

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON JANUARY 14, 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 January 18, 2008 as "FLORIDA ARBOR DAY", Joan Wilcox, President of the Stuart Garden Club and "Stuart in Bloom" representative**

Joan Wilcox came forward and graciously accepted the proclamation and thanked the City Commission. She announced that the planting of a Casia Tree in Kiwanis Park on Friday January 18, 2007 at 2:30 p.m. she invited the Commission and the Public.

- B. PROCLAMATION: Proclaiming January 21, 2008 as DR. MARTIN LUTHER KING, JR. DAY**

Minister Geraldine Harrell came forward and graciously accepted the Proclamation. She invited the City Commission, and the public to the scheduled events in celebration of Dr. Martin Luther King Jr. Day.

COMMENTS BY CITY COMMISSIONERS

Vice Mayor Christie also announced several events taking place in East Stuart in celebration of Dr. Martin Luther King Jr. Blvd.

Commissioner Mortell wished everyone a Happy New Year. He also attended the recent Boat Show, which was a very successful event, and he was happy to see the City's Downtown Trolley provided transportation for the patrons of the event.

COMMENTS BY CITY MANAGER AND REVIEW OF TENTATIVE AGENDA

City Manager Hudson announced that phase 3 water restrictions will be effective tonight at midnight. He stated it limits lawn watering to once per week. Mr. Hudson also stated the new Human Resources Director has been appointed and will begin work on February 4, 2008.

Several activities have been scheduled for this week as follows:

Joint City, County, School Board Meeting, January 15, 2008 at 9:00 a.m.

Public Safety Complex Dedication, Friday January 18, 2008 from 10:00 a.m-12:00 pm.

Open House of the Public Safety Complex, Friday & Saturday from 10:00 am-12:00 pm.

City Manager Hudson reviewed the Agenda as follows:

He requested item 7, Ordinance 2148-08 be continued to January 28, 2008 meeting.

He also announced the proposed Honda Dealership at the intersection of Polmeroy and US1, is not listed on the agenda. He further explained that there were some residents who were noticed that this item would be heard tonight. He expressed concern over the public notice procedure and explained that there were several cases recently where this issue needs to be addressed.

STAFF REPORT ON COMMENTS FROM PREVIOUS COMMISSION MEETING

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| • County Aquatics Center | City Met with County Staff |
| • Annexation Maps | Agenda 12/10/07 |
| • Vilabella Compliance | Magistrate Order 8/9/07 |
| • Fiscal Policy on Investments | Pending |
| • Commerce Ave. "On-Street" Parking | Pending |
| • Road Closure of Lake Street | Letter to School Board |

Mr. Hudson requested the following items be deleted from the list of items from previous Commission meetings.

County Aquatics Center

Annexation Maps

Commerce Avenue On-Street Parking.

Mayor Krauskopf asked if staff has had a chance to look at the Home Depot Parking Lot congestion issue. He requested a report on the staff's findings.

Kev Freeman came forward and stated that City staff has contacted Home Depot, and they have agreed to remove the items from the parking lot.

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

Michael Loomis came forward and expressed concern over the upcoming ballot in which City residents will be allowed to vote for or against the Fluoridation of the City's water supply. He expressed concern over the fact he will not be able to vote on the item because he does not live in the City but is serviced by the City's water supply.

City Attorney Nicoletti explained the Florida Statutes allows the jurisdiction, the City, to move forward with a referendum but only City residents may vote on the item in this situation.

Mr. Robert Yamin came forward and expressed concern over the fluoridation of City Water. He accused Commissioner Mortell of personally meeting with Dr. Boden to draft the referendum Ordinance language.

Commissioner Mortell wanted to go on record by saying that he met Dr. Boden at a public meeting in 2005, but never met or spoke with him outside of a public hearing.

Mayor Krauskopf stated that he had suggested some time ago that an independent group hold a forum to discuss the pros and cons of fluoride.

Pat Arena came forward and expressed concern over the proposed fluoride referendum. He stated it would cause many problems, and if approved by the voters, would create potential lawsuits against the City.

