

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON SEPTEMBER 8, 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 Saturday, September 20, 2008 as, Keep
Martin Beautiful Coastal Cleanup Day, Jeff Sabin, Representative**

Mary Kindel came forward and graciously accepted the award on behalf of Jeff Sabin.

COMMENTS BY CITY COMMISSIONERS

Vice Mayor Christie stated the East Stuart Main Street Initiative was very successful. He congratulated all involved.

Mayor Krauskopf stated he had received information regarding low speed vehicles and stated a business owner will have one on display at the September 22, 2008 meeting for the Commission to see.

COMMENTS BY CITY MANAGER AND REVIEW OF TENTATIVE AGENDA

City Manager Hudson introduced two college interns that are being hosted by the City of Stuart during their fall semester, Constantine and Marcus.

He also noted that there was interest by the Commission to use the Haney Creek Water shed as a gopher tortoise receiving site. An evaluation was done and it was determined that it would cost more to do the permitting and design for that then the City would ultimately receive back in fees. He also wanted to clarify that the consent calendar includes items 1,2,3,4. Item 5 it set apart for discussion.

STAFF REPORT ON COMMENTS FROM PREVIOUS COMMISSION MEETING

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

APPROVAL OF AGENDA

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

CONSENT CALENDAR

1. Request to approve the minutes of the Special Meeting of the City Commission of August 7, 2008 and Special Session Budget Workshop of August 11, 2008
2. RESOLUTION 96-08 Authorization to adopt a schedule of fees, charges and deposits for solid waste collection under Chapter 66, of the City Code
3. RESOLUTION 101-08 Authorization to submit two (2) grant applications to the Florida Recreation Development Assistance Program, Phase 1 and Phase 2 in the amount of \$200,000.00 each to defray the costs of redeveloping Memorial Park in downtown Stuart; authorizing the commitment of up to \$1,000,000.00 half cent sales tax funds
4. RESOLUTION 102-08 Authorization for a budget amendment to the 2007-2008 annual general fund and impact fee fund, and authorizing the transfer of funds totaling \$71,160.50 to the general fund

Commissioner Mortell asked about agenda item 3, he requested to know if the City moved forward on this without an actual master plan or conceptual plan, and what we were going to do before we obligated ourselves to the money is have some type of discussion deciding what was actually going to be done and what was going to be built. He was concerned that the City would be committing to \$400,000.00, with no t even a site plan.

City Manager Hudson stated that as part of the previous cultural grant application which is for \$500,000.00, there was part of the City approval that we would commit up to \$1 million dollars to include that. At that time we estimated the budget with a cost estimate done about 10 years ago by Tom Lucido. Until we have accepted either of the grants we have not committed to anything. He said this is just to get the grants in motion.

MOTION: COMMISSIONER WAXLER MOVED APPROVAL OF THE CONSENT
CALENDAR 1-4

SECOND: COMMISSIONER HUTCHINSON

ROLL CALL

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

COMMISSION ACTION

- 5. RESOLUTION 103-08 Authorization to approve a Special Exception to the East Stuart overlay allowing a retail use within the general office residential zoning sub district located at the property at 821 SE Martin Luther King Jr. Blvd. (Quasi Judicial)**

Sworn were:

Larry Parr
Jack Meyering
Scott Montgomery
Judy Luca
Charles Stracuzzi
Captain Ruben Rodriguez
Clyde Preston
Dan Braden

Muriah Dekle gave a brief overview to the Commission and public for the proposed special exception to allow a retail use within the general office residential zoning sub district.

Attorney Terry McCarthy representing Salvation Army came forward and gave a brief overview of the proposed project. He introduced the following persons who spoke on behalf of the project.

Jack Meyering came forward and requested the proposed project be approved. He gave a brief overview of the proposed functions of the Salvation Army community wide. He requested approval of the Special Exception.

Judy Luca, Representative of the Women's Auxiliary of Martin County came forward and gave a brief history of the Women's Auxiliary and its mission to the community.

Charles Stracuzzi came and explained the mission of the Salvation Army.

Captain Rodriguez came forward and also explained the mission of the Martin County Salvation Army. He also stated the Salvation Army is also a Community Center.

Clyde Preston, Regional Resource Development Director, Southeast Florida came forward and gave a brief overview of the proposed project.

MOTION: COMMISSIONER WAXLER MOVED APPROVAL OF RESOLUTION 103-08

Mayor Krauskopf asked Attorney Terry McCarthy if the applicant agreed to all conditions as well as the Police Department request and comments.

Attorney Terry McCarthy stated that he did agree with the conditions of staff as well as the Police Department and stated they would continue to work with the Police Department.

Michelle Coutant on behalf of her father Clyde Coutant, and owns the adjacent property to this proposed project. She expressed concern because there will be children living on the property and requested that they are fully supervised so they are not wandering onto the vacant land and hurt.

Mayor Krauskopf requested Attorney Terry McCarthy explained the play areas for children and where they would be located. L

Attorney Terry McCarthy stated the staff would assure the security and safety for the residents of the project as well as the neighborhood.

Larry Parr gave a brief description of the proposed play area and the residents.

Murriah Dekle stated the site plan and landscape plan were not included in the packet only the façade plans.

Commissioner Waxler recommended the playground be located in the rear of the project.

George Sanders, expressed concern over the proposed project and the vacant property adjacent to the project. He stated there were dangerous animals in the woods that may hurt people. He also asked why they wanted to build this project in at this location.

Mayor Krauskopf explained the proposed project site appears to meet all their needs. He asked the Commission to focus on the comments regarding the safety of the children.

