

**REGULAR MEETING OF THE STUART CITY COMMISSION  
HELD ON MARCH 8, 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; Proclaim the month of March as AMERICAN RED CROSS MONTH**

The proclamation was graciously accepted by the Kelly McIntyre, representative of the Martin County Red Cross. She also invited the Commission and public to volunteer in the community for the Red Cross.

**2. Kiwanis Club presentation of \$10,000 Contribution for playground equipment purchased for Kiwanis Park**

Gary Hawken, President of the Martin County Kiwanis Club came forward and presented a check to the Mayor and City in the amount of \$10,000.00, their portion of the playground equipment at Kiwanis Park.

**3. Presentation by Tammy Simoneau, Economic Council requesting support for the Google Broadband Services Initiative**

Joe Capra, Member of the Economic Council came forward and recommended the City adopt a Resolution in support of a submittal being made by Martin County for Google Broadband.

Commissioner Waxler asked what the target area would be.

Joe Capra stated it would only be 1 or maybe 3 communities.

**MOTION: VICE MAYOR WAXLER; MOVED APPROVAL TO APPROVE THE RESOLUTION 25A-2010.**

**SECOND: COMMISSIONER CHRISTIE**  
**MOTION APPROVED UNANIMOUSLY**

## **COMMENTS BY CITY COMMISSIONERS**

Commissioner Christie noted that at the last Treasure Coast Council of Elected Official a request was made for all municipalities follow closely the proposed bills including the main focus of amendment 4. As well as any other unfunded mandates that puts the responsibility back on those municipalities and counties.

Mayor Mortell noted that he was in the downtown over the weekend and it was flourishing with people, and the weather was nice.

## **COMMENTS BY CITY MANAGER**

City Manager Hudson stated the City would be applying for funding to assist with the past Tropical Storm Faye. He stated that the funding had to go through Martin County who advised the City they would be applying for the funding assistance. The County decided they would not be pursuing this but the City is on its own.

Consent Calendar discussion:

March 22<sup>nd</sup> -Joint CCM/CRB Workshop to discuss the Downtown Alcoholic Beverage/Parking Study discussion 9-11 am.

March 26<sup>th</sup> –Amtrak FEC Coalition Meeting in Cocoa Beach at 10:00-1 PM.

April 19<sup>th</sup>- Workshop for sign code.

April 19<sup>th</sup>- Budget Workshop

Mayor Mortell expressed concern because on April 19<sup>th</sup> there is an MPO meeting being held.

Also the week of April 19<sup>th</sup> the Business Development Board is looking to host a series of Town Hall Meetings in Martin County. The City Commission would host the event. He said he would be coordinating the date and time.

City Manager Hudson said he wants to keep all meetings originally scheduled for April 19<sup>th</sup> all on the same day. He asked the Commission to poll their calendars.

May 24<sup>th</sup>, 2010 Workshop to reorganize the Land Development Code at 9:00 am.

Commissioner Hutchinson expressed concern over the 9:00 am meetings because of a scheduling conflict.

City Manager Hudson said he would work on the April 19<sup>th</sup> and May 24<sup>th</sup> meetings for a new date and time.

Item #7 on tonight's agenda has been requested to be continued to March 22, 2010, by the applicant.

## **APPROVAL OF AGENDA**

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

SECOND: COMMISSIONER CHRISTIE  
MOTION APPROVED UNANIMOUSLY

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

Joseph Cooper Contractor for the Bahama Square project came forward and requested an extension for 70 days.

City Attorney Nicoletti explained the history of the project. He also noted that the property is in foreclosure. He suggested the Commission allow for an extension with a bond in place that would allow for some assurance the work will be completed.

Attorney Nicoletti stated the bonding would need to be put in place to cover all the cost.

Commissioner Christie stated he would not want the project to go away with a condemnation.

The Commission agreed to have the contractor get bonding and extend the permit. The bond would need to be presented to the City by Monday at close of business.

Commissioner Waxler stated she did not have a problem giving you a window, but I want to draw a line in the sand. If you don't have the bond then the deals off, and you would have to reapply for your permit.