Anne Knopf came forward and expressed concern over the proposed adding of fluoride to her water. She asked the City Commission to conduct further research on fluoride.

Robert Hall came forward and stated that the fluoride issue was discussed many years ago when he was on the City Commission. Mr. Hall announced that he was present on behalf of the Stuart Hornets who applied for a special events permit for a Martin Luther King Jr. March, to be held on January 26, 2008. He stated he was notified just today, that the cost associated with the permit would be \$800.00. He requested the City approve the route of the March as well as waiver of the application cost to the Stuart Hornets. He also noted that the Stuart Hornets submitted a request from the City of Stuart for approximately \$11,000.00 for the 2008 budget and he understood the Commission did not even see the request during the budget process.

City Manager Hudson asked if the March involved going onto East Ocean. He explained that road is not under the jurisdiction of the City and any activity for East Ocean Blvd. would have to go before the Martin County Commission.

Albie Scoggins, Recreation Director came forward and explained that he did not speak with Mr. Hall but he may have received a call from one of his staff members who handle special events. He further explained that when the original application was submitted in April of 2007 it was incomplete.

Mayor Krauskopf suggested that Mr. Hall meet with Recreation staff and Police Department staff to work out a route that the march can be held.

MOTION: VICE MAYOR CHRISTIE: MOVED APPROVAL TO PAY THE \$800.00 APPLICATION FEE FROM THE CITY MANAGER CONTINGENCY FUND.

SECOND: COMMISSIONER WAXLER
ROLL CALL

MAYOR KRAUSKOPF	YES	COMMISSIONER HUTCHINSON	NO
VICE MAYOR CHRISTIE	YES	COMMISSIONER WAXLER	YES
COMMISSIONER MORTELL	YES		

APPROVAL OF AGENDA

MOTION: COMMISSIONER WAXLER; MOVED APPROVAL OF THE TENTATIVE AGENDA WITH THE CONTINUATION OF ITEM 7 TO JANUARY 28, 2008

SECOND: COMMISSIONER CHRISTIE
MOTION APPROVED UNANIMOUSLY

CONSENT CALENDAR

1. Request to approve the Minutes from the Regular Commission Meetings of November 26, December 10 and December 17, 2007
2. Request to set date of January 28, 2008 to consider a Major Amendment for the Kingsport Residential Planned Unit Development for Kingsport Estates, located on the South side of Central Parkway west of the Willoughby Blvd. Extension, to amend the timetable for development
3. Approve the appointment of Vice Mayor Christie as the Alternate Municipal Representative to the Treasure Coast Regional Planning Council
4. RESOLUTION 01-08 Approving a Grant Application to the Children's Service Council (2008-2009) Neighborhood Grant East Stuart Youth Initiative Program, and if successful authorizing the execution of a contract between the Children's Services Council of Martin County and the City of Stuart to offset the costs of additional staff, new programs and existing neighborhood programs related to the 10th Street Recreation Center Youth Initiative Program
5. RESOLUTION 02-08 Approving a request to name the Community Room at the new Public Safety Complex the "Charles E. White Community Room"
6. *CONTINUE TO THE MEETING OF JANUARY 28, 2008*
RESOLUTION 161-06 to consider a Major Site Plan, Key's of Stuart Professional Center (Redo from the September 24, 2007 Commission Meeting)

END OF CONSENT CALENDAR

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF THE CONSENT AGENDA

SECOND: COMMISSIONER WAXLER

ROLL CALL

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

ORDINANCES FIRST READING

7. ORDINANCE No. 2148-08 (First Reading) Approving proposed text amendment to Section 3.01.06 of the Land Development Regulations, incorporating a procedure for a Determination of Alternative Compliance process, is recommended for incorporation into the Urban Code as an interim measure in pre-emption to the Urban Code Rewrite (Quasi-Judicial)

SEE MOTION FOR APPROVAL OF THE AGENDA FOR THE CONTINUATION OF ITEM NUMBER 7 TO JANUARY 28, 2008.

