

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON SEPTEMBER 14, 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

- 1. PROCLAMATION: Proclaiming Constitution Week September 17-23, 2009**

Portia Scott graciously accepted the Proclamation and thanked the City.

- 2. PROCLAMATION: Proclaiming 81st Observance of the Hurricane of 1928, on September 16, 2009**

Dr. Willie Jay Thompson graciously accepted the Proclamation and thanked the City.

- 3. Florida Festival and Events SUNsational Awards**

Jim Chrulski came forward and announced several awards that the City has won. One of the awards was the; Best Private Public Partnership. He wanted to recognize those who participated in the several events. Those recognized are; Commissioner Hutchinson, John Bella, Dominick Bonito, Chris Sawicki and Inez Frid. He presented Inez Frid a commemorative plaque from the City of Stuart.

Inez Frid came forward and graciously accepted the award.

Commissioner Hutchinson announced the upcoming Riverwalk Jazz event to be held the first Sunday in October from 1-4 pm.

Mayor Christie wanted to recognize Commissioner Don O'Steen and Commission Jackie Thurlow Lippish of the Town of Sewalls Point.

COMMENTS BY CITY COMMISSIONERS

Commissioner Hutchinson read an email from someone who enjoyed the free movies at the Lyric Theatre, as part of the CRA's Free Summer Movies at the Lyric program. Commissioner Hutchinson asked that we continue that project next year.

Commissioner Krauskopf noted that he sent out about 200 notes from the community and received a rather significant number of detailed responses, as to what they would like to see the City accomplish in the next fiscal budget year. He said he would be putting together a list from the easier to the more difficult things.

COMMENTS BY CITY MANAGER

City Manager Hudson recalled an earlier direction for application to FCT for Willoughby Blvd right-of-way exchange. He stated it is on the FCT agenda for September 24, 2009.

He also mentioned the Special Event Fees should be on the next agenda. Also scheduled is a CRA meeting for September 1, 2009 at 5:00 p.m. He stated we are going to strive to hold at least one CRA meeting a month.

Item 9 Revised Resolution.

Item 12: Interlocal Agreement with Sewalls Point for Fire Rescue Service.

Item #15: A request has been made by the applicant to withdraw the item completely. He stated that apparently the space has been leased to a different tenant.

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

Helen McBride came forward to thank the City for their efforts in responding to her concerns expressed at past hearings.

Stanley Huddleston, resident of Cardinal Way, referenced the proposed City pier that has been rejected by his neighborhood and suggested the pier be relocated to another neighborhood that would like to have it – namely the dead end street at the end of Manor Drive.

APPROVAL OF AGENDA

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF THE AGENDA AS AMENDED.

SECOND: VICE MAYOR MORTELL
MOTION APPROVED UNANIMOUSLY

CONSENT CALENDAR

4. Request to approve the minutes of the regular Commission Meetings of August 10, 2009 and August 24, 2009
5. Approval of deadline change with EcoVentures LLC Lease from September 1, 2009 to September 15, 2009

6. **RESOLUTION 96-09 Authorization to execute an underground facilities conversion agreement with Florida Power & Light Company**
7. **RESOLUTION 97-09 Authorization to execute a special construction agreement with AT&T, Inc.**
8. **RESOLUTION 102-09 Authorization to approve the award of invitation to bid (ITB) 2009-243 Chemicals; Water/Wastewater Treatment Plants to the lowest, most responsive and responsible bidders**
9. **RESOLUTION 103-09 Authorizing to execute an Interlocal Agreement between the City of Stuart and Martin County to provide for construction of a Southbound right turn lane on SR 707 at N.W. Wright Boulevard**
10. **RESOLUTION 104-09 Authorization to execute an Interlocal Agreement between the City of Stuart and Martin County to provide for traffic signal installation and maintenance on SR-5 (US-1/Federal Highway) at SE Slater Street, NW Baker Road and NW Windemere Drive**
11. **RESOLUTION 105-09 Authorization to approve a site plan amendment to a major site plan proposed by Monterey Medical Center, LLC, permitting development in accordance with such major site plan of approximately 9,500 total square feet of building area (Quasi-Judicial)**
12. **RESOLUTION 107-09 Authorization to execute an Interlocal Agreement between the City of Stuart and the Town of Sewall's Point to provide for fire-rescue protection, fire inspection and emergency medical services commencing October 1, 2010**
13. **RESOLUTION 108-09 Authorizing a budget amendment to the 2008-2009 annual general fund operating budget to transfer funds from general fund, fund balance to general government operating expenditures in the amount of \$112,140.86 for the expenditures of funds for payment due to a prior employee for a lump sum distribution from the terminated City Pension Plan (transferred to the Florida Retirement System on September 1, 2006), the excess funding which was transferred to general fund, fund balance in 2007, in the amount of \$112,140.86**

