

**REGULAR MEETING OF THE STUART CITY COMMISSION  
HELD ON APRIL 26, 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 May 10-16, 2010 as Water Reuse Week**

A representative from South Florida Water Management District came forward and graciously accepted the proclamation and thanked the City of Stuart for their support.

**2. PROCLAMATION: Proclaiming April 30, 2010 as Stuart Arbor Day**

A representative of the Garden Club of Stuart came forward and graciously accepted the proclamation. She encouraged the City to plant more trees and to enter a nationwide competition to areas who plant the most trees. She stated that if the City has a tree planting program to contact her.

**3. Employee of the Month**

**Rose Marie Keating, Community Services Department**

Rose Marie Keating came forward and graciously accepted her award, and thanked the City.

**COMMENTS BY CITY COMMISSIONERS**

Commissioner Christie said he was looking forward to the Amtrak train ride on Saturday.

Commissioner Hutchinson requested the discussion regarding speed bumps along Palm City Road be re-discussed tonight. She stated there was a member of the public present who wishes to speak on the matter.

The Commission agreed to add the discussion as item 9a.

## **COMMENTS BY CITY MANAGER**

City Manager Hudson noted that the South Florida Water Management District Governing Board will be holding its monthly meeting in Stuart at the Blake Library – May 12<sup>th</sup> at 10 a.m. and May 13<sup>th</sup> at 9 a.m.

The Woodlawn Park project is out for bids with bids due back on May 5<sup>th</sup>. He said the City anticipates a contract award on – May 24<sup>th</sup>. With construction to begin in June. Review of tentative agenda:

Item 4 – Shade Structures – a supplemental memo distributed to Commission regarded cost and funding.

Item 5 – Solid waste fees – request to pulled for questions.

Item 9 – Fire Rescue Fees – request to pulled for questions.

Item 11 – Construction Journal – applicant requests continuation to May 24<sup>th</sup>

Added Item 14 – Additional Item regarding the Cray House.

The Commission earlier, agreed to add Item 9A to readdress Speed Bumps on Palm City Road.

## **APPROVAL OF AGENDA**

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

SECOND: VICE MAYOR WAXLER

MOTION APPROVED UNANIMOUSLY

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

Betty Smith came forward and announced she volunteers at Jensen Beach Elementary School, and teaches the Jr. Achievement program entitled “Our City”. She thanked the City for their support and allowing Tom Reetz, City Planner to attend her class on zoning. She graciously asked if Sammy Sailfish could visit the school on a Thursday before the end of the school year.

Veronica Pasquale came forward and expressed concern over the music coming from the Key Lime Café. She also requested the noised Ordinance be enforced.

City Attorney Nicoletti said the matter had been discussed with the Police Chief and the question is whether or not we want to exercise decibel rating during the day.

Mayor Mortell said he did discuss the issue with Key Lime Café.

Veronica Pasquale said as the evening progresses the volume goes up.

City Attorney Nicoletti said the noise ordinance is enforced and advised Mrs. Pasquale if the music continues to be offensive after the curfew she should call the police.

Mrs. Pasquale said the residents could be exposed to loud music all day and up until curfew and the police will have no control. She requested it be enforced all day.

Caryn Yost-Rudge came forward expressed concern over the approved lien on their property. She said her attorney questions \$16,000 of the charges being unaccountable. She

questioned why the contract for the work was signed in January when the work was performed in December.

William Rudge wanted to know the formal process for submitting a bid to the City and how he could acquire the original bid document as well as minutes of the previous City Commission meeting.

Mayor Mortell informed Mr. Rudge that he would need to make a formal records request through the City Clerk.

**CONSENT CALENDAR**

4. **Authorization for negotiations for request for proposals RFP #2010-86 to provide and install shade structures on Riverside Stage and Bleacher areas**
5. **RESOLUTION 36-2010 Authorization to adopt a schedule of fees, charges and deposits for solid waste collection under Chapter 66, of the City Code, and for utilities, under Chapter 82, of the City Code**
6. **RESOLUTION 39-2010 Authorization to rescind Resolution 35-2010 and award a bid to Melvin Bush Construction, Inc., the second lowest, most responsive and responsible bidder for a total bid amount of \$59,856.50 for the Memorial Park Stormwater Outfall project**
7. **RESOLUTION 40-2010 Authorization to execute a Transportation Services Agreement between the School Board of Martin County and the City of Stuart dated from July 1, 2010 through June 30, 2011 for the use of School Board buses by the City Recreation Department to provide transportation in conjunction with field trips from time to time**
8. **RESOLUTION 41-2010 Authorizing an early retirement incentive program and a voluntary separation program for those City Employees that meet eligibility criteria**
9. **RESOLUTION 42-2010 Authorization to amend the schedule of fees and charges for Fire-Rescue service related fees to add a fee for lightweight roof truss placards as permitted by the City Code**

