

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON JANUARY 26, 2009
AT 5:30 P.M. IN THE CITY COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994**

Roll call was answered by:

**Mayor James A. Christie
Vice Mayor Michael Mortell
Commissioner Carol S. Waxler
Commissioner Jeffrey A. Krauskopf
Commissioner Mary Hutchinson**

Also present were:

**City Manager: Dan Hudson
City Attorney: Paul J. Nicoletti
City Clerk: Cherie White**

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

PRESENTATIONS

A. Employee of the Month

Bobby Kindel

Bobby Kindel came forward and graciously accepted his award and thanked the City Commission.

B. Employee of the Year and Runner-up

Employee of the Year runner-up is Deborah Gordon and the Employee of the year is David Dyess.

Debby Gordon came forward and graciously accepted her award and thanked the City Commission.

David Dyess came forward and graciously accepted his award and thanked the City Commission.

C. Employee Service Recognition

Melvin Barbre, Police Department, 10 Years

Melvin Barbre came forward and graciously accepted his award and thanked the City Commission.

COMMENTS BY CITY COMMISSIONERS

Commissioner Waxler stated she attended the Airport Advisory Board Committee meeting last Thursday, and asked what the County had done if anything regarding the buyout property, and if they had any plans for what they are going to do with the hole that they have created in the City. They said they were going to get with the City, and are compiling a list of potential uses and they will circulate that list to her.

Commissioner Waxler stated she would forward a copy to all the City Commissioners. She also stated that at the Meeting of April 23rd with the Noise Advisory Board Committee they will be discussing the list. She asked if perhaps the City Manager and Development Director would want to attend and it was very well received. She also suggested a good use for the property that the County may want to put its dog park there. They are in need of a dog park and she stated she was going to make some phone calls.

Commissioner Hutchinson stated the Harborwalk Property was going to be sold tomorrow at the courthouse. She asked if the City was still interested in the property.

City Manager Hudson stated he had not brought anything forward and his first focus has been the property next door. I think the City has a continuing interest in the property but I would not recommend participating in the sale. As I understand the facts right now, I understand there is going to be one or two real word bidders out there, but my prediction is that because of the financing that is tied up in the property, it will probably be in the ownership of the bank at the end of the day. When we looked at the property we made a determination that it is a title creek which means that any uses on the property would be subject to the referendum requirement that's now in existence. He stated he would continue to follow the progress of the property.

Commissioner Krauskopf held up a plastic bag with a rock and Pappa John's flyer inside that was thrown in his driveway. He understood the City had regulations on the books regarding this type of advertising. He stated that Keep Martin Beautiful has an awards ceremony on Thursday night and he was sure this would not qualify. He requested the City look into the matter.

Commissioner Hutchinson stated she too had received something in her driveway a few years ago from Pappa Johns as well.

The City Manager stated he would look into the matter.

Vice Mayor Mortell stated he attended a MPOAC meeting last week in Orlando. He stated the topic discussion was about the Economic Stimulus Plan which has changed its name to the Recovery Plan. He stated the City's and Counties that were present general discussion were about resurfacing, road maintenance and their list that have been formed. He stated that Ann Parada was present and she indicated that Martin County was putting together a list of road resurfacing jobs that they have that are County roads. He stated he asked if there was participation with Stuart as it pertains to the list and she stated she was unaware. He said that even if the City of Stuart does not receive any of the recovery money it may be a good idea to put together a CIP list together or something that could go up with Martin Counties list. He requested the City contact her regarding this matter.

City Manager Hudson stated he saw a Bill that has come out of the House that is using the words recovery in it.

Mayor Christie stated the liaison from Representative Tom Rooney's office was in the audience and he introduced Clint Starling to the Commission and public.

Mr. Starling came forward and stated that Representative Rooney was here and ready to work with the City. He said any questions the City may have to feel free to contact their office. He said the office is located at 335 SE Ocean Blvd.

