

**REGULAR MEETING OF THE STUART CITY COMMISSION
ON HELD JUNE 23, 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; PROCLAIM Who Named America

The proclamation will be mailed to, Patty Wyman Advisor 8th Grade Leadership Class student of Silverado Middle School.

B. Stuart in Bloom Recognition

Awards were presented to the following;

John & Carolyn Hanson accepted by Kenny Tirada.
Jack Miller, accepted by Steve Miller.
Steve Miller
Kenny Teardo
Paul & Lin Sojka
Pinders Nursery
Mike Flanigan
Ruth Cambell
David Collier
Rick Baxter

C. Presentation Stuart News Community Service Jazz Fest

Mayor Krauskopf presented the award to Rick Baxter of the Stuart News for their contributions of in-kind contributions for many events in the City.

Rick Baxter, Stuart News came forward and graciously accepted the award.

D. Employee of the Month

David Dyess, Police Department

David Dyess came forward and graciously accepted the award and thanked the Commission and Chief Morley.

E. Employee Service Recognition

Sharon Rhodes, Financial Services Department, 30 Years

Sharon Rhodes, came forward and graciously accepted her award and thanked everyone and looks forward to her retirement.

Vincent Felicione, Fire Rescue, 10 Years

He was unable to attend, and the award was accepted by Chief Sunderman.

Marianne Cleighton, Financial Services Department, 5 Years

Marianne Cleighton came forward and graciously accepted her award and thanked the City Commission.

Joshua Greinstein, Fire Rescue, 5 Years

He was unable to attend, and the award was accepted by Chief Sunderman.

Gregory Allen, Wastewater Treatment Team, 5 Years

He was unable to attend, and the award was accepted by Sam Amerson.

Philip Lagalo, Jr., Police Department 5 Years

Philip Lagalo Jr., came forward and graciously accepted his award and thanked the City Commission the Police and Assistant Chief, for their support.

COMMENTS BY CITY COMMISSIONERS

Commissioner Hutchinson wanted to mention two people who assisted with the Stuart in Bloom event, Milton Leggett and his crew and Cheryl Miller.

Vice Mayor Christie invited the Commission and Manager to attend the TCCLG annual BBQ Wednesday July 2, 2008 in Okeechobee.

Mayor Krauskopf asked for a response to an email he had received from Carol Langus at a future meeting.

COMMENTS BY CITY MANAGER AND REVIEW OF TENTATIVE AGENDA

City Manager Hudson announced a Budget Workshop on July 14, 2008 at 9:00 a.m. He also updated the Commission on the land clearing at Windemere. He also announced an emergency purchasing approval for the repair of the Vac Com truck and they repair is less then \$16,000.00. He also stated the following two items on the agenda;

Item #4, is to be withdrawn.

Item #10, recommended approval.

STAFF REPORT ON COMMENTS FROM PREVIOUS COMMISSION MEETING

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

Mark Mathes gave a powerpoint presentation regarding a no u-turn recently installed by Martin County near the Indian Street and US-1 near Home Depot. He requested the City look into the problem and complained that no one pays attention to the sign.

APPROVAL OF AGENDA

MOTION: COMMISSIONER HUTCHINSON; MOVED APPROVAL OF THE AGENDA WITH THE WITHDRAW OF ITEM #4

SECOND: COMMISSIONER WAXLER

MOTION APPROVED UNANIMOUSLY

CONSENT CALENDAR

- 1. Request to approve the minutes from the Regular Commission Meetings of May 19, 2008 and June 9, 2008**
- 2. Re-Appointment of Board Member to the Stuart Recreation Advisory Board**
- 3. RESOLUTION 66-08 Authorizing the City Manager to apply for a \$50,000 Treasure Coast Regional Planning Council Administered Environmental Protection Agency (EPA) Technical Assistance Grant to determine the development potential of the City's Old Landfill site and if successful execute the grant upon review and approval by the City Attorney**

Item 4 was withdrawn.

4. **RESOLUTION 69-08 Authorizing the execution of a Sovereignty Submerged Lands Lease modification to increase square footage between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, the City of Stuart and Huizenga Holdings for the Anchorage at the Southpoint Marina**

5. **RESOLUTION 70-08 Authorization to adopt the City of Stuart, Stuart Anchorage Field Management Plan, prepared August 10, 2007**

Valerie Jones came forward and expressed concern over the proposed Resolution 70-08.

Commissioner Mortell and Commissioner Waxler expressed concern over the comments made by Miss Jones during her public comments.

MOTION: COMMISSIONER MORTELL MOVED APPROVAL OF RESOLUTION 70-08

SECOND: COMMISSIONER HUTCHINSON

ROLL CALL

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

6. **RESOLUTION 71-08 Authorization to submit a grant application to the Florida Division of Cultural Affairs Cultural Facilities Program in the amount of \$500,000.00 to defray the costs of redeveloping Memorial Park in Downtown Stuart authorizing the commitment of up to \$1,000,000.00 additional funds.**

7. **RESOLUTION 72-08 Authorization to approve the second Minor Amendment to the “Villas of Seminole Major Urban Code Exception”, Amendment described in Resolution No. 173-06 providing for a revised timetable for development; amending the conditions of development accordingly**

Armond Pasquale came forward and expressed concern over the proposed extension of the time for development.