8. ORDINANCE No. 2149-08 (First Reading) Approving a Major Amendment to the Commercial Planned Unit Development to establish the “Pointe at Jensen Beach” Commercial Planned Unit Development a retail commercial development, property located on the SE corner of N. Federal Hwy. and NW Windemere Drive (Quasi-Judicial)

The following persons were sworn for item #8, Ordinance 2149-08

Mark Mathes
Susan O'Rourke
Craig Mancuso
Oats Reis
Nan Steinbrecher
Alan Sakowitz
Steve Marquart
Barbara Lander
Brian Herbert
Matthew Yates

Commissioner Waxler suggested rather than each person give their name and address that a sign in sheet be given to the Developer or representative prior to the hearing.

The Commission agreed that would be a good idea and would save time.

After a presentation by the City staff, the Applicants representative Mark Mathes, of Lucido & Associates, came forward to give a brief presentation for the proposed project.

Howard DeConstraints, President, Pineapple Plantation thanked the developers for working with the adjacent neighborhood. He stated they were quite happy with the fact that they have been able to reach an agreement. He did request that prior to the second reading the developer mail out a notice to all property owners in Pineapple Plantation and Windemere subdivisions.

Nancy Steinbrecker came forward and stated that she lives on Water Lilly Place and the back of her property abuts the entrance wall on Windemere. Her concern was the traffic lights at night, and requested a large buffer at that location. She also asked about deliver vehicles and where they would be entering and exiting the property.

Mark Mathes stated they would be screening this area with a large buffer. He explained they truck traffic issue will be looked at with signage.

Commission Comments:

Commissioner Hutchinson expressed concern over some environmental issues with the property as well as the offsite mitigation issues. She stated she could not support the proposed project.

Commissioner Mortell stated he met with the applicant as well as the neighbors. He did feel the environmental aspects of the proposed project were very low but, the signal on US1 is a good thing for all, and would help with several issues now and in the future.

Commissioner Christie felt there was several issues regarding the traffic and felt the signal at US1 is important to the project. He asked if the offsite mitigation issue needs to be resolved by staff before this project is approved.

Commissioner Waxler also expressed concern over the environmental aspects of the projects.

Mayor Krauskopf asked if the applicant has taken into account the neighbors and the environmental. "At this point I am not satisfied on that."

Mayor Krauskopf suggested continuing this item to January 28, 2008 City Commission meeting. He also asked about the signal on US 1 and the Green River Parkway connection. He asked to see the line on the map of where the road will be located.

Susan O'Rourke, Traffic Engineer came forward and explained the signalization on US1 and how it is warranted with traffic and accident data at US1 and Britt Road.

Mayor Krauskopf stated he did not want to create additional problems with other jurisdiction or the FDOT. He felt that everyone involved including Martin County and FDOT should agree to all aspects of it before a decision is made. He wanted to clarify that FDOT is not requiring a connection between US1 and Green River Parkway for a signal on US1. He said that the million dollars that the City has committed to the connector road and the road evaporates, or is the county going to require that connector? He also asked where the right of way would be if they make that connector?

Commissioner Waxler shared her thoughts on what she felt would allow this project to move forward. She stated she was not willing to sacrifice the environmental side for the shopping center and traffic light.

Mark Mathes stated they would be willing to come back to the City Commission fully compliant with the City's wetland mitigation requirements however, "We hope you will see the value of our development as regards to the upland preserve upland allowance because that is not clear in your code and you do have the authority to interpret that one way or the other. That we are going to ask you that they are not allocated to any mitigation, they are conserved and we would have been able to count them anyway if we would not have just split the lot and sold it, so we would ask you to allow those to be counted. Not the wetland mitigation, we understand we need to deal with the 50-foot average 25-foot minimum buffers. We will make sure that staff and our development program agree that we are compliant. We will make the necessary changes prior to second reading to ensure that is the case."

He also stated that as far as the long term connectivity to the roads, yes you did meet with us and you did tell us that unfortunately we will be questioned on things that are outside of our control and honestly I believe the connectivity issue is something that is outside of our control. I think our response would be; we are not making any difficulties for jurisdiction to continue on their plans and in fact we are actually giving you greater flexibility by having us put the signal in because you can take that money or the County could take that money and allocate to other important needs that you wouldn't necessarily be able to do, if we were not there to pay for the signal.

