

**REGULAR MEETING OF THE STUART CITY COMMISSION  
HELD ON JULY 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 (Absent)  
Commissioner James A. Christie, Jr.

Also present were:

City Manager: Dan Hudson  
City Attorney: Paul J. Nicoletti  
City Clerk : Cherie White (Absent)  
Deputy City Clerk Mary Nash

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

**PROCLAMATION**

A. PROCLAMATION: Proclaiming the week of August 6-10, 2007 as  
FLORIDA WATER PROFESSIONAL WEEK

(inaudible)

B. PROCLAMATION: Proclaiming August 7, 2007 as NATIONAL NIGHT OUT

(inaudible)

C. PROCLAMATION: Proclaiming the month of August as STUART FIRE  
FIGHTER APPRECIATION MONTH

(inaudible)

**PRESENTATIONS**

D. Employee of the Month, David Dyess, Police Department

David Dyess came forward and graciously accepted his award and thanked the City as well as each an every department who also worked on the new Public Safety Complex project.

**COMMENTS BY CITY COMMISSIONERS**

Mayor Hutchinson asked about the signs on Palm City Road.

Sam stated he would look into that.

### **COMMENTS BY CITY MANAGER AND REVIEW OF TENTATIVE AGENDA**

City Manager Hudson mentioned the following items:

1 – The Drug Court Lab has requested the City allow temporary use of approximately five months of the former American Legion Building for their drug lab. They have looked at “a couple of locations” and this would be a temporary lab operation.

The Commission approved their request.

2 – Several Commissioners have asked about the plan to place Manatee Pocket dredge material at Witham Field. The concern is the proximity to Stuart’s water supply wells. He stated he has conveyed this with Mr. Sam Amerson who believes there should be no impact to city wells; however, he will be contacting Martin County to obtain copies of the soil/water analysis of that material.

3 – Martin County Parks and Rec Department has requested that the City consider the list of possible occupants of the Monterey Point for the County Aquatics Center for the City landfill site.

The City Commission agreed to include it on the list for discussion.

4 – Due to numerous newspaper articles on consolidation of City and County services and felt the City needed to discuss this further at the Budget Workshop.

Commissioner Waxler In the past there has been some communication with Fire Rescue but it was decided there would be no financial benefit so the discussion was dropped. A follow up from earlier communication needs to be discussed.

#### **Review of Tentative Agenda**

Agenda Item 4 was pulled and renumbered as Item # 14 for discussion.

Agenda Item 5 the Harborage Cottages agreement to permit encroachment. He noted that staff has negotiated a one time fee of \$10,000.00 as consideration for approving the agreement and he also noted a letter to the Commission. He asked the City Commission while approving item 5 amends the staff recommendation to add the phrase that it be contingent upon the receipt of the fee of \$10,000.00.

Vice Mayor Krauskopf requested that it be pulled from Consent and renumbered as Item # 15 for discussion.

### **STAFF REPORT ON COMMENTS FROM PREVIOUS COMMISSION MEETING**

- **Historic Building Tax Credits**                      **On Hold**
- **Monitor County Aquatics Center**   **Pending**
- **SR 707 Haney Creek Maintenance** **Pending**
- **Annexation Maps**                                      **Pending**
- **Policy Regarding Pole Signs**                      **Zoning in Progress**

- |   |                            |
|---|----------------------------|
| • Villabella Compliance   | Magistrate Hearing 8/9/07  |
| • Review of Moratorium procedures/<br>Inventory of Developable Land | Agenda 7/23/07             |
| • Interlocal Agreement School Board                                 | Pending                    |
| • Fiscal Policy on Investments                                      | Pending                    |
| • Commerce Ave. on Street Parking                                   | Pending                    |
| • School Interlocal Agreement                                       | Pending                    |
| • Plaque for Historic Pier  | Pending                    |
| • Seminole Street Vacant Lot  | Notice of Violation issued |

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

Helen McBride came forward and stated she was at the County Commission Meeting who discussed landscaping on Monterey Road. She stated the City was suppose to contribute \$23,000.00 for maintenance once the shrubbery and trees were installed. She spoke on behalf of the residents of Sarita Heights who expressed concern over the issue. She also expressed concern over the foot bridge installed near the YMCA. She stated it was in need of repair.

