

**REGULAR MEETING OF THE STUART CITY COMMISSION
TO BE HELD FEBRUARY 25, 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: Recognizing David E. Hill, Jr. and his achievements as a member of Cub Scouts and Boy Scouts, he has earned his Eagle Rank, the highest achievement attainable from the Boy Scouts of America.**

David Hill came forward and graciously accepted his proclamation and thanked the Commission.

Mayor Krauskopf announced that Mr. Hill was also honored by "Keep Martin Beautiful with the Jr. Environmental Award."

- B. PROCLAMATION: Proclaim FIRE FIGHTER APPRECIATION days
February 22 through March 8, 2008**

Lieutenant Brian Nethers came forward and graciously accepted the proclamation on behalf of all firefighters. He also announced the firefighters will be holding their annual boot collections for MDA which will begin in March.

- C. Employee Service Recognition:**

**Joseph Stoudemire, Commercial Collection Team, 25 Years
Michael Rice, Police Department, 5 Years**

Joe Stodemire came forward and graciously accepted his award and thanked the City

Chief Morley came forward on behalf of Michael Rice and thanked the City.

D. Employees of the Month:

**Donald Purdom
Harry McCandless**

Don Purdom came forward and graciously accepted the award and thanked the City.

Harry McCandless was unable to attend.

E. City Check Presentation to the Stuart Hornets Youth Football League

Albie Scoggins presented a \$5,000.00 check to the Stuart Hornets Youth Football League on behalf of the City of Stuart, as an annual contribution to the league.

Mo Hamilton, President of the League came forward and graciously accepted the check on behalf of the league and thanked the City of Stuart.

COMMENTS BY CITY COMMISSIONERS

Commissioner Hutchinson thanked Milton Leggett and his crews for the outstanding job they did at Shepards Park repairs and are happy to see the boards from the pier are being recycled. She also asked what the status of the Consultant for the CRA plan was at this time.

City Manager Hudson said that the City was working toward getting that started and would notify the Commission and the CRB in March.

Vice Mayor Christie announced he was one of the first persons to help organize the Stuart Hornets Youth Football league and appreciates everything they do for the community.

Commissioner Mortell suggested acknowledges the Martin County High School Basketball Team and Coach Andre Macintyre, for an incredible season and, incredible job.

Mayor Krauskopf mentioned a letter received by the City regarding the airport and suggested copying our position to the Department of Transportation.

Mr. Hudson stated that was added to the agenda as item 17.

Mayor Krauskopf also announced that he would be hearing a proposal from Mr. Shore at 8:30 on February 27, 2008. He also stated the City was fortunate at the Keep Martin Beautiful Awards, the City received two. The runner up position received was the 2008 Environmental Stuart ship award in recognition of their vote to initiate Green Development Ordinance and to promote Green Building and Sustainable Development in the City. The one we can be proud of the most is 1st Place for the new Streamline Recycling Program "Sammy the Sailfish Award".

Mary Kindel came forward and presented to the Commission the 1st Place award received and thanked the citizens for their nomination.

Bernie Malone came forward and announced the past weekend events. Saturday and Sunday the 18th Annual Art Show. He thanked the City for their support as well as Sammy the Sailfish. He also announced the upcoming event to be held at the Lyric Theatre in celebration of St Patrick's Day with a performance by the Stuart Concert Band sponsored by Stuart Main Street.

COMMENTS BY CITY MANAGER AND REVIEW OF TENTATIVE AGENDA

Mr. Hudson reminded the Commission that the Martin County Commission will be discussing the Memorandum of Understanding for water and wastewater service on Tuesday February 26, 2008 at 9:15 a.m. he requested the City Commission attend if they are able. He also introduced the new Human Resource Director Linda Skelton to the Commission.

Agenda Comments:

Item #3 RFQ, He stated that there was only one proposal and requested staff review first then they would present it to the Commission.

Item #7 FEC Lease, he recommended Property Management Fund as the funding source.

Item #9: _Witham Field a supplemental item was added to also send the US Department of Transportation a copy of the letter from the City.

Additional item #17 was added to the agenda relating to valet parking in the downtown on a trial basis.

