

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON MARCH 9, 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. PROCLAIMING; Proclaiming the month of March 2009 American Red Cross Month

Kelly McIntyre of the Martin County Red Cross Chapter came forward and graciously accepted the proclamation, and thanked the City Commission.

2. Update on Rivers Coalition Lawsuit by Leon Abood

Mr. Leon Abood of Rivers Coalition thanked the City for their support, he stated they were not asking the City for any money. He asked if the City would want to join in on an amicus filing supporting the Rivers Coalition actions.

Attorney Ted Guy came forward and asked if the City would join in on the docket, and also if the City would be interested in a short brief in court. He said we need to narrow the pollution issues.

Kevin Henderson came forward and reiterated that the Rivers Coalition plan is to have the water go south and is not interested in the lawsuit business to save the estuary.

Attorney Nicoletti stated Mr. Henderson put him in touch with the Attorney's in Washington and feels it would not take much time.

Vice Mayor Mortell and Commissioner Waxler agreed to move forward in the preparation of a brief and report back to the Commission.

MOTION: VICE MAYOR MORTELL: MOVED APPROVAL TO DIRECT THE CITY ATTORNEY TO MOVE FORWARD WITH PARTICIPATING IN A MAICUS CURAE BRIEF AND TO REPORT BACK AT OUR NEXT MEETING TO TELL US WHAT KIND OF TIME WILL BE REQUIRED.

SECOND: COMMISSIONER HUTCHINSON

Commissioner Waxler recommended the City assist in any way they can and she asked Mr. Abood if they had approached Martin County as well?

Mr. Abood stated they have, and with not a favorable response.

Commissioner Hutchinson asked when the last lake release took place.

Kevin Henderson stated Dec 15th was the last release from Lake Okeechobee.

Commissioner Hutchinson stated the water along the riverfront has been really clean and it has been that way for a long time.

Mayor Christie noted that the City has been working on this effort, and cited the recent completion of the Poppleton Creek watershed project.

Kevin Henderson said the City deserves a "big pat on the back" for its efforts in managing stormwater. The City is so far ahead in watershed projects.

Mr. Abood commented on the strong support the Coalition has received from Congressman Rooney's office as well.

MOTION APPROVED UNANIMOUSLY

COMMENTS BY CITY COMMISSIONERS

Commissioner Hutchinson noted a newspaper story on the East Stuart baseball program citing the contribution of Scott Proctor to the project. She suggested the City send an appropriate letter of appreciation to Proctor.

City Manager Hudson said that will be done.

Mayor Christie stated he spoke with Scott Proctor and thanked him for helping those kids in the community. Home games are played in East Stuart on Thursday's at 6:30 and in the league at Sailfish Ball Park on Saturday's.

Commissioner Krauskopf commented on the following three items:
He asked the City Manager about the City's traffic impact fees and wants to look at the 1A and 4A Interlocal Agreement between the City and County on this issue. He asked him to find out what is involved in the various elements of traffic impact fees.

Commissioner Mortell, who represents the City on the MPO, said one of the biggest problems with MPO and Martin County money is everything is dedicated to the Indian Street Bridge and other projects go by the wayside. He said if some of the stimulus money goes to the Indian Street Bridge, there is going to be a completely different perspective from that

point forward as it relates to new projects because there won't be this giant projects that sucks the money out of everything.

City Manager Hudson explained that 1A and 4A do not exist anymore. It is an Urban and Rural. He said he would provide a status on that.

Commissioner Krauskopf stated that the State Legislature is in session, SJR1906, Kardopolis and he believes is a cap on local milage, he requested the Commission authorize the Mayor to send a letter to Each of the legislative representatives but the League of Cities and FAC if appropriate. The letter should express concern over the constraints on local governments.

The Commission agreed to send the letter.

Commissioner Krauskopf asked the City Manager to look into a way of funding a program to award employees for cost cutting ideas.

City Manager Hudson said employees do come up with some "phenomenal ideas" and we should publicly acknowledge them more frequently. He also noted that coming up on March 23rd is a MOU for the sharing of reclaimed water, which creates a customer, based for the Stuart's reclaimed water resource. He referred the Commission to a draft memo in their mailbox.

Christie said Saturday March 14th is the "City Employees' Getaway Picnic" and encouraged all Commissioners to attend. Hudson said the invitation is also extended to City volunteers and retirees.

COMMENTS BY CITY MANAGER AND REVIEW OF TENTATIVE AGENDA

City Manager Hudson noted an addendum to the agenda on blue paper for the purchase of the Dockside Property. It will be numbered item 4A on the agenda. He also noted a memo relating to item #3, which is a correction to the February 23rd minutes relating to the vote on the Key Lime Café discussion.

Commissioner Waxler noted that the Commission does not need color memos and suggested in the future internal memos and such be printed in Black and White.

Mayor Christie mentioned March 14, 2009 is the City Employees picnic. He encouraged the Commission and employees to attend, he planned on attending.

City Manager Hudson stated the invitation was extended to volunteers of the City as well as retirees.

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

Stephen Leighton of Congressman Rooney's Office came forward and thanked the City for opening up City Hall for a mortgage foreclosure workshop hosted by Congressman Rooney and several experts. He left some brochures for the public to have regarding the upcoming workshop.