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF THE CONSENT AGENDA

SECOND: COMMISSIONER WAXLER

ROLL CALL

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

END OF CONSENT CALENDAR

COMMISSION ACTION

14. Consider the purchase of 100' lot from Donna Dorney and relocation of the Evans Crary Home, the cost to the City is approximately \$150,500 for the land purchase and about \$45,000 to move the structure and an additional \$50,000 for electrical, HVAC, plumbing, etc.

City Manager Hudson reviewed the background and proposal for the preservation of the historic Crary Home, namely purchasing the lot adjacent to the house's current location and moving the structure to that new location. This would allow Ms. Dorney to move forward with her plans to build a new structure on the site. There is concern about a short time line due to a 30-day demolition permit.

Attorney Nicoletti clarified the City's intent.

Commissioner Hutchinson said the City has lost a number of historic houses and she believes this house is "historically significant" and should be saved.

Attorney Sheila Biel came forward representing two of the residents on Cardinal Way said her clients object to the proposal being considered by the Commission because of concern for the "short date" for the contract and additional costs that have not been listed. She said the City might face a legal challenge on purchasing a private home with public funds and suggested the City consider the CRA suggestions on page 238. One of the things addressed is to have a priority list for historic homes.

Helen McBride was "all for the preserving historical homes" and suggested they should go on City owned land behind the Stuart Feed Store that had been proposed to be the site of a historic village. She expressed concern over the condition of the house. She feels the house if obtained should be moved behind the feed store.

Commissioner Waxler said this is a difficult situation noting that her grandparents had bought a historic home but eventually had to sell and the home was torn down in 1972. She felt that Commissioner Hutchinson brought this up, not necessarily to buy the home but, we have to have a game plan. We have in the past to raise a fund of money to use for these type of situations. She suggested a private/public venture for this property and felt the best public use for this property should be moved to a designated area. She encouraged someone to come forward who may have the financial and to protect this historic home to do so. She said the City will be as cooperative the best that they can.

Arthur Earhardt came forward and thanked the Commission for wanting to be a "willing player for historic preservation" but objected to this proposal to put a quarter million dollars into a "rental house." He said the current owner is willing to donate the house to a historical preservation group. The City has set up such a fund and is a noteworthy effort, but this agreement is not the vehicle to perform that function. He added that he has been through the Crary house and felt it has deferred maintenance. The structural part of the house has allot of work. He cautioned the City to get into that business.

Sally Dadko 1101 Riverside Drive read excerpts from a Palm Beach Post article on successful historic preservation in Boynton Beach and said she is in favor of the City purchasing and preserving this house.

Robin Hicks Connors, President of the Historic Preservation Society, encouraged the Commission to take this opportunity to save this house. Historic preservation has a direct impact within the community.

Joan Schmidt, Cardinal Way resident she claimed to have been mis-quoted in the News, distributed a document to the Commission presenting her arguments against the City's proposal. She said it is "folly to waste money on a white elephant" and there are no guarantees that the money will be recouped by selling the property. She felt it would be better to move the house to City owned property.

Commissioner Hutchinson stated a comment was made about the City getting into the real estate business, and if you look at our budget this past year there is over \$750,000.00 going into the property management fund from land leases and other things. I believe wholeheartedly that this house should be saved. She said the reason people come here is because of the quaint character, and one by one we are losing historic structures. She agreed with the private public partnership idea and would like to move forward with the preservation of this home.