STAFF REPORT ON COMMENTS FROM PREVIOUS COMMISSION MEETING

- Vilabella Compliance
- Fiscal Policy on Investments
- Road Closure of Lake Street

Magistrate Order 8/9/07
 Pending
 Letter to School Board

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

George Fuller came forward and presented a proposed Ordinance to the City Commission for adoption relating to insure that the 51.7% of the voters who approved the public policy and just as important the 48.3% who rejected it will receive what the majority voted for the addition of a product, which is claiming to benefit everyone. A product claimed to be effective at reducing tooth decay, and most importantly that it is safe for all consumers at the concentrations that they drink. Because this issue has been so contentious it is important to ensure that the claims which convinced the majority to vote in favor of water fluoridation are met, when the product arrives. He read a letter into the record from R Hoofnagle. The letter stated that the State of Florida requires that all chemicals that are added to drinking water and all components of a water system that come in contact with drinking water be tested and certified as meeting NSF International Standards. Mr. Hoofnagle is Florida's EPA drinking water program administrator and president of the association of State drinking water administrators. He presented 10 copies of his proposed Ordinance to the City Clerk.

Attorney Nicoletti stated the already adopted Ordinance 2112-07 approved by the City Commission will be effective as of tonight, when the City Commission certifies the referendum election results.

Chris Sawicki, Stuart Heritage President came forward and announced the East Stuart Historical Society will be presenting a program, "Remembering our Roots", on February 26, 2008 from 7:00 pm to 8:00 pm. She stated the East Stuart Choir came together and performed for the first time in 41 years. She also announced that on Saturday March 15, 2008 at 1:30 pm the Stuart Heritage will dedicate the new Chickee Hut in the back of the Stuart Heritage Museum in honor of Wauneta Geary. She was along time member of Stuart Heritage and most prominent in the telling of Seminole history, an invitation will follow. She also thanked the Sailfish Tram for the service they provide for the History Tour, as well as the Stuart Recreation Department for coordinating the tour.

Armond Pasquale came forward and expressed concern over the past weekend event. He stated he could not drive through Haney Circle or Confusion Corner during the event. He suggested moving this type of event to Flagler Park where it would not inconvenience the residents in the downtown.

Anne Knoff came forward and expressed concern over the recent referendum regarding fluoride. She requested the City abide by the NSF guidelines as well as

requested the City add information to the residents of the harm it may cause to children and babies if fluoridated water is added to baby formula.

Valerie Jones came forward and requested the City review its grant application, and performance contracts agreed to and submitted to Florida Inland Navigation District. She expressed concern over the public use at the Southpoint Anchorage, City Pier and Dockmaster Office property as well as the eviction of anchored boats in the anchorage during the construction phase by the leasee.

APPROVAL OF AGENDA

MOTION: VICE MAYOR CHRISTIE; MOVED APPROVAL OF THE TENTATIVE AGENDA WITH THE ADDED ITEM 17.

SECOND: COMMISSIONER WAXLER
MOTION APPROVED UNANIMOUSLY

CONSENT CALENDAR

- 1. Request to set a public hearing date of March 10, 2008 to consider a Major Amendment to the Residential Planned Unit Development to establish the Allegro at Willoughby Assisted Living Facility, Northwest corner of SE Indian Street and SE Aster Lane**
- 2. Request to set date a public hearing date of March 10, 2008 to consider a Minor Amendment to the Commercial Planned Unit Development, Penn Plaza PUD, 1180 SE Monterey Road Extension**
- 3. Request the City Commission authorize a selection committee to review the single proposal received for RFDQ #2007-62, lease and Redevelop City-Owned Landfill Property , then make a recommendation for further action**
- 4. RESOLUTION 14-08 Authorization to execute a joint School Concurrency Interlocal Agreement between the City of Stuart, Martin County and the School Board of Martin County**

City Manager Hudson stated that the State Legislature passed a ruling that local government engage in a three way agreements the large municipalities the County Governments and the School Districts. He recommended approval.

Attorney Nicoletti stated this particular Interlocal Agreement does not have a tremendous effect on the City and if not approved by the City then the City would not be permitted to adopt any land use changes.

Terry O'Neil came forward and stated that once this is adopted we have a responsibility to create a comprehensive plan amendment and create a new element for school

concurrency which has to be completed by June in order to propose future land use amendments.

Commissioner Mortell expressed concern over the School Boards cooperation with the City. He recognizes that the City will be unable to do Comprehensive Plan Amendments and it may freeze all development until all City School Board Issues are resolved.