Mr. Hudson stated he spoke with Mr. Amerson who said repairs would be made within the next two weeks.

Chris Sawicki came forward and looks forward to the discussion of the Chickey Hut and its placement.

Vice Mayor Krauskopf requested that item 11 be moved to the Budget Workshop.

No decision was made at this time regarding item 11.

**APPROVAL OF AGENDA**

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL OF AGENDA AS AMENDED

SECOND: COMMISSIONER WAXLER

MOTION APPROVED UNANIMOUSLY

**CONSENT CALENDAR**

1. Request to approve MINUTES FROM THE REGULAR COMMISSION MEETINGS of June 11 and June 25, 2007
2. Request to set a public hearing date of August 13, 2007 to consider a major amendment to the CPUD National City Bank, located between SE Miami St. & SE Market Place
3. Request to set a public hearing date of August 13, 2007 to consider a minor amendment to the PUD for construction of an access driveway and conceptual layout for development, Industrial Development Corporation, SE Federal Hwy.

Item 4 was renumbered as item 14

4. **Request by Stuart Heritage to change the location of a traditional Seminole "chickee" (originally slated to be built immediately behind the Stuart Feed Store) to a new location near the Flagler Recreation Center Park's eastern driveway**

Item 5 was renumbered as item 15

5. **RESOLUTION 98-07 Authorization to execute an "agreement to permit encroachment" between the City and Harborage Cottages-Stuart, LLLP, allowing the existing minor encroachment of building #6 of the Harborage Yacht Condominium Development upon the right of way of Northwest Flagler Avenue**
6. **RESOLUTION 99-07 Authorization to approve a Revocable Permit dated June 30, 2007 to allow the installation of concrete brick pavers within the City right of way for a property located at 512 SE California Avenue, improvements include a brick paver driveway entrance and sidewalk**

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL OF CONSENT CALENDAR AS  
AMENDED 1,2,3,6

SECOND COMMISSIONER WAXLER

Robert Steinberg came forward and expressed concern regarding the information in the application of the revocable permit of 512 SE California Ave, item 6 on the agenda. He stated the application should be denied. He gave a brief history of the location and addressed sidewalk issues by quoting from the City's comp plan on protection of public sidewalks. He said the original sidewalk was removed without the City's permission and no action has been taken to date. The work is being done without a permit and he wants to have a meeting with staff.

Vice Mayor Krauskopf wondered if a mutually compatible solution could be reached,

Kev Freeman stated that the issues have been addressed and work has been continued without a permit. A notice of violation was issued and a stop work order was issued. Because the issue on that street and on street parking the accesability to the pedestrians on both sides. There is a sidewalk on the opposite side of the street and this is a natural continuation of what is already there. I hope the revocable permit would incorporate the sections not previously incorporated previously.

Vice Mayor Krauskopf asked in the after condition would someone be able to walk up and down?

Mr. Freeman stated that it would be difficult with cars parked there.

Mr. Steinberg stated the pavers that have been installed eliminate pedestrian access and also eliminates the sidewalk. He stated there is still enough room to park and still have a sidewalk. Mr. Braid removed the sidewalk without City approval. He stated the City has clearly demonstrated the need for pedestrian right-of-way.

Mr. Michael Braid came forward and stated the only difference between the sidewalk and the pavers is the material. People have always parked there even when it was a sidewalk they

would park on the sidewalk. People do not park there who don't live there. He stated there is the same issue at Stuart Cay. He stated he felt it would be a nice finish to the property.

Mr. Hudson suggested having this item heard at the August 13, 2007 regular Commission Meeting.

MOTION: VICE MAYOR KRAUSKOPF: AMENDED APPROVAL TO TABLE ITEM 6 TO  
AUGUST 13, 2007 AND APPROVE ITEMS 1,2,3.

