

**REGULAR MEETING OF THE STUART CITY COMMISSION  
HELD ON JULY 14, 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.**

**COMMENTS BY CITY COMMISSIONERS**

Commissioner Waxler mentioned she had been approached by several people asking about the feasibility of allowing golf carts or high gas powered carts or alternative to cars on city streets.

Commissioner Mortell said he had been approached on the same issue but since he owns a golf cart he did not want to bring it up as it might appear "self serving".

Commissioner Hutchinson announced that on August 9, 2008 the Downtown Business Association will be hosting a Family Free Fun Day on Osceola Street named "Pirate Day's". It will have many things for kids to do as well as a Dunk Tank and solicited people who wish to sit in the dunk tank with donations being accepted toward the Terry Monahan Scholarship Fund.

Mayor Krauskopf noted that the first budget meeting was held this morning and lasted only 1½ hours. He thanked staff and employees for their hard work. He noted that there were some adjustments to the agenda regarding upcoming meetings. July 28, 2008 Budget Workshop has been cancelled and has been moved to 9:00 am August 11, 2008. He also noted that he had been contacted by Ron Bunch of the Business Development Board on brown field items in reference to the land fill. An appraisal has come in with a proposal for the landfill and requested permission from the other Commissioners to go through the appraisal and the proposer of what is in it. The Commission agreed.

## **COMMENTS BY CITY MANAGER AND REVIEW OF TENTATIVE AGENDA**

City Manager Dan Hudson reviewed the following calendar updates:

Budget workshop #2 cancelled for July 28, 2008.

Budget workshop #3 will be held on August 11 at 9 AM – CRA workshop and follow up to open items remaining from workshop #1. The Budget Public Hearings are rescheduled as follows:

Tentative budget hearing September 22, 2008 at 5:15 PM

Final budget hearing Sept. 29, 2008 - 5:15 PM

He also requested scheduling an Attorney Client Private Session for July 28, 2008 at 5:00 p.m. Attorney Nicoletti stated the meeting will be to discuss the Clark Collins and Continental Concrete litigation.

The Commission agreed.

In reference to Item 9 agreement to establish a consortium for life science research and technology advancement – Representative from Economic Council was present to answer any questions.

When the need to schedule an Attorney/ Client meeting was noted, the Board agreed to schedule said meeting for 5 PM prior to the July 28<sup>th</sup>, 2008 Commission meeting.

Mr. Hudson explained that item 6 tonight's, there is a handout that explains summary explanation. He also stated the timetable extension handout explains the previous votes on those as requested by the Commission. Item 8 the Accord for the consortium for Life Science Research and Technology Advancement, there is no request to pull that item but Tammy Simino is here for any questions.

## **STAFF REPORT ON COMMENTS FROM PREVIOUS COMMISSION MEETING**

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

Robert Hall noted the membership of the CRB does not include a representative from the East Stuart area and he would like to see the Board membership "restructured". He also brought up the issue of the East Stuart Recreation Center hours and wanted a list of employees and their working hours. He was concerned that the building is closed during evening hours when young people could utilize the facilities. Mr. Hall also addressed fire rescue ambulance calls that include a large piece of fire equipment and felt the procedure unnecessary in this time of high gas prices.

Vice Mayor Christie clarified that members of the CRB are appointed by the CRA and asked Mr. Hall to submit names of people who may be interested in serving on any Board he would support those names to get East Stuart involved.

