to look at the applications for timetable extensions.

Vice Mayor Krauskopf said we need to address budget projections that include projects scheduled to be CO'd this year. He requested that the Finance Department look at what is coming into the City financially and how this affects us budgetary.

City Manager Hudson also requested that item 6 be approved subject to an approval letter to the City from the tenant.

Commissioner Mortell also mentioned he read about the upcoming School Board meeting to discuss the long range planning and asked who the representative was from the City.

City Manager Hudson said that appointment is on tonight's agenda for discussion.

STAFF REPORT ON COMMENTS FROM PREVIOUS COMMISSION MEETING

- | | |
|-------------------------------------|----------------------------|
| • Historic Building Tax Credits | On Hold |
| • County Aquatics Center | City Met with County Staff |
| • Annexation Maps | Agenda 11/26/07 |
| • Villabella Compliance | Magistrate Order 8/9/07 |
| • Fiscal Policy on Investments | Pending |
| • Commerce Ave. "On-Street" Parking | Pending |
| • Signs Palm City Road | Pending |

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

Robert Hall came forward and expressed concern over the portion of Lake Street road that was closed for the School Board. He stated the road was closed without notice to the surrounding residents.

Mayor Hutchinson directed staff to look at what notices were given to the surrounding residents and report back to the Commission.

APPROVAL OF AGENDA

MOTION: VICE MAYOR KRAUSKOPF; MOVED APPROVAL OF THE TENTATIVE AGENDA WITH AMENDMENTS

SECOND: COMMISSIONER MORTELL

MOTION APPROVED UNANIMOUSLY

CONSENT CALENDAR

1. **Authorization to prepare a Final Budget Amendment for the CDBG Disaster Grant 06DB-W33 to perform line-to-line budget transfers within the original grant amount of \$2,187,500.00**

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL ITEM 1

SECOND: COMMISSIONER WAXLER

ROLL CALL

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

- 2. Request to set date of December 10, 2007 to consider a special exception to the major site plan agreement to allow for the extension of the development timetable, City Park (f.k.a. Wachovia) East Ocean Blvd.**

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL ITEM 2 AND TO SET THE DATE TO DECEMBER 17, 2007

SECOND: COMMISSIONER WAXLER

ROLL CALL

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

- 3. Request to set date of December 10, 2007 to consider a special exception to the major site plan agreement to allow for the extension of the development timetable, Estate Homes at Avonlea, Savannah Place**

MOTION: COMMISSIONER WAXLER: MOVED APPROVAL ITEM 3 AND TO SET THE DATE TO DECEMBER 17, 2007

SECOND: VICE MAYOR KRAUSKOPF

ROLL CALL

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

- 4. Approve Mayor to send letter to the Martin County Legislative Delegation**

MOTION: COMMISSIONER WAXLER: MOVED APPROVAL TO HAVE MAYOR SEND LETTER TO THE MARTIN COUNTY LEGISLATIVE DELIGATION

SECOND: VICE MAYOR KRAUSKOPF

MOTION APPROVED UNANIMOUSLY

Item 5 was heard at the end of the consent calendar.

- 6. RESOLUTION 167-07 Authorization to execute an easement agreement between the Florida Power and Light and the City to provide a ten foot utility easement adjacent to Shepard Park for the installation of a new transmission Pole .**

MOTION: COMMISSIONER WAXLER: MOVED APPROVAL OF RESOLUTION 167-07 SUBJECT TO THE APPROVAL LETTER FROM THE TENANT.

SECOND: VICE MAYOR KRAUSKOPF

ROLL CALL

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

- 7. RESOLUTION 168-07 Authorization to execute a sovereignty submerged lands lease for twenty-five (25) years located at Northpoint Marina between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and the City of Stuart along with its companion Community Redevelopment Agency of the City of Stuart Resolution CRA 6-07**

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL OF RESOLUTION 168-07
SUBJECT TO THE REVIEW AND APPROVAL OF THE
CITY ATTORNEY

SECOND: COMMISSIONER MORTELL

ROLL CALL

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

- 8. RESOLUTION 169-07 Authorization to make application to the United States Department of Justice, Edward Byrne Memorial Justice Assistance Grant (JAG) program and if successful subsequently approve the expenditure of grant**

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL OF RESOLUTION 169-07

SECOND: COMMISSIONER WAXLER

ROLL CALL

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

- 9. RESOLUTION 170-07 Authorization to execute an agreement between the City of Stuart and EW Consultants, Inc., to provide Professional Environmental Consulting Services as needed by the Public Works and Development Department**

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL OF RESOLUTION 170-07
WITH ADDED LANGUAGE THAT STATES THERE
WILL BE NO CONFLICTS.

