

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON NOVEMBER 28, 2011
AT 5:30 P.M. IN THE CITY COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994**

CITY COMMISSION

**Mayor Jeffrey A. Krauskopf
Vice Mayor James A. Christie, Jr.
Commissioner Eula R. Clarke
Commissioner Troy A. McDonald
Commissioner Kelli Glass**

Also in attendance were:

**City Manager, Paul J. Nicoletti
City Attorney, Michael D. Durham
City Clerk, Cheryl White**

Mayor Krauskopf delivered the Invocation, followed by the Pledge of Allegiance led by the Commission.

- 1. Commission Oath of Office, Jeffrey A. Krauskopf
Kelli Glass**

City Clerk Cherie White administered the Oath of Office to newly elected Commissioner Kelli Glass and incumbent Commissioner Jeffrey A. Krauskopf.

PRESENTATIONS

- 2. PROCLAMATION: Proclaiming The Month of December 2011 as White Doves Holiday Project Month.**

The president of Martin Volunteers came forward and graciously accepted the proclamation and thanked the City and residents for their support this holiday season.

- 3. Check from West Marine and Culpepper & Terpening for the Purchase of the Memorial Park Re-Dedication Plaque in the amount of \$1,049.00**

City Manager Nicoletti announced the City received a check from West marine and Culpepper & Terpening in the amount of \$1,049.00 to cover the cost of a bronze plaque to be placed at the newly constructed Memorial Park, commemorating the Grand Re-Opening of the Park.

Employee of the Month

Marc Rogolino, Public Works

Marc Rogolino came forward and thanked the City for his award.

- 4. Employee Service Recognitions**

Earl Scott, Public Works – Water Treatment, 30 Years
Leroy Ehret, Fire Rescue, 10 Years (Not Present)
Adrienne Parker, Financial Services, 10 Years
Tammy Johnson, Police Department, 10 Years (Not Present)
David Dyal, Fire Rescue, 5 Years

All employees came forward and graciously accepted their awards and thanked the Commission. Leroy Ehret and Tammy Johnson were unable to attend.

COMMENTS BY CITY COMMISSIONERS

Commissioner Glass thanked those who supported her and she looks forward to working for the citizens for the next two years.

Commissioner Clarke congratulated Commissioner Glass on her election. She encouraged those to participate in the White Doves project and also thanked those who volunteered at Gertrude Walden over the past weekend and who volunteered and donated to those less fortunate during the Thanksgiving Weekend. She also noted item 7 on tonight's agenda, and encouraged the citizens to support the ban.

Commissioner McDonald noted the many positive comments from the citizens on memorial Park. He also said he participated in the walk to raise money for the family of Navy Seal Aaron Vaughn who was killed in Afghanistan. The event raised \$9,000.00 for the family.

Vice Mayor Christie welcomed Commissioner Glass and looks forward to working with her.

Mayor Krauskopf welcomed Commissioner Glass and noted the City will be holding a Commission retreat soon. He encouraged Commissioner Glass to begin compiling a list of topics to discuss. He also noted the Commission Meeting to be held on December 12, 2011 will be the only meeting for December. He asked the City Manager to look at unfinished items that need to be looked at for the end of the year.

COMMENTS BY CITY MANAGER

City Manager Nicoletti welcomed Commissioner Glass and noted the City staff is dedicated to working with her as well as each of the Commissioners. He noted the following:

Item #9 and #11 have been modified to allow for the Mayor to execute the Item 13 - IAFF financial impact and pay matrix change increase is approximately \$13,000. For the change in the PTO Payout overall impact annually \$100,000 – a pay now or pay later proposition. The PTO has been earned by the employee and the current budget will support the change.

Item 14 – Correction of typo in the Resolution the date should be December 2011 not 2010.

Item 18 – Pulled for staff presentation and hold as last item so former Mayor Hutchinson can be heard.

Item 20 – Windemere Point PUD – slight language change in the Ordinance that will broaden out the platting requirement so the property is ultimately developed, The City will not be dictating how many units it can be platted into.

He reminded the public of the upcoming 51st Annual Christmas Parade that will be held on December 2nd beginning at 7 PM going from Georgia Avenue and running east along SE Ocean Blvd. to Monterey Road.

He also reminded the Commission and public of the Joint City Commission /Community Redevelopment Agency and Community Redevelopment Board meeting, which will be held Monday, December 5th 2011 beginning at 9 AM at City Hall.

City Attorney Durham requested an Attorney Client Session to be held on December 12, 2011 at 5:00 pm for approximately 30 minutes.

The Commission agreed.

APPROVAL OF AGENDA

MOTION: COMMISSIONER MCDONALD: MOVED APPROVAL OF THE AGENDA AS AMENDED.