## **APPROVAL OF AGENDA**

MOTION: COMMISSIONER WAXLER; MOVED APPROVAL OF THE AGENDA WITH AMENDMENTS

SECOND: COMMISSIONER MORTELL

MOTION APPROVED UNANIMOUSLY

**CONSENT CALENDAR**

1. Request to approve the minutes from the Regular Commission Meetings of June 23, 2008 and Special Meeting and Attorney-Client Session of June 23, 2008
2. Authorizing the Stormwater Division to contribute \$10,000 to the Florida Stormwater Association (FSA) Municipal Separate Storm Sewer System (MS4) Assessment Project
3. RESOLUTION 78-08 Authorizing a budget amendment to the 2007-2008 annual water sewer fund operating budget, for the appropriation and expenditure of \$185,000 to fund the design of the reclaimed water transmission main from the City's Wastewater Plant to the proposed interconnect with Martin County at Indian Street and Willoughby Blvd.
4. RESOLUTION 79-08 Authorizing To adopt a schedule of fees, charges and deposits for solid waste collection under Chapter 66, and for utilities under Chapter 82, of the City Code
5. RESOLUTION 80-08 Supporting the efforts of Governor Charlie Crist and the South Florida Water Management District to acquire land south of Lake Okeechobee for the protection and restoration of America's Everglades and Florida's Coastal Estuaries RC)
6. RESOLUTION 81-08 Ratifying the three year October 1, 2007 through September 30, 2010 collective bargaining agreement between the City and the International Union of Operating Engineers, Local 487 of the AFL-CIO (I.U.O.E.)
7. RESOLUTION 82-08 Authorization to execute amendment #1 to the Petroleum Cleanup Participation Program Agreement between the City of Stuart and the Florida Department of Environmental Protection dated March 6, 2006 in conjunction with the underground fuel storage tank removal/replacement at the City garage complex in an amount not to exceed \$21,396.00
8. RESOLUTION 83-08 Authorization to execute a lease agreement between the City of Stuart and the Stuart Green Market, Inc. for the purpose of operating an outdoor market place for sales to the public by independent vendors located on a portion of the parking lot in front of Stuart City Hall at 121 S.E. Flagler Avenue
9. RESOLUTION 84-08 Authorization to execute an agreement with the City of Stuart and Martin County, Town of Jupiter Island, Town of Sewall's

**Point, Workforce Development Board, Florida Atlantic University, Economic Council of Martin County, Martin County School Board, Martin County Business Development Board, Martin Memorial Health Systems and Indian River College to establish the Martin County Consortium for Life Science Research and Technology advancement**

**10. RESOLUTION 85-08 Authorizing a sewer availability credit of \$10,728.00 to Treasure Coast Homes for the oversizing of a gravity sewer main to serve six adjacent property owners on California Avenue**

**END OF CONSENT CALENDAR**

MOTION: COMMISSIONER MORTELL MOVED APPROVAL OF CONSENT AGENDA

SECOND: COMMISSIONER WAXLER

ROLL CALL

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

**ORDINANCE FIRST READING**

**11. 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

Mike Stetson

Tom Reetz

David Sopotnick

Attorney Terry McCarthy on behalf of the applicant came forward to present the proposed concept plan.

Mike Stetson gave a brief overview of the proposed concept plan to the Commission.

Armond Pasquale came forward and stated that this proposed plan was a trailer park and felt this type of use is not needed. He said he will be forced to rent the spaces to other kinds of people because motor coaches are too expensive to run in these economic times.

Mayor Krauskopf stated the adjacent property owner Jim Morgan approached him and was not in favor of the proposed project. He also stated he had told the applicant he had some concerns over the wetlands and that he did look at the Naples Florida facility.

Commissioner Hutchinson stated she was not in favor of the proposed concept plan. She felt the location was not good planning and the property could be used for commercial to bring endeavor that could bring jobs to our community. She noted there is also no plan for offsite mitigation.

Commissioner Waxler felt differently and she stated this type of business, would bring jobs. She stated the current zoning is residential and felt we need something like this in the city. Whether this location is a good one is the applicant's risk. She likes the fact that the impact is less intense as opposed to residential or commercial. She did request very tight restrictive covenants with regards to the condition of the coaches like waxing and paint.

Commissioner Hutchinson again expressed concern that the City needs real jobs that will have a salary that people can work and live in our community. We seem to always worry about service and hospitality jobs which are not high paying jobs.