Mr. Cooper stated that would not be a problem the bond can be obtained.

City Attorney Nicoletti stated it could be in a lot of different forms, irrevocable letter of credit is perfectly fine.

Mr. Cooper "we just want to complete this project."

MOTION: VICE MAYOR WAXLER; MOVED APPROVAL IF THEY PROCURE THE REQUISITE PERFORMANCE BOND AS SATISFACTORY TO THE ORDINANCE THAT WE REINSTATE THE PERMITS IF THE BOND IS OBTAINED WITHIN 5 BUSINESS DAYS. (MONDAY MARCH 15, 2010)  
SECOND: COMMISSIONER CHRISTIE

Commissioner Krauskopf asked the City Attorney if there was any part of the system that would put us in a backward position?

City Attorney Nicoletti stated no, Mr. Hoffer had the full 90 day period in which to come in and execute the permit, and do the work; it's just that he did not do that. Our goal is to get this complete. Until the work is complete, and the CO is issued it's still under the condemnation order.

MOTION APPROVED UNANIMOUSLY

## **CONSENT CALENDAR**

- 4. Request to set workshop dates of April 19, 2010, 9:00 AM, Sign Code Amendments and May 24, 2010, 9:00 AM, Land Development Code (LDC) Reorganization**
- 5. RESOLUTION 23-2010 Assessing 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 commonly known as Civitas; including an**

administrative charge of \$100.00 and interest at the rate of twelve percent (12%) until paid

6. **RESOLUTION 24-2010 Designating the entire City of Stuart, as a "Recovery Zone" under the American Recovery and Reinvestment Act of 2009 (ARRA 2009); Requesting an allocation of ARRA 2009 Economic Development Bond Funds and Facility Bond Funds from the Martin County Board of County Commissioners**

**END OF CONSENT CALENDAR**

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL CONSENT CALENDAR

SECOND: COMMISSIONER CHRISTIE  
ROLL CALL

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

**COMMISSION ACTION**

**\*This item is continued to March 22, 2010**

7. **CONTINUED FROM THE MEETING OF FEBRUARY 22, 2010  
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**

MOTION: COMMISSIONER HUTCHINSON; MOVED APPROVAL TO CONTINUE RESOLUTION 19-2010 TO MARCH 22, 2010.

SECOND: VICE MAYOR WAXLER  
MOTION APPROVED UNANIMOUSLY

**ORDINANCE FIRST READING**

**ORDINANCE SECOND READING**

**DISCUSSION & DELIBERATION**

**8. Martin County Offices Update**

City Manager Hudson gave a brief update regarding Martin County's need for office space. He stated they advised those who gave proposals if they had additional proposals or if they wanted to change their proposals they had until March 1, 2010 to do so.

The supplemental memo dated 3/8/10 listed the following proposals received by Martin County by March 1st:

1. Courthouse Commons (City is designating its offer of land as "Courthouse Commons")
2. Evans Crary Building – Colorado Avenue
3. Seacoast Bank – 50 Kindred Street
4. Supervisor of Elections – MLK (price appears reduced by about \$205,000)
5. Towers Building – US 1

6. 2 revised proposals on the Wachovia Bank Building – East Ocean (price appears to be reduced by about \$305,000)
7. Willoughby Blvd. (price appears to be reduced by \$470,000)
8. Erneston Produce, MLK Blvd. – additional offering calls for construction of 54,000 square feet of offices plus 345 space parking garage for a total cost of \$14,350,000.

Mr. Hudson noted that Martin County did own the 50 Kindred Street property in the past.

The Commission commented that if nothing else the City has caused offers to be reduced by those proposers.

Vice Mayor Waxler asked if there has been a cost savings established on the Erneston produce site.

Mr. Hudson said no, not at this time.

Vice Mayor Waxler said the City's offer is still in the running for savings.

Commissioner Hutchinson: What was the timeline for Martin County?

Mr. Hudson stated that what he has been told that these numbers of proposals would be presented to the County Commission at its March 30, 2010 meeting.