SECOND: VICE MAYOR CHRISTIE

MOTION APPROVED UNANIMOUSLY

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

Veronica Pasquale addressed the continuing noise problem with Key Lime Café specifically this past Wednesday (Thanksgiving Eve). She noted that the permit for special events states businesses must comply with the noise ordinance but Key Lime Café did not comply with the 7-10:30 PM requirement. When the police were called they told her a permit had been granted but she stated there was no permit to violate the noise ordinance. The Police officer advised her that they did issue a warning to Key Lime Café. Mrs. Pasquale said she has already lost a tenant in her apartment building because of the noise from Key Lime Café and she does not want to lose any more tenants. She said she called the police again at 1:30 p.m due to the excessive noise.

Mayor Krauskopf asked if it was an amplification issue?

Mrs. Pasquale stated yes it was.

CONSENT CALENDAR

- 5. Request to approve the Minutes of the Regular Commission Meeting of October 24, 2011**
- 6. Request to approve the Minutes of the Regular Commission Meeting of November 14, 2011**
- 7. RESOLUTION 114-2011 Authorization to Support the Adoption by the State of Florida of a Ban on Texting while Driving**
- 8. RESOLUTION 116-2011 Authorization for a Budget Amendment to the 2011-2012 Annual General Fund Operating Budget; Authorizing receipt of 2011 Justice Assistance Grant; Authorizing the Appropriation and Expenditure of Funds to pay for Police Tactical Response Equipment**
- 9. RESOLUTION 117-2011 Authorization for a Budget Amendment to the 2011-2012 Annual General Fund Operating Budget; Authorizing the Appropriation and Expenditure of Funds to Pay for K-9 Bite Suit**

10. **RESOLUTION 118-2011 Authorization to Refinance all of the City's Subordinate Lien Public Utilities Revenue Refunding Note, Series 2007B; Authorizing the City to Borrow from Suntrust Equipment Finance & Leasing Corp. in the Principal Amount of not Exceeding \$4,300,000 for such purpose provided certain conditions are met; Providing that such debt shall be a Limited Obligation of the City payable from certain revenues as provided herein; Making certain Covenants and Agreements in connection therewith**
11. **RESOLUTION 119-2011 Authorization for a Budget Amendment to the 2011-2012 Annual General Fund Operating Budget; Authorizing the Appropriation and Expenditure of Funds to Fund the Final Payment for 17 Projects closed out by FEMA, relation to Hurricane Wilma, in the amount of \$17,929.64**
12. **RESOLUTION 120-2011 Authorization to Ratify the re-openers for the Second Fiscal Year of the current Three Year Collective Bargaining Agreement between the City and the Professional Firefighters of Stuart Local #2411 ("IAFF") Effective October 1, 2011 through September 30, 2012**
13. **RESOLUTION 121-2011 Authorization to Execute an Agreement between the City of Stuart and Tangier and Chesapeake Cruises, Inc. granting a Non-Exclusive License to Berth the "City of Fredericksburg", a 68 foot Paddlewheel Vessel, at the City Dock located on the St. Lucie River behind City Hall**
14. **RESOLUTION 122-2011 Authorization to appoint Gary Brandenburg as Code Enforcement Magistrate Alternate**
15. **RESOLUTION 123-2011 Authorization to Oppose the Proposed Florida Statute Repealing the Collection of Local Business Taxes**
16. **RESOLUTION 124-2011 Authorization to confirm the Abandonment of Easement and Amend an Easement for Property Located at the Wells-Fargo Bank Building on East Ocean Boulevard**

END OF CONSENT CALENDAR

MOTION: VICE MAYOR CHRISTIE; MOVED APPROVAL OF THE CONSENT CALENDAR ITEMS 5-16

SECOND: COMMISSIONER CLARKE

ROLL CALL

MAYOR KRAUSKOPF	YES	COMMISSIONER GLASS	YES
VICE MAYOR CHRISTIE	YES	COMMISSIONER CLARKE	YES
COMMISSIONER MCDONALD	YES		

COMMISSION ACTION

17. **RESOLUTION 111-2011 Authorization to Execute a Lease Agreement between the City of Stuart and Stuart 5 LLC DBA Macintosh's on the Water for that certain property known as The Shepard Park Building (Former Chamber of Commerce Building)**

MOTION: VICE MAYOR CHRISTIE; MOVED APPROVAL OF THE CONSENT CALENDAR ITEMS 5-16

SECOND: COMMISSIONER CLARKE

ROLL CALL

MAYOR KRAUSKOPF	YES	COMMISSIONER GLASS	YES
VICE MAYOR CHRISTIE	YES	COMMISSIONER CLARKE	YES
COMMISSIONER MCDONALD	YES		

ORDINANCE FIRST READING

- 18. (CONTINUE FIRST READING TO THE REGULAR COMMISSION MEETING OF DECEMBER 12, 2011)
ORDINANCE 2238-2011 (First Reading) Request to consider a Rezoning from R3 to CPUD and approve a Site Plan for Covenant Fellowship Baptist Church**

ORDINANCE SECOND READING

- 19. ORDINANCE 2237-2011 (Second Reading) Providing a Major Amendment to the Commercial Planned Unit Development (CPUD) on the property located on the Southeast corner of N. Federal Highway and NW Windemere Drive; Providing for an approval of a Major PUD Amendment providing for a new timetable for approval of Construction Permits and the issuance of Certificates of Occupancy for "Windemere Point" F.K.A. Pointe at Jensen Beach Commercial Planned Unit Development; Amending the Development Timetable accordingly (Quasi Judicial)**

Terry O'Neil gave a brief overview regarding the proposed Ordinance 2237-2011.