Dave Collier, came forward and said economic conditions preclude a lot of projects from going forward. If extensions are not granted we will “kill everything in the pipeline”. Noting that these properties were approved within the CRA, Mr. Collier encourages the Commission to continue to grant extensions so when the economy turns around these projects in the CRA will be ready to go.

Raul DeCampa came forward and agreed with Mr. Collier and urged approval of the requested extension.

Commissioner Mortell said some developments on Seminole got approved “between commissions” and this particular development got a 5-0 vote and lots of accolades. If this fits the vision of what the City wants in downtown Stuart, we should approve the extension.

Commissioner Hutchinson said that this is a quality project that she supports.

Vice Mayor Christie stated he would support the extension.

Mark Mathes came forward and addressed specific dates on the process.

MOTION: COMMISSIONER HUTCHINSON :MOVED APPROVAL OF RESOLUTION 72-08

SECOND: COMMISSIONER WAXLER

ROLL CALL

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

8. .RESOLUTION 73-08 Authorization to approve a Minor Amendment to the “600 Building RPUD Agreement Minor PUD Amendment” described in Ordinance No. 2100-07 providing for a revised timetable for development; amending the conditions of development

Commissioner Mortell said this extension is not purely for economic reason but a hardship. When he addressed this property with Nick Blount of FPL, Blount referred to it as the one with buried utility lines and did not know FPL was installing poles.

Mr. Dave Collier came forward and requested his comments on Item 7 also apply to item 8.

MOTION: COMMISSIONER MORTELL:MOVED APPROVAL OF RESOLUTION 73-08

SECOND: VICE MAYOR CHRISTIE

ROLL CALL

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

Mayor Krauskopf verified with staff that dates certain were included in the amendment. Mortell said we need to direct staff to get with someone at FPL on this issue. Krauskopf wanted it put on the check list.

ROLL CALL

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

COMMISSIONER MORTELL YES

- 9. RESOLUTION 74-08 Authorization to execute a work authorization letter No. Captec-WA-3 with Captec Engineering, Inc. to provide engineering design, surveying, permitting and bidding services relating to the reclaimed water transmission main from the City’s wastewater plan to the Martin County interconnect at Indian Street and Willoughby Boulevard in an amount not to exceed \$185,000.00.**

Commissioner Hutchinson expressed concerned over the fact if we are going to have users or not?

Dave Peters came forward and explained the need for the use of reclaimed water.

MOTION: VICE MAYOR CHRISTIE:MOVED APPROVAL OF RESOLUTION 74-08

SECOND: COMMISSIONER MORTELL

ROLL CALL

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

- 10. RESOLUTION 75-08 Authorization to execute amendment No. 7 to FDEP Agreement No. SP561 between the State of Florida Department of Environmental Protection and the City of Stuart pertaining to the Poppleton Creek project to allow for a six month time extension to complete the Poppleton Creek Stormwater project upon approval from Florida Department of Environmental Protection.**

- 11. RESOLUTION 76-08 Supporting the proposed Memorandum of Agreement between Martin County and the Florida Office of Tourism, Trade and Economic Development providing for an expedited permit review process for targeted businesses that meet the criteria**

- 12. RESOLUTION 77-08 Accepting a (2008-2009) Neighborhood Grant Award from the Children’s Services Council of Martin County for Recreation Program Services related to East Stuart Youth Initiative Tykes & Teens Altoss Program, Stuart Police Intervention Program, Boys & Girls Club and City of Stuart Recreation Department and authorization to execute each agreement between the Children’s Services Council of Martin County and the City of Stuart for recreation program services related to the East Stuart Youth Initiative Program**

END OF CONSENT CALENDAR

MOTION: COMMISSIONER WAXLER: MOVED APPROVAL OF THE CONSENT CALENDAR ITEMS 1,2,3,6,10,11,12

SECOND: VICE MAYOR CHRISTIE

ROLL CALL

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

Items 4 were withdrawn. Items 5.7.8.9 were heard separately.

ORDINANCE FIRST READING

13. ORDINANCE 2159-08 (First Reading) Adopting a “Finding of Necessity” confirming that crime is a contributing factor to blighted conditions within the City’s Community Development Area (CRA); recognizing community policing innovations as necessary and appropriate methods of combating crime and the blighted conditions it creates; readopting and amending the City’s Community Redevelopment Plan to include a Community Policing Program

MOTION: COMMISSIONER HUTCHINSON: MOVED APPROVAL OF FIRST READING OF ORDINANCE 2159-08.

