

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON JULY 28, 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 August 5, 2008 as National Night Out

Chief Morley accepted the proclamation and invited all citizens to attend the event.

B. PROCLAMATION; Proclaiming the week of August 4-8, 2008 as Florida Water Professionals Week

Jim Parks of the Water Treatment Team came forward and graciously accepted the proclamation and thanked the Commission.

C. Employee of the Month

David Dyal, Fire Department

Assistant Chief Dyal came forward and graciously accepted the award and thanked the Commission.

D. Employee Service Recognition

**Richard Serra, Police Department, 5 Years
Michael Hazelton, Public Works Streets Team, 5 Years**

Chief Morley accepted the award on behalf of Richard Serra.

Michael Hazelton came forward and graciously accepted his award and thanked the Commission.

COMMENTS BY CITY COMMISSIONERS

Commissioner Mortell: Look into Fannie Mae Bailout and money earmarked for Municipalities that are going to occur expenses associated with maintaining abandoned or defunct properties. He also requested the City look into the Haney Creek property becoming a gopher tortes relocation site that may generate revenue.

Vice Mayor Christie: Mentioned the National Night Out Celebration and invited the Commission to celebrate with the Hall Street neighborhood and visit and participate with the neighborhood.

Commissioner Hutchinson: Asked about the status of the Giacobbe property North of the Bridge and requested a buffer be installed to protect the residents.

Attorney Nicoletti stated he is looking at landscape buffer to be installed in 1-2 weeks and the City is also looking into removal of exotic trees. He said the case is ongoing and they are still looking at the case.

Commissioner Hutchinson stated it is not fair to the residence and feels he should pay for what he did.

Mayor Krauskopf: Letters back & Forth from the county to the City ref Willoughby, he requested a review of the impact fees and how much is available to the City. He also mentioned using the right turn at Frank & Steins with no objection by the Commission.

He asked PW for any feedback regarding the new water & sewer rate schedule. He asked if any feedback has been given to the City.

Dave Peters stated he has met with the neighbors and have been working aggressively on water conservation with the City residents and condos.

Mayor Krauskopf gave a letter to City Manager from Wells Fargo Home Mortgage ref abandoned properties and they are willing to step up to the plate

COMMENTS BY CITY MANAGER AND REVIEW OF TENTATIVE AGENDA

City Manager Hudson stated at the last Commission meeting there was public comment regarding the need for possible housing rehabilitation assistance; he stated he would follow up on what the county has in place. He also announce the selection of the new Development Director, Douglas James and will begin with the City on August 11, 2008. He comes to us from the City of Sarasota.

STAFF REPORT ON COMMENTS FROM PREVIOUS COMMISSION MEETING

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

Valerie Jones came forward and expressed concern over the lease of City owned land to Huizenga Holdings.

APPROVAL OF AGENDA

MOTION: COMMISSIONER MORTELL; MOVED APPROVAL OF THE AGENDA WITH AMENDMENTS TO MOVE ITEM 10 UP AND HEAR ITEM 3&4 FOR SEPARATE DISCUSSION.

SECOND: COMMISSIONER WAXLER
MOTION APPROVED UNANIMOUSLY

CONSENT CALENDAR

- 1. RESOLUTION 86-08 Authorization to approve a budget amendment to the 2007-2008 annual stormwater fund operating budget, authorizing the appropriation and expenditure of \$15,521.41 to fund the repair of the stormwater team's vac-con truck**
- 2. RESOLUTION 88-08 Authorization for a budget amendment to the 2007-2008 annual general fund and community redevelopment fund operating budget; authorizing the appropriation and expenditure of \$58,050 to fund the Community Policing Program for the CRA district from the effective date of the program, July 14, 2008 to the end of the fiscal year**

In response to questions from East Stuart resident Robert Hall, the City Manager explained this plan has been under review for weeks and it basically created a police zone equivalent to the CRA. He will meet with Mr. Hall to address the issues.