SECOND: COMMISSIONER CHRISTIE

ROLL CALL

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

- 10. RESOLUTION 171-07 Authorization to execute an agreement between the City of Stuart and Professional Service Industries, Inc. to provide Professional Environment Consulting Services as needed by the Public works Department and Development Department**

MOTION: COMMISSIONER CHRISTIE: MOVED APPROVAL OF RESOLUTION 170-07
WITH ADDED LANGUAGE THAT STATES THERE
WILL BE NO CONFLICTS.

SECOND: VICE MAYOR KRAUSKOPF

ROLL CALL

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

11. RESOLUTION 172-07 Authorization to execute an agreement between the City of Stuart and Miller Legg to provide Professional Environmental Consulting Services as needed by the Public Works Department and Development Department

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL OF RESOLUTION 170-07 WITH ADDED LANGUAGE THAT STATES THERE WILL BE NO CONFLICTS.

SECOND: COMMISSIONER CHRISTIE
ROLL CALL

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

12. RESOLUTION 173-07 Authorization to execute a twenty-five (25) year sovereignty submerged lands lease for a 14 slip docking staging area located at Northpoint Marina between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and the City of Stuart and SDG Group LLC, along with its companion Community Redevelopment Agency of the City of Stuart Resolution CRA 8-07

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF RESOLUTION 173-07 WITH THE REVIEW AND APPROVAL OF THE CITY ATTORNEY.

SECOND: COMMISSIONER WAXLER
ROLL CALL

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

Yvette Clarke came forward and expressed concern that she had not received notification or a letter of consent from the City or the State regarding the proposed submerged land lease. She stated she was not against the project but would like to see what is going on as far as the submerged lands and what is proposed as far as boundaries go. She wants to be assured that the previous agreement to allow for an easement between her property and the City's Anchorage project is still there.

Attorney Nicoletti: The 30 day notice was given in the newspaper but stated he would be happy to show her the modification to the original submerged land lease.

Commissioner Waxler requested that the City Attorney contact the party who is handling this for the City.

Yvette Clarke also requested the City provide her with a submerged land lease number for the Southpoint project.

13. RESOLUTION 174-07 Authorization to execute a ten foot (10) easement to Florida Power & Light (FPL) on City property known as Penn Plaza and leased by Robert and Joan Desantis

Vice Mayor Krauskopf expressed concern over the City's commitment for an opaque buffer in that area. He also requested the City look at any conflict with that commitment by putting the pole in that location.

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL OF RESOLUTION 174-07 WITH THE ASSURANCE THE POLE WOULD NOT CONFLICT WITH THE COMMITMENT TO THE NEIGHBORS TO INCLUDE AN OPAQUE BUFFER IN THAT AREA.

SECOND: COMMISSIONER MORTELL

ROLL CALL

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

14. RESOLUTION 175-07 Authorization to execute a Sovereignty Submerged Lands Lease for twenty-five (25) years between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, the City of Stuart and Huizenga Holdings for the marina and restaurant located at the Southpoint Marina

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF RESOLUTION 175-07 WITH THE REVIEW AND APPROVAL OF THE CITY ATTORNEY.

SECOND: COMMISSIONER WAXLER

ROLL CALL

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

15. RESOLUTION 176-07 Authorization to execute a Sovereignty Submerged Lands Lease for twenty-five (25) years between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, the City of Stuart and Huizenga Holdings for the Anchorage at the Southpoint Marina

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF RESOLUTION 176-07 WITH THE REVIEW AND APPROVAL OF THE CITY ATTORNEY.