Mayor Krauskopf suggested continuing this item to the first meeting in February, "Where we will have had a chance as a Commission talk about these roads and get some feedback from the County."

City Manager Hudson explained; "Martin County took action back in December to revise the Green River Parkway alignment, and downsize it to a two lane road from its full length. They also at that time asked the County staff to upgrade the priority of the East West connection and so what we have is a project that doesn't have a project sheet yet but direction has been given to upgrade it on the priority list. There is no alignment yet because there is a lot of sensitive property in between where Green River Parkway is going to be and US1 and including the road we are talking about. Windemere Drive is in private ownership and is owned by the property owners association. He also wanted to remind the City Commission that the City has adopted the CIP and has committed One Million dollars in future impact fees toward the funding of the East West connectivity through Windemere."

Commissioner Hutchinson noted the preserve area around the wetlands and asked if that counted toward wetland mitigation. "I feel that a wetland cannot exist without that buffer around the wetland. I agree with staff's interpretation that the buffer around the wetlands cannot be counted for your upland mitigation."

Commissioner Mortell said for the record I am comfortable with resolving the issues between first and second hearing. He just wanted to clarify that if the issues are not resolved there will be no second hearing.

MOTION: COMMISSIONER WAXLER: MOVED APPROVAL OF ORDINANCE 2149-08 ON FIRST READING WITH THE SIGN OFF ON THE NEIGHBORING WINDMERE ON THE ISSUES THAT WERE RAISED, CONTINGENT ON THE TRAFFIC LIGHT AND CONTINGENT ON RESOLVING THE ENVIRONMENTAL ISSUES.

SECOND: COMMISSIONER MORTELL

Mayor Krauskopf and Vice Mayor Christie both expressed concern over approving the Ordinance on first reading until all the issues were resolved.

Mark Mathes asked if this was voted on not in favor of the motion would they be allowed to continue the first hearing or will that interpret this to be a denial.

City Attorney Nicoletti explained that it would not be a denial. You would have to have an affirmative vote to deny the item.

MOTION: COMMISSIONER WAXLER: MOVED APPROVAL TO WITHDRAW HER MOTION
SECOND: COMMISSIONER MORTELL

MOTION: VICE MAYOR CHRISTIE: MOVED APPROVAL TO CONTINUE ORDINANCE
2149-08 TO JANUARY 28, 2008.

SECOND: COMMISSIONER HUTCHINSON
MOTION APPROVED UNANIMOUSLY

DISCUSSION & DELIBERATION

9. Status of the City's Consumptive Use Permit application with the South Florida Water Management District

Dave Peters, Assistant Public Works Director explained the status of the City's Consumptive use permit. He stated that it has been a four year project. The South Florida Water Management District is awaiting the executed memorandum of understanding from Martin County. He stated that Martin County will be hearing the item on February 5, 2008 and hopes the district will hear the item in May 2008.

Mayor Krauksopf asked what the economic would be for City rates. He also asked what the economics would be on IQ so the City does not have to raise rates on the potable water for awhile or how much are we going to have to raise them. He also stated he sees 3% charge on the water bill for Grumman, and asked for a time frame for that charge.

Mr. Peters stated the 3% Grumman allowed the City to get bond coverage. He hopes to provide information back to the Commission in February or March regarding rate adjustments and tiered rates. "I will give you the same answer the district gave us, there is no free water, there is no more cheap water." He said that it will not be easy to get to where the City needs to go, it is going to involve difficult decisions. I think one of the biggest economic advantages we have right now is the delay in the investment of a \$13 million dollar water plant for a RO facility and we need to avoid that at all cost. There are economic and none of them are good, but they are not bad either. We have looked at the rates, and our rates will not be as high as anyone else's but, they have to go up, they just have to.

Mary Kindel gave a powerpoint presentation on the City's water conservation plan.

