

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON MARCH 22, 2010
AT 5:30 P.M. IN THE CITY COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994**

**Roll call was answered by:
Mayor Michael Mortell
Vice Mayor Carol Waxler
Commissioner James A. Christie
Commissioner Jeffrey A. Krauskopf
Commissioner Mary Hutchinson**

**Also present were:
City Manager: Dan Hudson
City Attorney: Paul J. Nicoletti
City Clerk: Cherie White**

Mayor Mortell delivered the Invocation, followed by the Pledge of Allegiance led by the Commission.

PRESENTATIONS

1. PROCLAMATION: Proclaiming the month of April, 2010 as WATER CONSERVATION MONTH

Dave Peters, Assistant Public Works Director came forward and graciously accepted the proclamation. He also announced an upcoming event the first weekend in May, Sammy the Sailfish will celebrate National Drinking Water Week by having local school children and the general public tour the City's water plant.

SFWMD representative Boyd Gunsalus came forward to recognize and appreciate the leadership and efforts of the City of Stuart for their support and recognition of water conservation month.

2. PROCLAMATION: Proclaiming April 11-17, 2010 as CHILDREN'S WEEK and April 4, 2010 as PARENTS and CHILDREN'S DAY

Jackie Jackson, Executive Director for the Early Learning Coalition, Indian River, Martin and Okeechobee counties. She introduced Mark Chittum, of the Martin County Health Department and Dr. Patti Pelletier. Ms. Jackson thanked the City of Stuart for their support during the month of April. She announced that they have been gathering hand prints of local children to take to the capitol in Tallahassee, in celebration of the events.

3. PROCLAMATION: Proclaiming the month of April, 2010 as FIREFIGHTER APPRECIATION MONTH

Brian Nethers came forward and graciously accepted the proclamation and thanked the City for their support. He announced that the local firefighters will be on the streets

collecting donation for the MDA in the next month. He said this year's summer camp for those children in need will be held in Tampa.

Helga Moya MDA Fundraising Coordinator thanked the City for recognizing the City's Fire Rescue. The money raised by the Firefighters Boot Drive will assist the MDA in its efforts for Muscular Dystrophy.

4. PROCLAMATION: Proclaiming the Month of April, 2010 as CHILD ABUSE PREVENTION MONTH

The proclamation was read in its entirety, and was presented to the City Clerk for mailing.

5. Employee of the Month

Matthew Cernuto, Police Department

Mathew Cernuto came forward and graciously accepted his award and thanked the Commission.

6. Employee Service Recognition

Martin Jacobson, Police Department, 25 Years
Joseph Ortowski, Jr., Building Maintenance Team, 20 Years
Bradford Blankman, Information Services, 5 Years

Marty Jacobson came forward and graciously accepted his award and thanked the Commission.

Joe Ortowski was unable to attend and his award was accepted by Milton Leggett.

Brad Blankman came forward and graciously accepted his award and thanked the Commission.

COMMENTS BY CITY COMMISSIONERS

Commissioner Hutchinson noted there would be a speaking coming forward regarding the off shore oil drilling.

Commissioner Waxler reported to the Commission that she met with Woody Woodruff regarding the Annual Boat Parade. She said that the meeting was very productive, but she felt cautiously optimistic. She said there were some fine details regarding the path of the boat parade and how close it could get to Stuart.

Mayor Mortell stated he was contacted regarding an issue and concerns with parking and the new valet parking at the Sunset Bay Marina.

City Attorney Nicoletti stated he would look into advising the restaurant owner.

COMMENTS BY CITY MANAGER

City Manager Hudson noted the following items:

The City has filed a grant application for Tropical Storm Faye Funding. He passed along a list of items the grant would cover. He noted that the application has already been filed due to time constraints.

He authorized a sole source procurement award to replace a catipillar engine at the Water Treatment Plane. He said it was a budgeted item.

Meeting Calendar:

March 26, 2010 10:00 am-12:00 pm FEC/Amtrak Corridor meeting to be held in Cocoa Fl.

April 21, 2010 5:30 P.M. Business Development Board will be holding an Economic Development Assembly and will include the City Commission at City Hall.

Item #13: Request by City Staff to withdraw this item in order for City Staff to complete the noticing requirements.

Item #15: Request by the applicant to have this item continued to the next regular meeting.

Item #18: Verbal update on the Martin County Offices.

Item #19: Verbal Update on Palm City Road as well as a supplemental memo to be distributed.

