

**MINUTES OF THE REGULAR MEETING OF THE CITY OF STUART
COMMUNITY REDEVELOPMENT BOARD HELD IN CITY HALL, 121
SOUTHWEST FLAGLER AVENUE, STUART, FLORIDA ON TUESDAY,
JANUARY 6, 2009**

Those present: Donald Komara, Vice Chairman
Patty Henderson
David Collier
Gene Rifkin
Samia Ferraro

Those absent: Frank Wacha, Jr., Chairman
Pete Walson

Also present: Dan Hudson, City Manager
Paul Nicoletti, City Attorney
Doug James, Development Director
Murriah Dekle, Project Planner II
Teresa Lamar-Sarno, CRA Coordinator

I. CALL TO ORDER: Chairman

Vice Chairman Komara called the meeting to order at 4:10PM

II. ROLL CALL: Secretary

Those answering roll call and others present are referenced above.

III. APPROVAL OF MINUTES: October 7, 2008

MOTION: Samia Ferraro

SECOND: Dave Collier

Motion carried: 5/0

Public Comments:

None

Board Comments:

1. Key Lime Café – Request to consider a Major Urban Code Exception to allow for modification to the previously approved Resolution No. 23-07 relating to relief from Section 6-3 of the City of Stuart Code of Ordinances

Presentation: Murriah Dekle, Project Planner II had some housekeeping matters relating to the Staff Report which were: 1. Page 2 does not reflect the hours of operation that were originally stated in the applicant's letter included with the application. The most current

hours being requested are reflected in the Staff Report 2. Page 3 the Future Expansion Section, the number of seats the applicant is requesting to increase doesn't work out. It said they are requesting approximately 88 seats and of that 50 would be located inside and 46 outside which doesn't add up to 88, but they are trying to give an approximate number contingent upon approval 3. Page 3 "no additional parking or PILOP is required" is not in Section 2 but is listed below in that same section so they can scratch Section 2. Staff recommended approval.

Presentation: John White/Applicant

Public Comments:

Armand Pasquale said he is against bars. He pointed out the 300 foot ordinance and the noise factor. He said the live entertainment violates their agreement and the traffic would be worse.

Steve Vitale owner of the building where Key Lime is located said that he is happy with John White as a tenant and that he is his anchor. He said that none of his 13 tenants has complained about the music. The space that would be taken over is vacant and in this economy they need to be very proactive and he is 100% in support of this.

Gary Hawkin owns property in downtown Stuart and said that success of small businesses is in the uniqueness and that balance is important. He said if someone changes their business model, that doesn't necessarily mean that the code needs to change to accommodate that. He said he sees us inching away from the present requirements and requests that this be turned down.

Board Comments:

Don Komara asked how refuse was taken care of.

Murriah Dekle responded that the sanitation department had reviewed the application.

David Collier asked what new structure would be built.

Doug James replied that no new structure would be built; they are renovating the existing building.

Gene Rifkin said a successful downtown needs balance and she sat on the Commission when they enacted the 300 foot ordinance and thought that by breaking the rule they would set a precedent. She empathizes with John White but didn't agree with breaking the precedent.

Dave Collier said he originally brought the idea about for the 300 feet. He said he is against the recommendation except for the fact that when the 300 foot limit was in effect there were two additional full scale restaurant/bars in the area. His recommendation was to temporarily defer this until Staff can develop a plan to limit the number of liquor licenses in downtown.

Gene Rifkin agreed and asked if Staff could develop something better than the Land Development Code.

Samia Ferraro asked if the bank loan is contingent upon the liquor license.

Patty Henderson said she is concerned that they are upgrading one property owner and downgrading another. She couldn't believe that the noise wouldn't be an issue but said that they do feel for the business owners.

John White responded that there is a noise ordinance now.

Samia Ferraro said she considered beer and wine as liquor and didn't think there was a big difference. She said that she would like to be able to go downtown and get something to eat after 9PM but thought that 2AM was excessive.

Don Komara agreed that balance is key but when that rule was made, there was a saturation of bars and restaurants.

Dave Collier said if you looked at what has happened since the 300 feet was put into effect, there was never a time when an existing restaurant or bar didn't reopen as a restaurant. He suggested that they defer this for a month and have Staff come back with a recommendation on some way to deal with what the current situation vis-à-vis what it was.

Don Komara suggested Staff come up with the ratio and let it go on to Commission.

Doug James said the code is the code and they would be seeing another Code exception from the TA Vern's location.

