

COMMISSION CONFERENCE**OCTOBER 21, 2003**

<u>Agenda Item</u>		<u>Page</u>
OB	Sunrise Intracoastal Construction	1
I-A	Florida Department of Transportation (FDOT) Proposed Traffic Safety and And Operational Improvements on S.E. 17 Street (Federal Highway to S.E. 10 Avenue	2
I-B	Florida Inland Navigation District (FIND) – Funding Participation Request for Intracoastal Waterway and the New River Deepening Study	4
I-C	City of Clearwater Residential Rental Housing Inspection Ordinance	4
I-D	Utility Advisory Committee – Tree Preservation Committee	10
I-E	Construction Project at Fire Station No. 47 (1000 S.W. 27 Avenue)	12
I-F	Proposed Criteria for Review of Certificates of Public Convenience and Necessity	13
II-A	Proposed Revision to Policy and Guidelines – Substantial Rehabilitation Program	16
II-B	Installation of Irrigation Meters in Washington Park Area	16

COMMISSION CONFERENCE

2:30 P.M.

OCTOBER 21, 2003

Present: Mayor Naugle
Commissioners Hutchinson, Teel, Moore and Trantalis

Also Present: Acting City Manager
City Attorney
City Clerk
Sergeant At Arms – Sergeant M. DiMaggio

OB – Sunrise Intracoastal Construction

Commissioner Teel stated that she had an item she wanted to discuss before the Mayor began with today's agenda because she felt it was a safety issue that needed to be addressed immediately. She believed this was an emergency situation.

Commissioner Teel stated that due to the Florida Power & Light project that was taking place at Sunrise Intracoastal, a dangerous situation was being created by the subcontractor that they had hired. She proceeded to show photographs of the site. She continued stating that the owner of the vacant lot had not granted permission to the subcontractor to use the lot. She explained that the subcontractor had piled dirt on the lot to about 15' in height, along with a pile of asphalt debris. In addition, she stated there was possible pollution taking place with 50 gallons of fuel that was spilling onto the ground. She stated that there were children playing on the pile of dirt. She further stated that the owner had told the contractor on Friday to remove the dirt. She advised that the owner had granted them permission to put pipes on the lot.

Commissioner Teel stated further that Greg Kisela and she had met with representatives of FPL over two weeks ago regarding other issues, but nothing had been done. She stated they were asked to fence the area, but they had not done so. She continued stating that she wanted the project shut down until a safe environment could be created. She also stated that she had spoken with the job foreman yesterday, and had been told that they had the right to use the right-of-way and would place the pipes and equipment throughout the neighborhood. She stated they were destroying the neighborhood.

Mayor Naugle stated if they were using private property without permission, they were engaging in criminal activity. He stated they needed to find out if they had permission to use the lot for their equipment, and they also needed to find out if they had received permission to use the lot west of 751 Middle River Drive, where they had pipes discharging mud into the Middle River. He stated that he also wanted to know if they had an electrical easement where they were drilling under the Intracoastal.

Greg Kisela, Assistant City Manager, stated that FPL had represented to the City that they did have such easement. Mayor Naugle stated that he wanted to see either a copy of the easement or documentation showing such.

Commissioner Hutchinson asked if this information could be obtained before the Commission's Regular Meeting this evening. She suggested that staff go higher up in the company to find out the necessary information so the matter could be addressed. She stated the City had permitted the project and was allowing this to continue, and if they were using the property without permission the job needed to be shut down today.

Mr. Kisela stated they had represented to the City that they had permission from the property owner to use the lot.

Commissioner Teel stated that what they were representing was not necessarily the truth. She advised that she had spoken to the property owner today, and he had gone over to his lot several months ago and had discovered the equipment at the site. He had asked them what they were doing and was informed that a realtor had given them permission to use the lot. The owner stated he had never been contacted for permission to use the lot. He was then told they would pay him \$750 to use the lot, but the owner stated he was upset that he had not been contacted. After further discussions, the owner granted them permission to place the pipes on his lot. Commissioner Teel provided the owner's phone number to the City so they could contact him.