**END OF CONSENT CALENDAR**

MOTION: VICE MAYOR WAXLER; MOVED APPROVAL OF THE CONSENT CALENDAR ITEMS 4,6,7,8

SECOND: COMMISSIONER KRAUSKOPF

ROLL CALL

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

**Items 5 & 9 were heard under separate discussion.**

**5. RESOLUTION 36-2010 Authorization to adopt a schedule of fees, charges and deposits for solid waste collection under Chapter 66, of the City Code, and for utilities, under Chapter 82, of the City Code**

Commissioner Krauskopf asked staff for clarification on terminating one service while keeping another active.

Dave Peters explained that the City wanted to make it consistent with other municipalities. Seasonal residents can now shut their service down through a work order system for a one-time cost of \$34.00.

Commissioner Krauskopf also asked if the Estates have stopped their recycling.

Mr. Peters said they have because they could not get their tenants to support the recycling program. They decided in lieu of taking the City's credit for recycling to not participate in the program.

Commissioner Hutchinson addressed the possible unintended consequences of shutting down all utilities.

Mr. Peters stated that this is already being done by the residents themselves.

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF RESOLUTION 36-2010

SECOND: VICE MAYOR WAXLER

ROLL CALL

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

**9. RESOLUTION 42-2010 Authorization to amend the schedule of fees and charges for Fire-Rescue service related fees to add a fee for lightweight roof truss placards as permitted by the City Code**

Commissioner Krauskopf asked about the program.

Fire Inspector Frank Lasaga explained the program would allow those commercial buildings to obtain their placard from the City as a convenience. The placards are required per State Statutes for anyone who has light weight roof construction.

**COMMISSION ACTION**

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF RESOLUTION 42-2010

SECOND: VICE MAYOR WAXLER

ROLL CALL

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

**9a was added by Commissioner Hutchinson for action taken by the City Commission on 4/12/2010, regarding the speed bumps along Palm City Road.**

Commissioner Hutchinson expressed concern over the approved action by the Commission to add speed bumps along Palm City Road without the public being notified in advance of the action. She asked the Commission to reconsider their decision with regards to the approval made on 4/12/10.

Dave Derrenbacker 541 North Carolina Drive came forward with a petition that he had prepared in objection to the speed bumps. He requested the City look at a better solution to the traffic problem.

Commissioner Krauskopf suggested Joe Capra of CAPTEC Engineering address all of the options the City has explored as well as associated costs.

Mr. Capra came forward said he had talked to the City and County Engineers, he explained speed bumps are a more reasonable cost than "narrowing the road," crosswalks, and round-a-bouts, which can get expensive. He said the City already has an interlocal agreement in place with Martin County.

Commissioner Hutchinson said the people living off of Palm City Road have to go over 6 to 8 speed bumps to get to their homes.

Mayor Mortell asked if there is a problem with making this an agenda item for public comment.

Commissioner Hutchinson recommended looking into something beside a quick fix. She said she would like to see a formal public hearing. She and moved to reconsider the previous vote and add this discussion as a formal agenda item.

MOTION: COMMISSIONER HUTCHINSON ; MOVED APPROVAL TO RECONSIDER THE APPROVAL BY THE COMMISSION TO ADD THREE SPEED BUMPS ALONG PALM CITY ROAD AND TO SET THIS ITEM AS A FORMAL AGENDA ITEM.  
SECOND: VICE MAYOR WAXLER

Commissioner Christie asked that the condominium residents are informed.

Commissioner Krauskopf wanted to narrow the focus" He asked if there were votes here to support taking over Palm City Road and closing it at the end.

The rest of the Commission answered in opposition in the closing of Palm City Road.

Mayor Mortell said I would take over Palm City Road but would never close it.

Commissioner Krauskopf said the basic complaints are speed, trucks, and the rate of volume of traffic.