Mr. Hudson noted that Lucido and Associates has come up with a phase 1 conceptual plan that allows the County to build up to 48,000 square feet. This is in the area of the current parking lot behind the Courthouse building. Stypmann Blvd would be pushed through with on street parking to satisfy the parking. The current parking that would be taken over by the building would need to be replaced if they decide to use the full 48,000 foot building. He said there would need to be alternatives; he mentioned the NE corner of the Sailfish Ball Park or maybe doing some of the parking planned in Memorial Park redevelopment to supplement the courthouse overflow parking.

Mayor Mortell : "I think we should ask the Tax Collector, Property Appraiser and the Supervisor of Elections to endorse the consolidation idea, and the idea of moving downtown, and see what their response is." I get the impression that publicly people are taking one position, and privately people are taking another position. He suggested that the City put together an Interlocal with Martin County to include the maintenance cost of Sailfish Ball Park, in the event they choose not to come downtown.

Commissioner Hutchinson agreed.

Vice Mayor Waxler said she had no idea about the cost associated with the Sailfish Ball Fields, and the minimal number of City residents who use it, as opposed to non-city residents. She said we are all fans of baseball and softball. She asked Albie Scoggins to address the use of Sailfish Ball Fields.

Recreation Director Albie Scoggins came forward and stated that the use of Sailfish Ball Park for City residents is around 10%. He did note that he does not have Martin County's North Little Leagues roster mailing list, to determine who resides in the City, and who resides in the County. He gave a brief overview of other organizations who also use the fields.

Mayor Mortell said the whole thing is going to come down to measurable money. He expressed concern that the County did not include the cost associated with them having to build 4 new ball fields in Palm City.

He felt the interlocal would force the County to address the entire cost.

City Manager asked the Commission if they all agree to have staff draft an interlocal agreement between the City and County.

The Commission agreed.

City Manager Hudson also asked the Commission if they wished to send letter to each of the Constitutional Officers requesting their support for the City's plan.

The Commission agreed.

MOTION: COMMISSIONER HUTCHINSON; MOVED APPROVAL TO HAVE THE CITY SEND A LETTER TO THE CONSTITUTIONAL OFFICES TO INCLUDE THE CITY'S PLAN AND GRAPHIC.  
SECOND: VICE MAYOR WAXLER  
MOTION APPROVED UNANIMOUSLY

City Manager Hudson noted that the Community Redevelopment Board updated City staff that they would be willing to put in additional money from the TIF funds to further the proposal from the City for County Offices to be located at Sailfish Ball Fields.  
The CRA plan would need to be amended.

The Commission agreed to keep that money in reserve at this time. It may be used for additional parking.

#### **9. Amending Section 54-3 of the City Code, Discharging Weapons**

Commissioner Krauskopf said he brought forth this item because during his campaign several residents expressed a desire to adopt this. He said that Joe Crankshaw personally encountered a python going into the lake within the City.

City Attorney said the current code reads venomous snakes and does not specifically spell out "pythons."

Commissioner Hutchinson was concerned over the firing of a gun in the City Limits, she had concerns that where do we draw the line, if I have a raccoon do I shoot it?

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL TO BRING FORWARD AN ORDINANCE ON FIRST READING.

The motion died for a lack of a second.

#### **10. Use of Tree Fund for planting Palms and Undercover**

Commissioner Hutchinson wanted to know how much money there is in the Tree Fund.

Manager Hudson suggested staff come back with a budget amendment appropriating the tree fund.

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL TO HAVE THE USE OF THE TREE FUND FOR PLANTING PALMS AND UNDERCOVER.  
SECOND: VICE MAYOR WAXLER  
MOTION APPROVED UNANIMOUSLY

**ADJOURNMENT 6:52 p.m.**

**ATTEST:**

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**Cheryl White, CMC, City Clerk**

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**Michael Mortell, Mayor**

**Minutes to be approved at the Regular Commission  
Meeting This 22<sup>nd</sup> Day March, 2010**