MOTION: VICE MAYOR CHRISTIE; MOVED APPROVAL OF ORDINANCE 2237-2011

SECOND: COMMISSIONER CLARKE

ROLL CALL

MAYOR KRAUSKOPF	YES	COMMISSIONER GLASS	YES
VICE MAYOR CHRISTIE	YES	COMMISSIONER CLARKE	YES
COMMISSIONER MCDONALD	YES		

Item #17 was heard at this time:

- 17. RESOLUTION 111-2011 Authorization to Execute a Lease Agreement between the City of Stuart and Stuart 5 LLC DBA Macintosh's on the Water for that certain property known as The Shepard Park Building (Former Chamber of Commerce Building)**

Terry Iverson gave a brief overview of the proposal solicitation and lease agreement with Stuart 5 LLC.

Development Director Terry O'Neil noted the leased site would be 7200 square feet and did not include the adjoining parking lot. He displayed a proposed configuration of the proposed restaurant plus the seven adjacent boat slips as well as the proposed reconfiguration of the parking lot. He also addressed music on the premises noting Noise Ordinance standards and said the lease would contain "definitive language to cover live music and amplification" and clarified the Recreational Land Use. O'Neil said staff sees this project as a "concession as much as a restaurant," and all remaining areas of the Park will remain open to the public.

Frank M. Vass came forward and introduced himself he explained that the cliental, he hopes to capture would be 35years old and up. He anticipates promoting light, limited to golden oldies type music.

Public:

Mary Hutchinson came forward expressed concern over the lease of the building in Shepard Park.

Armond Pasquale also expressed concern over the proposal.

Helen McBride came forward and expressed concern over the residence adjacent to the building and parking and felt the building was not a good fit for a restaurant.

Kevin Hutchinson expressed concern over the boat trailer parking being taken and also the noise effects on the neighborhood.

Commission Comments

Commissioner McDonald asked about the moving of the power pole, how much it would cost and who would pay for that.

Sam Amerson stated it would benefit the City so the City could negotiate the cost of around \$3,000.00, but keeping in mind the tenant does not have exclusive rights to the parking. He stated there is no way to predict parking needs for the park because it varies so much.

Vice Mayor Christie expressed concerned over noise and parking. He asked if any FIND money was used to redo the boat slips and seawall and asked if there were any restrictions on the use.

City Manager Nicoletti stated that the City purchased the interest from FIND some time ago so there are no restrictions.

Commissioner Glass expressed concern over the pedestrian traffic going to and from the business, and the boat traffic at the boat ramp. She stated that boat ramps already lend to stressful situations and felt that adding pedestrian traffic to the situation.

Commissioner Clarke stated she was not opposed to some type of activity there and has lots of questions regarding the property. She requested the City do further notification to the adjacent neighbors because of the recreational use of the property and sound projection from the music. She also did not want to see special treatment for the property just because it is City property. She also want to see additional landscaping along US1 and inside the property.

Mr. Vass explained the renovation estimated cost toward the proposal.

Mayor Krauskopf stated he supports the City moving the power pole on behalf of the many concerned boaters. He would not support the proposal at this point, and asked the City to explore additional uses. He thanked staff for going out for RFPs but said he would be "hard pressed" to approve this tonight.

Mr. Vass clarified the lease is for 2-years with two 4-year options and he is committing to the project. If the major concerns are parking and music, he would be willing to do music at a

level the City would approve. He noted that other than weekends he has not seen Shepard Park “jammed with cars.”

Krauskopf listed his issues excluding the FPL work which is exempt from this matter. The employee and general parking, sound issue, lighting, landscaping, awareness for neighbors and the “economic net.”

Terry O’Neil noted that City Engineer Amerson thought additional parking could be explored and included in the analysis for future discussions.

Nicoletti said staff will bring this back to the Commission as early as the issues can be addressed after the site planning process.

DISCUSSION & DELIBERATION

20. Commission Calendar Meeting Dates for 2012

City Manager Nicoletti noted a proposed date for the upcoming retreat to be held on January 13, 2012 and a proposed location of the Flagler-Lyric Center.

ADJOURNMENT: 7:10 p.m.

ATTEST:

Cheryl White, CMC, City Clerk

Jeffrey A. Krauskopf, Mayor

**Minutes to be approved at the Regular Commission
Meeting This 12th Day January, 2012**