Mayor Mortell said he feared that the majority of condo residents would say they do not want speed bumps, which he did not think would stop the traffic volume. He supported lowering the speed limit and narrowing the road.

Commissioner Hutchinson wants to look at a long term solution to the problem. She said if it involves coming up with a long term plan. She suggested looking at MPO funds, beautifying the road.

Commissioner Krauskopf said it is a multi-jurisdictional road.

City Manager Hudson said he would bring back a formal agenda item to the May 10, 2010 Agenda.

### **MOTION APPROVED UNANIMOUSLY**

### **ORDINANCE FIRST READING**

**10. ORDINANCE 2200-10 (First Reading) To approve a Major Amendment to the “Central Park Commercial Planned Unit Development” (PUD); providing a provision to exclude a 1.525 acre parcel from the “Bridges Montessori Parcel 4”, Children’s Services Council of Martin County; approving a final site approval for the 1.525 acre parcel; declaring the PUD Development to be consistent with the Comprehensive Plan of the City (Quasi-Judicial)**

Sworn:

Tyson Waters

Doug Fitzwater

David Heaton

Tom Reetz gave a brief presentation to the Commission. Staff recommends approval based on 27 conditions. A \$4,000 contribution for the lighting system has been agreed on, but no exact figure for the traffic signal at US 1 has been reached.

Speaking on behalf of the applicant, Doug Fitzwater of Lucido & Associates agreed with staff presentation and recommendation but would like to work with staff on what those costs are going to be for the contribution to the US 1 traffic signal, and understand them.

Mayor Mortell asked if the Children’s Services Council plans to use the entire parcel or sub-let out space. He also wanted to know if this parcel will come off of the tax rolls, because it is a government property.

Applicant attorney Tyson Waters said space will be leased to other agencies that the CSC funds, so they would be not for profit agencies, and would remain off the tax rolls.

Commissioner Hutchinson asked if the proposed parking meets code.

Tom Reetz said yes it does.

Commissioner Krauskopf suggested that the plan include curb and gutter sidewalk continually around to meet with existing.

Tom Reetz stated he would include that as a condition to the Ordinance.

Commissioner Krauskopf thought this facility would have been better located inside the Governmental Center and use multi-purpose rooms, rather than have them spend the money to do this.

MOTION: COMMISSIONER HUTCHINSON; MOVED APPROVAL OF ORDINANCE 2200-10 AS AMENDED AND STAFF RECOMMENDATION.

SECOND: COMMISSIONER CHRISTIE

ROLL CALL

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

**Item #11 was continued to May 24, 2010 by the applicant**

**11. ORDINANCE 2201-10 (First Reading) To approve an amendment to the Future Land Use Map of the Comprehensive Plan to designate the land use of .79 acres within the City of Stuart from “Institution” to “Office/Residential” proposed by Church of Christ, LLC owner of the property; parcel of land consisting of .79 acres located at 500 SE Palm Beach Road; said land to be concurrently changed from “R-2” to “R-3” on the City of Stuart Zoning Map; repealing all ordinances in conflict herewith (Quasi-Judicial)**

**12. ORDINANCE 2202-10 (First Reading) Local implementation of the water conservation rule for landscape irrigation as regulated by the South Florida Water Management District; providing definitions; providing the landscape irrigation schedule; providing exceptions to the landscape irrigation schedule; providing for variances from specific day of the week limitations; providing for applicability; providing for enforcement; providing penalties; providing for codification; providing for repeal of all conflicting ordinances; providing for severability; providing an effective dated**

MOTION: COMMISSIONER CHRISTIE; MOVED APPROVAL OF ORDINANCE 2202-10 ON FIRST READING

SECOND: COMMISSIONER HUTCHINSON

ROLL CALL

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

**13. ORDINANCE 2203-10 (First Reading) Providing for amendment to the parking regulations of the City to allow for parking enforcement measures against any of a violator’s motor vehicles; providing for enforcement; providing penalties; providing for codification; providing for repeal of all conflicting ordinances; providing for severability; providing an effect date**

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF ORDINANCE 2203-10

SECOND: COMMISSIONER CHRISTIE

ROLL CALL

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

The City Commission earlier added item #14 to the agenda: The Crary House

City Manager Hudson noted Stuart Heritage has determined that the partnership agreement contract was never binding on Stuart heritage due to its failure to be approved by the Board of Directors, and the failure of the two designated agents, to sign according to Stuart heritage By-Laws. He recommended the City take on full responsibility for the project, accept that the contract with Stuart Heritage was never valid, and direct the City Manager to return to the City Commission with a budget amendment outlining all the necessary components to renovate the building, get it ready for rental, also to prepare a recommendation to move forward with an RFP to solicit the rent, and finally direct the City Manager to finalize a solution on the foundation issue in the most cost effective manner possible.