Commissioner Waxler stated she was glad they included Florida Attorney's saving Homes because It does not get a lot of publicity. She stated it was very worthwhile and gives the homeowner representation in a workout. She asked if the City could add the information to the City's website.

Attorney Nicoletti stated he would make sure it is added.

APPROVAL OF AGENDA

**MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL TO APPROVE THE AGENDA AS AMENDED
SECOND: VICE MAYOR MORTELL
MOTION APPROVED UNANIMOUSLY**

CONSENT CALENDAR

3. Request to approve the minutes of the regular Commission Meeting of February 23, 2009
4. Request authorization for the City Manager to claim relief and release Gateway Inc. from further action
- 4a. RESOLUTION 22-09 Authorization to approve a Second Addendum to contract for sale and purchase between Paradise Enterprises of Brevard, Inc. and the City of Stuart, Florida.

END OF CONSENT CALENDAR

**MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL OF THE CONSENT CALENDAR AS AMEDED ITEMS 3,4,4A
SECOND: COMMISSIONER WAXLER
ROLL CALL;
COMMISSIONER KRAUSKOPF YES COMMISSIONER HUTCHINSON YES
MAYOR CHRISTIE YES VICE MAYOR MORTELL YES
COMMISSIONER WAXLER YES**

COMMISSION ACTION

5. RESOLUTION 21-09 Authorization for a budget amendment to the 2008-2009 annual general fund, Community Redevelopment Agency Fund and Property Management Fund operating budgets of the City of Stuart; for the appropriation and expenditure of \$4,085,000 to fund the purchase of improved real estate commonly referred to as the "Dockside Property"

**MOTION: VICE MAYOR MORTELL: MOVED APPROVAL OF RESOLUTION 21-09
SECOND: COMMISSIONER KRAUSKOPF
ROLL CALL;
COMMISSIONER KRAUSKOPF YES COMMISSIONER HUTCHINSON YES
MAYOR CHRISTIE YES VICE MAYOR MORTELL YES**

COMMISSIONER WAXLER YES

ORDINANCE FIRST READING

- 6. **ORDINANCE 2179-09 (First Reading) amending chapters 4 and 12 of the Stuart Land Development Code to implement Public School Concurrency Management; repealing all ordinances in conflict herewith; providing an effective date and directions to the City Clerk**

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL OF ORDINANCE 2179-09 ON FIRST READING.

SECOND: VICE MAYOR MORTELL

ROLL CALL;

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

ORDINANCE SECOND READING

- 7. **APPLICANT IS REQUESTING TO WITHDRAW PUD AMENDMENT OR CONTINUE ITEM PENDING A WORKOUT OF THE NEED FOR WILLOUGHBY BLVD. EXTENSION RIGHT OF WAY ORDINANCE 2177-09 (Second Reading) providing an amendment to the “Central Park Lofts (North)” and the “Central Park Lofts (South)” residential planned unit development agreement described in Ordinance No. 2031-05 dated ay 16, 2005 amended by Resolution No. 84-06 dated May 8, 2006 and amended by Resolution #47-07; providing for a new timetable for submission of 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. extension in the City (Quasi-Judicial)**

Attorney Nicoletti gave a brief overview regarding the status of item 7. He stated the applicant has requested the item be withdrawn. They do not wish to go forward with a PUD Amendment at this time.

Commissioner Krauskopf asked what would happen to the right of way?

Attorney Nicoletti stated he has asked the applicant to donate the right of way, at this point they declined.

Vice Mayor Mortell requested that in the future, we should have them dedicate the right of way up front.

Commissioner Krauskopf asked what the time frame was on the signal at Central parkway and US1?

Joe Capra, Captec Engineering came forward and stated the project should begin in the next two months, completion should be within 90-120 days.

No action is required for item 7.

Attorney Nicoletti did say the property could be rezoned. He said the Commission needs to discuss whether or not they want to set a policy if a PUD fall apart, are we going to rezone the property?

Commissioner Krauskopf requested staff bring back a list of all the projects that would fit into that category, and what would happen when and if they are dead.

Commissioner Hutchinson stated staff is currently working on a list already and they should just add a line when it expires to the list.

Attorney Nicoletti asked the Commission if the wish to have reverter clauses added to future PUD's?

Vice Mayor Mortell said he would be in favor of a reverter.

- 8. ORDINANCE 2178-09 (Second Reading) relating to solid waste collection; amending chapter 66 of the City of Stuart Code of Ordinances by amending article 1 to establish title to solid waste; and prohibit the removal of solid waste under certain circumstances; providing for a schedule of fines; providing for repeal of conflicting ordinances; providing for severability; providing for codification and providing an effective date**

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL OF ORDINANCE 2178-09 ON SECOND READING.

SECOND: COMMISSIONER HUTCHINSON

ROLL CALL;

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

DISCUSSION & DELIBERATION

ADJOURNMENT 6:18 PM

Cheryl White, CMC, City Clerk

James A. Christie, Mayor

Minutes approved at the Regular Commission Meeting this 13th Day April 2009