SECOND: COMMISSIONER MORTELL

ROLL CALL

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

14. ORDINANCE 2160-08 (First Reading) Providing an amendment to the “Stuart Lodge Adult Living Facility” Planned Unit Development Agreement described in Ord. No. 1829-02 and amended by Ord. No. 1991-04 and Ord. 2045-05 and Ord. 2082-06 of the Stuart City commission; providing for a new timetable for issuance of permits for construction and Certificates of Occupancy for the Adult Living Facility at Palm Beach Road & 14th Street in the City; amending the conditions of development

City Attorney/Acting Development Director Paul Nicoletti said the LPA had approved this extension 7-0 and was impressed with the Florida Green Building aspect of the development.

Tom Reetz gave a brief presentation reviewed the approved site plan and the green building features such as insulated concrete forms recommends approval of Ordinance 2160-08.

Attorney Terry McCarthy addressed the issues and the revised plans for a green building and said the applicant is prepared to move forward.

Developers Richard and Sheila Kurtz demonstrated the ICF Block Insulated Concrete Form that can withstand a Category 5 hurricane and said the building could “go up” in

4 months. Sheila Kurtz stated that their partners from North Carolina have used a lot of the innovated products and the savings in energy and operating costs with revert back to the people who will be living in the building.

MOTION: VICE MAYOR CHRISTIE: MOVED APPROVAL OF FIRST READING OF ORDINANCE 2160-08.

SECOND: COMMISSIONER MORTELL

ROLL CALL

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

15. ORDINANCE 2161-08 (First Reading) Providing an amendment to “Kingsport Estates” Planned Unit Development Agreement described in Ord. No. 2036-05 and amended by Res. No. 06-07 of the Stuart City Commission; providing for a new timetable for issuance of permits for construction and Certificates of Occupancy for the Adult Living Facility at the South side of Central Parkway West of the proposed Willoughby Blvd. extension in the City; amending the conditions of development accordingly

City Attorney/Acting Development Director Paul Nicoletti noted the revised version of the ordinance correcting a typo that called this an Adult Living Facility.

The Commission requested the applicant’s attorney Bob Raynes to address several issues.

Tom Reetz gave a brief presentation regarding the proposed project. He said the applicant has requested a 24 month extension and agreed to all monetary commitments – i.e. \$50,000 toward funding traffic signal at US 1 and Central Parkway, \$20,000 toward Poppleton Creek drainage and ROW donation. Staff recommended approval of Ordinance 2161-08 with the added condition # 39 of burying overhead utilities.

Speaking for the applicant, Attorney Bob Raynes turned in the return receipts and distributed a hand-out to the Board listing the reasons the applicant is requesting an extension. Raynes said the applicant has been working “diligently” but unforeseen circumstances have “stalled” the project.

Commissioner Waxler asked where the remainder of the funds would be coming from for the traffic light on US 1 and Central Parkway?

Tom Reetz said the funds would be coming from the Stuart News as well as other commitments.

Attorney Nicoletti stated the biggest thing for the City that works is the developer must pay the funds within 120 days.

Commissioner Waxler asked what the Commission vote was in January ?

City Clerk Cherie White: Read aloud the motion made at the January 28, 2008 Commission meeting: "Motion was approval to ask the applicant to resubmit for a timetable extension with specific outline of the information as it pertains to the basis with what they feel they qualify."

Commissioner Waxler asked Attorney Raines what has happened since January?

Attorney Raines stated they have been working on the project all along.

Commissioner Mortell and Vice Mayor Christie stated they would support the project thru the first reading but still have some unanswered questions.

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF FIRST READING OF ORDINANCE 2161-08 TO INCLUDE CONDITION #39. .

SECOND: VICE MAYOR CHRISTIE
ROLL CALL

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

COMMISSION ACTION

16. Advisory Board Appointments; provide direction as to the at large CRB appointment

Mayor Krauskopf stated he received a call from Pete Walson in regards to this item. He stated that the City held interviews some time ago, and he was not chosen however requested that he be considered in future appointments.

MOTION: COMMISSIONER MORTELL; MOVED APPROVAL OF THE APPOINTMENT OF PETE WALSON TO THE CRB BOARD.

SECOND: COMMISSIONER WAXLER
MOTION APPROVED UNANIMOUSLY

DISCUSSION & DELIBERATION

17. Discussion of Landscape Buffer Alternatives at the Old City Landfill and preliminary cost estimates.

Mayor Krauskopf agreed that a boundary buffer should be done but to include a landscape buffer tall enough to cover the 2nd story windows. .

Sam Amerson gave a brief summary of the proposed buffer. He was looking for direction to move forward with a more detailed plan and possible funding.

The Commission agreed that further information would be needed as to what type of landscape buffer should be included.

ADJOURNMENT 7:44 PM

Cheryl White, CMC, City Clerk

Jeffrey A. Krauskopf, Mayor

Minutes approved at the Regular Commission
Meeting this 14 Day July 2008