

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON AUGUST 11, 2008
AT 5:30 P.M. IN THE CITY COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994**

Roll call was answered by:

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

Also present were:

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

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

PRESENTATIONS

**A. PROCLAMATION; Proclaiming August 9, 2008 as Stuart Marina Day;
Gary Guertin, Representative**

Gary Guertin came forward and graciously accepted the proclamation and thanked the City Commission. He announced that Saturday August 9, 2008 the City of Stuart joined hundreds of communities to recognize National Marina Day! He stated this was the 7th year in celebration of the event.

COMMENTS BY CITY COMMISSIONERS

Commissioner Hutchinson thanked staff and the Commission for this year's budget totals. She also read aloud to the City Commission the Government reporter from the last County Commission meeting regarding comments made by a member of the County Commission. She stated the comments were: Smith said "The City could annex North River Shores along with unincorporated areas west of US1 and then throw out all the rules." This comment stems from a public comment regarding connectivity in the north county area.

Commissioner Waxler said she has been receiving favorable comments from the public on how good the City is and how well they think the City is weathering the decreased property assessments and the mandate from the legislature. She stated that she reminded those persons that this did not happen overnight and that the staff and Commission have worked a long time on this. She thanked the staff and the Commission for their hard work.

COMMENTS BY CITY MANAGER AND REVIEW OF TENTATIVE AGENDA

City Manager Dan Hudson introduced and welcomed Mr. Doug James, Development Director. He made comments on consent items 2 and 3. He stated With this it is returning \$127-\$128,000.00 to the General Fund. He also stated he was made aware of some additional expenditure relative to the Public Safety Building and would bring them forward at a later meeting. If they are approved the funds would be coming out of impact fees.

Mr. Hudson added item #8 to the agenda, presented the Commission a draft letter to Martin County, Doug Smith, regarding the County purchase of the Gables property. He also stated the Environmental Ordinance was advertised for this meeting however is not scheduled to come back until August 25, 2008 with no Commission action needed.

Attorney Nicoletti announced and requested an Attorney Client meeting to discuss pending litigation issues including Lamar Signs and possibly the Collins case, on August 25, 2008 at 4:30 p.m.

The Commission agreed.

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL TO SEND A LETTER TO MARTIN COUNTY DOUG SMITH REGARDING THEIR PURCHASE OF THE GABLES PROPERTY.

**SECOND: COMMISSIONER WAXLER
MOTION APPROVED UNANIMOUSLY**

STAFF REPORT ON COMMENTS FROM PREVIOUS COMMISSION MEETING

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

Betty Smith came forward and announced a photographic exhibit in memory of 9-11 from New York. The Exhibit has only been out of New York twice and will be on display September, 11, 2008 at 3:00 p.m. at the Blake Library in the Armstrong Room. This will be the only time the exhibit will be in Florida. She stated she is recruiting volunteers to staff the exhibit beginning on September 6, 2008 from 10:00 am to 7:00 pm Monday thru Saturday and 12:00 noon – 5:00 p.m. She passed along a sign up sheet to the Commission.

Armond Pasquale asked what was going on with the project at 4355 Seminole Street. He stated he has a letter from DEP that this project has been approved and he wanted to know how it was approved.

Pinal Gandhi-Savdas, Senior Planner stated that project is the Watermark Project and was approved 1 year ago, as straight zoning.

Armond Pasquale expressed concern that he was not notified about this project.

Mayor Krauskopf requested the Development Department notify Mr. Pasquale of any date that it would have to come back to the Commission.

APPROVAL OF AGENDA

MOTION: VICE MAYOR CHRISTIE: MOVED APPROVAL OF THE AGENDA
SECOND: COMMISSIONER WAXLER
MOTION APPROVED UNANIMOUSLY

CONSENT CALENDAR

1. **Request to approve the minutes from the Regular Commission Meeting of July 14, 2008**
2. **Authorization for the Public Safety Building Fund close-out and final expenditure of \$13,558.07**
3. **RESOLUTION 91-08 Authorization for a budget amendment to the 2007-2008 annual general fund and capital projects fund budgets for the reimbursement of unspent funds totaling \$127,641.70 to the general fund**
4. **RESOLUTION 92-08 Supporting the efforts of the Marine Association of the Treasure Coast, Inc. to place amendment 6 on the Election Ballot; supporting working waterfront facilities and their support activities to be taxed at their current use, rather than "highest and best" use**