Commissioner Christie suggested promoting outreach to the utility customers about how they can conserve water.

Commissioner Mortell suggested adding information to customer's bill telling them if they have used the average amount or if they have gone over the average amount, and felt it may trigger a closer watch on their water use.

Commissioner Hutchinson stated has had the same questions from the public is why we are making everyone cut back on water use when you are still allowing development. She requested that we mandate new development provide their own retention pond for irrigation.

Mayor Krauskopf suggested an IQ system should also be required for new developments irrigation.

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL TO ALLOW STAFF TO
SUBMIT THE CONSUMPTIVE USE PERMIT

MEMORANDUM AND SUPPORTING
DOCUMENTATION AND THAT WE SUPPORT THEIR
EFFORTS ON THIS ISSUE.

SECOND: VICE MAYOR CHRISTIE

Betty Smith came forward and stated that the many condominium associations in Stuart do not provide the use for individual units there for they do not know what to conserve if any. She asked if the City plans on metering and billing each individual unit at the condominiums.

Dave Peters explained that during the City water conservation campaign it is planned to meet with each condominium association to provide outreach to those people.

Betty Smith also explained that now is the time to provide this information to the associations before budget time.

Mayor Krauskopf thanked Betty Smith for her comments and agreed that the City needs to meet with all of the Associations because they are preparing their budgets in August.

MOTION APPROVED UNANIMOUSLY

10. Request for Binding Letter of Determination – By Mr. and Mrs. Michael Langnes pursuant to Sec. 2-1, City Code, regarding the requirement of landscape and other buffers between their residential property and the adjacent commercial property.

Attorney Nicoletti explained the City had a request from Michael and Carol Langnes to issue the Binding Letter of Determination. "During the intervening time prior to the request coming in, we have been working with Mr & Mrs. Langnes for about a year. The request is to require Howard Johnson to provide buffer to their single family residential property.

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL TO HAVE THE MAYOR
EXECUTE THE BINDING LETTER OF
DETERMINATION REQUIRING HOWARD JOHNSONS
PROVIDE A BUFFER.

SECOND: COMMISSIONER WAXLER

Carol Langnes came forward and asked to be provided a copy of the letter of determination.

Attorney Nicoletti stated they would be moving forward with code enforcement action to require Howard Johnsons provide a buffer. He hopes to get a stipulation from them.

Carol Langnes stated that in her request for the binding letter of determination she also mentioned the car dealership that is located on residential property.

Attorney Nicoletti explained that this is only a response to your property, and any other issues other than the Howard Johnsons property would need to be addressed separately with a individual analysis.

MOTION APPROVED UNANIMOUSLY

11. Proposed Visual (Development) Preference Survey

Kev Freeman gave a brief overview of the new program being implemented by the Development Department that gathers information on development issues through a survey on the internet. He hopes the program will be up and running soon.

The Commission agreed that this is a good tool to gather information from citizens.

12. Update on School Concurrency Inter-local Agreement

City Manager Dan Hudson explained that this item is on the agenda tonight, because it would be discussed at the Joint City, County, School Board meeting tomorrow. He stated he wanted to allow the City Commission to discuss the matter in advance, in anticipation of the hearing tomorrow.

Terry O'Neil explained the School Board's position on impact fees, and stated there were some issues aside from the Interlocal Agreement that may need to be discussed. He anticipates a presentation by the School Board, the same as the one presented in August, with very few changes, if any, and further explained the process that allows the City to move forward with the Comprehensive Plan Element, and the Land Development changes that are necessary to put school concurrency into action. He stated that in addition, the City will be requesting, at the joint meeting, to consider an impact fee waiver program for low and moderate income housing along the lines that the City and the County currently have.

The Commission expressed concern over the City's participation in all Joint meetings. Commissioner Mortell stated they never listen to anything the City has to say anyway.

ADJOURNMENT 8:50 p.m.

ATTEST:

Cheryl White, CMC, City Clerk

Jeffrey Krauskopf, Mayor

**Minutes approved at the Regular Commission
Meeting This 28th Day January 2008**