SECOND: COMMISSIONER WAXLER

ROLL CALL

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

5. RESOLUTION 161-06 to consider a Major Site Plan, Key's of Stuart Professional Center (Redo from the September 24, 2007 Commission Meeting)

Sworn:

Rocky Boe

Nat Nasen

Troy Holloway

Kev Freeman

Tom Reetz

Kev Freeman gave a brief presentation regarding the proposed project.

Troy Holloway gave a brief presentation regarding the phasing of the proposed projects. He stated that phase 1 is on the western half buildings 1-9. Phase II would be all the eastern half, buildings 10-15. "What the condition is stating is that 1-9 buildings would be complete and no building permits would be issued for buildings 10-15 if an agreement had not been worked out for Holt Road or an access up to Monterey.

Attorney Nat Nasen came forward and presented into the record, the title documentation, which establishes our easement rights over Holt Road. He stated the County has requested alternate access but in order to do that we would have to come back to you and ask you for some type of alternative access. "Points, I asked the County if we were to do that would they give me some kind of assurance that they would recognize my existing easement rights over Holt Road, should you determine that you did not want to grant us alternative access. They wanted us to ask for the alternative access, they did not want to give me the letter that said we would absolutely recognize the existence of the easement rights over Holt Road. As a result of this a lawsuit has been filed and we continue to have discussions with the County." He requested the City allow the project to move forward.

Commissioner Mortell stated he was not clear on what was being done. He stated he had no problem looking at two phases but he did not want to conditionally approve phase two. He felt there maybe a timeframe issue.

Commissioner Christie was not comfortable doing both phases and felt the City should only look at Phase 1.

Vice Mayor Krauskopf did not know where we are legally on separating phases. He also asked if this project had gone to FPL and also had questions about the dry retention area.

Mayor Hutchinson announced that there is no motion therefore this item will be continued to the next meeting.

James Goodman, who owns the property to the north of the subject site, said he was not trying to stop the project but had concerns about its effect on his business.

END OF CONSENT CALENDAR

FIRST READING OF ORDINANCES

16. ORDINANCE 2142-07 (First Reading) Provide for the abandonment of certain public right-of-way within the City being the 30 foot wide right-of-way southeast to northeast, perpendicular to Kanner Highway Stuart Commons f.k.a. Center Pointe (Quasi-Judicial)

Sworn:

Bob Shaw

Ted Davis

Jason Litterick

Rich Sowden

Thomas Johnson

Susan ORoark

Michael Prezelka

Kev Freeman /Pinal Gandhi

Kev Freeman gave a brief presentation regarding the abandonment of the right of way.

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL OF ORDINANCE 2142-07 ON
FIRST READING

SECOND: COMMISSIONER CHRISTIE

ROLL CALL

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

17. ORDINANCE 2146-07 (First Reading) Establishing Land Use Design and Development Criteria and Definitions for "Cottage Lots"

Kev Freeman gave a brief powerpoint presentation to the public and Commission.

Anne Buford of Bessey Addition neighborhood came forward and stated there were several substandard lot sizes. She applauded the City staff and the City Attorney for the proposed Ordinance.

Attorney Terry McCarthy came forward and expressed concern over the proposed Ordinance as it relates to lots of record and adjacent property owners.

Mayor Hutchinson had additional questions and comments and requested staff get back to the Commission regarding her concerns.

Mayor Hutchinson requested the following changes:

*Remove shared parking between adjacent lots on page 3.

*She asked that a map be part of the record for items on page 3.

*Requested a maximum livable gross floor area, the second floor 50% of the 1st floor square footage, she said if you go up to a second floor they have to come in and then that way architecturally have something that is a little more pleasing.

*Add Total roof height limits.

Vice Mayor Krauskopf clarified Mayor Hutchinson request;
Map Attached
Shared Parking eliminated
Roof Heights installed

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL OF ORDINANCE 2146-07 ON
FIRST READING WITH MAYOR HUTCHINSONS
COMMENTS

SECOND: COMMISSIONER CHRISTIE

Armond Pasquale expressed concern over the said this is an invitation for anybody to build anything on any size lot eliminating any restrictions.

