

**REGULAR MEETING OF THE STUART CITY COMMISSION  
HELD ON DECEMBER 14, 2009  
AT 5:30 P.M. IN THE CITY COMMISSION CHAMBERS  
121 S.W. FLAGLER AVE.  
STUART, FLORIDA 34994**

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

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

**PLEDGE OF ALLEGIANCE**

**1. Commission Oath of Office**

Commissioner Krauskopf and Vice Mayor Mortell took their Oath of Office and were sworn in by City Attorney Nicoletti.

**2. Commission Selection of Mayor and Vice Mayor**

Mayor Christie said he wanted to make the meeting light so he could go out with a smile. He presented the Commission, City Manager and City Attorney with the traditional Mayoral departing gift. He asked that each Commissioner begin eating healthier and gave them each a vegetable, following First Lady Obama message to the public about eating healthy.

Mayor Christie stated that even in this down economy one of the things we try to do as a goal as Commissioner's is finish projects. He said we achieved several things this year, purchase of the Dockside property, balanced budget with minimal impact on public services, Finished the water supply permit with SFWMD, Traffic signal completed at US 1 and Central Parkway, installation of the final baffle box, Poppleton Creek Watershed Restoration project, Rebuilt the Russell Holloway Jr. Track 10th street. Refurbished 10th Street Recreation Center, Landscape along railroad from Decker St to Monterey, completed the Comprehensive Plan EAR.

**MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL TO NOMINATE  
VICE MAYOR MORTELL AS MAYOR.  
SECOND: COMMISSIONER HUTCHINSON  
MOTION APPROVED UNANIMOUSLY**

MOTION: COMMISSIONER HUTCHINSON; MOVED APPROVAL TO NOMINATE COMMISSIONER WAXLER AS VICE MAYOR.  
SECOND: COMMISSIONER KRAUSKOPF  
MOTION APPROVED UNANIMOUSLY

**The new appointments were made at this point forward.**

**Mayor Michael Mortell  
Vice Mayor Carol Waxler  
Commissioner Jeffrey A. Krauskopf  
Commissioner Mary L. Hutchinson  
Commissioner James A. Christie**

**3. Approve appointment of City Commissioners to Community Boards**

MOTION: COMMISSIONER HUTCHINSON; MOVED APPROVAL TO APPROVE STAFF RECOMMENDATION.  
SECOND: VICE MAYOR WAXLER  
MOTION APPROVED UNANIMOUSLY

**PRESENTATIONS**

**4. Employee of the Month for November**

**Louis Boglioli, III, Financial Services**

Louis Boglioli came forward and graciously accepted his award and thanked the City and Commission.

**5. Presentation of Appreciation to the Meet Me at the USO Costume Ball Planning Committee**

Teresa Lamar-Sarno gave a brief overview regarding the award. She wanted to recognize those persons and organizations that made the event possible.

The following people came forward and accepted their award.

Robin LeMay, CRA Division Assistant.

Tara Biek and Amber Ducote, Tara Biek Creative

Albie Scoggins accepted on behalf of Jim Chruski, Stuart Recreation Department.

Bonnie Landry, Martin County Historic Preservation Board and the Martin County CRA.

Colonel Michael Roberts and members of the Victory Forge Museum

Marty Penn

Commissioner Mary Hutchinson, City of Stuart

Thondra Lanese, East Stuart Main Street

Janel Hendrix and Robin Hicks-Connors, Elliott Museum

**COMMENTS BY CITY COMMISSIONERS**

Commissioner Krauskopf noted that two long term residents of Stuart have passed on, Estelle Kanarek, and Carl Amos Schramm. "Each one of them in their own way gave allot to the City and wants them to be remembered."

### **COMMENTS BY CITY MANAGER**

City Manager Hudson noted an award won by the Utilities Department, Florida Department of Environmental Protection, "Plant Operations Excellence Award." The following were instrumental in obtaining this award:

Ken Adams  
Scott Earl  
Bobby Kindel  
Jim Parks  
Andrew Sabin  
Ken Williams  
Mike Woodside

He reminded the Commission of the Legislative Delegation Meeting on Tuesday December 15, 2009 at 1:00 PM at the County Commission Chambers. He said he would be present representing the City.

He noted the City working on a draft Ordinance for an alternative approach to the amplified music problem in the downtown. He said he would bring the draft Ordinance forward at a future meeting.

Tentative Agenda adjustments:

Item #11 Minor contract language changes memo presented tonight.

Item #12 Pull for separate discussion.

Item #15 Supplemental Memo regarding agreement.

Item #16 It is not Quasi Judicial.

