

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON MARCH 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**

0:00 ~ 3/26/2007 5:41:21 PM ~ Start Recording

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

0:56 ~ 3/26/2007 5:42:16 PM ~

PROCLAMATION

A. PROCLAMATION: To proclaim April as Water Conservation Month

Kathy came forward and graciously accepted the proclamation and thanked the City Commission.

B. PROCLAMATION: To proclaim the week of April 8-14, 2007 as National Architecture Week

Ronald Johnson AIA, Executive came forward and graciously accepted the Proclamation and invited everyone to participate in the array of activities being conducted through the week.

6:40 ~ 3/26/2007 5:48:01 PM

PRESENTATIONS

C. Employee Service Recognition, Craig Argiro, Public Works Department, 25 years

Craig Argiro came forward and graciously accepted his award and thanked the City Commission.

Employee Service Recognition, John Reddick, Police Department, 10 years

John Reddick came forward and graciously accepted his award and thanked the Commission.

Employee Service Recognition, Joseph Tumminelli, Police Department, 10 years

Mr. Tumminelli was unable to attend.

7:54 ~ 3/26/2007 5:49:15 PM

D. Employee of the Month, Recreation Department, Marion J. "Buzz" Billue

Buzz Billue came forward and graciously accepted his award and thanked the Commission.

10:27 ~ 3/26/2007 5:51:47 PM

E. Presentation of the Comprehensive Annual Financial Report for fiscal year ended September 30, 2006 by Mr. Ronald A. Conrad, CPA .

Mr. Ronald Conrad, Cherry, Bekaert & Holland, LLP came forward and gave and presented the 2006 City CAFR to the City Commission and Public.

Vice Mayor Krauskopf had a question in reference to the GASB 24 and Dottie was able to answer it.

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL TO ACCEPT THE "2006 COMPREHENSIVE FINANCIAL REPORT"

SECOND: COMMISSIONER CHRISTIE MOTION APPROVED UNANIMOUSLY

23:58 ~ 3/26/2007 6:05:18 PM

COMMENTS BY CITY COMMISSIONERS

Commissioner Christie thanked the Mayor for her continued updates from the Florida League of Cities regarding the tax updates.

Mayor Hutchinson stated she had a concern that the elimination of pole signs was done and was not implemented. She requested a D&D item be added to the next regular Commissioner Meeting to discuss this issue.

26:24 ~ 3/26/2007 6:07:44 PM

COMMENTS BY CITY MANAGER AND REVIEW OF TENTATIVE AGENDA

Mr. Hudson noted that Commissioner Mortell was out of town, and that Commissioner Mortell was contacted by the School Board who asked if the City would sponsor one student from JD Parker Elementary, to participate in Academic Games.

No action was taken by the Commission for the request made by the School Board.

Mr. Hudson also requested adding item 16 to the agenda regarding a memo he submitted to the Commission earlier regarding the landfill /lease Golf Course property.

He also mentioned the following changes to the agenda:

He requested item# 6 be heard in conjunction with item 15. Also item # because of the action on the CRA meeting this item is being withdrawn. Item# 9 the amount listed as \$8,800.00 and should be \$8,880.00.

STAFF REPORT ON COMMENTS FROM PREVIOUS COMMISSION MEETING

29:02 ~ 3/26/2007 6:10:23 PM

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

Helen McBride came forward and expressed concern over the language in the LDR and the Code, regarding four story buildings and setbacks and buffer zones. She requested addition notice be given for these types of proposed buildings, she requested there be a more structured code.

The City Manager stated that staff was currently working on this issue and would be bring forward for approval a more uniformed, structured code.

28:43 ~ 3/26/2007 6:10:03 PM

APPROVAL OF AGENDA

28:53 ~ 3/26/2007 6:10:13 PM

MOTION: COMMISSIONER WAXLER: MOVED APPROVAL OF THE AGENDA AS
AMENDED

SECOND: COMMISSIONER CHRISTIE
MOTION APPROVED UNANIMOUSLY

CONSENT CALENDAR

1. Request to approve MINUTES FROM REGULAR COMMISSION MEETING of March 12, 2007 .
2. Request to continue Ordinance 2100-07 (Second Reading) to April 23, 2007 to consider a rezoning to Residential Planned Unit Development, 600 East Ocean Blvd., East Ocean Gardens
3. Request to continue to April 23, 2007 amendment to the Future Land Use Map to change the land use designation from Private Institutional to Commercial and to set a public hearing date of April 23, 2007 for rezoning to commercial Planned Unit Development, Towne Park Professional Center, 751 SE Central Parkway .
4. Request to continue to April 23, 2007 (Second Reading) ORDINANCE 2104-07 to approve a Major Amendment to the Commercial Planned Unit Development Zoning Agreement of a Master/Final Site Plan, NE corner of NW Federal Hwy. and NW Baker Road, Publix
5. Request approval for the proposed amendment to the Community Development Block Grant "Disaster Grant" (06DB-W33) budget authorizing a transfer of funds between line-item categories not to exceed the original grant amount of \$2,187,500