Commissioner Krauskopf said the City does have a plan. We adopted the Duany Historic Village concept with the highest ranked homes behind the Stuart Feed Store. He said the original plan was the City would provide the land and make the water and sewer connections available. He said if the owner in this case does not want to pay to move it then that is the challenge that we have. He noted a suggestion made by Realtor Debbie Duvall who suggested we buy ourselves some time and maybe give a one year variance while we did a public private partnership fundraising.

Vice Mayor Mortell said the majority of communications he had received "related to economics" and the idea the resident did not want the City of Stuart to incur extraordinary expenses with historic preservation and suggested addressing the Duany Village concept. In the past there has been some reluctance to incur expenses to move homes to the Stuart Feed Store site and then to conform those homes into commercial use, and ADA compliant. He said by the time those properties were compliant they have kind of lost that historic feeling. He said the City does not have the financial means to keep historic structures as a museum.

He said the question is timing, and it is not in our best interest to buy something without knowing the total cost. If this house is historical, we should continue working with the seller of the house while we look for a solution.

Arthur Earhardt said the owner is willing to donate the house to any group that is willing to preserve it. Her concern about the City granting her an extension and begins her project, the City has told her they will not grant a CO to her until the Crary house has been dealt with.

Mayor Christie feels strongly about the present historical values in the City and how we are losing them. He mentioned the loss of the McCardy building and its historic significance in the neighborhood. This issue is being driven by a 30 day demolition permit and he would like to see a way to let Ms. Dorney continue her plans while the Crary house is still on site. He asked the City Attorney if the City could legally allow her to build her house while the Crary house stays onsite, while the City looks at a way to preserve it with a private public partnership.

City Attorney Nicoletti stated the City could consider an application for a variance if one is made. The property owner has to make application or staff initiated one, but the application would have to be signed by the owner. To date the City has not gotten a "hard price" for moving the house but he is willing to talk to Ms. Dorney.

Vice Mayor Mortell stated it would be less costly to move the house to the other side of the garage than to try to move the house in the downtown.

Commissioner Hutchinson stated the house has to be moved or torn down. If we don't take the lead on this no one else is going to.

Vice Mayor Mortell could not imagine what the insurance would cost if we put that house on the site behind the Feed Store near the waterfront. If we are going to continue on the premise of a Historic Village, he recommended that we do the proper analysis of the cost to move the house over on the adjacent lot.

Vice Mayor Mortell " For my one vote, I would vote that we do a proper cost analysis of moving it to the other side of its garage, buying the 100 foot lot at whatever fair market value is, and making the offer, and going thru the proper procedure, and keeping it right where it is, where it historically has been, and try and create deed restriction at least for the first person, continue with that, and buy the time necessary to determine whether or not the City of Stuart can afford to be in the historical preservation business or not."

I can tell you right now we don't have the cash to open up a museum behind the feed store.

Commissioner Waxler said we need to pick our battles and identify what we want and where. We need to have a specific goal and make a plan and this particular house does not make much sense. She suggested holding a workshop to discuss the matter and to also identify historic structures in the City.

Mayor Christie said he wants to save the house and suggested asking Mrs. Dorney to leave the house where it is so the City can work on a private public partnership to raise the funds to either move it next door or somewhere else.

Attorney Nicoletti suggested getting the building donated, and get it out of Dorney's way to bide time.

MOTION: COMMISSIONER HUTCHINSON; MOVED APPROVAL TO GO BACK TO MRS DORNEY, ASK HER IF WE COULD HAVE SOME TIME TO TRY TO RAISE THE FUNDS TO MOVE IT BEHIND THE FEED STORE AND IN THE MEANTIME WE WILL HAVE THE HARD COST TO MOVE IT THERE RESTORATION OF IT, AND ALLOWING HER TO CONTINUE FORWARD ON THE NEW PROPERTY THAT SHE WANTS TO BUILD

A member of the public stated the house is not on a concrete foundation She suggested moving the structure over to the 100 foot section, so that the Mrs. Dorney may proceed with her new building. She felt this was not a good deal for the taxpayers.

