

**SPECIAL MEETING OF THE STUART CITY COMMISSION
HELD ON MARCH 19, 2012
AT 4:30 P.M. IN THE COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994**

CITY COMMISSION

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

Also in attendance were:

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

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

PLEDGE OF ALLEGIANCE

DISCUSSION & DELIBERATION

- 1. Discussion of a proposal by the Downtown Business Association of Stuart to amend Chapter 4 “Alcoholic Beverages” in the “Old Downtown Section”**

City Manager Nicoletti explained the letter he had received from Downtown Business Association requesting the City consider removal of the Alcoholic Beverage Ordinance that is currently in effect and discussed at a future City Commission Meeting.

Patty O’Connell, President of the Downtown Business Association came forward and explained the Downtown Business Association and how it is comprised. She said the DBA is requesting the City look at amending the current Alcoholic Beverage Ordinance, specifically look at the loophole that allows property owners in the downtown area to retain an alcohol license for an un-reasonable amount of time, while the property remains vacant. Also, they are asking that they examine the 30% square footage saturation level, which limits the amount of alcoholic sales involving consumption on the premises. Finally, they are asking that the City consider a specific exempt category for certain people such as retail establishments that may sell or serve beer and wine in a minimal special event basis, or something like a deli. She said the DBA does not support or endorse the Downtown Stuart in any way becoming a bar and nightclub district.

Ron Hart came forward and to support the Downtown Business Associations request.

Paul Daley, downtown business owner expressed concern over the proposal of the DBA, and the expansion of allowing businesses additional beer and wine licenses. He also expressed concern over the lease of the former Dockside Restaurant. He said it would create a parking problem.

Armond Pasquale came forward and stated he did not want to see the alcohol ordinance change.

Bob Flagg property owner came forward and stated he does not want to see the alcohol ordinance change in the downtown, but supports looking at more competitive businesses and allow beer and wine with control it through the percentage of sales.

Ana Hernandez all spiced up business owner supports change by the DBA but does not support nightclubs.

Mike Braid came forward as an observer on behalf of Stuart Mainstreet. He asked that the city take a good look at the proposal and not make a quick decision.

Veronica Pasquale came forward and expressed concern over the regulation of such a proposal, and she also stated the City has a real problem with parking in the downtown.

Amy McNally, Stuart Main Street stated that Main Street has not taken a position, and are only gathering information today, to look at what is in the best interest for all parties involved.

Commissioners Comments

Commissioner Glass Leighton not prepared to comment.

Commissioner Krauskopf stated he was not in favor of any change to the current Ordinance.

Commissioner McDonald stated he would entertain looking at the loophole in the current Ordinance that allows property owners in the downtown area to retain an alcohol license for an un-reasonable amount of time, while the property remains vacant.

Patty O'Connell came forward to emphasize the issue with the vacant Post Office Arcade, and the fact they have been able to hold an Alcohol License for 6 years.

Vice Mayor Clarke suggested the City hold a future workshop to discuss the matter.

Mayor Christie did not support changing the current Ordinance in effect but did direct staff to look into the loophole in the current Ordinance that allows property owners in the downtown area to retain an alcohol license for an un-reasonable amount of time, while the property remains vacant.

Vice Mayor Clarke asked staff to look into the building vacancy for 90 days and if that is congruent with the holder of the alcohol license from the State of Florida.

City Attorney Durham stated he thought it maybe in the construction phase.

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL TO HAVE THE CITY ATTORNEY BRING BACK IN MEMO FORM FOR DISCUSSION THE ISSUE OF ALCOHOL/ CONSTRUCTION LICENSE BEING HOLD UP WHAT IS PERSEVED FOR AN UNDULY LONG TIME AND THAT THE BALANCE OF THE EXISTING RATIONAL EXISTING ORDINANCE REMAIN AS IS.

SECOND: COMMISSIONER GLASS-LEIGHTON

Mike Braid came forward and expressed concern over the Post Office Arcade being empty. He said it is perfect for what it is and if the City revokes the alcoholic license no one benefits.

Dave Collier came forward and expressed concern over future litigation with the owner of the Post Office Arcade. He suggested letting the Mainstreet Board to deal with the property owner to tie it into some of the current planning on Seminole Street. He encouraged the City to not tighten the regulations and feared that would bring an increased load on the local court system.

MOTION APPROVED UNANIMOUSLY

2. Consider a proposal by Pusser's West Indies, Ltd. To operate a Restaurant in the former Dockside Restaurant property at 131 SW Flagler Ave.

City Manager Nicoletti gave a brief overview regarding the proposal from Pusser's West Indies, Ltd to operate a Restaurant in the former Dockside Restaurant city owner property. He stated that after staff discussions with the proposed tenant then an agenda item would be prepared for the City Commissions approval at a later date.

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL STAFF RECOMMENDATION

SECOND: COMMISSIONER MCDONALD

Helen McBride asked where would City Employees park once the former Dockside Restaurant begins operating?

The City Manager stated they would not come back and park at City Hall but would be relocated to another parking area. He said the City has been looking at expanding parking on the already existing parking lots.

Armond Pasquale came forward and expressed concern over the Bar downstairs on the water and the noise that travels across the water to his residence. He asked that the City not allow the proposed tenant to operate the bar.

Commissioner Krauskopf said he felt it was unreasonable to handcuff the proposed tenant and would encourage staff to negotiate “no amplified music” in the lease agreement in the lower bar portion.

Robert Steinberg came forward and expressed concern over Mr. Pasquale single out one business regarding music was unfair because many events in the downtown and many businesses have live music. He also noted that the City Charter states all City owned property must be leased at not less than 10% rate of the actual assessed value of the property, and the City just purchased the property for close to \$4-million dollars.

Paul Daly came forward and expressed concern over the amount of parking spaces needed to operate the former Dockside Restaurant.

ROLL CALL

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

ADJOURNMENT 5:27 P.M.

ATTEST:

Cheryl White, CMC, City Clerk

James A. Christie Jr., Mayor

**Minutes to be approved at the Regular Commission
Meeting This 9thDay April, 2012**