Commissioner Christie requested that in the spirit of cooperation with the School Board and Martin County, ask the School Board to look at our issues that we have in reference to JD Parker and Stuart Middle School and affordable housing, and some other issues. One of the things I don't want to do in moving forward is to somehow strap us with DCA or even with the County.

MOTION: COMMISSIONER HUTCHINSON MOVED APPROVAL OF RESOLUTION
14-08

SECOND: COMMISSIONER WAXLER

ROLL CALL

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

5. **RESOLUTION 15-08 Authorizing a budget amendment to the 2007-2008 annual general fund operating budget of the City of Stuart for an expenditure of \$29,420 for qualified grant related expenditures**
6. **RESOLUTION 17-08 Approving the second of two additional renewals of the contract between the City and Northstar Geomatics for geographical information system services adopted by Res. 16-06 on January 23, 2006**
7. **RESOLUTION 18-08 Authorization the City Manager to apply for and if successful to execute an annualized three-year renewable lease agreement with the Florida East Coast Railroad (FEC) at an initial rate of \$11,700 for a parcel of land along S. Dixie Hwy. between Decker Ave. and Monterey Road for the purpose of installing and maintaining a landscape buffer**
8. **RESOLUTION 19-08 Certifying the results of the City of Stuart Referendum Election and Ballot question regarding the adoption of an ordinance to require fluoridation of the potable water supply for the utility customers held on January 29, 2008**
9. **RESOLUTION 20-08 Requesting the Martin County Board of County Commissioners to address the 460 foot extension of runway 12/30 at**

Witham Field by impacting the Martin County Golf Course rather than City Residents

10. RESOLUTION 21-08 A; Adopting the City of Stuart 2008 Strategic Plan Report dated February 15, 2008

Commissioner Hutchinson requested that the first bullet statement should read: The proceeds will be used as principle while the interest earnings would be spent on projects being deleted.

MOTION: COMMISSIONER HUTCHINSON: MOVED APPROVAL OF RESOLUTION 21-08 WITH THE DELETION OF LANGUAGE FROM THE REPORT.

SECOND: COMMISSIONER WAXLER

ROLL CALL

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

MOTION: COMMISSIONER WAXLER: MOVED APPROVAL OF THE CONSENT CALENDAR WITHOUT ITEMS 4&10

SECOND: VICE MAYOR CHRISTIE

ROLL CALL

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

END OF CONSENT CALENDAR

RESOLUTIONS

11. RESOLUTION 16-08 Authorization to approve a Major Site Plan proposed by, Stuart Key Developers, LLC, located at 2601 SE Willoughby Blvd. for approximately 231,770 square feet of building area the Key's of Stuart Professional Center (Quasi-Judicial)

Sworn:

Rocky Bowe

Clint Bowe

Nat Nason

Kev Freeman

Tom Reetz

City Manager Hudson gave a brief timeline of events to the Commission and public regarding the proposed project.

Attorney Nathan Nason presented the title work to the City Clerk for the record. He asked that this project be approved with staff recommendation.

Kev Freeman gave a brief overview regarding the proposed project as well as the concern over the access road to the proposed project . He stated the County proposes an alternative access over Holt Road could be almost a semi bypass arraignment through the Keys development property to Holt Road, to the Sherriff's Department, and would satisfy traffic concurrency and hope this meets the county's traffic concurrency.

Commissioner Mortell expressed concern over the pending litigation between the applicant and the County.

Attorney Nat Nason stated the pending litigation between the applicant and Martin County, and has no bearing on the development order and would have no effect on the conditions listed in that order. He requested approval with the duel access over Holt Road. He stated the applicant has the legal right to access Holt Road and presented to the City Clerk for the record a copy of the Title paperwork also presented at the past hearing. He requested approval or disapproval for this project.

Attorney Nicoletti ; For the record is this the same title paperwork documents presented to the Commission at their last hearing.

Attorney Nason: This is the same paperwork presented before to the Commission.

Donne Goodman came forward and expressed concern over the access road and wanted to be assured that the City Commission include a condition for the applicant; They not be permitted to use her property for construction traffic access as well as parking of their construction equipment during the project term.

Kev Freeman stated a condition could be added that the development construction access be restricted to Willoughby Blvd only.