City Manager Hudson mentioned former projects he had worked with for historic structures. He stated they were put on a temporary location while the planning was put into effect.

City Attorney Nicoletti stated he would look at the possibility of moving the structure onto the adjacent lot and leaving it there until some partnership funding takes place.

Mayor Mortell expressed concern that the owner was not present. He discussed a possible lease purchase of the property, and move the house to the area with time constraints to allow the City time to purchase.

The motion made by Commissioner Hutchinson died from lack of a second.

MOTION: VICE MAYOR MORTELL; MOVED APPROVAL TO DIRECT STAFF TO CONTINUE NEGOTIATING WITH THE SELLER AND ENTER INTO OR ATTEMPT TO ENTER INTO AN ARRAINGMENT WHERE WE OBTAIN THE ACTUAL HOUSE AS A DONATION FROM HER AND TRY AND NEGOTIATE A SITUATION WHERE THAT ALLOWS US TO PLACE THE HOUSE ON THAT NORTHERN PORTION OF HER PROPERTY FOR A FINITE PERIOD OF TIME THAT BRINGS US BACK BEOFRE US TO BE FINALLY ADDRESSED.

SECOND: COMMISSIONER HUTCHINSON

ROLL CALL

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

- 15. RESOLUTION 106-09 Authorization to approve a Major Urban Code Exception to Don Miguel’s Cigar Lounge, LLC; Tenant of the property located at 9 SW Osceola Street, consisting of one parcel, as further described herein; to allow the sale of alcoholic beverages at an established restaurant located within the “Old Downtown Section” (Quasi-Judicial)**

ORDINANCE FIRST READING

ORDINANCE SECOND READING

- 16. ORDINANCE 2193-09 (Second Reading) Repealing Ordinance 2171-08 abandoning that certain public right-of-way within the City being that portion of the unimproved S.E. 8th Street**

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF ORDINANCE 2193-09 ON SECOND READING

SECOND: COMMISSIONER HUTCHINSON

ROLL CALL

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

DISCUSSION & DELIBERATION

- 17. Martin County Airport Home Acquisition, Phase 1 noise land inventory and reuse plan.**

Commissioner Waxler updated the City Commission on the discussion of the Airport Noise Advisory Committee. She stated a number of members including herself felt the County needs to try harder and not allow the FAA tell them what to do with the vacant land within the runway protection zone. She stated the FAA is not allowing anything on the vacant land in the City. She requested the Mayor send a letter to the County and protest the County's decision.

**MOTION: COMMISSIONER WAXLER; MOVED APPROVAL THE MAYOR SEND A LETTER TO THE COUNTY AND PROTEST THE COUNTY'S DECISION TO LEAVE THE 18TH STREET AREA VACANT.
SECOND: COMMISSIONER KRAUSKOPF**

Vice Mayor Mortell stated we should request this area be made true habitat, we want them to go in and take the roads out, and out the trees back in.

Commissioner Waxler said there is a restriction on trees.

Commissioner Hutchinson said she has a concern this area will become blighted, if it just has a fence around it with weeds growing up.

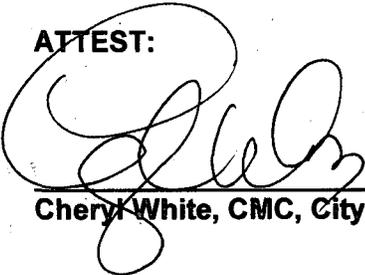
Commissioner Krauskopf wanted to put a positive spin in the letter to include having the County do a natural restoration to the area.

City Manager Hudson said he would draft a post after action letter to Martin County for the Mayor's signature.

MOTION APPROVED UNANIMOUSLY

ADJOURNMENT 7:12 PM

ATTEST:



Cheryl White, CMC, City Clerk



James A. Christie, Mayor

Minutes approved at the Regular Commission Meeting This 12th Day October 2009