- 3. RESOLUTION 89-08 Authorization for a budget amendment to the 2007-2008 annual water sewer fund operating budget, authorizing the appropriation and expenditure of \$53,809.50 to fund the conceptual architectural plans for the City's wastewater treatment facility RC)**

Commissioner Hutchinson stated she did not agree with the price and felt it was too high for the services.

The Mayor agreed.

Dave Peters explained the project and the conceptual design of the wastewater facility.

4. RESOLUTION 90-08 Authorization to execute a work authorization No. 1 with MWH Americas, Inc. for professional engineering services related to conceptual architectural services at the City’s wastewater treatment facility in an amount not to exceed \$53,809.50

City Manager Hudson suggested bringing back items 3 & 4 at a later meeting.

MOTION: COMMISSIONER MORTELL MOVED APPROVAL OF CONSENT CALENDAR ITEMS 1& 2.

SECOND: COMMISSIONER HUTCHINSON

Robert Hall came forward and asked about Resolution 88-02 and how it will be affected in what area?

City Manager Hudson stated he would meet with Mr. Hall to discuss the plans of the City for the Community Policing Program.

ROLL CALL

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

END OF CONSENT CALENDAR

ORDINANCE FIRST READING

Item 10 was heard at this time.

10. ORDINANCE 2163-08 (Second Reading) Approving a major amendment to the commercial planned unit development (CPUD) of the property located on the southwest corner of SE Federal Highway and SE Pomeroy Street; providing for an approval of a final site plan; providing conditions for development and to establish the “Johnson Honda of Stuart Commercial Planned Unit Development” an automobile dealership declaring the CPUD development to be consistent with the comprehensive plan of the City; approving certain development documents; appealing all ordinances in conflict herewith (Quasi-Judicial)

Sworn :
Monica Graziani
Murriah Dekle

Murriah Dekle, Development Department noted that this presentation was basically the same project with exhibit B one additional condition #30 & #31,

which requires the applicant to have green development techniques added and #31 has a condition regarding the fourth floor parking deck requirements.

Monica Graziani representing the applicant came forward and stated they were in agreement with the additional conditions.

MOTION: COMMISSIONER HUTCHINSON MOVED APPROVAL OF ORDINANCE
2163-08 ON SECOND READING

SECOND: COMMISSIONER WAXLER

ROLL CALL

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

- 5. ORDINANCE 2162-08 (First Reading) Amending Ord. no. 2045-05 and its exhibits, by amending the comprehensive land use plan of the City for a parcel of land consisting of 11.27 acres located on the south side of S.E. Indian Street, east of the intersection with S. Kanner Highway, from multi-family to commercial, pursuant to Chapter 163, Florida Statutes; the property owned by Villagio Stuart, LLP, a Florida Limited liability partnership and concurrently rezoning said lands from a residential planned unit development (RPUD) to a commercial planned unit development (CPUD) land use (zoning) district on the City of Stuart zoning map to be known as "Villagio Stuart CPUD"; including conditions for development; providing for acceptance by the applicant (Quasi-Judicial)**

Sworn:

Tom Reetz

Attorney Terry McCarthy

Chris Sopotnick

Tom Reetz noted that this presentation was basically the same project with one additional condition #46 which requires the applicant to have green development techniques added.

Attorney Nicoletti stated there was also a note to the fact of green development within the Ordinance.

Attorney Terry McCarthy explained the continuation had been requested to be certain what was happening to the project. He had met with staff and felt confident the issues could be addressed and was now comfortable to move forward.

Mayor Krauskopf said he had received two e-mails on this item, one from Donna Bannister suggesting approval and one from Ralicki suggesting a better place for this project, he invited Mr. Ralicki to come forward.

Dave Ralicki Treasurer, Sawgrass Industrial Park came forward and suggested there should be a better place for this type of development and felt a Motor Coach Park would not fit in at this location. He also was not sure that this type of development could meet green standards.

Armond Pasquale came forward and stated that this project was a trailer park and that this type of development was not needed. He requested the City not approve this project and request the applicant develop a project that will create good jobs.

Ken Kelly, owner of Rhetta B's Salon, said his family has stayed in parks like the one proposed and felt this area would be a good place for it.

