

**REGULAR MEETING OF THE STUART CITY COMMISSION
TO BE HELD DECEMBER 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.

PLEDGE OF ALLEGIANCE

A. Commission Oath of Office

Attorney Nicoletti administered the Oath of Office to Carol Waxler, Mary Hutchinson and James Christie.

B. Commission Selection of Mayor and Vice Mayor

**MOTION: COMMISSIONER MORTELL: MOVED APPROVAL TO NOMINATE JAMES CHRISTIE AS MAYOR.
SECOND: COMMISSIONER WAXLER
MOTION APPROVED UNANIMOUSLY**

Outgoing Mayor Krauskopf passed the gavel to newly appointed Mayor James Christie.

Mayor Christie thanked the citizens of Stuart for their confidence in appointment as Commissioner. He also thanked outgoing Mayor Krauskopf for his leadership and hopes he can follow in his light.

**MOTION: COMMISSIONER HUTCHINSON: MOVED APPROVAL TO NOMINATE MICHAEL MORTELL AS VICE MAYOR
SECOND: COMMISSIONER WAXLER
MOTION APPROVED UNANIMOUSLY**

PRESENTATIONS

City Manager Hudson presented to former Mayor, at his request to the City Manager at his first City Commission meeting the City's tree survey.

Mayor Christie said a 10 foot Yellow Tab buy tree will be planted at Memorial Park in honor of Krauskopf and this will become an on going tradition to honor each out-going Mayor.

COMMENTS BY CITY COMMISSIONERS

Commissioner Waxler expressed her appreciation to the citizens for their confidence and to Kevin Henderson for withdrawing from the election, allowing her to serve another two years. She promised to continue to work with the other Commissioners to come up with a consensus. She also stated she had a wonderful weekend in Stuart and said she intends to work with the Marine Industries Association to bring the boat show back to Stuart next year.

Commissioner Hutchinson also thanked the citizens for her re-election and praised outgoing Mayor Krauskopf for his leadership on the Commission and knowledge and who serves the City well. She noted receipt of a letter from the Treasure Coast Regional League of Cities, of which Stuart is a member, asking that the City send a representative to the League's meetings.

City Manager Hudson said all Commissioners' appointments will be on the agenda of the next meeting.

Commissioner Krauskopf thanked the citizens for re-electing three excellent commissioners and he appreciated the opportunity to work with them.

Vice Mayor Mortell agreed that the City had had a great weekend and praised the "spectacular floats" in the Christmas Parade. He addressed bringing the boat parade back to the City and made note of all of the City's waterfront public access. After suggesting that the MIA got money to move the boat parade to another location, he said this should not turn into a "bidding war".

He then addressed an incident of three teenage boys on bikes hiding in the bushes off Osceola Street and apparently communicating via cell phone. When they were approached by a neighbor, the boys took off and the neighbor immediately contacted 911. The resident whose car was ransacked and robbed, as well as the neighbor who called 911, both felt the 911 dispatcher had been "ambivalent" about the incident.

Vice Mayor Mortell has asked for a copy of the 911 tape and suggested the authorities find out if these boys did indeed have cell phones and who name the cell phones are in.

Mayor Christie agreed it was a great weekend and thought the parade was excellent. He noted that in this parade Sammy Sailfish (Hutchinson) got to ride in a car and did not have to march the parade route as he had done in the Hob Goblin parade.

He also noted the passing of a long time Stuart resident FA Scott. He celebrated his 99th birthday last year and was actively involved in the East Stuart neighborhood.

Commissioner Hutchinson also noted that the Boat show is scheduled for early or mid-January and asked if they were in the application process.

City Manager Hudson stated the request should come forward to the Commission at the next meeting.

COMMENTS BY CITY MANAGER AND REVIEW OF TENTATIVE AGENDA

City Manager Hudson presented a special award to Cheryl Miller in honor of her participation in the Stuart In Bloom project. She coordinated the activities for that special event that earned Stuart national recognition.

Cheryl Miller came forward and graciously accepted the award and thanked the City for allowing her to participate.

The City Manager requested setting a Community Redevelopment Agency meeting for December 22 at 5:15 PM prior to the City Commission meeting. He also noted staff has begun preparing a list of ready or near ready construction projects in anticipation of Federal funding becoming available in the future.

In reviewing the Tentative Agenda, Mr. Hudson addressed the following items:
Agenda Item 3 – Legislative delegation – Request to add the topic of utility surcharges into the letter. It seems there is an attempt to nullify on a statewide basis the ability of cities to apply the standard surcharge for water services outside of the City limits.
Agenda Item 8 – A “Contract to Acquire” Arthur’s Dockside property will be addressed.
Agenda Item 10 – Central Park Lofts – Request to continue to 1/26/08.

STAFF REPORT ON COMMENTS FROM PREVIOUS COMMISSION MEETING

NONE

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

Armond Pasquale, Seminole Street expressed concern over the recent activity at the Key Lime Café in downtown Stuart. He claimed they are allowing amplified music as well as the expansion of their business, which he states is a violation of the special exception. He requested an investigation into the matter. He also was upset over the event held last Sunday in which Seminole Street was a parking lot. Also he complained over the noise made by the horse and carriage along Seminole Street over the weekend.