Mayor Christie stated it was a good week for the City and the East Stuart neighborhood with the past events of the Martin Luther King Day celebration and parade, which was one of the largest events in East Stuart in a long time. He stated it was well done and well attended. He also stated that on Tuesday we all witnessed history with the inauguration of President Obama.

COMMENTS BY CITY MANAGER AND REVIEW OF TENTATIVE AGENDA

City Manager Hudson pointed out to the Commission the completion of the new roof at the Water Treatment facility on Palm Beach Road.

Agenda changes are as follows:

Item 4, The City Commission has been provided a supplemental Memo which indicates some additional conditions that are being applied.

Item 6, The Urban Code Exception for Key Lime Café, he recommended continuing that until February 9, 2009. There was a problem with the notice requirements in front of the building. He also called attention to a letter received from Ms. Sherry Johnson objecting to the proposal.

Item 7, A timetable extension for Central Park Lofts, a request has been made to continue that item until March 9, 2009.

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

Dr. J. Thompson, East Stuart Main Street Board came forward and thanked the City for their participation and continued support in the recent celebration of the Martin Luther King Day. He stated that with the participation of the City it would be the beginning of a cultural and revitalization of the East Stuart neighborhood.

APPROVAL OF AGENDA

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL TO APPROVE THE AGENDA SPECIFICALLY IDENTIFYING THE MEMO INCORPORATED IN ITEM #4 AND THE CONTINUING OF ITEM #6 & #7, ITEM #6 TO FEBRUARY 9, 2009 AND ITEM #7 TO MARCH 9, 2009.

**SECOND: COMMISSIONER HUTCHINSON
MOTION APPROVED UNANIMOUSLY**

CONSENT CALENDAR

- 1. Request to approve the minutes of the regular City Commission Meeting of January 12, 2009**
- 2. RESOLUTION 04-09 Authorization to execute a Change Order #1 to work authorization letter Boyle Engineering WA-33 to provide for additional engineering services related to process control at the Water Treatment facility in an amount not to exceed \$27,400.00 upon review and approval by the City Attorney.**

3. RESOLUTION 06-09 Authorization approving a grant application to the Children's Services Council County (2009-2010 Neighborhood Grant-East Stuart Youth Initiative Program) and if successful authorizing the Mayor and City Clerk to execute a contract between the Children's Services Council of Martin County and the City of Stuart for recreation program services related to the East Stuart Youth Initiative Program.
4. RESOLUTION 08-09 Authorization to approve a revocable permit for Maria's Café, LLC for property located at 10 S.W. Osceola Street; permitting the use of public right-of-way for an outdoor seating area associated with the use of a restaurant .
5. RESOLUTION 09-09 Authorization to execute a Lease Agreement between Martin County Destination Marketing Corporation, dba Martin County Convention & Visitors Bureau and the City of Stuart to provide for the rental of 817 sq. ft. of space including a reception area, three (3) offices and storage racking on one wall in the City Hall Annex Building at 300 S.W. Flagler Ave.

END OF CONSENT CALENDAR

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL OF THE CONSENT CALENDAR

SECOND: VICE MAYOR MORTELL

ROLL CALL;

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

COMMISSION ACTION

***Item #6 has been continued to February 9, 2009.**

6. RESOLUTION 05-09 Authorization to approve a Major Urban Code Exception to John White, owner of Key Lime Café, tenant of the property located at 211 S. Colorado Avenue; to allow the sale of alcoholic beverages at an established restaurant located within the "Old Downtown Section" (Quasi-Judicial)

ORDINANCE SECOND READING

Item #7 has been continued to March 9, 2009.

7. ORDINANCE 2177-09 Providing an amendment to the "Central Park Lofts (North)" and the "Central Park Lofts (South)" Residential Planned Unit Development Agreement described in Ord. No. 2031-05 dated May 16th, 2005 amended by Res. No. 84-06 dated May 8, 2006 and amended Res. No. 47-07 providing for a new timetable for submission of the site permit, submission of building permit for construction and issuance of Certificates of Occupancy for a multi-family housing facility and professional office at the North and South sides of Central Parkway and East of the proposed Willoughby Blvd. (Quasi-Judicial)

DISCUSSION & DELIBERATION

8. Rationale for TCEA Boundary North

City Manager Hudson gave a brief history of the TCEA and the CRA.