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

### **APPROVAL OF AGENDA**

MOTION: COMMISSIONER CHRISTIE; MOVED APPROVAL TO APPROVE  
AGENDA WITH AMENDMENTS  
SECOND: COMMISSIONER KRAUSKOPF  
MOTION APPROVED UNANIMOUSLY

### **CONSENT CALENDAR**

- 6. Request to approve the minutes of the Regular Commission Meeting of November 23 and Joint City Commission CRA/CRB Meeting of November 16, 2009**
- 7. Request to approve the minutes of the Special Commission Meeting of December 7, 2009**

- 8. Request to approve the dates for 2010 City Commission Meeting, CRA and Quarterly Joint Commission and CRA/CRB Meeting dates for 2010
- 9. Submission of succession lists for City Manager and Department Directors
- 10. Treasure Coast Council of Local Governments Meeting Minutes
- 11. RESOLUTION 140-09 Authorization to approve a budget amendment to the 2009-2010 annual Development Special Fees Fund and General Fund Operating Budgets; Authorizing the transfer of funds from Development Special Fees, Tree Replacement Fund, Fund Balance to General Fund in the amount of \$25,000 for a contribution to the Martin County Audubon Society to provide funding for native tree plantings for a wetland habitat/watershed improvement project at the Possum Long Nature Preserve on Palm Beach Road

Item #12 was heard separate:

- 12. RESOLUTION 141-09 Authorization to approve a Special Zoning Exception to Salvation Army for the property located at 1860 SE Federal Highway within an Industrial Zoning District to allow for a retail use (Quasi-Judicial)
- 13. RESOLUTION 142-09 Authorizing to approve the award of a bid to Diversified Electrical Systems, Inc. the lowest, most responsive and responsible bidder for a total bid amount of \$41,577.00 for the Riverwalk courtesy dock and stage electrical improvements
- 14. RESOLUTION 143-09 Authorization to approve Budget Amendment #4 to the 2009-2010 general fund operating budget; authorizing the appropriation and expenditure of \$10,994 to fund the purchase of a new ford Fusion vehicle from the annual Florida Sheriff's Association statewide bid, to be shared by Information Services, Development, and CRA

MOTION: COMMISSIONER HUTCHINSON; MOVED APPROVAL OF THE CONSENT AGENDA 6,7,8,9,10,11,13,14

SECOND: VICE MAYOR WAXLER

ROLL CALL

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

**END OF CONSENT CALENDAR**

Item #12 was heard separate:

**12. RESOLUTION 141-09 Authorization to approve a Special Zoning Exception to Salvation Army for the property located at 1860 SE Federal Highway within an Industrial Zoning District to allow for a retail use (Quasi-Judicial)**

**Sworn:**

Commissioner Christie wanted clarity on the retail part of the project. He said the original special exception for the one along MLK Blvd also has retail. He asked if that one would be abandon.

Terry McCarthy said it may have some form of thrift shop in the future. At this particular point and what we have found in other charities is the role of the thrift shop has been elevated. It has become an important source of revenue for the Army. Contributions are down and a decision was made to put this operation in a place where it would be most advantages', and that is US1.

**MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF RESOLUTION 141-09.**

**SECOND: COMMISSIONER HUTCHINSON**

Allen Jacobson of M&A Development Corporation, owner of the Goodwill came forward and expressed concern over the US 1 site for thrift store operations. He said the sign states that the building is over 26,000 feet, storage, parking and roof drainage. He asked that before this is approved those items need to be addressed.

City Attorney Nicoletti said the Quasi Judicial hearing needs to be instituted.

Mayor Mortell called the Quasi Judicial Hearing to order.

Murriah Dekle gave a brief presentation regarding the proposed project. Staff approves recommendation with 10 conditions.

Attorney McCarthy stated the only space being used for the army is 15,000 square feet. The buildings in the rear will remain with the property owner. The parking at the site meets code and he was not aware of the drainage issue. He said the thrift operations have become an important part of the Army.

The hearing was closed.

Tom Bertalini, 804 Central Parkway, came forward and expressed concern over the fence in the rear of the property and stated it was falling down. He was also concerned about the amount of traffic in the rear.

City Attorney Nicoletti stated he would have staff look into the matter of the fence.

Mayor Mortell stated the building in the rear of the property will not be used for storage for the Army operation.