Vice Mayor Christie expressed concern over the mitigation on site. He felt this type of use would have less of an impact on the City and the services in the city. He did however express concern over how the site would be set up and remains a quality project. He also expressed concern over the location and traffic he request provisions be made for the future Indian Street Bridge flow of traffic and a de-cell lane. He requested a condition be added that states: "No matter how the economy goes from this point on, whether it is good or bad, that if is a commercial piece of property that it stays commercial and not take advantage of some delay or some ability to extend or postpone until something is better economically to make it happen."

Commissioner Mortell agreed with the use of commercial. He did ask could someone come in and develop some intense use of the gateway type project that would lend itself to an entry or gateway to an urban community on this site anyway or would we need to take significant steps for mitigating that wetland in order to allow that to take place in the first place.

Commissioner Hutchinson asked if the lots would remain under one ownership.

Attorney Nicoletti stated; Not necessarily one ownership but his concerns were the Re-aggregation of the property. He did not see this as a terminal use of the property and felt it was a temporary use maybe 20 or 30 years. He suggested to the applicant a co-op or condominium form.

Mayor Krauskopf had concern over the mitigation issue and he asked staff if the new regulations were adopted and move through what effects would that have on this?

Tom Reetz stated this project is in the pipeline and would not impact this project.

Attorney Nicoletti stated that in the proposed Ordinance regarding wetlands an applicant would have to get approval from the City and this proposed project is a master plan and a conceptual plan for the property, it's an inducement to the Commission to change the land use and zoning but is not the site plan.

Mr. Nicoletti stated this approval approves the use. In other words you would have nothing to put forth as far as zoning,

Mayor Krauskopf asked: If this were adopted tonight in the form that we have here, the Commission still has the say on how it is mitigated.

Commissioner Hutchinson expressed concern over the language in section 4.

Mayor Krauskopf wanted to be sure the City would have a say in how the wetland issue is handled.

Mortell did not want the City to be trapped by any means. We should have a consensus here to say; "This site plan is for the purposes of setting the example for the intended application to submitted", or whatever it might be so we can resolve that issue. He also requested if approved a condition be added of the proposed sheds on each site that they did not turn into wet bars, bathrooms and ultimately nanny flat and guest homes.

Commissioner Waxler's understanding was, that the lots were not to be rented and that they would be owner user.

Commissioner Mortell said that would be creating a policing situation impossible to enforce.

Mr. Stetson said this is not a rental park but owners could have the right to rent their lots. This is not to be advertised as a rental park or anything like that but if they have a friend that wants to come in and pay for the water and sewer or so forth why should he/she be prevented from doing that? He understood the concerns of the commission but would be addressed in the HOA documents and in the PUD agreement. He addressed the revenue issue raised by Hutchinson and Krauskopf and compared the projected tax revenue to the property remaining vacant.

Commissioner Hutchinson asked if Mr. Stetson had spoken with the Business Development Board and Economic Council in regards to possible use for this site to bring businesses into the community.

Mr. Stetson said the market is not there and we don't know how long it is going to take.

Attorney Nicoletti addressed Section 4 of the PUD and suggested language changes to clarify the conceptual site plan issue. He referred the Commission to page 3 of the Ordinance and read the following into section 4:

*The following documents, on file as public records of the City at the office of the City Development Department in City Hall, Hereinafter the "Development Documents" Shall be deemed a part of the development regulations applicable to the Property:*

- A. PUD Master Development Plan. Prepared by Houston Cuzzo Group, Inc. with submittal date of 06-13-08 as revised 04-08-08. (Concept plan only, not a site plan)*
- B. PUD Landscape Plan prepared by Houston Cuzzo Group, Inc. with submittal date of 04-02-08 as revised 04-03-08. (Concept plan only, not a site plan)*

He stated that after each A & B above in parenthesis add (concept plan only not a site plan)

He also suggested rewriting the below paragraph

*Except as otherwise provided herein, no building permits, certificates of occupancy or other development orders or approvals shall be issued by the city unless and until a Final Site Plan has been approved by the city commission.*

to read:

*Except as otherwise provided herein, no site plan and no building permits or other development orders or approvals shall be issued by the City unless and until a site plan has been approved by the City Commission.*

Attorney McCarthy addressed the uncertainty of the site plan issue and wanted to know what can be done with the property. He said if wetland is the issue it should be addressed now.