Mayor Mortell expressed concern over the City accepting that the contract between Stuart Heritage and the City was in valid.

City Attorney Nicoletti said he has been very careful in communicating that the City agrees with their determination.

Mayor Mortell stated he reviewed the lease between Stuart Heritage and the City binding the Stuart Heritage with a singular signature under the contract terms.

The Commission agreed that the City should terminate the contract with Stuart Heritage relative to the Crary House rather than accept their recommendation that the agreement is invalid.

Mayor Mortell brought up the possibility of moving the house to the Bruner Pond area and noted that the property behind the Stuart Feed Store is basically muck which creates continuing foundation problems for a possible Historic Village. He stated that by moving the house near the feed store would create a very expensive endeavor.

Commissioner Hutchinson was very disappointed with Stuart Heritage she thought we had good partnership with Stuart Heritage.

Commissioner Krauskopf said we had a price from Browning to move the house up the street and Ann Stimmell volunteered that she would take care of it. He suggested we contact her to see if she is still interested.

Mayor Mortell expressed concern over the land near the feed store, and said that land could be worse the closer we get to the river.

Commissioner Christie agreed with Krauskopf about a temporary alternative and he did not want to go through this same process again.

Commissioner Waxler was bothered by the trust that the City Commission gave Stuart Heritage regarding the project. She said we have a building now and would have never gone down this path if there was no commitment from Stuart heritage. She said if we are going to

have a historical village then we need to do it where we know we can do it. If there is a problem with muck at the feed store site then we need to move the location somewhere else. Stuart heritage put us in a very, very bad position with the action they have taken.

Mayor Mortell said Stuart Heritage lease will expire in November and we need to start thinking about the feed store property as well.

Commissioner Waxler said we move it or take it down, demolish the building.

Commissioner Krauskopf about the Browning contract.

City Attorney Nicoletti stated they have been contracted to move the house to the feed store site. He said there is a recommendation before the Commission that certainly could work.

City Manager Hudson suggested moving forward with the commitment of the City and that there are people interested in renting the property.

Commissioner Hutchinson apologized but thanked the Commission for supporting the project. She would like to see the City move forward with moving the Crary House to the feed store location and renting it. She felt that the historic village concept may have to be scrapped because of the land quality.

The Commission said she did not do anything.

Mayor Mortell said if we are talking about rent we need to consider rent for the Stuart Feed Store.

MOTION: COMMISSIONER HUTCHINSON; MOVED APPROVAL TO TERMINATE THE AGREEMENT WITH STUART HERITAGE AND MOVE THE HOUSE TO FLAGLER AVENUE.

SECOND: COMMISSIONER WAXLER

Helen McBride came forward and expressed concern over the amount of money this project will cost and face the people who could be laid off, she asked the Commission to stop and think before making their decision.

Commissioner Krauskopf suggested asking the Stimmell's again about the house.

Commissioner Hutchinson said there are many people who believe in historic preservation.

City Manager Hudson explained the CRA budget is paying for the relocation of the home. He said he would recommend the renovation cost come out of the property management fund, which is set aside for that purpose.

**WITHDRAWN** SECOND: COMMISSIONER WAXLER

MOTION: COMMISSIONER HUTCHINSON; MOVED APPROVAL TO TERMINATE THE AGREEMENT WITH STUART HERITAGE

SECOND: COMMISSIONER WAXLER

**MOTION APPROVED UNANIMOUSLY**

Commissioner Waxler requested the City send an apology to the Donna Dorney regarding what has happened with the Crary House.

City Manager Hudson also apologized regarding his opinion of the agreement with Stuart Heritage, and had no idea he would be misled by them.

**ORDINANCE SECOND READING**

**DISCUSSION & DELIBERATION**

**ADJOURNMENT**

**ATTEST:**

\_\_\_\_\_  
**Cheryl White, CMC, City Clerk**

\_\_\_\_\_  
**Michael Mortell, Mayor**

**Minutes to be approved at the Regular Commission  
Meeting This 10<sup>th</sup> Day May, 2010**