ROLL CALL

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

**COMMISSION ACTION**

**15. RESOLUTION 146-09 Authorizing a budget amendment to the 2009-2010 Discretionary Sales Tax Fund and General Fund operating budgets; authorizing the transfer of funds from the Discretionary fund, fund balance to general fund, Development Professional Services not to exceed \$100,000; authorizing appropriation and expenditure of funds for Historic Preservation associated with relocation of the Evans Cray House**

City Manager Hudson gave a brief overview of the proposed budget amendment. He explained the City would enter into an agreement with Stuart Heritage, and Stuart Heritage would be responsible for doing the fund raising renovations and operating and maintenance of the building after it is relocated. He said there is a deadline because we have let the owner of the property where the house currently resides go as far as she can go, and now we need to take some action to gain control of the building. Staffs recommend approval of the \$100,000, and relocate it to the City owned property, and enter into a partnership with Stuart Heritage. They have included in the agreement a profit sharing relationship, whereby they would operate it, and the net rents that would be received from Stuart Heritage would be shared with the City in the amount of roughly 25%.

Commissioner Krauskopf said he would prefer to see this come out of the CRA budget. He also asked about insurance for the value of the home.

City Attorney Nicoletti stated they are going to cut the building and included in the quote is what is covered. He said they are not responsible for doors, trim, windows, molding and replacement, only floor joice roofs rafters and studs, are what their liability is. He also said a CRA meeting would be required for the funding.

Commissioner Krauskopf also asked where would this home be located on the Feed Store site.

Commissioner Hutchinson said that Stuart Heritage will be working with Tom Lucido on that plan.

Mayor Mortell asked if the plan is modified will the City need a Referendum.

City Attorney said it is not a lease and if it is then it will have to be limited to less than 10 years as a lease or sub lease.

Vice Mayor Waxler expressed concern that the Stuart Heritage may not want to do this after the large investment being made.

Commissioner Hutchinson stated that Historic Preservation is not about making money.

Mayor Mortell said we approved that plan before the law changed, so are we modifying a waterfront use, and if we are, do we need a referendum?

Attorney Nicoletti stated I don't believe you need a referendum on this, as a matter of fact the way we cast this is an operating agreement between us and Stuart Heritage for land that we own. He said he would look into the sub lease requirement to the referendum.

City Manager Hudson said the City is not experienced in historic buildings and is looking to the Stuart Heritage to operate the property. He said he would add a clause in the operating agreement that would give them the authority to lease it up to 10 years, to a single tenant.

Vice Mayor Waxler asked what happens if something happens to it in the move, and Stuart Heritage says I don't want it.

City Attorney Nicoletti said we should have no liability for the move. Our insurance covers us immediately upon taking ownership of the structure, but we are going to have to pay for it at that time.

Mayor Mortell wanted to go on record that he believes it should be moved to the single lot on Cardinal and rent it out there as a residential home, even if it cost some on the front end it would maintain its integrity.

Vice Mayor Waxler asked if the Stuart heritage was aware that this building needs to come to code.

City Manager Hudson said they are aware of this.

Mayor Mortell asked if the Stuart heritage would maintain and pay all expenses related to it if it is not sub leased.

City Manager said that is the agreement, but I can't guarantee their performance.

Commissioner Hutchinson stated the City will pay to move the building and locate it on City owned property that we always planned for a historical village. They are partnering with the City to maintain the building after it has been moved.

City Attorney Nicoletti stated that the City will own the building and the land is the City's.

Mayor Mortell wanted to clarify the request of staff.

City Manager Hudson clarified that the contractor who is moving the building has \$1 million dollars to cover the structure itself, with the previous noted exclusions.

City Attorney Nicoletti explained that the CRA could transfer funds at a future time.

Mayor Mortell requested removing paragraph #11 from the contract.

City Manager Hudson said he would not have a problem deleting that. It is not our intent to provide any other funding besides the relocation.

There was some discussion regarding the location of the home on the Flagler Avenue site.

Interim Development Director Terry O'Neil said staff had looked at Site B and there is a question if a change in made there would be an increase in the cost of the slab.

Chris Sawicki of Stuart Heritage recommended that the house be located on Site F behind the Park Atwood house. She noted that her organization is anticipating a large donation from the estate of a former member and they are looking at doing \$100,000 in renovations. She also noted another possible building for relocation is located in East Stuart and was a former Barber Shop 1920's era. " We are committed to this project, and it is important to save the Crary House, because it is the only tutor house built in 1925 in the St. Lucie Estates area."

City Manager Hudson said the ultimate decision on the location of the home will come back to the Commission.

Donna Dorne, owner of the property where the house is currently located, would like to start building her house and needs the Crary house moved. She said she did not care where it was moved and offered her lot.

Mr. Braid of Stuart Heritage said economics will play a big part in siting the house. He stated that Mr. Brownie explained that siting the house on any other site the B would be more costly. We have looked at the house as a possible commercial use.