Doug James, Development Director came forward and gave a brief overview of the TCEA Boundary.

Commissioner Hutchinson expressed concern over the area to the North and felt that in order for it to be redeveloped something has to be redeveloped on it in the first place. She felt that area needed to be removed from the traffic exempt area.

Mr. James explained the property qualified for the TCEA area.

Vice Mayor Mortell expressed concern over changing the designation from the TCEA area. He stated the City still has good control over that with the current Land Use regulations, and the PUD process to allow or disallow almost anything we want or don't want as it comes forward. He stated that when Green River Parkway opens it will probably open at a "D" and most likely at the corner of Baker Road and Green River will probably be an "F" without Avonlea being developed. He suggested the City focus on good projects versus bad projects. The City needs to accept the exception process that allows the City to give incentives to someone who may want to preserve some of that Haney Creek land in exchange for letting them develop something that can qualify because it is in the CRA and traffic exempt.

Commissioner Krauskopf suggested backing it up with data and statistics so we know what we have there. He also asked if the City wants to make it a forgone conclusion, and would we want to intensify in an area that is already full of traffic.

Mayor Christie felt the TCEA was a tool used in the CRA to deal with the traffic concurrency.

Commissioner Hutchinson felt the City did not have the tools to manage the vast amount of area properly.

Vice Mayor Mortell expressed concern over taking away the traffic concurrency away from North of the Bridge because he felt the City would not get an application for anything.

Commissioner Hutchinson requested the Development Director look at the approved project along US1 and let them know if it was not a traffic exempt area what they would have to have done versus being in the traffic exempt area in a summary. I would be interested in seeing US 1 and Baker, the one that is farther to Windemere. If those two had to abide by concurrency what is your professional judgment of, would the cost have been so large that they probably would not happen?

Vice Mayor Mortell agreed that would be a good idea.

Sandra Hawkin came forward and expressed concern over the traffic north of the Bridge. She also asked why the City designated that area TCEA and CRA when it was mostly empty land needing new construction and not redevelopment. She stated this area was not blighted and

the developers paid big bucks to get on this very busy corridor. It is prime real estate. The property north of the Roosevelt Bridge was annexed into the City because the developers like less stringent codes. She quoted traffic volumes on the new projects north of the Roosevelt Bridge. She requested the City consider the residents of Lake Park, North River Shores and along US1 because they are very much impacted by the TCEA.

Commissioner Hutchinson stated she would like to know the factual information regarding the projects north of the Bridge. She also asked what would be the repercussions if the City were to take out the TCEA, and is it legally possible?

Commissioner Hutchinson also reminded staff to look into the cost associated with the Wright Blvd and 707 right hand turn lane.

City Manager Hudson stated the City is looking into a funding source. He also stated he would discuss the matter with Martin County.

Commissioner Hutchinson asked if she should bring this matter up to the MPO for possible funding sources.

9. Proposal by the Mrs. Peters Smoked Fish Company to lease a city-owned parcel at the southwest corner of MLK Jr. Blvd. & Dixie Highway for the purpose of building (and relocating to) a new catering/retail sales facility

Terry O'Neil came forward and gave a brief presentation regarding the proposal by Mrs. Peters Fish to construct a 5000 sq foot facility of the corner of Martin Luther King Blvd and Dixie Highway on City owned land. He explained it was an FDEP project to do the head waters project for water quality reservoir. He explained Mrs. Peters is interested in the intersection parcel. He stated he has had conversations with DEP and inquired with them regarding grant funds used to purchase the property. He also stated that the City Attorney has reviewed the grant agreement and finds no provision that would prohibit the City from leasing the property. When in contact with the FDEP they have insinuated there may be some reimbursement necessary if the City were to move forward and entertain a lease. They have not sighted the bases for that and we expect to talk with them further this week and press them harder to find out why that reimbursement is required.