ROLL CALL

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

18. ORDINANCE 2147-07 (First Reading) Increasing the monetary limits from \$10,000 to \$25,000 and City Manager authority for certain purchases and services, and disallowing negotiation with bidders after bid opening; and exempting certain products and services from competitive solicitation

City Manager Hudson stated the Ordinance will add consistency to the City Code and set uniformed standards to award authority.

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL OF ORDINANCE 2147-07 ON
FIRST READING

SECOND: COMMISSIONER CHRISTIE

ROLL CALL

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

SECOND READING OF ORDINANCE

19. ORDINANCE 2115-07 (Second Reading) to consider a Major Amendment to the Commercial Planned Unit Development located on the east side of Kanner Highway (SR 76) North of Indian Street for a master/final site plan, Stuart Commons f.k.a. Center Pointe CPUD (Quasi-Judicial)

Kev Freeman gave a brief presentation regarding the proposed project.

Jason Litterick representing the applicant came forward and gave a brief visual presentation for the proposed Office/Retain & Medical office project.

Mortell expressed concern over the outside seating of the proposed Restaurant. He asked that a condition be included that would read no waiter service or any service to any outside seating unless that area was included in the parking calculations.

Krauskopf asked about native plantings in the retention area and asked for density and intensity.

Key Freeman stated he would include additional conditions regarding landscape and retention area

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL OF ORDINANCE 2115-07
ON SECOND READING WITH ADDITIONAL
CONDITIONS 10A AND ADDITIONAL
CONDITION 37

SECOND: COMMISSIONER MORTELL

Key Freeman clarified the added conditions for the record.

10 a –“A Landscaping scheme for the dry retention area on the eastern boundary of the site shall be submitted and approved by the development department and installed prior to the 1st Certificate of Occupancy.”

37 –“Any exterior area that is utilized for restaurant outdoor seating will be subject to parking ratio in accordance with the PUD agreement.”

ROLL CALL

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

20. ORDINANCE 2137-07 (Second Reading) Request to consider an annexation of approximately .47 acres of City owned land located on the East side of North US-1 between Baker Road and Wright Boulevard as described in Exhibit “A” assigning “B-2” Business Zoning and Commercial Land Use Designation (Quasi-Judicial)

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF ORDINANCE 2137-07
ON SECOND READING.

SECOND: VICE MAYOR KRAUSKOPF

ROLL CALL

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

21. ORDINANCE 2138-07 (Second Reading) Request to consider an annexation of approximately .78 acres of City owned land located on the East side of North US-1 between Baker Road and Wright Boulevard as described in Exhibit “A” assigning “Public” zoning and “Conservation” Land Use Designation (Quasi-Judicial)

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF ORDINANCE 2138-07
ON SECOND READING.

SECOND: VICE MAYOR KRAUSKOPF

ROLL CALL

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

22. ORDINANCE 2139-07 (Second Reading) Authorization to add a new article titled "Youth Protection" in Chapter 46, Human Relations, providing time related and other standards for minors within the City (Quasi-Judicial)

Robert Hall came forward and just wanted to reconfirm that this Ordinance not be a double standard and this must be complied throughout the City of Stuart.

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF ORDINANCE 2139-07 ON SECOND READING. WITH THE UNDERSTANDING A STATUS REPORT WILL BE PRESENTED BACK TO THE COMMISSION SIX MONTHS FOLLOWING ADOPTION OF THE ORDINANCE AND WILL SUNSET IN 12 MONTHS FOLLOWING THE ADOPTION OF THE ORDINANCE.

SECOND: COMMISSIONER CHRISTIE

ROLL CALL

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

23. ORDINANCE 2140-07 (Second Reading) Provide for the Abandonment and relocation of certain public right-of-way within the City a portion of the improved SE Slater Street (Quasi-Judicial)

Sworn

Mark Mathes
Charlie Trottman
Leo Giagrande
Murriah Dekle

Kevin Freeman gave a brief presentation regarding items 23 and 24. He stated the Belk architectural elevations are incorporated within the Ordinance, at section 4,C,1.