Commissioner Hutchinson stated she does not support the project and felt it was not in harmony with the neighborhood. She felt the project was too intense.

Commissioner Waxler stated she did not support the project and felt the project was too much for the property. She also stated she would not support a project with an uncertainty as to the site plan and road access to the project.

Vice Mayor Christie expressed concern over the issue with the County regarding Holt Road access. He too stated he would not support the project.

MOTION: COMMISSIONER HUTCHINSON: MOVED APPROVAL TO DENY RESOLUTION 16-08 BASED ON NOT MEETING SITE DESIGN QUALITATIVE DEVELOPMENT STANDARDS OF ONE HARMONIOUS AND EFFICIENT ORGANIZATIONS AND UNDER THE CURRENT STATE NOT MEETING TWO LOCATIONS DESIGN OF ACCESS DRIVES.

SECOND: COMMISSIONER WAXLER

ROLL CALL

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

ORDINANCES SECOND READING

12. ORDINANCE No. 2149-08 (Second Reading) Approving a Major Amendment to the Commercial Planned Unit Development to establish “Windemere Point” f.k.a. “Pointe at Jensen Beach” Commercial Planned Unit Development a retail commercial development, property located on the SE corner of N. Federal Hwy. and NW Windemere Drive (Quasi-Judicial)

Sworn

Mark Mathes

Matt Yates

Steve Marquart

Robert Sherman

Katy Bowen

Kev Freeman

Tom Reetz

Kev Freeman gave a presentation to the City Commission regarding the proposed project. He announced staff added conditions #41a & 41B.

Mark Mathes Lucido & Associates came forward and expressed concern over the proposed last minute added development conditions.

Kev Freeman stated that he had only received them this morning from Mr. Detner and have not had a chance to contact and negotiate this with the applicant.

Mr. Robert Sherman came forward and thanked the City Commission and staff for their hard work. He requested approval from the City for his project.

Attorney Katy Bowen represents Pineapple Plantation Property Owners Association came forward And stated that this afternoon an agreement was reached with the POA and the applicant. She indicated that the POA Board has not signed the agreement because they have to hold a duly noticed meeting, but the majority of the members were present and agreed to the terms of the agreement. She also stated she was not prepared to comment on the new development conditions. She stated that with respect with condition #20, which deals with the timing of the traffic signal. We felt that it was a little unclear, and we wanted the language changed to mirror the agreement we have reached. “I have provided suggested language to staff which the applicant has agreed to. Also, with respect to condition #25, which deals with

maintenance of NW Windemere Drive, we thought that could be clarified a little bit, and we also submitted proposed language to staff, which the applicant has also agreed to. The agreement we have reached with the applicant, we have crossed indemnification agreement and if possible we would like those provisions added to the development agreement.”

Mayor Krauskopf asked if an agreement had been reached with the applicant regarding the cross indemnification agreement.

Attorney Bowen stated that the language is in the agreement but have not spoken with the applicant regarding adding that language to the development conditions.

Mark Mathes came forward and stated those conditions are all in the agreement and we have signed those agreements so we already reflected through our signature on that private agreement that we would have no problem with those as conditions.

Mayor Krauskopf: “Cross Indemnification agreement to be included in the development conditions?”

Mark Mathes: Yes Sir.

Commissioner Waxler: Do you agree to have the cross indemnification agreement included in the conditions with the City?”

Mark Mathes: We don't see any reason why one way or the other, but since we have agreed to it privately there is no reason why we wouldn't feel comfortable as part of the development agreement.

Attorney Nicoletti: Cross indemnification is a property right issue and frankly I don't see a reason they would need to be in the City's conditions. We would not enforce them, it would be up to the private property owners to enforce those and they really won't come in to play as far as the City's concerned. We are not being indemnified, we are not indemnifying anyone. It's really between the developer and the POA. As far as the replacement language for #20 and #25, I don't know that we have any pride of authorship, but certainly if this moves forward and is approved at second reading, the replacement of the language, I think needs to be subject to the Development Directors approval and my approval. As far as items 41a and 41b, the first sentence of 41a, I don't find objectionable at all. Certainly if someone wanted to challenge it they could, and if someone wanted to enforce their private property rights, that is what the courts are there for. I think that is fine.