He added that the $\frac{3}{4}$ acre parcel, if the City were to reimburse on a square foot basis, may be in the neighborhood of around \$90,000, which conceivably could be factored into a lease agreement.

Commissioner Hutchinson asked were the City portion of the funding came from for this property.

Terry O'Neil believes the funding source was the $\frac{1}{2}$ cent sale tax and some Healthy River Funds.

Commissioner Hutchinson expressed concern over the use of Healthy River Funds, she stated any funds generated from the site should be used for wetland mitigation or healthy rivers or somewhere along those lines.

Commissioner Waxler asked Commissioner Hutchinson to clarify, if the funds should be to replace what funds were used or forever?

Commissioner Hutchinson stated she did not think that far in advance but probably for what funds were used.

City manager Hudson stated he could come up with a proposal for the Commission to consider on how to do that.

Commissioner Hutchinson also asked about the plan in the packet would need an exception because it does not meet code, and did not intend on grant an exception to the City for itself. Any plan that does come in front of me for this property needs not to have exceptions as part of the approval process for the property.

Attorney Nicoletti stated the City would be speaking with the FDEP tomorrow and if the City Commission was inclined to dedicate the funds for the rivers project, I think that may go a long way in accepting the proposal and not disturbing the City's plan.

Commissioner Hutchinson also asked about attachment A for the project work plan. She requested verification that we are not infringing on how the original project was defined in this application.

Vice Mayor Mortell could not remember if this property was dedicated as a Park or if there was some discussion regarding the relocation of historic properties to this site. I think that Commissioner Hutchinson's idea as it relates to, a first in first out money pertaining to where we got the money from to acquire this land is also very significant and a good idea, because that money should go on in perpetuity to allow us to do other projects. If we treat it as a first in and first out, and give it a premium, we can turn that into an investment tool we can use in the future, and not money that can get earmarked to settle a lawsuit or something like that. I am happy about that idea, and I am happy to see us do something with that. He requested staff look at the Commission's direction regarding the site being used for a donor site for potential historic buildings. He said he was ok with moving forward on it, but he does not want to be inconsistent with whatever the outcome was of that meeting were we had that discussion.

Commissioner Krauskopf agreed that he did not see anything that would keep the City from moving forward. I believe a rational nexus to stormwater cleanup makes sense. The two items I have on that would be to move the dumpster closer to the building and he stated he was not sure you could have an access on Martin Luther King Jr. Blvd because of the proximity of the traffic light. I think the key element for me is to make the building almost shine in 360 degrees. Or 270 degrees, and inviting people in from the other side, over by the post office and using the bridge to bring people in also. The architectural should be an important feature and how it presents itself and how it advertises itself.

Mayor Christie agreed with Commissioner Hutchinson's comments. One of the key things for this site and how we can use it is in the redevelopment effort and the revitalization effort in the East Stuart neighborhood. This is something in the neighborhood that would attract other property owners and potential entrepreneurs to look at East Stuart sites and mirror what this type of project can do. He mentioned the grant application to the Woodlawn area and making that a better area for more commercial development. I would like to see us move forward with this project, with all of the concerns in mind.

Commissioner Waxler requested obtaining all the information from the State before we move forward and find out what they are expecting. She also did not staff to spend a lot of time on

something that may not work out. She agreed it is a wonderful idea and also agreed with Commissioner Hutchinson. She also agreed the structure needs to be eye catching because that is going to be kind of like the gateway on Martin Luther King on this side, and it needs to be nice.

Teresa Lamar Sarno formally introduced Thondra Lanese, who is working with the East Stuart Main Street, part time. She has significant main street experience, and explained her office is located at the 10th Street Recreation Center.

ADJOURNMENT 6:12 pm

Cheryl White, CMC, City Clerk

James A. Christie, Mayor

Minutes approved at the Regular Commission
Meeting this 23 Day February 2009