APPROVAL OF AGENDA

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

SECOND: COMMISSIONER HUTCHINSON

MOTION APPROVED UNANIMOUSLY

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

John Leighton came forward and expressed concern over the valet parking at the Sunset Bay Marina. He stated they had blocked off several public parking spaces with cones and would not allow people to park their. He expressed concern that the area is not allowing public participation to the area. He asked that the business owner be contacted regarding allowing spaces to be used for the public parking available for the boardwalk. He stated that FIND money was used to build the boardwalk and not allowing public to access the area would be an atrocity.

Armond Pasquale came forward and complained about the events in the downtown area over the weekend. He stated the traffic in the downtown was gridlock on Sunday. He said there were 4 events held on the same day and stated that that many events should not be allowed in one day.

Mayor Mortell noted that he understood Mr. Pasquale's position on the matter but he had received many compliments from the visitors who frequented the downtown over the weekend and were all pleased. He said he knew that his perception of it may be

different but wanted to include other comments into the public record other than that the events over the weekend were all bad. He said he understood that everything went very smooth, and that everything was great.

Helen McBride said she had visitors from out of town over the weekend. She said her family complimented the cleanliness of Stuart and felt it was very well maintained. She also complimented Mulligan's for a wonderful lunch. She said she was happy to report her family spent money in the downtown.

Commissioner Hutchinson wanted to commend the Arts Festival in the downtown over the weekend as well as the news / weather coverage from the downtown area was good for the downtown.

Thondra Lanese came forward representing East Stuart Main Street. She presented the City with a support letter as well as 130 support letters signed by residents of the East Stuart neighborhood supporting the City's proposal to locate a Government Center at Sailfish Park and supported the expansion of the ballfields at Guy Davis Field.

Commissioner Hutchinson requested that copies of the support letters be provided to the County.

Mr. Hudson said he would be happy to.

Ozzie Hoffler, HHR LLC came forward regarding his project at the corner of 10th Street and Bahama Ave. He requested the City award relief for any additional permit fees. He said he has submitted a performance bond to the City last week.

City Attorney Nicoletti stated the bond was rejected for three reasons. One; It was not in an amount that was spoken at the last meeting by the contractor who said the amount would be around \$160,000.00, we said 110% of that or around \$176,000.00. The bond that came in was in the amount of \$130,000.00. Two; The bond came in the name of Dozack Construction Inc, which is not the permit holder. The permit holder is GA Group. We have since had a meeting with Mr. Hoffler and both Mr. Dozack and Mr. Cooper attended the meeting. What is going to happen is GA Group is going to withdraw and Dozack is going to come in, GA group is coming in as a sub for them. He stated at the time the bond was rejected, I believe properly. I don't think the City could have accepted it anytime. I think what Mr. Hoffler is asking for is it possible for him to have some relief for the payment of building permit fees for an expired permit. He indicated the City Commission has not granted such relief in the past.

Commissioner Christie asked for clarification from the City Attorney as to the chain of events.

City Attorney Nicoletti clarified reiterated what he said earlier.

City Commissioner Hutchinson does not support waiving building permit fees.

No Commission action was taken.

Greg Gardner Treasure Coast Surfrider Chapter came forward and requested the City adopt a Resolution to support No offshore drilling, proposed by the legislature.

MOTION: COMMISSIONER HUTCHINSON; MOVED APPROVAL TO ADOPT RES 33-2010 NO SUPPORT NO OFFSHORE DRILLING PROPOSED BY THE LEGISLATURE.

SECOND: COMMISSIONER CHRISTIE

MOTION APPROVED UNANIMOUSLY

ROLL CALL

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

CONSENT CALENDAR

7. **Request to approve the minutes of the regular Commission Meeting of February 22, 2010**
8. **RESOLUTION 25-2010 Authorizing a budget amendment to the 2009-2010 annual Water Sewer Fund and Stormwater Operating budget for the appropriation and expenditure of \$37,723.95 to fund the stormwater improvements to Stypmann Boulevard**
9. **RESOLUTION 26-2010 Authorizing stormwater improvements to Stypmann Boulevard by Sunshine Land Design, Inc. in accordance with the Martin County annual contract for infrastructure construction and maintenance 2009-2200 in an amount not to exceed \$37,723.95**
10. **RESOLUTION 27-2010 Authorizing a budget amendment to the 2009-2010 annual Law Enforcement Trust Fund disbursement fund to pay for liens assessed against properties in forfeiture proceedings**
11. **RESOLUTION 28-2010 Authorizing the City Manager to adopt and enforce reasonable rules and regulations for the City Parks and Recreation Facilities**
12. **RESOLUTION 29-2010 Authorization to ratify the Memorandum of Understanding between the City and the International Association of Firefighters Local 2411, representing mutual resolve and final obligation to Case No. 070111-52769-3, regarding the Fire Rescue Lieutenants**

Item #13 was withdrawn.