Commissioner Hutchinson said this is not the right use for the property.

Mayor Krauskopf would like to go back to the original CPUD agreement mentioned by Mr. Stetson and was not ready to approve a site plan with a drainage ditch in the middle of it instead of properly dealing with the wetland.

McCarthy said we could hold off the second reading until the issues are addressed.

Attorney Nicoletti stated he did not have a problem with 1<sup>st</sup> reading. There are some things I would like to see before it comes back for 2<sup>nd</sup> reading.

MOTION: COMMISSIONER WAXLER: MOVED APPROVAL OF FIRST READING OF ORDINANCE 2162-08. SUBJECT TO REVISIONS AS DISCUSSED BETWEEN NOW AND SECOND READING ALSO ADDRESS THE WETLAND AND ADDRESS SOME OF THE ISSUES WITH REGARDS TO THE USE, THE OUT BUILDINGS ECT. AS WELL AS ATTORNEY NICOLETTI'S COMMENTS

SECOND: COMMISSIONER MORTELL

Mike Stetson requested the Commission hold off on the vote and allow a break for the applicant and Attorney may discuss the matter.

WITHDRAW MOTION: COMMISSIONER WAXLER: MOVED APPROVAL WITHDRAW THE ORIGINAL MOTION

SECOND: COMMISSIONER MORTELL

MOTION: COMMISSIONER WAXLER: MOVED APPROVAL to CONTINUE ORDINANCE 2162-08 TO JULY 28, 2008.

SECOND: COMMISSIONER MORTELL  
MOTION APPROVED UNANIMOUSLY

**12. ORDINANCE 2163-08 (First 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)**

Following the Quasi-Judicial process sworn was:  
Murriah Dekle  
Monica Graziani-Captec Engineering.

Murriah Dekle gave a brief overview of the proposed project with 29 conditions at staff approval.

Monica Graziani Project Manager for CAPTEC Engineering stated the applicant is agreement with all 29 conditions. She said there are no wetlands on this property and the site plan meets the LDRs 100%. In reviewing the unique site plan, Graziani said this project will bring 80 new high paying jobs to the City. She gave a visual presentation of the proposed project site and building. She stated the owner intends to apply for LEED certification with "green elements" incorporated into the building.

The owner is also dedicating 7.5 feet of right-of-way to the County at their request for any future expansion of Polmeroy and will bury the FPL poles under ground. The perimeter will be heavily landscaped. She addressed the parking situation for customers and employees and they hope to break ground in August.

Attorney Nicoletti noted that when there is a “green development” it must be written into the documents as a condition. The condition would read; “This development shall use the green development techniques described and approved for at least minimal certification by section 6.10.13 Green Development, Land Development Code City of Stuart, using the criteria of the leadership and energy and environmental design LEED, Green Building rating system of the US Green Building Council, LEED for new construction V2.2, and shall apply for incentive credit measures therefore.”

Commissioner Mortell would like to add 4a condition to assure the 4<sup>th</sup> floor will be confined strictly for parking vehicles and no display sign or banners will be used above the parapet.

Commissioner Hutchinson noted the plans reflect a three story building and wanted to clarify that it is 4 stories.

Attorney Nicoletti added condition #30 to the approval regarding leed certification “green development”.

Vice Mayor Christie thanked the applicant for agreeing to construct the decel lane and bringing another green building in the City.

Mayor Krauskopf explained his environmental concerns and questioned if the applicant would be interested in mitigation rather than the multi story building. He complimented Miss. Graziani for her presentation and answering questions before they were asked.

MOTION: COMMISSIONER MORTELL MOVED APPROVAL OF ORDINANCE 2163-08 WITH ADDED CONDITIONS 30 & 31.