Linda Hake came forward and addressed item 23. She stated they agree with staff proposal including conditions proposed by staff. She presented to the Commission a letter agreement with Mr. Vance, regarding the turning radius to accommodate the marine traffic from the SPS Center. Attorney Hake also stated that the applicant has agreed to provide an easement to the City for a proposed billboard sign. She stated that if the City can find a different location for the billboard that would be great, but agreed to the easement if needed.

Attorney Nicoletti stated that what he is proposing is the City to just reserve the space and nothing more.

Commissioner Mortell and Commissioner Waxler expressed concern over the billboard being located at that site.

Vice Mayor Krauskopf stated the Commission agreed to place the billboard on South US1 and not Hwy. 76 and Monterey.

Commissioner Mortell stated that the City has requested the applicant place a welcome to Stuart sign in this area and felt having a billboard above it would not be what he envisioned.

Mayor Hutchinson agreed that the billboard should be placed along US1 but not right in front of this project.

Vice Mayor Krauskopf stated he wished to put the Lamar issue to rest and allow the billboards to be erected and start public announcements.

Commissioner Waxler expressed concern over the marine traffic coming from the SPS Center. She stated it was the applicant's responsibility to assure they would be allowed to move the large boats in and out of the marina.

Attorney Hake stated they have provided a radius that the boat facility that they can use to get their boats out.

Charles Trottman came forward and stated that they were giving them a better situation than they currently have. It may not be exactly straight, but it is a bigger radius on Slater at Dominca, and it is a much bigger radius on Dominca at US1, and that is irrefutable. He stated that what they are doing is an improvement.

Commissioner Christie stated he was opposed to the proposed project because of the traffic and felt the City should not allow any more annexations, and felt the current City residents need assistance first.

Vice Mayor Krauskopf asked if the marine industry and the applicant agree, and if not, is there room to work this situation out.

John Vance, Business Development Board came forward and stated he ad hoc represented the marine businesses in the Industrial Park. He stated he found out about this a week ago. He said the only issue is when Slater comes into Dominca and asked for clarification on that issue.

Vice Mayor Krauskopf suggested coming back in a week or two after they have met and agreed to a plan regarding the intersection of Slater and Dominca.

Attorney Hake requested that the Commission approve the abandonment with conditions that include language that states the abandonment will not be permitted unless the Marine Industries Association or representative signs off on the proposed roadway plans.

Mr. Vance came forward and stated that all parties have meet and that the applicant and their representatives have been more than accommodating. He stated he would speak on behalf of the industry that as long as the condition is written that we can see the final design of that road, I really don't have any problem allowing them to move forward at this

time. The only request that I have is the design of the traffic light going into Slater Street doesn't further injure us, I don't think it will because everyone is aware of that. I am not a lawyer, I saw the points and agree with them.

Mr. Trottman came forward and clarified the traffic light will be located at the current Slater and US1 intersection, and Dominca will not have a traffic light.

Mark Willis, Willis Marine at the corner of Slater & Commerce, he came forward and gave the Commission an understanding as to how they have to move the large boats from his facility to the water. He wanted to be assured the traffic light at the intersection of Slater & US1 accommodated their needs as far as swapping lanes there.

Attorney Hake introduced the Traffic Engineer to provide detail of the intersection.

Leo Giagrande, Boyle Engineering came forward and stated he has a meeting tomorrow with DOT but explained they are providing massed arms staggered, and then the island break where Slater is going to be, and they will be able to go through there. He stated there will be bull nose concrete island separators. He stated all preliminary plans will be given to the marine builders

Attorney Linda Hake proposed adding a condition number seven that: "The traffic light at Slater Street and US1 to be designed to accommodate boats passing the Slater Street US-1 intersection as approved by the Development Director with the input from the Marine Industries Association."

Attorney Nicoletti read the following:

Both condition number 7 and 8:

#7 : "Slater Street signalized intersection design will not prevent large boat trailer traffic."

#8; "Obtain consent letter from Marine Industries Association prior to construction permits regarding traffic radius and clear transit."