13. **RESOLUTION 31-2010 Authorization to assess the costs incurred by the City pursuant to Chapter 38, "Environment" of the city of Stuart Code of Ordinances (1995), as amended, to abate a nuisance on privately owned real property within the City in the amount of \$28,072.15 including an administrative charge of \$100.00; and providing that the assessments shall bear interest at the rate of twelve percent (12%) until paid; providing that this resolution shall be recorded in the public records of Martin County**

Item #14 was heard separate.

14. RESOLUTION 32-2010 Authorization to accept an amended Bill of Sale from Donna Dorney, Successor Trustee of the Elmer E. Moore Revocable Trust for the Evans Crary House; and authorizing to execute the Crary House renovation, maintenance and operation agreement with Stuart Heritage, Inc.

Commissioner Hutchinson requested that the contractor assure accessibility to the Road to the Victory Museum, for item 8.

MOTION: COMMISSIONER HUTCHINSON; MOVED APPROVAL CONSENT CALENDAR ITEMS 7-13

AMENDED MOTION: COMMISSIONER HUTCHINSON; MOVED APPROVAL CONSENT CALENDAR ITEMS 7-12

SECOND: COMMISSIONER KRAUSKOPF

ROLL CALL

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

14. RESOLUTION 32-2010 Authorization to accept an amended Bill of Sale from Donna Dorney, Successor Trustee of the Elmer E. Moore Revocable Trust for the Evans Crary House; and authorizing to execute the Crary House renovation, maintenance and operation agreement with Stuart Heritage, Inc.

Vice Mayor Waxler expressed concern over his item and asked what happens if Stuart Heritage does not bring the building up to code. The City owns it, and we don't have the money to bring it up to code.

City Attorney Nicoletti stated that as the landlord we would inherit that responsibility just as any other landlord would.

Vice Mayor Waxler asked about the feasibility of having a performance bond. She said if we take it over we would be obligated to do something with it. She expressed concern over the City being fully responsible for the entire process.

Commissioner Hutchinson said this item has been discussed for months.

Vice Mayor Waxler said she expected a cost estimate in case the City had to pay the cost.

City manager Hudson said the best guess is around \$85,000.00 to finish it after it is on site.

Mayor Mortell asked if it would be possible for the City to loan Stuart heritage funds to pay for the Performance Bond and then have them pay it when they obtain the

promised estate money. He expressed concern if the City goes to Stuart Heritage and ask them right now for a performance bond, they are going to say they don't have the cash to pay for it.

Commissioner Krauskopf asked if this could be continued.

City Attorney Nicoletti stated he would re-negotiate something with Ms. Dorney.

MOTION: VICE MAYOR WAXLER; MOVED APPROVAL THAT WE REQUIRE A PERFORMANCE BOND WITH STUART HERITAGE, AND STAFF CAN ADVISE OR SUGGEST TO THE CITY COMMISSION ON HOW THE MECHANICS CAN GET DONE.

MOTION: COMMISSIONER KRAUSKOPF;

City Manager Hudson asked if included in the motion to include the concept the City somehow underwriting that.

The motion above only included the amended bill of sale only.

MOTION APPROVED UNANIMOUSLY

Vice Mayor Waxler wanted to clarify that there would be a time frame.

At this time the Commission took official action as to Resolution 32-2010 as amended.

MOTION: COMMISSIONER HUTCHINSON; MOVED APPROVAL RESOLUTION 32-2010 ONLY SECTION 1 & 3 OF THE RESOLUTION AS AMENDED.

MOTION: COMMISSIONER CHRISTIE

ROLL CALL

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

END OF CONSENT CALENDAR

COMMISSION ACTION

Item #15 was continued to April 12, 2010

15.CONTINUED FROM THE MEETING OF MARCH 8, 2010 PER APPLICANT'S REQUEST RESOLUTION 19-2010 Authorization to execute an amendment to the amended and restated Ground Lease with the Robert G. DeSantis and Joan C. DeSantis Revocable Trust of 1985 and the Vivian I. Jones Inter Vivos Trust and James DeSantis (Lessees) of City property located at the Old City Landfill, Penn Plaza

Commissioner Hutchinson asked why this item is being continued?

City Manager Hudson was unsure but would forward the request via email to the Commission.