Item #6 was heard after Item 15

6. RESOLUTION 47-07 Request authorization to approve a Minor Amendment to the Central Park Lofts (North) and Central Park Lofts (South) Residential Planned Unit Development to amend the timetable for development, property located at SE Central Parkway (QUASI-JUDICIAL)
7. RESOLUTION 49-07 Request authorization for the expenditure of funds in the amount of \$9,500.00 from the Law Enforcement Trust Fund for a replacement K-9 from Metro-Dade Police Dog Training Academy .
8. RESOLUTION 50-07 Request authorization for a budget amendment to the 2006-2007 annual Community Redevelopment Agency operating budget for the expenditure of \$22,200.00 to purchase a new vehicle .
9. RESOLUTION 51-07 Request authorization to renew ITB#2005-139 for the final optional renewal period March 26, 2007 through March 25, 2008 in the amount of \$8,800.00 with Advantage Termite & Pest Control .
10. RESOLUTION 52-07 Request authorization to execute a Utility Agreement between the City of Stuart and SDG Indian, Inc. to provide water and sewer services to the Sawgrass Business Park located on Indian Street .

11. RESOLUTION 53-07 Request authorization to reject all proposals for RFP #2007-54 to construct a vehicle impound canopy at the new Public Safety Facility

12. RESOLUTION 54-07 Request authorization for a budget amendment to the 2006-2007 annual development special fees fund and general fund operating budgets for the expenditure of \$130,872.00 for the City Street Tree Canopy Replacement Grant project

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL OF THE CONSENT CALENDAR AS AMENDED.

SECOND: COMMISSIONER CHRISTIE

31:14 ~ 3/26/2007 6:12:35 PM

ROLL CALL:

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

33:02 ~ 3/26/2007 6:14:23 PM

FIRST READING OF ORDINANCES

13. ORDINANCE 2105-07 (First Reading) Request to consider a Major Amendment to the Commercial Planned Unit Development for a master site plan, compliance with the Site Design Qualitative Development Design, list of development conditions and timetable for development, Harbor Federal Savings Bank, SE Federal Hwy. (QUASI-JUDICIAL)

Parties Sworn were: Lee Mullon and Kev Freeman

Mr. Freeman gave a brief presentation regarding the proposed PUD amendment approved on a larger parcel that was annexed into the City in 1997. Approval of the proposed 5250 sq. ft. drive through bank on a "slice" of the original PUD located between SE Miami Street and SE Market Place is dependent on a concurrent application for a cross street between Miami and Market Street, that is being processed and applied for by a different party. Traffic concurrency is based on that road being in place. Staff has negotiated with the applicant for a continuation of the landscaping as seen in front of the new Wal-Mart to the south of the subject site. The LPA had recommended approval with minor site plan changes and staff recommends approval subject to certain conditions.

Mr. Lee Mullon, representative for the applicant noted that Harbor Federal is now doing business as "National City Bank and stated this project has been three years in the making. He agreed with the staff report with the exception of the signage.

Commissioner Krauskopf did not think this request was "ripe" for discussion because of the lack of the road connection and he would like to see the "bigger picture" of the entire PUD parcel. He asked if the PUD had been properly platted.

City Attorney Nicoletti said it could run concurrently.

Mr. Freeman noted that the building could not be occupied until the cross road between Miami and Marketplace was "laid in".

Mr. Mullon noted that the bank has no control over the rest of the parcel.

Mr. Nicoletti asked the consequence if the road was not developed.

Mr. Freeman stated that the traffic study maintains that the road be complete.

Nicoletti asked, "So if the road is not put in, the bank would be in jeopardy? He suggested this item be deferred until "things are ready to go" or we make sure there is a third party agreement that the access road will be built.

Commissioner Christie agreed with Vice Mayor Krauskopf.

Mr. Mullon stated that this issue has been an on-going debate with the Property Owner.

Commissioner Waxler also agreed with Vice Mayor Krauskopf, and told the applicant to bring the Board a solution and not a problem.

The Commission agreed that they need to see the whole picture for the entire site in order to make a determination on this project. They did not want to see carved out pieces of land one at a time.

No Action was taken on item 13.

RESOLUTIONS

DISCUSSION & DELIBERATION

14. Current Construction of Osceola Place Balcony on the SW Seminole Street elevation

Kev Freeman requested an "as built survey" from the Developer, and said according to CRA Overlay allows for the overhang of a Balcony with a minimum clear height of 10 feet at ground level above sidewalks and a minimum depth of 3 feet. Staff met with the developer who has agreed to take remedial action to prevent vehicles from traveling under the balcony. He said that may be bulb outs to the sidewalk that would prevent vehicles from hitting the balconies. He said he was awaiting the surveys with the exact dimensions.

Mayor Hutchinson said we might want to look at what is "on the books" about an overhang over the sidewalk.

15. Requirements for review of PUD timetable of development extension

Mr Freeman gave a summary explanation of the background information and levels of concurrency changes, staff said the following requirements for a PUD timetable of development extension are being considered:

- 1 - Only one timetable extension allowed processed via a minor PUD amendment.**
- 2 - Traffic concurrency due at the time of building permit submittal.**
- 3 - The maximum length of timetable extension is one year. Additional Extensions may be granted by the City Commission for "good cause shown".**
- 4 - Any contributions conditioned as part of a PUD agreement shall be revisited upon application for extension.**

Commissioner Waxler asked about past practice on timetable extensions.