Vice Mayor Krauskopf asked about the easement for the billboard sign.

Adding items 1-8 modify #2 to include "Subject to approval by the Development Director."

Attorney Nicoletti modified the language of section 3, of the Ordinance to say; "This abandonment is subject to a condition granting an easement deed for a parcel of land consisting of 100 square foot footprint and 750 square foot aerial easement, in the southwest corner of the subject site to accommodate a settlement agreement and if later requested by the City Manager."

Vice Mayor Krauskopf asked about the Deighan letter stated the City was due \$130,000.00?

Attorney Hake stated that the recommendation was, in lieu of the improvements being made to new Slater Street, donation of the entry feature for the City, and the donation of the billboard space, and without the billboard space she felt the Slater Street property being donated far exceeds the value of the property that is being abandoned.

Mr. Trottman came forward and offered the North corner of the property as a more acceptable location for a pole sign. He also stated that he could work out a location for the pole sign on one of the other four parcels of land that were recently annexed into the City" there are other alternatives."

He stated you can wither put the obligation on me to either have it at that North corner or an acceptable location that I bring to the Commission.

Mayor Hutchinson stated this was acceptable.

Vice Mayor Krauskopf said this was an honorable offer.

Attorney Nicoletti read language into the record that would be added to the Ordinance; "This abandonment is subject to a condition of granting an easement deed for a parcel of land consisting of approximately 100 sq foot footprint and 750 square foot Ariel rights in the Northwest corner of the subject site to accommodate the settlement agreement with Lamar or in the alternative a easement deed on an other site acceptable to the City provided by Mr. Trottman."

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF ORDINANCE 2140-07 ON SECOND READING WITH ALL CONDITIONS 1-8 AND ALL OTHER CONDITIONS DISCUSSED AND WITH THE ADDED LANGUAGE IN SECTION 3 AS FOLLOWS; "THIS ABANDONMENT IS SUBJECT TO A CONDITION OF GRANTING AN EASEMENT DEED FOR A PARCEL OF LAND CONSISTING OF APPROXIMATELY 100 SQ FOOT FOOTPRINT AND 750 SQUARE FOOT ARIEL RIGHTS IN THE NORTHWEST CORNER OF THE SUBJECT SITE TO ACCOMMODATE THE SETTLEMENT AGREEMENT WITH LAMAR OR IN THE ALTERNATIVE A EASEMENT DEED ON AN OTHER SITE ACCEPTABLE TO THE CITY PROVIDED BY MR. TROTTMAN." AND SUPPORT OF THE MARINE INDUSTRIES ASSOCIATION.

**SECOND: VICE MAYOR KRAUSKOPF
ROLL CALL**

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

24. ORDINANCE 2141-07 (Second Reading) Approve a Major Amendment to the Commercial Planned Unit Development located on the East side of SE Federal Highway to establish the "Fountains of Stuart", a commercial development consisting of retail, and restaurant uses (Quasi-Judicial)

Vice Mayor Krauskopf asked staff for verification that all LPA recommendations and the Commission comments had been included.

Kev Freeman stated that it was. He referred to exhibit C.

Attorney Nicoletti said yes and conditions had been added.

Mayor Hutchinson requested the Belk building be listed as a number and not name.

Attorney Nicoletti asked that this be added to the site plan.

Vice Mayor Krauskopf asked if this site plan has been reviewed by FPL?

Mayor Hutchinson asked if the conditions regarding the Marine Industry as well as the abandonment needed to be added to this as well.

Attorney Nicoletti stated he would add them to this as additional conditions.

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF ORDINANCE 2141-07 ON SECOND READING WITH ALL CONDITIONS 1-8 ADDED.
SECOND: VICE MAYOR KRAUSKOPF

ROLL CALL

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

25. ORDINANCE 2143-07 (Second Reading) Amending the Land Development Code, Chapter 6, Development Design and Improvement Standards, by providing supplemental standards for Night Clubs, Large Bars and Restaurants, providing for repeal of conflicting ordinances (Quasi-Judicial)

Attorney Nicoletti stated that he met with Mr. Katsock and Mr. Zlinkoff and incorporated additional changes into the Ordinance.