“Each permit application will have to be signed by the property owners association and accompanied by notice of commencement,” Attorney Nicoletti stated that the building Department requires notice of commencement for building permits anyway, that's in the law and does not need to be in this condition. “We don't know if it will be the property owners association who is the owner or not. I am assuming the property

owners association does own the area we are talking about, but I am not sure that the last sentence adds anything. I don't have a problem with 41a as a condition, I think it may or may not come into play. If the developer has control then that doesn't really come into play, it may be a separate permit."

Attorney Nicoletti : "41b, all improvements for to the Windemere Drive property, again outside of the control of the development shall be approved by the property owners association. I thought that is what the agreement does and that was the whole thrust of it."

Kev Freeman: Staff was not aware that the agreement had been finalized until now.

Attorney Bowen stated that the Board had not yet signed the agreement because they have to have a duly noticed meeting.

Attorney Nicoletti: "The second part of that, the developer shall provide a bond to cover the cost of the improvements that is not so egregious unless they are not going to be provided at the time of any CO. If we anticipate that they would need to be bonded off, then I could see the requirement, and maybe that's the caveat, maybe that is the point that has to be made. If they aren't made, well it will be made at the time of CO."

Kev Freeman:"The idea of that is if something did happen with the development as it progressed and for some reason did not finish. The improvements that have already started on Windemere Drive, that we have some recourse to implement those improvements through the bond. "

Attorney Nicoletti: "So the condition is that they make the improvements, if they fail to make the improvements then they aren't going to get their CO, if they have a delay of some sort, they would have to come back. "

Kev Freeman: "And if the project failed, then they would have some recourse for the City to have funding to finish the work that had already been started."

Attorney Nicoletti "I understand the property owners association is seeking some sort of assurance that those improvements are going to be constructed. I guess that would be the question for the developer, would the developer bond off those improvements?

Mark Mathes: "The idea the applicant has proposed is really one that relates to, if the project fails and we go away. Obviously there are already controls in place, that if we don't get it in prior to CO, we don't get the CO. I think the only thing uncovered if we go away and it is half built, and there is problems in that regard. We would be willing to bond the return of Windemere back to its existing condition, so that if the project does fail, they will not have a driveway connected into an unbuilt center. To protect them and I see their interest."

Attorney Bowen she stated that the Board indicated that they are in agreement with that.

Attorney Nicoletti stated that we will modify 41a and 41b. The recommendation is that 41a, Would be the first sentence but not the second sentence.

41b: Would not be the first sentence, but the "Developer shall provide a bond to cover the cost of improvements and in the event that the development shall fail the bond shall be used to place Windemere Drive to the condition that it was prior to development and the bond shall be based on 110% of the engineers cost estimate, etc. "

Commissioner Waxler stated she had a problem with negotiations on the floor.

Commissioner Mortell: Requested the City strike 41a, all together.

Howard Decosta came forward and thanked the City and staff for the hard work and assuring that things were done in the interest of the community. I would also like to thank Sherman and his team and the legal council. I have had a chance to see the document we are to sign as a Board, we are in the majority and approve what we have seen.

MOTION: COMMISSIONER WAXLER: MOVED APPROVAL WITH AN ADDITIONAL CONDITION THAT THE APPLICANT BE REQUIRED TO PUT UP A BOND FOR 110% OF THE COST TO RETURN WINDEMERE DRIVE BACK TO THE CONDITION IT WAS PRIOR TO COMMENCEMENT OF ANY PROPOSED DEVELOPMENT IN THE EVENT THE PROJECT DOES NOT GO FORWARD AS REQUIRED AS WELL AS THE NEW LANGUAGE SUGGESTED EARLIER BY ATTORNEY NICOLETTI FOR CONDITIONS 20 & 25. AND TO ADOPT PROPOSED LANGUAGE THAT HAS BEEN DISCUSSED BETWEEN THE APPLICANT AND THE POA AND SUBJECT TO THE APPROVAL OF OUR DEVELOPMENT DIRECTOR AND O\THE CITY ATTORNEY.

SECOND: COMMISSIONER CHRISTIE

Commissioner Christie stated that this is the reason why he became a commissioner and expressed concern in the beginning about the traffic light. He was pleased to see something that everyone can agree on.