SECOND: VICE MAYOR CHRISTIE  
ROLL CALL

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

### **ORDINANCE SECOND READING**

**13. ORDINANCE 2159-08 (Second Reading) Adopting a “Finding of Necessity” confirming that crime is a contributing factor to blighted conditions within the City’s Community Redevelopment 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 (Quasi-Judicial)**

Following the Quasi-Judicial process was:

MOTION: COMMISSIONER HUTCHINSON: MOVED APPROVAL OF ORDINANCE 2159-08

SECOND: COMMISSIONER WAXLER

ROLL CALL

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

**14. ORDINANCE 2160-08 (Second 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 & 14<sup>th</sup> Street in the City; amending the conditions of development (Quasi-Judicial)**

Following the Quasi-Judicial process was:

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

SECOND: COMMISSIONER WAXLER

Helen McBride came forward and requested the development during the construction have some grass or green planted so it is not such an eyesore along Palm Beach Road.

Attorney Nicoletti stated that once the project is under construction it is a construction site. He did not think the City could enforce landscaping

ROLL CALL

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

**15. ORDINANCE 2161-08 (Second 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 (Quasi-Judicial)**

Following the Quasi-Judicial process sworn was:

Tom Reetz, Development Planner.

Attorney Robert Raynes came forward representing the applicant.

Mr. Reetz stated the First Reading was approved 3-2 and the one condition for the applicant was the burial of FPL poles estimated to cost \$150,000. The conditions have remained the same as the first reading.

Attorney Raynes clarified that the return receipts had been turned in at the first reading and he was not sure of the reasons there are objections to extending the time table. The original project was first approved 5-0. The developer has tried to move forward with this project and it is "unfair to pull the rug out" after time and money have been spent. Attorney Raynes referred to other project extensions that have been approved and said this applicant has given good evidence as to the hardships to moving forward. The applicant had agreed to work with the County and the City to get a project that would work and it is an injustice to not grant an extension to this request. He also strongly objected to the condition of burying the FPL poles.

Elliott Paul came forward and felt the project is a good one and requested approval of the timetable extension.

Commissioner Hutchinson and Commissioner Waxler both support the project and feel that the project should be looked at as the type in economic projects.

MOTION: COMMISSIONER HUTCHINSON: MOVED APPROVAL OF ORDINANCE 2161-08

SECOND: COMMISSIONER WAXLER

ROLL CALL

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

## **DISCUSSION & DELIBERATION**

### **16. Request public comment on the Federal Fiscal Year (FFY) 2008 Community Development Block Grant (CDBG) opportunities**

Nancy Phillips, Nancy Phillips came forward and announced that this was the first of two required public hearing for the Federal Fiscal Year 2008, CDBG Program. She advised the purpose of the public hearing and stated the City could apply for 3 categories and that the City has an economic development opportunity.

Substandard Housing

Neighborhood revitalization, ie: wtr swr, street improvements

Commercial revitalization within the CRA.

The Commission expressed concern over the grant requirement that a project be named in the application.

Nancy Phillips stated a specific project must be named in the application.

MOTION: VICE MAYOR CHRISTIE: MOVED APPROVAL TO MOVE FORWARD WITH THE APPLICATION

SECOND: COMMISSIONER HUTCHINSON

Robert Hall came forward and requested the City move forward with the application and felt there were many projects that could be done.

MOTION APPROVED UNANIMOUSLY

**17. Discussion to consider planting palm trees in the Federal Highway medians to uniquely identify Stuart from the northern City limits to the southern City limits.**

Mayor Krauskopf asked if the City has the funding for this planting.

Sam Amerson gave a brief presentation to the Commission regarding landscaping along US .

The Commission agreed to do one median at a time right then too many wrong.

**ADJOURNMENT :8:37 p.m.**

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Cheryl White, CMC, City Clerk

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Jeffrey A. Krauskopf, Mayor

Minutes approved at the Regular Commission Meeting this 11 Day August 2008