Mr. Freeman explained that they were not as common in the past but, are getting more common as the residential market is slowing down.

Commissioner Waxler stated that it is incumbent on the City to revisit the PUD to see if it is conforming to the changing circumstances.

Commissioner Christie asked " You have a project that has been presented as a PUD and it has a timetable and it does not meet that how a project would move forward.

Mr. Freeman stated that the development would have to show concurrency with current conditions and the timeframe for contributions that might not now be as valuable if the timeframe was extended.

Vice Mayor Krauskopf said the items laid out by staff seem to pull it all together . What your asking us to do is to put those into Ordinance form. They seem to hit all of the key issues that we have heard here. I am happy with them.

MOTION: VICE MAYOR KRAUSKOPF: MOVED STAFF RECOMMENDATION OF THE
FOUR ITEMS TO THE LDR'S.

SECOND: COMMISSIONER WAXLER
MOTION APPROVED UNANIMOUSLY

Item #6 was heard here;

Parties Sworn were: David Genta and Kev Freeman

6. RESOLUTION 47-07 Request authorization to approve a Minor Amendment to the Central Park Lofts (North) and Central Park Lofts (South) Residential Planned Unit Development to amend the timetable for development, property located at SE Central Parkway (QUASI-JUDICIAL).

Kev Freeman gave a brief summary on the History of the original PUD. He stated the PUD was first approved in 2005 with a number of conditions. He stated the total extensions from the original PUD is 15-24 months from the original timetable.

Dave Guinta, Prosperity Development and owner of the property came forward and wanted to reemphasize is that they are prepared today to be current with this timetable extension. He also stated they are looking at a dedication, for no consideration, just under 1 acre of land, to the City or Martin County in connection with the Willoughby Blvd extension. He stated they have been working currently with Captec Engineering to define exactly what that is. There has been a draft of the deed submitted to Mr. Nicoletti. He originally requested a 15 month extension of the timetable across the board. He indicated he would be agreeable to limiting that to one year as it relates to the end date in the third phase of the project. I would like to have the 15 months relative to the 1st phase.

Vice Mayor Krauskopf : "As it relates to future land use and zoning, we have folks who have commercial zoning come in and ask for residential, and they probably wished they had not done that now. One of the themes that moves through Central Park is flex space. Do you find that flex space would be a healthier consideration then residential, in this environment, or are you totally committed to residential?"

Mr. Guinta stated that felt there was not enough supply of multi family, approved within the city or Martin County in general. He indicated the project is designed for the ongoing demand in the market and are flats versus townhouses.

Commissioner Waxler clarified that Mr. Guinta was asking for a 15-month extension for phases 1 and 2, and 1- year for phase 3.

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL OF RESOLUTION 47-07 WITH THE CONSIDERATION OF THE COOPERATION OF THE RIGHT OF WAY AND THE APPLICANTS REQUESTED TIMETABLES.

SECOND: COMMISSIONER WAXLER
ROLL CALL:

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

1:16:16 ~ 3/26/2007 6:57:36 PM

Item 16 added here by the City Manager Dan Hudson:

16. Discussion regarding the status of the Monterey Road City owned property Golf Course Lease.

Mr. Hudson stated he sent a letter to the tenant of the City Owned land at the direction of the Commission, the letter stated that he had been in breach of the lease. He indicated that the City had heard back from the tenant's attorney who stated that the tenant was prepared to turn over possession of the property. He stated the Attorney also stated they were still pursuing the lawsuit that had already been filed. Mr. Hudson said staff has documented the condition of the property, and noted the three stage approach to be taken. Parks and Recreation staff will take over the interim operation of the property. Hudson said the City will need to purchase some personal property from Mr. Collins and recommended up to \$20,000 be spent for immediate repairs and purchase of personal property in the amount of \$12,100.00. And third phase would be to take a long term plan for the entire site of 62- acres. The City Manager spelled out the following to be approved: A three stage program, and authorize the city manager to expend up to \$20,000.00, to secure the facilities and make immediate repairs, purchase personal property, cover the initial operating cost until the revenue stream is established. Authorize the City Manager to utilize the Property Management fund to account for and to fund the initial cost.

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL OF CITY MANAGER
RECOMMENDATIONS.

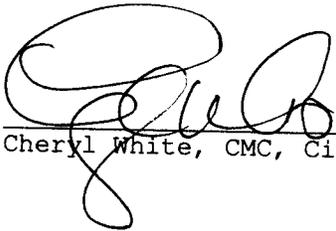
SECOND: COMMISSIONER CHRISTIE

ROLL CALL:

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

1:21:47 ~ 3/26/2007 7:03:06 PM

ADJOURNMENT


Cheryl White, CMC, City Clerk


Mary L. Hutchinson, Mayor

Minutes approved at the Regular Commission
Meeting This 9th Day April 2007



Cheryl A. White
City Clerk