SECONDED: COMMISSIONER WAXLER

ROLL CALL

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

### FIRST READING OF ORDINANCES

#### ***REQUEST TO CONTINUE FIRST READING OF ORDINANCE 2108-07 TO THE MEETING OF AUGUST 27, 2007***

- 7. ORDINANCE 2108-07 (First Reading) to consider a rezoning from R-3 to MXPUD for a 1.24 acre parcel, 1300 SE Palm Beach Road, Palm Homes Development, LLC (QUASI-JUDICIAL)**

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL TO CONTINUE ITEM 7  
ORDINANCE 2108-07 TO AUGUST 27, 2007

SECOND COMMISSIONER WAXLER

MOTION APPROVED UNANIMOUSLY

- 8. ORDINANCE 2115-07 (First Reading) to consider a master site plan, compliance with the site design qualitative development design standards, a list of development conditions and a timetable for development for Center Pointe MXPUD, 3705-3735 Kanner Highway (QUASI-JUDICIAL)**

Sworn were:

Michael Grzlk

Ted Davis

Bob Shaw

Jason Litterick

Susan ORourke

Kevin Freeman

Pinal Savdas- Gandhi

Kev Freeman gave a brief presentation regarding the proposed project Center Point subject site which consists of 10.33 acres located on the east side of Kanner Hwy. north of Indian Street.

The proposed MXPUD would contain 132,712 square feet of commercial space to include medical offices, office/retail, a restaurant and a bank.

He statedThe LPA recommended that the developer provide pedestrian safety measures and speed tables and bollards will be added to the site plan.

Vice Mayor Krauskopf requested the future plans for the adjacent lands and interconnectivity from this parcel.

Staff said one of the adjoining projects is scheduled to go before the LPA in two weeks. Negotiations are "on-going" with the County and staff who will make a presentation at the next City Commission meeting.

Commissioner Christie said traffic is the big issue and the location of the Indian Street Bridge.

Commissioner Waxler was also concerned about traffic and the number of parking places. She noted the need for more medical office parking. She was not "excited" about the proposed Mediterranean architecture.

Vice Mayor Krauskopf requested information from Martin County regarding the adjacent land and it's use

Commissioner Waxler asked what insurance the City would have on traffic signalization?

Mr. Freeman indicated that one of the conditions if a traffic signal is warranted the applicant must install a traffic light. It also must be designed in align with the mobile Home park across the street.

Commissioner Waxler asked what guarantee do we have they will do that condition.

Mr. Freeman stated the City could tighten the condition, requiring a bond to be in place for a period of time that a signal is warranted. He also is that a high degree of interconnectivity, which would take some traffic pressure off of the main entrance to the adjacent proposed Post Office.

Mayor Hutchinson agreed with Commissioner Waxler on the architecture and also expressed concern over the name of the proposed project and its close proximity to Cedar Pointe Plaza. She also addressed the buffer between the subject site and abutting residential area.

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL TO TABLE ITEM 8 ORDINANCE 2115-07 TO AUGUST 27, 2007.

MOTION: VICE MAYOR KRAUSKOPF: AMENDED MOVED APPROVAL TO CONTINUE ITEM 8 ORDINANCE 2115-07 TO AUGUST 13, 2007

SECOND COMMISSIONER CHRISTIE

ROLL CALL

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

**SECOND READING OF ORDINANCES**

- 9. ORDINANCE 2113-07 (Second Reading) relating to the "Definitions" in Chapter XII, Development Design Standards, Chapter VI and the Administrative Variance Provision Chapter X of the Stuart Land Development Code providing that development may utilize Green Building Elements within its design and construction to obtain development credits (QUASI-JUDICIAL)**

Kev Freeman indicated that all Commissioner's comments had been incorporated into the Ordinance.

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL TO APPROVE ORDINANCE 2113-07 ON SECOND READING

Roberts Cunnellos, Garcia Stromberg Architecture came forward and stated he has been working with staff to put together the proposed Ordinance.

SECOND COMMISSIONER CHRISTIE

ROLL CALL

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

- 10. ORDINANCE 2114-07 (Second Reading) relating to consistency and concurrency determinations Chapter 4 Section 4.07.00 of the Stuart Land Development Regulations regarding the Traffic Concurrency Management System (QUASI-JUDICIAL)**

MOTION: COMMISSIONER CHRISTIE: MOVED APPROVAL OF ORDINANCE 2114-07 ON SECOND READING

SECOND VICE MAYOR KRAUSKOPF

ROLL CALL

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

**\*Mayor Hutchinson requested that item 14 to after item 11. The Commission concurred.**

**COMMISSION ACTION**

- 11. Request by the Housing Authority of the City of Stuart for a donation of (2) two vacant, city-owned Lots in East Stuart**

City Manager Hudson stated "The City supports the goals of the Housing Authority but has issues with the land under the 10<sup>th</sup> Street Recreation Center. The Housing Authority wants to keep the issues separate but the City is "reluctant to do so in the discussion so far because basically it is our only leverage." He noted the City has always supported housing and continue to make efforts to secure vacant residential lots for this purpose in the future.