Mr. Sanders asked if they would be adding a fence to the street to avoid any transient persons entering his property.

Mr. Louis Rozier, 906 Martin Luther King came forward and expressed concern over the proposed project and the wooded area adjacent to the project. He said that he has seen large wild animals in the wooded area.

Commissioner Mortell requested a condition be added that the FPL lined be buried underground.

Commissioner Christie stated he had received some concern from residents regarding the retail aspect of the project.

Commissioner Waxler requested the project provide a traffic study.

Murriah Dekle stated she would add that as a condition of approval.

Commissioner Waxler also suggested placing the playground in the rear of the project. She expressed concern over the safety issues.

Commissioner Mortell expressed concern over the number of living units being proposed for the project. He also requested to know what will happen to the residents if they do not abide by the terms of the Salvation Army's agreement i.e.: what would happen to them if they don't straighten out.

Dan Braden, Architect on the project came forward and stated they were unsure of the number of living units proposed for the project and would like to have more than the 5 units.

The Commission pointed out the plans presented to them tonight and that they have 5 bedrooms and 1 bunkhouse, Planner Murriah Dekle read into the record that the conditions

of approval that are written have been crafted that the applicant will comply with the plans presented.

Commissioner Mortell also requested addressing the Charles Street interconnection to East Ocean Blvd. He felt it would be a perfect opportunity for the East Stuart Main Street.

Mayor Krauskopf requested capping the number of living units within the proposed development.

Attorney Terry McCarthy agreed to cap the number of units to 10.

Jack Meyering stated that each unit typically has a mom and three to four children per unit. Whatever is allowable by law.

Commissioner Hutchinson asked how many residents were in the audience who live near the proposed site and how many were opposed to the retail aspect of the project.

Four people raised their hands that live near the project and one opposed to the retail.

Vice Mayor Christie stated he understood there to be another six residents who were unable to attend the meeting tonight.

Mayor Krauskopf addressed the concerns of the neighbors and any licensing requirements need to be met and the retail component of the project he feels brings an excellent synergy. He feels the existing floor plan allows three uses that compliment each other. He stated he would be supporting the project.

Attorney Nicoletti stated this special exception would not run with the land.

Mr. George Sanders stated he felt the project would bring problems to the neighborhood.

Office Danny Pantel of the Stuart Police Department came forward at the request of Commissioner Hutchinson. She asked Officer Pantel if the issues raised by the Police Department have been satisfied.

Officer Pantel felt the Police Department concerns have been addressed and the applicant has also agreed to install security cameras. They did express one concern and that the public soup kitchen be a separate dining place from the resident children.

Attorney Terry McCarthy stated the public dining is a separate facility from the resident children and is also without access.

Vice Mayor Christie stated he could support the church, dormitories and the offices but as having a difficult time over the retail.

Mayor Krauskopf passed the gavel to Vice Mayor Christie and made the following motion.

**MOTION: MAYOR KRAUSKOPF; MOVED APPROVAL OF STAFF RECOMMENDATION
RESOLUTION 103-08 WITH ADDED CONDITIONS
#21 REQUIRING UNDERGROUND UTILITIES AND
#22 A TRAFFIC STUDY RETURNABLE TO STAFF**

SECOND: COMMISSIONER WAXLER

ROLL CALL

MAYOR KRAUSKOPF YES

VICE MAYOR CHRISTIE NO

COMMISSIONER MORTELL NO

COMMISSIONER HUTCHINSON YES

COMMISSIONER WAXLER YES

YES

YES

END OF CONSENT CALENDAR

ORDINANCE FIRST READING

6. **ORDINANCE 2171 -08 (First Reading) to provide for the abandonment of certain public right-of-way within the City being that portion of the unimproved S.E. 8th Street (Quasi Judicial)**

Sworn: Murriah Dekle, Development Planner

MOTION: COMMISSIONER MORTELL; MOVED APPROVAL OF ORDINANCE 2171-08 ON FIRST READING

SECOND: VICE MAYOR CHRISTIE

ROLL CALL

MAYOR KRAUSKOPF YES

VICE MAYOR CHRISTIE YES

COMMISSIONER MORTELL YES

COMMISSIONER HUTCHINSON YES

COMMISSIONER WAXLER YES

YES

YES

ORDINANCE SECOND READING

7. **ORDINANCE 2169-08 (Second 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.**

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

SECOND: COMMISSIONER WAXLER

ROLL CALL

MAYOR KRAUSKOPF YES

VICE MAYOR CHRISTIE YES

COMMISSIONER MORTELL YES

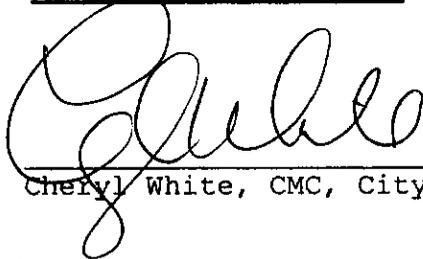
COMMISSIONER HUTCHINSON YES

COMMISSIONER WAXLER YES

YES

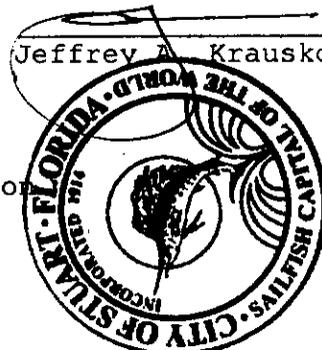
YES

ADJOURNMENT : 7:09 PM



Cheryl White, CMC, City Clerk

Jeffrey A. Krauskopf, Mayor



Minutes approved at the Regular Commission Meeting this 13 Day October 2008