Vice Mayor Mortell stated that Osceola was closed to traffic and the Horse and Carriage had to take a different route.

City Manager Hudson stated he would look into the Key Lime Café issue.

APPROVAL OF AGENDA

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

**SECOND: COMMISSIONER HUTCHINSON
MOTION APPROVED UNANIMOUSLY**

CONSENT CALENDAR

- 1. Approve City Commission Meeting Dates for 2009**

2. **Succession Lists for City Manager and Department Directors**
3. **Martin County Legislative Delegation topics identified by staff**
4. **RESOLUTION 135-08 Authorization to amend the additional terms of the vacant land contract between the City of Stuart and HHR, LLC (Oswald W. Hoffler) to allow for a second extension of the December 15, 2008 deadline to May 31, 2009 to comply with the conditions of the contract for property located at 945 Bahama Avenue in Stuart**
5. **RESOLUTION 136-08 Authorization for a Budget Amendment to the 2008-2009 annual general fund operating budget; authorizing the receipt of 2008 Florida Recreation Development Assistance (FRDAP) Grant Funds in the amount of \$101,708.13 to be used to supplement City matching funds of \$129,957 Impact Fees, for the purpose of funding design and construction of a new running track that will replace the "Russell Holloway Track"; and providing an effective date**
6. **RESOLUTION 137-08 Authorization to approve the Minor Amendment to the "Windemere Point Commercial Planned Unit Development" site plan (Quasi Judicial)**
7. **RESOLUTION 138-08 Authorization to ratify the re-openers for the third fiscal year of the current three year Collective Bargaining Agreement between the City and the Florida Police Benevolent Association, Inc. effective October 1, 2006 through September 30, 2009**

Commissioner Krauskopf requested item #1, meeting schedule that September 28th 2009 be changed to September 21st, 2008 due to the Yom Kippur Holiday.

The Commissioner agreed.

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL OF THE CONSENT CALENDAR AMENDING ITEM #1 TO CHANGE THE SEPTEMBER 28TH, 2009 REGULAR COMMISSION MEETING TO SEPTEMBER 21, 2009.

SECOND: COMMISSIONER WAXLER

ROLL CALL;

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

Pinal Gandhi-Savdas requested an addition to item #6 on the consent calendar.

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL TO RECONSIDER ITEM #6 OF THE CONSENT CALENDAR.

SECOND: COMMISSIONER WAXLER

MOTION APPROVED UNANIMOUSLY

Pinal Gandhi-Savdas added the following item to the conditions. She explained the item was presented without the word no.

The traffic signal at US-1 and Windemere Drive shall be installed and operational within 18 months of the date of approval of the first site development permit or prior to the issuance of a certificate of occupancy, whichever occurs first. One time extension to the 18 months deadline shall be granted by the City Commission for a period not to exceed 18 months upon showing of good cause in matters not under the control of the applicant. However, in no event shall a certificate of occupancy be issued until the traffic signal is installed and operational?

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL THE CONSENT CALENDAR AMENDED ITEM #6 RESOLUTION 137-08 CONDITION # 19 TO ADD THE NOTED ABOVE LANGUAGE.

**SECOND: COMMISSIONER WAXLER
ROLL CALL;**

Fred Mancuso on behalf of the applicant came forward with no objections to the conditions.

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

END OF CONSENT CALENDAR

COMMISSION ACTION

8. Discussion on Arthur's Dockside Restaurant Property

City Manager Hudson introduced the item and the history of the past Commission action. He stated staff favors purchasing the property for a maximum purchase price of \$4.4 million dollars. He stated some of the claims on the property may be negotiated reducing the purchase price. He said the major portion of the funding would be CRA Tiff Funds.

City Attorney Nicoletti gave a brief overview regarding a draft contract for sale and purchase. He noted some minor adjustments to the contract since the agenda item presented on Friday.

Commissioner Hutchinson she agreed that it would be in the best interest of the city to obtain this property but also expressed concerns over some issues. She asked if the City has the option to enter into a contract to purchase the property only, with no lease, and she felt Item 7-D needed more detailed information and 7-E, the sub-lease of the property. She did not feel

Attorney Nicoletti stated the City should have a lease document by the next meeting.

Commissioner Hutchinson also expressed concern over 7-E, sublease and payment of sublease, she also requested that item 5-J, there is some clause that the alcoholic beverage license cannot be sold.

Vice Mayor Mortell stated it was a great idea but agreed with some of Commissioner Hutchinson's comments. He stated he would like to move forward tonight. He also stated he would like to see it subleased because it may be better then what it is being operated as currently.

Commissioner Waxler felt this was a good opportunity and the sublease issue would only be a sublease for 36 months, she feels there is no one who would sub-lease that type of business for 36 months. She felt the 36 months allows the City to see what they want to do with the property.

Mayor Christie asked who takes care of the property expenses during the 36 months.

Attorney Nicoletti stated the operational expenses will be in a separate document and negotiated as part of the lease agreement.

Attorney Nicoletti requested permission to explore those comments made by Commissioners with approval to move forward at this time.