Terry O'Neil addressed the background of the lease arrangement and the \$60,000 worth of improvements put into the 10<sup>th</sup> Street Rec Center.

Attorney Nicoletti said the "clear title" owner is the Housing Authority but the "equitable owner" is the City and the deed restriction said the land had to be used for recreation. Noting how much money the City put into improvements,

Commissioner Waxler said facing the cut backs in the budget she cannot see giving away two lots.

Stuart Housing Authority Director Maria Berger came forward and requested the the donation of land because of the need for affordable housing, and in the past the City has been "generous" with land donations.

After a brief discussion Vice Mayor Krauskopf suggested this be discussed at the budget hearing.

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL TO CONTINUE THE ENTIRE DISCUSSION UNTUIL AUGUST 27, 2007  
SECOND : COMMISSIONER WAXLER

Helen McBride came forward and felt that affordable housing is a good thing for residents who can't afford rental. She suggested the City look at the 10<sup>th</sup> Street Recreation lands.

Maria Berger came forward and said it was never the intention of the Housing Authority to take the 10<sup>th</sup> Street Recreation land and get rid of the Recreation Center and develop on it.

MOTION APPROVED UNANIMOUSLY

**Item 14 formally item 4 was moved here:**

- 14. Request by Stuart Heritage to change the location of a traditional Seminole "chickee" (originally slated to be built immediately behind the Stuart Feed Store) to a new location near the Flagler Recreation Center Park's eastern driveway .**

Terry O'Neil gave a brief presentation regarding the location of a Chickee Hut be placed at the Flagler Recreation Center Park.

Vice Mayor Krauskopf expressed concern the placement may conflict with a proposed future plan for that property.

Terry ' O'Neil stated the proposed location would have an impact on the parking.

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL TO RELOCATE THE CHICKEE SO THAT IT DOES NOT CONFLICT WITH THE HISTORIC VILLAGE PLAN.

MOTION: COMMISSIONER WAXLER: WAXLER WANTED IT UNDERSTOOD THAT THIS IS A REVOCABLE PERMIT AND THE APPLICANT SHOULD BE ALLOWED TO PLACE THE CHICKEE ON AN ALTERNATIVE SITE OR WHERE THEY WOULD LIKE TO PLACE IT

PROVIDED THAT IT IS UNDERSTOOD THAT AS WE MOVE FORWARD THERE MAY BE A DAY WHERE WE WOULD HAVE TO REVOKE THE PERMIT TO ACCOMMODATE THE VILLAGE.

Anne Milton and Helen Engebretsen came forward and expressed concern over the possible moving in the future of the Chickee. She stated she would find out from the builder as to whether it could be moved or not.

Attorney Nicoletti said that condition could be put into the revocable permit.

Mr. Hudson suggested the permit be renewed annually.

MOTION: COMMISSIONER WAXLER: MOVED APPROVAL TO ISSUE A REVOCABLE LICENSE OR REVOCABLE PERMIT TO STUART HERITAGE FOR THE LOCATION OF THE CHICKEE AND THE LOCATION THEY HAVE INDICATED ADJACENT TO THE FEED STORE AND SUBJECT TO A RENEWABLE ANNUALLY.

SECOND : COMMISSIONER WAXLER

ROLL CALL

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

### **DISCUSSION & DELIBERATION**

#### **12. Single stream recycling for residential and multi-family units**

Dave Peters gave a power point presentation introduced "Sammy the Sailfish" icon and the slogan "Take Action and Recycle Today – Keep Stuart Clean and Green – Reduce, Reuse and Recycle" As of October 1, 2007 Martin County will eliminate the "tipping fee" to identify the true cost of collecting recyclables. The City plan is to get rid of the blue and yellow bins and in their place issue 55 or 95 gallon covered recycling containers along with recycling handled bags. This will reduce the cost of using the landfill and the City will go from waste management to resource management.