MOTION: COMMISSIONER WAXLER MOVED APPROVAL OF THE CONSENT CALENDAR

SECOND: COMMISSIONER HUTCHINSON

ROLL CALL

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

END OF CONSENT CALENDAR

ORDINANCE FIRST READING

5. **ORDINANCE 2169-08 (First Reading) relating to solid waste collection amending Chapter 66 of the City of Stuart code of ordinances by amending article I and II to provide for roll-off, compactor, commercial recycling services; amending article I to eliminate the minimum monthly service fee**

Commissioner Mortell questioned the Ordinance and that it removes language for the removal of recycle containers.

Dave Peters stated that it puts the commercial recycling back into the City's hands which is handled now by a number of different franchises. He stated that at second reading of the ordinance a resolution will be presented to adopt rates for commercial recycling.

Commissioner Hutchinson asked if this would be a capital increase.

Dave Peters sated it is budgeted but would not require a massive quantity of dumpsters or blue carts. He said that what happens with the increase in recycling the current trash dumpster become available for recycling.

Commissioner Hutchinson asked if those commercial businesses could utilize other services other then the City's.

Dave Peters stated that solid waste, trash would be hauled by the City of Stuart in a more cost effective way. If they participate in the recycling program they would see a reduction in the garbage fee. The franchisees would still be able to haul construction debris, but the City is taking back recycling and trash however, this is not mandatory, but are encouraging use because of the reduction in the garbage fee.

Mayor Krauskopf asked if the City spoke with outside vendors.

Dave Peters stated that they strictly are involved with Commercial Debris and are not concerned with recycling and trash.

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF ORDINANCE 2169-08 ON FIRST READING

SECOND: VICE MAYOR CHRISTIE

ROLL CALL

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

ORDINANCE SECOND READING

- 6. ORDINANCE 2167-08 Amending the Code of Ordinance pertaining to the amount of the availability fee (impact fee) for water and sewer connections both inside and outside the City; providing a surcharge of 25% for service outside the City providing for repeal of conflicting ordinances; providing an effective date of January 1, 2009 (Quasi-Judicial)**

MOTION: COMMISSIONER WAXLER :MOVED APPROVAL OF ORDINANCE 2167-08 ON SECOND READING

SECOND: COMMISSIONER HUTCHINSON

ROLL CALL

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

- 7. ORDINANCE 2168-08 An Ordinance adding a section 6.07.14, "Dog-Friendly Restaurant," to the Land Development Code; providing for an authorized exemption from State Law to allow dogs in outdoor areas of public food service establishments during operating hours; providing for regulations; providing for application and permit procedures; providing for a complaint procedure; providing for permit revocation; adding a definition for "public food service establishment" and "employee"; providing for codification; providing for severability; providing for repeal of conflicting ordinances**

Commissioner Waxler asked about the statement regarding dogs cannot sit in chairs.

Attorney Nicoletti stated the dogs could not be in the chair and their paws have to be on the ground.

Commissioner Mortell stated he had received only one negative response but wanted to support the Ordinance.

Victoria Paonessa of the Pelican Café came forward and appreciated the adoption of the Ordinance and asked about the application process.

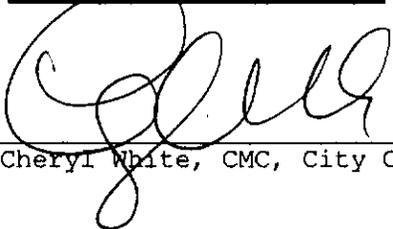
MOTION: COMMISSIONER MORTELL:MOVED APPROVAL OF ORDINANCE 2168-08 ON SECOND READING

SECOND: COMMISSIONER WAXLER

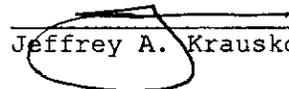
ROLL CALL

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

ADJOURNMENT 6:05 PM



 Cheryl White, CMC, City Clerk



 Jeffrey A. Krauskopf, Mayor

Minutes approved at the Regular Commission Meeting this 22 Day September 2008