Paul Nicoletti said that Mr. Dehon had requested, prior to the expiration of the exception, to make this extension in his name. He said there is the possibility that they could trigger some sort of moratorium on the issuance of licenses. He suggested they vote on this issue based on the existing code and if they have a further recommendation to the City Commission, then feel free to do that. He said maybe there just needs to be a set number of licenses in the downtown area.

Gene Rifkin asked if they should look at other successful cities downtown areas.

Don Komara asked why they would reserve the right for some unknown restaurant when there is someone here now with a successful business.

Steve Vitale said he understands balance, but the City is in a state of emergency. There are many vacancies now and if John White doesn't get this there will be many other vacancies. If they don't do something now to help an existing business then he will leave. He said they should pass this then tweak the code.

Gene Rifkin asked Staff for some way that they could vote for this but be sure to keep the balance.

Paul Nicoletti replied that if they approve this, any other exception would have to come before them. He said they have already been talking about the number of licenses in the area and maybe that should be the limit.

Dave Collier thought that they should have a number and that should be the end of it.

Dan Hudson said that he concurred with Paul's recommendation in that they should take action on this application and they would come back with some language.

MOTION: Dave Collier moved to approve the request to consider a Major Urban Code Exception for the Key Lime Café to allow for modification to the previously approved Resolution No. 23-07 relating to relief from Section 6-3 of the City of Stuart Code of Ordinances but that Staff provide to the Commission when this comes forward the comments of the CRB in two areas: 1. They think the operating hours should be brought back to midnight 2. With the new noise ordinance, the wording in the special exception regarding "use of amplified music" be looked at in an effort to provide control and compliance with the new noise ordinance.

SECOND: Samia Ferraro

Motion carried 5/0

2. Women Supporting the Arts Mural Grant Update – Item Tabled

MOTION: Samia Ferraro moved to amend the agenda and move the item to the February 3, 2009 meeting

SECOND: Dave Collier

Motion carried 5/0

Public Comments:

Board Comments:

3. Dockside Property Update

Presentation: Dan Hudson

Public Comments: None

Board Comments:

The board thought it was a great idea and congratulated Paul Nicoletti on his work.

4. 2009 CRA Tour

Presentation: Teresa Lamar-Sarno

Public Comments: None

Board Comments:

Samia Ferraro said she feared that this would be like the last tour they took when nothing happened.

Dave Collier said they couldn't do three cities and suggested Winter Park.

Don Komara said that not all of them needed to go, they could see it in slides. He said they should go there with an agenda.

The board suggested February 6, 2009.

5. Presentation of the CRA Action Report

Presentation: Teresa Lamar-Sarno

Public Comments: None

Board Comments:

Samia Ferraro said that it is commendable, it just seems that there is no timeline or specifics and it is really not an action plan, more goals. She said they would like to see something more specific.

Dave Collier asked why they are commenting as the CRA has already approved it. He thought they were moving ahead 60 miles an hour and this looks like it is in park. He said they wanted to set priorities and timelines and work through them.

Gene Rifkin said an action plan says to her what they are going to do, the timeline and who is going to do it and thought this was a very vague set of goals with no movement to it. She asked for the minutes from the last CRA meeting as there were many comments made.

Teresa Lamar-Sarno said she would bring back timelines for them, but some would be estimates.

Samia Ferraro asked if they would need a consultant or asked if Staff could handle it.

Gene Rifkin asked if Teresa could come forward with three achievable projects.

Teresa Lamar-Sarno said her goal was to have something by the end of the fiscal year that they can say they have gotten done.

Dave Collier suggested a workshop.

Patty Henderson said the more they workshop, the less they get done and they should let the CRA Coordinator have some time and get some items nailed down.

Dave Collier said the CRA director was hired to direct, not plan and they needed someone to lay out clearly who is going to do what. He said he wanted to take the action plan and move ahead with it as quickly as possible with available staff, money and consultants.

Don Komara said they should take the action plan and group together related items and make them happen.

Samia Ferraro asked what is next.

Dave Collier replied that Teresa has heard enough and can come up with more than enough to start an agenda for a workshop.

6. CRA CIP Re-evaluation

The board tabled this item until the next meeting

Public Comments:

Board Comments:

7. Presentation of the Preliminary 3-year TIF Budget Projects

The board tabled this item until the next meeting.

Public Comments:

Board Comments:

MOTION:

SECOND:

Motion carried

IV. NEXT CRB MEETING:

February 3, 2008

V. ADJOURN:

MOTION: Dave Collier

SECOND: Gene Rifkin

Motion carried

Vice Chairman Komara, there being no further business before the Board the meeting is adjourned at 6:35PM.

APPROVED

RESPECTFULLY SUBMITTED

Frank Wacha, Jr., Chairman

Michelle Vicat, Board Secretary