The plan would also reduce garbage collection in the City from two days per week to one day per week which will encourage recycling and reduce the rate 12%. This can all be done with existing equipment with the use of a roll up sign to designate garbage or recycling collection. This is the first phase of a multi-recycling program which is going to be done "in house".

Vice Mayor Krauskopf had concern the residents would not know what to place in the containers,

Mr. Peters stated it would be printed on the containers.

Armond Pasquale came forward and stated the original bill passed by Tallahassee stated the recycling program has to be run by the County. He stated the reason why multi family and industrial don't recycle is because they can be charged a fee. He

agrees with recycling and requested the City look into the law before they move forward.

Mayor Hutchinson stated that the City Attorney would look into it.

Armond Pasquale also stated the recycling program in the County does not pay for itself and is subsidized by taxes.

Bernie Malone President Towne Park Condominium came forward and stated the program will work and looks forward to it.

Helen McBride came forward and looks forward to the program.

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL TO HAVE GARBAGE PICKUP ONCE A WEEK AND START THE PROGRAM.

SECOND : COMMISSIONER WAXLER

ROLL CALL

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

### **13.Potential impact of development north of the Roosevelt Bridge**

Key Freeman came forward and gave a brief presentation to the City Commission regarding the planning and zoning issues and existing land patterns North of the Roosevelt. Population projections for 2007-08 include Stuart at 300, Martin County at 3,000 and St. Lucie County at 9,000.

Attorney Nicoletti stated that a question was raised if moratorium could be used as a development tool.

Commissioner Christie raised questions regarding traffic and concurrency failure and the effect on CRA properties.

Commissioner Waxler declared that if you do not meet the time schedules you lose the right to develop but she wanted to know what happens if the project is half finished?

Mayor Hutchinson indicated there were no penalties at this time.

After more discussion by the Commission it was determined that the City would move forward with the rewrite of the Code and Land Development Regulations. Attorney Nicoletti also indicated staff will be coming forward with a series of recommendations on ways to amend the code.

Mayor Hutchinson stated that we better hurry up because there won't be any land left.

Commissioner Christie stated that the City has the least impact but yet it affects us, and that is just with the traffic. He expressed concern of a possible water moratorium.

Commissioner Krauskopf asked what was the time frame on a system that lets you know where a project is at?

Kev Freeman stated he was working on that with each project and should have something up and running in 3 or so months.

Mayor Hutchinson asked if the TCEA had to be reviewed on annual basis?

Kev Freeman stated the City has in process a traffic concurrency that will be presented to the Commission within the next month.

Vice Mayor Krauskopf stated he would like to see a graphic of the CRA area and then a graphic of the TCEA area. It should be smaller then the CRA.

Kev stated he would look at that.

**Item 15 was formally item 5 on the agenda.**

**15. RESOLUTION 98-07 Authorization to execute an "agreement to permit encroachment" between the City and Harborage Cottages-Stuart, LLLP, allowing the existing minor encroachment of building #6 of the Harborage Yacht Condominium Development upon the right of way of Northwest Flagler Avenue**

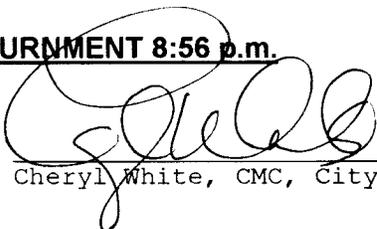
MOTION: COMMISSIONER WAXLER: MOVED APPROVAL TO ALLOW STAFF TO WORK WITH THE DEVELOPER EITHER BY LANDSCAPING ON WHAT COULD BE WORKED OUT IF NOT THEN PRORATION OF THE \$10,000.00 WHETHER ITS PART PAYMENT OR PART LANDSCAPING GIVE STAFF THE FLEXABILITY TO WORK WITH THE DEVELOPER.  
SECOND : VICE MAYOR KRAUSKOPF

Commissioner Waxler also mentioned to the applicant representative that the neighbors adjacent to the project were very pleased with the communication between the developer and the residents on its progress.

ROLL CALL

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

**ADJOURNMENT 8:56 p.m.**

  
Cheryl White, CMC, City Clerk

  
Mary L. Hutchinson, Mayor

Minutes approved at the Regular Commission Meeting this 13th Day August 2007