16.RESOLUTION 30-2010 Authorization to declare “Zoning in Progress” under Sec. 1.02.04, Stuart Land Development Code, for the granting of development permits, local business tax receipts or other approvals for Pain Management Clinics

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL RESOLUTION 30-2010

MOTION: VICE MAYOR WAXLER

MOTION APPROVED UNANIMOUSLY

ORDINANCE FIRST READING

ORDINANCE SECOND READING

17. ORDINANCE 2196-10 (Second Reading) Amending the Stuart Comprehensive Plan relating to the Coastal Element to comply with new statutory requirements changing the definition of the Coastal High Hazard area (CHHA) and figure 5-18 depicting the CHHA

MOTION: VICE MAYOR WAXLER; MOVED APPROVAL ORDINANCE 2196-10 ON SECOND READING

Commissioner Krauskopf noted a similar circumstance that happened with FEMA and a California case where citizens challenged the high hazard line, and the FEMA Engineer was challenged, with the media present. It came out that the FEMA engineer admitted that it was a bad line, and consequently a new line was drawn.

He expressed grave concern over the City of Stuart line drawn by the regulators, and requested City staffs send a follow-up letter letting our legislative delegation know and asking for their reassurance that this won't increase rates for our citizens, and we would like the correct numbers, and not numbers that don't apply to our City.

MOTION: COMMISSIONER CHRISTIE

ROLL CALL

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

DISCUSSION & DELIBERATION

18. Update Martin County Offices

City Manager gave a brief update to the Commission regarding the Martin County Offices. He reminded them that this discussion is scheduled to be heard by the County Commission on March 30, 2010. He said he would forward any additional information that he may receive along to the Commission before the meeting date. He also notified the Commission that Lucido and Associates has been a planning coordinator on this proposed project, and we have also communicated with the School Board and has opened dialog with the Children's Services Council who also

expressed an interest in possibly becoming a partner in the Government Campus concept plan. He said that Mr. Scoggins and I met with Martin County North Little league and shared with them the phase one concept plan that was discussed the last time. He said the league did express concern over the use of the word phase one, but said they would be present at the March 30, 2010 County Commission meeting.

Commissioner Christie said he attended a community meeting of the East Stuart Main Street who said they would be present at the County Commission meeting.

Vice Mayor Waxler stated that she strongly encouraged County Commissioner Heard to attend the East Stuart main Street meeting and understood she was not present. Vice Mayor Waxler said she thought it would give County Commissioner Heard a better understanding to the East Stuart neighborhoods position on the matter and how they were in support of the Guy Davis Fields and the recreation area.

19. Update Palm City Road

This item was requested to be verbatim:

Dan Hudson: I think I gave you a memo on this item. The City Commission earlier this year had approved staff to investigate the possibility of looking at some type of closure of Palm City Road. I don't have a full report this evening, and didn't want to get into a full explanation or debate of the merits of it, but there are significant challenges in doing that, not the least of which is the fact that Martin County owns and controls the road right of way there. I know Jeff has been working with some of the residents in Circle Bay Condominium that initiated the request. The main concern they have communicated to us is the ability to exit the condominium parking lot during peak traffic hours. We are willing to put in some speed tables, and may look at perhaps some other alternatives that might end up costing a little bit more money to raising the entire intersection at the exits or possibly roundabouts. I am not requesting Commission action but we did want to bring you up to date on what has been going on over there.

Mary Hutchinson: I would like if we could somehow investigate some other alternatives, then speed bumps. If you live off Palm City Road, you are speed bumps to death, if you have to get from Kanner Highway to your house. If you live on Palm City Road you have to go over at least six or plus to get to your house. I am sure it has slowed down traffic some but, it is a pain if you live in that neighborhood, to get over those things. I was wondering if there is some other alternative of speed control.

Michael Mortell: Isn't there some real narrowing instead of speed bumps.

Jeffrey Krauskopf: The specific issue at hand, rather than the larger one is line of sight and being able to pull out. I think if two or three speed tables are installed on the southern end, one in advance of Windjammer, one in advance Circle Bay and maybe one in advance of Monterey, if there at the proper places then that will allow folks the ability to pull out and make a left turn to go to Publix, otherwise...

Michael Mortell: If it is a traffic thing then shouldn't it be a stop sign. I mean if it is really to regulate traffic and not speed, it needs to be warranted for a stop sign.

Jeffrey Krauskopf: Then you have to have police there stopping people...

Michael Mortell: It doesn't sound to me like speed is the issue. It sounds to me like traffic is the issue.

Jeffrey Krauskopf: There is a rate of speed issue moving, when you pull off Monterey going north.

Mary Hutchinson: Right, there can't be a rate of speed going the other way because it is backed up way too far to have that issue.

Dan Hudson: It is the northbound traffic that is causing a problem for the condominiums. Regardless of whatever issue is there, it is ultimately Martin County who has to make the call on that, even if it is speed tables. I just need to be real clear on that.