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

13. ORDINANCE 2151-08 (Second Reading) Request to establish procedures and requirements for Traffic Calming and Traffic Control Devices in certain circumstances

MOTION: COMMISSIONER HUTCHINSON: MOVED APPROVAL OF ORDINANCE 2151-08 ON SECOND READING

SECOND: COMMISSIONER WAXLER

ROLL CALL

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

14. ORDINANCE No. 2153-08 (Second Reading) to approve a major amendment to the Pineapple Commons Commercial Planned Unit Development Agreement. Located at 2511 N. Federal Highway, Colonial Bank

MOTION: COMMISSIONER WAXLER MOVED APPROVAL OF ORDINANCE 2153-08 ON SECOND READING

SECOND: COMMISSIONER HUTCHINSON

ROLL CALL

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

DISCUSSION & DELIBERATION

15. Discuss proposed text amendment to the City Code of Ordinances at Section 18, Seawalls, Bulkheads and Marine Construction

Dan Bogan, Assistant Development Director gave a brief powerpoint presentation to the City Commission and public regarding the proposed amendments to the City Code of Ordinance regarding docks, seawalls, riparian rights ect.

Commissioner Waxler asked that the language be clarified regarding riff raff along the shoreline.

Mayor Krauskopf explained the history of the riff raff in the City, which allowed other materials along the shoreline.

Attorney Nicoletti stated the City is trying to assure the dimensions and the feel of this Ordinance are no different then what we have been doing in the past. We have reorganized it, we have clarified it, we have added definitions that are fairly clear, and not withstanding the issue of riff raff, which we really did not address specifically. The feel of this Ordinance should be no different then what people have experienced in the city prior to that. We did not have all of the tools and the clarity that was needed.

Commissioner Mortell expressed concern over the fact that neighbors overlook the riparian rights.

Eric Shay, Department of Environmental Protection Agency came forward and clarified the riff raff issue to the Commission regarding types of material used.

Mayor Krauskopf asked if the policy from DEP still required letters of no objection from adjacent properties.

Mr. Shay stated DEP can only apply it to state lands. Canals have no setbacks and you can build up to your neighbor's property line with a structure. If you want to build a new structure on state lands in the river where you can't meet setbacks, you can get a setback waiver from your neighbor.

Commissioner Waxler stated that in this proposed Ordinance notification of the adjacent property owner is required.

Commissioner Hutchinson suggested clarifying the language in the City Code regarding the distance for docks to the riparian line.

Attorney Nicoletti suggested language "Five feet unless otherwise required by the State of Florida"

Commissioner Hutchinson expressed concern over the 5 foot distance requirement.

The Commission discussed language regarding the number of vessels allowed to dock at one dock.

Police Chief Morley asked if wave runners were considered a vessel.

Mr. Shay stated they are counted as vessel.

Commissioner Mortell expressed concern over the proposed Ordinance create to much regulation.

Armond Pasquale came forward and asked what materials are required for seawalls.

Attorney Nicoletti read the material eligible for construction of seawalls.

16. Proposal to formalize the procedure for the set date and notification process

Commissioner Hutchinson suggested looking at different procedures for advertising of property along US1.

Kevin Freeman stated they are looking at uniformity between the City and County, so it is easily recognizable to all for the process.

Added Item #17

Downtown Valet Parking (Trial Period)

MOTION: COMMISSIONER MORTELL MOVED APPROVAL OF THE CITY MANAGER'S RECOMMENDATION

SECOND: COMMISSIONER WAXLER

City Manager Hudson gave a brief overview of the proposal to allow one or two downtown businesses to run valet parking on a trial basis at no cost to the city.

Commissioner Hutchinson suggested allowing the service to be in a central location.

City Manager Hudson stated the City cannot regulate that because they are going to be the ones paying for it.

Commissioner Mortell suggested using satellite parking lots.

Commissioner Hutchinson stated that some businesses have expressed concern over allowing one entity to valet, because they may only visit the one entity, and not stroll the downtown.

Armond Pasquale came forward and expressed concern over the proposed valet parking. He stated it has been tried before with complaints of speeding vehicles.

City Manager Hudson stated this was a trial period only.

MOTION APPROVED UNANIMOUSLY

ADJOURNMENT 8:06 P.M.

ATTEST:

Cheryl White, CMC, City Clerk

Jeffrey Krauskopf, Mayor

**Minutes approved at the Regular Commission
Meeting This 24THDay March 2008**