Attorney McCarthy said there has been a lot of interest in this site and felt the project was in an appropriate place, and will bring dollars into the City.

Property owner Mike Stetson clarified that this is not a mobile home park and there will be no permanent residents.

Commissioner Mortell said most of the comment had been related to site plan approval and tonight the Commission is being asked to change this site to commercial zoning.

Attorney Nicoletti explained this is a unique development and new to the City.

Commissioner Mortell stated he would support converting the zoning to commercial.

Commissioner Hutchinson expressed concern over the location of the proposed project but did agree that this site should be rezoned to commercial. She had previously requested that Mr. Stetson contact the BDB and the Economic Council for suggestions regarding the development of the site and in which it could potentially bring new high paying jobs.

Mr. Stetson stated he had not done so.

Commissioner Hutchinson also stated she looked at the locations of the other site suggested by Mr. Stetson and felt the proposed plan is in the core of the downtown.

Vice Mayor Christie also supported the land use change but was not in a position to talk about the site plan.

Mayor Krauskopf agreed with the future land use commercial zoning but would not support the link with the site plan.

MOTION: COMMISSIONER WAXLER MOVED APPROVAL OF ORDINANCE 2162-08 ON FIRST READING

SECOND: COMMISSIONER MORTELL

ROLL CALL

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

6. **ORDINANCE 2164-08 Amending the “Conservation” Element of the City’s Comprehensive Plan; mandating the removal of exotic species; adding conservation easements as mechanism for protecting environmentally sensitive lands; deleting provisions allowing on-site intensity transfers from environmentally sensitive lands; amending provisions allowing on-site density transfers from environmental lands requiring an additional 10th of an acre of preserve area for each transferred residential unit; requiring uniform average wetland buffer widths of 75 feet for superior wetlands and 50 feet for average wetlands; giving priority to off-site wetland and preserve area mitigation within watershed basins identified in the City’s Comprehensive Plan; Repealing all ordinances in conflict herewith (Quasi-Judicial)**

ORDINANCE 2165-08 Amending Chapter 7 “Resource Protection” and Chapter 10 “Hardship Relief” of the City’s Land Development Code, providing definitions for the terms “Avoidance” and “Practicable”; establishing impact avoidance and minimization standards for wetlands and other environmentally sensitive lands; providing for an increase in the required construction setback from upland buffer areas from 5 feet to 10 feet; changing the size of parcels required to provide greenway linkage from ten acres or more to five acres or more; requiring a habitat study prior to on-site and off-site relocation of required native vegetative preserve areas; giving priority to off-site wetland and preserve area mitigation to watershed basins identified in the City’s Comprehensive Plan; repealing all ordinances in conflict herewith (Quasi-Judicial)

Sworn:

Terry O’Neil

Tobey Overdorf

Mark Brandenburg

Terry O’Neil introduced consulting engineer Mark Brandenburg from Miller Legg and explained the hefty agenda packet included the history of where this item has been as well as an Environmental Code Revision Matrix with a comparison of Selected City of Stuart and Martin County Standards showing current and proposed changes ranging from the initial draft through the 2nd, 3rd and 4th drafts.

Mayor Krauskopf stated the agenda packet was one of the most thoroughly organized pieces of legislation he has seen and thanked Mr. O'Neil for his work.

Mr. O'Neil went through the items of proposed changes as addressed under Tab 7-Column E with the exception of the item discussed by Commissioner Hutchinson.

Toby Overdorf came forward and asked the following questions:

1. Matrix E-What exactly is avoidance minimization?
2. 502.1 section C sub item 4-Do you want your wetlands part of a common areas?
3. Drainage basin within the city calling it watershed basins look at the terminology that the city utilizes.
4. Carefully look at the definition of watershed?
5. What is the basis of 1/10 of an acre per unit? How does this relate to preservation?
6. Relating to items 4-5 the habitat study, In both of these areas it is standard stuff but, how do we define what is restoration potential? And what are you looking to achieve in that restoration potential?
7. Managability of a preserve;Do you want it to a certain standard? Do you want that area to be preserved at a certain standard?