Commissioner Hutchinson asked if what was presented now in front of us tonight the most secure way to enter into the contract, and not go the option route at this point?

Attorney Nicoletti stated; "You have the ability to pull the trigger at anytime. You can change your mind, if it is some business basis."

Commissioner Hutchinson withdrew her request to enter other possible options, because I don't want to jeopardize the purchase of the property. I don't want that to be a condition of the sale.

Attorney Nicoletti agreed but said he may very well explore the idea anyway.

Commissioner Waxler explained the due diligence provision and that this is more of a letter of intent. He is bound and we are not.

**MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL OF RESOLUTION 139-08
SECOND: VICE MAYOR MORTELL**

ROLL CALL;

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

ORDINANCE FIRST READING

**9. ORDINANCE 2176-08 Amending the Stuart Comprehensive
Plan relating to Capital Improvement Element**

Pinal Gandhi-Savdas gave a brief overview of the proposed Ordinance.

Jim Fleischmann of Strutt Consulting came forward and gave a brief overview of the proposed Ordinance.

Commissioner Krauskopf questioned the 3% annual growth on page 5, last paragraph.

Mr. Fleischmann stated that the growth rate numbers being used are the rates used by the utilities in their current rate study.

Commissioner Krauskopf on page 22 he found only one LOS deficiency, and that was at US 1 between Palm City Road and Joan Jefferson Way. He asked if it would be covered under the TCEA area or not?

Jim Fleischmann was not sure if he could answer the question. He said that is a roadway that would need improvements; they would be made by someone other than the City. In looking at the County's 5 year Transportation improvement program that is not on the list so on that basis

Commissioner Krauskopf asked that item 5 page 22 be reviewed. He also asked on page 28 about the right turn lane at the intersection of Wright Blvd and Dixie Hwy. He requested the City look at finding funding for that improvement. Also on page 28 he asked if the City was moving forward with the reclaimed water project.

City Manager Hudson explained that yes the City was moving forward with the program but it may not be at that address.

Commissioner Krauskopf, page 30, table 35, WS8, revenue sources, he asked where the \$3 million dollars would be coming from.

Mr. Fleischmann stated it is considered grant funding from SFWMD.

The City Manager stated it was grant funding.

Commissioner Krauskopf was also happy to see the debt numbers for the City.

Commissioner Hutchinson asked about page 5, policy A2-14, she wanted to be assured on the 5-year schedule would there be developer participation? She also addressed the traffic exemption area north of the Bridge on page 14. She also questioned page 23, and the use of 2005 numbers. She felt the report should show more recent numbers.

Mr. Fleischmann explained he used the numbers from the most current annual report that has been done by the traffic consultant in 2007.

City Manager Hudson explained to Mr. Fleischmann that there is more up to date numbers than the report used.

Commissioner Hutchinson stated that in the future the City should use the numbers from the County because the City's consultant uses the same numbers anyway.

Mr. Fleischmann agreed. He stated he would look at more current data.

Commissioner Hutchinson stated she also knows that the Wright Blvd and 707 road improvements are needed and asked if this item should be brought before the MPO.

MOTION: COMMISSIONER HUTCHINSON MOVED APPROVAL TO HAVE THE STAFF LOOKS TO FIND WAYS TO FUND THE IMPROVEMENT OF WRIGHT BLVD AND 707 INTERSECTION.

SECOND: COMMISSIONER KRAUSKOPF

Attorney Nicoletti asked Mr. Fleischmann if he had the ability to look at the 2007 traffic data to see if it has any impact on this report at all?

Mr. Fleischmann stated he could look at the numbers in between readings.

MOTION APPROVED UNANIMOUSLY

MOTION: COMMISSIONER HUTCHINSON: MOVED APPROVAL OF ORDINANCE 2176-08 ON FIRST READING

SECOND: COMMISSIONER KRAUSKOPF

ROLL CALL;

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

ORDINANCE SECOND READING

Item #10 has been continued to January 26, 2008

10. ORDINANCE 2174-08 Authorization 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 May 16, 2005 amended by Resolution No. 84-06 dated May 8, 2006 and amended by Resolution No. 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)

11. ORDINANCE 2175-08 Authorization to grant to Florida Power & Light Company, its successors and assigns, an Electric Franchise, imposing provisions and conditions relating thereto, providing for monthly payments to the City of Stuart

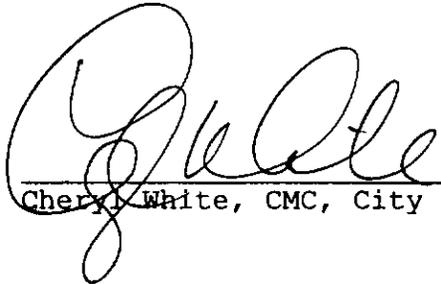
MOTION: VICE MAYOR MORTELL: MOVED APPROVAL OF ORDINANCE 2175-08 ON SECOND READING

SECOND: COMMISSIONER KRAUSKOPF

ROLL CALL;

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

ADJOURNMENT 6:46 P.M.


Cheryl White, CMC, City Clerk


James A. Christie, Mayor

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