Commissioner Hutchinson expressed concern over the location of the house. She said she was dedicated in making this project happen.

**MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF RESOLUTION 146-09 IN AN AMOUNT NOT TO EXCEED \$100,000 ULTIMATLY COMING FROM THE CRA BUDGET, AND THAT THE INSURANCE BE OF THE AMOUNT ASSOCIATED WITH WHAT THE IMPROVEMENTS ARE CURRENTLY ON THE ROLE WITH THE PROPERTY APPRAISER FOR.  
SECOND: COMMISSIONER HUTCHINSON**

Mayor Mortell said that if the house is placed on site B it will be more costly to put future properties in the historic village. He felt we were building a wall. He said it sound like the City is going to commit \$25,000 to put the home on a trailer, and at that time Stuart Heritage will make a decision to take responsibility for it or not and in fact if they don't, then what happens.

Mike Braid said he spoke with Tom Lucido who discussions included site B. He said our goal is to have a Historic Village. He said that as far as Stuart Heritage bailing out it would be when the City bails out.



The City's goal is to relocate it to City property and we can discuss where on City property it will go.

Jeremy Browning of Browning Moving Company said he would need more information if the house is not going to Site B because there could be additional cost for the foundation to meet flood code.

Mayor Mortell said he would be willing to support \$25,000 to move the house to a temporary location and then resolve the other issues but we need to have a game plan, and he could not support spending \$100,000 to move a house not knowing , where, when or how much it will cost us.

Vice Mayor Waxler agreed with Mortell's concerns.

**ROLL CALL**

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

**ORDINANCE FIRST READING**

**16. ORDINANCE 2196-09 (First 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 (Quasi-Judicial)**

Commissioner Krauskopf asked if this was the map that was being adopted.

Interim Development Director, Terry O'Neil explained the map and the City's intention of the model map.

Commissioner Krauskopf asked that the City look at the City's objective before we transmit this to DCA. He suggested fine tuning and narrows it down. He also suggested looking at homeowners insurances and how this will affect their property.

Terry O'Neil explained that this map was not a flood map, and DCA requires this map in order to amend the Comp Plan. The original "cookie cutter" map was sloppy so staff proposed a "home grown, fine tuned, detail map that moved the line forward dealing with real contours." Staff has amended the language by law and has used "real world data" to create the map but is not sure how DCA will react to our own homegrown map.

Commissioner Hutchinson agreed with Krauskopf's concerns.

Attorney Nicoletti clarified the text change requested.

Commissioner Krauskopf would like to respond in "as net amount as possible."

Attorney Nicoletti read the amended Ordinance text into the record.

MOTION: COMMISSIONER KRAUSKOPF; MOVED APPROVAL OF ORDINANCE  
2196-09 ON FIRST READING AS READ  
SECOND: COMMISSIONER HUTCHINSON

Armond Pasquale, resident came forward and asked if his property would be affected.

Mayor Mortell stated he would not.

ROLL CALL

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

**17. ORDINANCE 2197-09 (First Reading) Amending the Stuart  
Comprehensive Plan relating to Capital Improvement Element (CIE) by  
making annual amendments to the Capital Improvement Schedule**

Commissioner Krauskopf asked if there is a hurry to send this in because he has questions on income and expense as well as population projections. He asked why send information to DCA that does not pass the "straight face test".

Interim Development Director Terry O'Neil said if we delay we will be into January but staff could go through this more to address the Commission's concerns. He was not sure if this counted toward the two times per year Comprehensive Plan Amendments allowed.

Commissioner Hutchinson also questioned the numbers on page 175, and said we already know values will go down next year, but according to this we are showing an increase in Ad Valorum taxes which is likely not to happen. She also asked for the project number breakdown and what they mean.

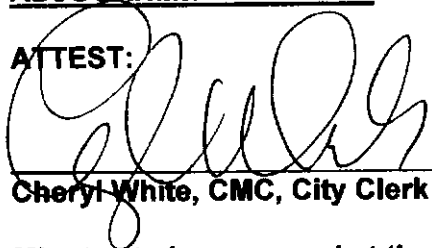
Mayor Mortell said in light of no motion to approve this item, he would entertain a motion to adjourn.

**ORDINANCE SECOND READING**

**DISCUSSION & DELIBERATION**

**ADJOURNMENT 7:21 P.M.**

ATTEST:

  
Cheryl White, CMC, City Clerk

  
Michael Mortell, Mayor

Minutes to be approved at the Regular Commission  
Meeting This 11th Day January, 2010