Item 7: what is the definition of a superior versus other wetlands? Needs to be defined better. Are we talking about head waters? Are we talking about the wetlands only? Are we talking about tributaries? Are we following a drop of water to a ditch to a superior wetland? How is that being defined? It is very open...

Mark Mathes came forward and asked the following questions:

Ord page 11 item C: What happens if the city does not concur? I am not sure the code states that. Do we have now an impass between the City and SFWMD, and where is the applicant in between?

Page 20 part 4 of 50402B: "Further the proposed impact must be made in the context of a Planned Unit Development" He felt this sentence is in the wrong place. He felt it should be placed under the second sentence of the part B main header so it applies to all four of the criteria.

Page 21: Part C-1: "Upland Buffer requirements for varified wetlands"The striken language is not an incentive to a developer it is a bonus to the city if the developer utilizes and average wetland width instead of the 50 foot.

Page 20 part F: This language occurs on this page and maybe a couple of others? Many places where you do an on site or offsite habitat mitigation you

require the same or better habitat, better does not mean the same type it could be a higher quality or higher order habitat? Hopes the City would be interested in preserving rare and endangered even if it is not the same as what I might be getting rid of on my site, so I am not sure if the same habitat would be in the best interest of the City?

The Intensity Standard: I cannot remember utilizing the intensity transfer for wetland impact, but I would hate to remove something and have someone tomorrow have that one piece of property where this would apply. Where is it more applicable to impact a wetland where we all agree it is degraded we all agree it is going to be difficult to bring back, is it going to be in a residential where they seek these type of environmental benefits? Or is it going to be in commercial environment where those things are not usually highly valued. I would think an offsite mitigation wetland and commercial opportunity would be better for the City. FAR is a good standard.

Have staff look at the definitions of floor area to ration! The code does not talk about having to delete a wetland when you calculate floor area to ration.

Valerie Jones came forward and expressed concern that she was not given the amount of time to speak that Mr. Mathes was given.

The Mayor allowed Jones to finish her comments regarding the lease of City owned land to Huizenga Holdings by the City.

Mortell noted that this is a big document to digest and we are treating it as though there is a "huge swath of land in the City" where this will be used. He was looking more at intent and said this gives the intent of what the City is looking for. He felt the portions open for interpretation were good because he wants "the opportunity for dialogue between property owners and the City". He did not see the document as "rigid" and said the City wants to put up a barricade up so it can have input. He agreed the document may need tweaking along the way.

Vice Mayor Christie agreed with everything Mortell said and added that "this brings the City to the table".

Commissioner Hutchinson agreed but said we need the power to do something if we are sitting at the table. If there is "no teeth" in it, it just adds more frustration to the process. She felt the City has to have control and some power. As for wetland mitigation, it defeats the purpose if not required in the City. She felt we should have intensity changers and did not see how wetland can be added to a developable site.

Commissioner Waxler said this is almost too little too late and she favored giving the City more say. She would also like staff to address comments made

by Tobey Overdorf and Mark Mathes. She also asked if the City could use mitigation money to clean up a City owned parcel.

Mr. O'Neil stated that would have to go through the State.

MOTION: COMMISSIONER MORTELL; MOVED APPROVAL OF ORDINANCE 2164-08 ON FIRST READING WITH THE CONDITION THAT COMMENTS MADE BY TOBEY OVERDORF, MARK MATHES AND COMMISSIONER HUTCHINSON BE ADDRESSED

Consultant Mark Brandenburg addressed the term "superior wetland" and suggested changing it to "outstanding resource wetland".

Commissioner Waxler stated we would have to rely on the consultant and staff to protect us.

After clarification of Commissioner Mortell's motion,

SECOND: VICE MAYOR CHRISTIE

Mr. Overdorf said we have arrived at a great opportunity to define watershed in the code and an opportunity to have 'fantastic' projects.

Commissioner Hutchinson asked if the motion could be amended to direct staff to take out some "objectivity".

Commissioner Mortell stated that his motions intent was to move on and the Commission should bring out their "red pencils" for the second reading.