Mary Hutchinson: I ask that we look outside to see if there maybe some alternatives besides speed bumps.

Dan Hudson: We can certainly do that.

Jeffrey Krauskopf: What do I report back to the folks on the street?

Mary Hutchinson: We are looking into alternatives.

Michael Mortell: I want to bring up a comment that is unrelated to Palm City Road, but I had been contacted by people as it related to striping a road, by the airport. The Kingman Acres road. I brought it up at an MPO meeting and just got an email today saying it is a City road and the City has to stripe it. That's the same thing here. It is really a County road, and I don't think we are in a position to make a decision on anything.

Dan Hudson: I think what might be useful is to get a couple of people from the condominium together with City/County staff. Jeff if you want to continue to be the facilitator of that and to schedule a meeting so everybody can understand what the issues are associated with it. Particularly in the condominiums.

Jeffrey Krauskopf: Is there an authorization of the board to act on whatever everybody comes up with or not?

Mary Hutchinson: I would have to see what the solution is.

Michael Mortell: It seems like the only side of the road that needs the speed regulations is the northbound traffic. We shouldn't have it on the southbound side because quite frankly it would end up being after the entrances to each one of the condos suggested by Jeff in the first place.

Mary Hutchinson: But I would imagine that there is data that shows if you only put a speed bump on one side, people will go around it.

Michael Mortell: It appears there are cars in the southbound lane during peak hours.

Mary Hutchinson: Normally at rush hour yes there are cars there that control the speed heading over Palm City Bridge. At other times, I don't know on those other times I am not sure if that is a safety thing to only have a speed bump on one side of the road. There may be other ways to do traffic calming in there.

Michael Mortell: I remember when Sue Hershey was on the Commission, and the road that goes from Fork Road back by the Deck and up to 707, ended up having three stop signs in three blocks.

Mary Hutchinson: It still does, and guess what you go slow through there.

Michael Mortell: That is exactly right so if the issue is really traffic; let's put some stop signs up. You probably have more cars exiting those condominiums, and then you have those three half circle streets that go up to the river back there. Again, if we are talking about real resolution to it, and for some reason people don't want stop signs because it sounds like that is too much.

Jeffrey Krauskopf: So, either stop signs, speed tables or both. Is that acceptable to the Commission or not?

James Christie: Unless somebody has another alternative.

Mary Hutchinson: I would like to see if there are other alternatives to speed control besides speed bumps. I would have to say just spend a week driving Palm City Road, and I have gotten complaints from people who live off Palm City Road because of all the speed bumps they have to go over.

Michael Mortell: I don't want to close any roads.

Mary Hutchinson: No, I don't think you can close that road.

Jeffrey Krauskopf: I am trying to put stuff out there. You don't want to close the road. Do you want to put stop signs?

Michael Mortell: I think the problem is if you did the traffic count, there is probably people that feel the line of site issue is a significant issue. The question is if that even warrants the traffic count. If we are going to put speed bumps in front of everywhere that somebody says they have a line of sight problem, shouldn't we put a speed bump on US 1 in front of Windemere?

Mary Hutchinson: I personally have the same issue when I try to pull out of Halpatokee Park, because people fly off of US 1, so the thing is we have to be careful as a City, because I had neighbors come to me and say they want a speed bump when you come off that curve, but you can't speed bump our entire town.

Jeffrey Krauskopf: We have closed streets before; we did it for the folks on Cleveland. We listened to their concerns.

Michael Mortell: Look at the feasibility of it. I am not going to be a bar to it.

Carol Waxler: Let us know what can be done, if anything.

Dan Hudson: Ok.

Michael Mortell: Just so I am clear, it's going to be ultimately the decision of Martin County?

Dan Hudson: Martin County.

Mary Hutchinson: The box that is painted on there, does that box just need to be larger, for a line of sight issue?

Dan Hudson: The box doesn't slow people down that are Northbound.

Mary Hutchinson: But they are saying that it is a line of sight issue of being able to see coming out.

Dan Hudson: It maybe a combination of speed at that intersection, like a reduce speed ahead, and drop them down to 25 mile per hour, perhaps with a raised table for the entire box.

Mary Hutchinson: I am open for all those, I just don't want to go, and oh, the simple thing is to throw in some more speed bumps. I want us to look at what is the best alternative of solving the problem, not just the simplest and quickest way.

ADJOURNMENT 6:40 pm

ATTEST:

Cheryl White, CMC, City Clerk

Michael Mortell, Mayor

**Minutes to be approved at the Regular Commission
Meeting This 12th Day April, 2010**