John Katsock speaking for himself and Mr. Zlinkoff came forward, and objected to the ordinance process and said the ordinance is "tainted". It puts an unreasonable burden on his Dixie Hwy. property.

Attorney Nicoletti said the zoning in progress law will expire at the end of December.

After discussion by the Commission and staff regarding the security issues the following motion was made;

MOTION: COMMISSIONER WAXLER: MOVED APPROVAL TO TABLE ORDINANCE 2143-07 WITH THE UNDERSTANDING IT WILL COME BACK FOR 1ST READING AGAIN AT A LATER DATE.

SECOND: COMMISSIONER MORTELL

ROLL CALL

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

26. ORDINANCE 2145-07 (Second Reading) Adopting a Comprehensive Sign Code amending provisions of the overlay zones, amending development design and improvement standards, adopting new general sign provisions amending the definitions (Quasi-Judicial)

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL ORDINANCE 2145-07 ON SECOND READING

SECOND: COMMISSIONER WAXLER

Mayor Hutchinson asked about restrictions on commercial parking of business cars or small vans.

Kev Freeman explained the intent is to prevent commercial advertising on residential property.

After a discussion by the Commission regarding canopy and window signs.

Mr. Nicoletti amended the language regarding projected signs "That all businesses are encouraged to have a projected sign." Strike E-1".

AMENDED MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF ORDINANCE 2145-07 ON SECOND READING STRIKE e-1 AND TO ALTER PAGE 4 ON LINE 8 TO INCLUDE THE WORDS ENCOURAGED INSTEAD OF MUST.

SECOND: COMMISSIONER WAXLER
ROLL CALL

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

DISCUSSION & DELIBERATION

Item #28 was heard at this time

Terry O'Neil came forward and gave a brief presentation regarding subsidy components of the proposed Eldorado Park project.

Paul Grosso representing the surrounding neighbors came forward and explained they were aware of the presented document and stated their comments were also incorporated into the document. He said he would bring forward the concerns of the neighbors at a later date.

MOTION: COMMISSIONER WAXLER: MOVED APPROVAL OF THE DOCUMENT AS PRESENTED

SECOND: COMMISSIONER MORTELL
MOTION APPROVED UNANIMOUSLY

27. Appointment of City Commissioners to various Community Boards

Mayor Hutchinson and Commissioner Mortell will remain on MPO.
Commissioner Christie; Treasure Coast Council of Local Governments
Mayor Hutchinson: Arts Council
Commissioner Mortell Long Range Planning Committee
Commissioner Waxler Airport Advisory Committee
Vice Mayor Krauskopf Tourist Development & Business Development Board

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF THE APPOINTMENTS ABOVE

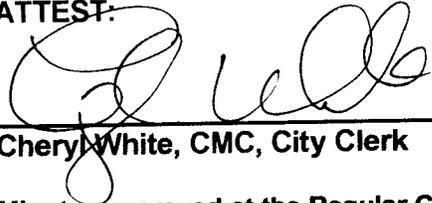
SECOND: VICE MAYOR KRAUSKOPF
MOTION APPROVED UNANIMOUSLY

28. Proposed subsidy criteria for participants in the El Dorado Park Workforce Housing Project

After the meeting ended the Commission discussed the length of the meetings, and requested the city staff look into the items as well as presentation times.

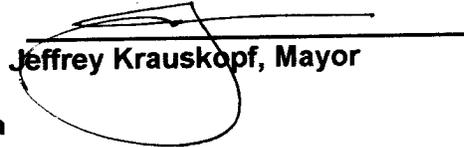
ADJOURNMENT 11:05 pm

ATTEST:



A handwritten signature in black ink, appearing to read 'Cheryl White', written over a horizontal line.

Cheryl White, CMC, City Clerk



A handwritten signature in black ink, appearing to read 'Jeffrey Krauskopf', written over a horizontal line.

Jeffrey Krauskopf, Mayor

Minutes approved at the Regular Commission Meeting This 14th Day January 2008