Terry O'Neil said the consultant feels some definitions are adequate and not subjective.

Mayor Krauskopf recommended Mr. O'Neil "inter-lineate" any comments and include it into the second reading as a netted out sheet.

ROLL CALL

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

MOTION: VICE MAYOR CHRISTIE: MOVED APPROVAL OF ORDINANCE 2165-08 ON FIRST READING WITH THE CONDITION THAT COMMENTS MADE BY TOBEY OVERDORF, MARK MATHES AND COMMISSIONER HUTCHINSON BE ADDRESSED

SECOND: COMMISSIONER MORTELL

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

- **Clerks Note Item 9 was heard at this time:**

9. ORDINANCE 2168-08 An Ordinance adding a section 6.07.14, “Dog-Friendly Restaurant,” to the Land Development Code; providing for an authorized exemption from State Law to allow dogs in outdoor areas of public food service establishments during operating hours; providing for regulations; providing for application and permit procedures; providing for a complaint procedure; providing for permit revocation; adding a definition for “public food service establishment” and “employee”; providing for codification; providing for severability; providing for repeal of conflicting ordinances.

MOTION: COMMISSIONER MORTELL:: MOVED APPROVAL OF ORDINANCE 2168-08 ON FIRST READING

SECOND: COMMISSIONER WAXLER

ROLL CALL

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

7. ORDINANCE 2166-08 Amending the Stuart Comprehensive Plan relating to Future Land Use, Infrastructure, conservation, intergovernmental Coordination and Capital Improvement to support and strengthen the water supply facilities water plan adopted by the City (Quasi-Judicial)

Sworn:

Dave Peters

Dave Peters Assistant Development Director gave a brief overview of the proposed Ordinance and stated the proposed Ordinance supports and follows what the Water Management District now mandates.

Commissioner Hutchinson asked on page 9 Policy A1-16, If the agreement goes in with Martin County regarding the exchange we are trying to work out with them, will there be a specific section of the City with County supplied water or is it going city-wide?

Mr. Peters stated there will be clear specific service areas.

MOTION: COMMISSIONER WAXLER:: MOVED APPROVAL OF ORDINANCE 2166-08 ON FIRST READING

SECOND: COMMISSIONER HUTCHINSON

ROLL CALL

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

- 8. ORDINANCE 2167-08 Amending the Code of Ordinance pertaining to the amount of the availability fee (impact fee) for water and sewer connections both inside and outside the City; providing a surcharge of 25% for service outside the City providing for repeal of conflicting ordinances; providing an effective date of January 1, 2009.**

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF ORDINANCE 2167-08 ON FIRST READING

SECOND: COMMISSIONER HUTCHINSON

ROLL CALL

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

- **Clerks Note: Item 9 was heard before item #7**

- 9. ORDINANCE 2168-08 An Ordinance adding a section 6.07.14, “Dog-Friendly Restaurant,” to the Land Development Code; providing for an authorized exemption from State Law to allow dogs in outdoor areas of public food service establishments during operating hours; providing for regulations; providing for application and permit procedures; providing for a complaint procedure; providing for permit revocation; adding a definition for “public food service establishment” and “employee”; providing for codification; providing for severability; providing for repeal of conflicting ordinances**

ORDINANCE SECOND READING

- **Clerks Note Item 10 was heard earlier.**

- 10. ORDINANCE 2163-08 (Second Reading) Approving a major amendment to the commercial planned unit development (CPUD) of the property located on the southwest corner of SE Federal Highway and SE Pomeroy Street; providing for an approval of a final site plan; providing conditions for development and to establish the “Johnson Honda of Stuart Commercial Planned Unit Development” an automobile dealership declaring the CPUD development to be consistent with the comprehensive plan of the City; approving certain development documents; appealing all ordinances in conflict herewith (Quasi-Judicial)**

ADJOURNMENT:7:53 P.M.

Cheryl White, CMC, City Clerk

Jeffrey A. Krauskopf, Mayor

Minutes approved at the Regular Commission
Meeting this 25 Day August 2008