Mayor Naugle stated that supposedly some heavy equipment had broken down and was left in the street for the past month. He stated that public utilities should not be allowed to store their broken down equipment on public right-of-way. Mr. Kisela stated that they had required them to stop where they were going to do the directional drilling, and had just recently given them permission to start the project back up again. He further stated the directional drilling had to stop because they could not get across the Intracoastal. He advised that he would check.

Commissioner Teel stated that they were bringing in dirt and asphalt to the vacant lot.

Action: Report to be provided at the 6:00 p.m. Regular Meeting

I-A – Florida Department of Transportation (FDOT) Proposed Traffic Safety and Operational Improvements on S.E. 17 Street (Federal Highway to S.E. 10 Avenue)

Dennis Girisgen, Engineering, stated that FDOT would make today's presentation. He stated that FDOT had looked at various funding opportunities, and if the Commission endorsed the project, they would design it and begin construction in 2005/2006.

Jonathan Overton, FDOT, proceeded to show a map describing the area of the project. He further stated that their project goals were safety, traffic operations, and access management. He explained that in their conceptual study they looked at safety investigation, along with accident records, traffic operations, and public support. He advised that they were concerned about the existing heavy congestion in the area, the limited right-of-way, signalized intersections, and pedestrian activity.

Mr. Overton proceeded to show a diagram of the existing conditions at US-1 & SE 17th Street. He then proceeded to show a diagram of the accident history for that area. He added that the westbound left turn movement had heavy delay. Mr. Overton then showed a diagram of what was being proposed for the area. He explained they would extend the left turn lanes westbound to southbound, and replace the signal at Miami Road with a westbound left turn signal only. He also added that a new signal would be installed at SE 10th Avenue, along with better overhead signing for the entire area.

Mr. Overton continued stating that the project would help mitigate the congestion and provide air quality improvements. He added that the cost of the project would be \$1,135,603.

Commissioner Moore left the meeting at approximately 2:40 p.m.

Dana McDonald, representative of Harbordale Homeowners Association, stated they had discussed this project, and at their last meeting they were in support of the project. She added they were also concerned about 20th Street which was not presently included in the project.

Commissioner Moore returned to the meeting at approximately 2:43 p.m.

Commissioner Hutchinson stated there had been a lot of discussion as it related to opening S.E. 20th Street, and the City had not had the opportunity to review conditions of the roadway and how it would impact traffic. She asked if 20th Street was closed, would they be able to eliminate the left turn at Miami Road. Since the project was not going forward until 2005/2006, she felt that would give FDOT and the City the opportunity to review the matter, and if possible develop a JPA agreement between the two governmental entities, and consider the opening of 20th Street. She stated that many residents south of 17th Street have not had the opportunity to give their input, and she wanted them to have the opportunity to meet and discuss the matter as to what would be the better project. She stated that this was a project that needed to happen not just for the Harbordale area, but for the entire City. She felt it was a safety issue and traffic would flow better. She believed there was an opportunity to delay the light at Miami Road so as to discourage people from using it, and encourage them to go to the intersection that was capable of carrying the traffic.

Mayor Naugle stated that Broward Boulevard was a horrible example of a wasteland for pedestrians to cross and this area appeared similar, and asked what was the measurement of the turning radius under this plan. Mr. Overton stated he did not have the detailed measurement, but they were going to include all pedestrian features that were necessary to cover ADA requirements, install high crosswalks, and also look at the possibility of count down signals at the intersection. Mayor Naugle asked if this plan could be adjusted because there was a present situation where about 70% of the people did not stop to make a right turn on red. He stated that the turning radius allowed those turns to be made quickly.

Commissioner Hutchinson asked if they could find out what the radius was and report back to the Commission. Mr. Girisgen explained it was not currently in the plan to reduce the right-turn radius, but the matter could be discussed with FDOT because they had minimum standards for their major highways. Mayor Naugle remarked that it moved traffic quicker, but killed pedestrians.

Commissioner Trantalis asked what landscaping was going to be done. Commissioner Hutchinson added that possibly landscaping could be installed where they were removing the median and trees. Mr. Overton stated that the project was totally funded with safety monies, and they could not use federally funded monies which were allocated for safety improvements for beautification. He did remark that there was an opportunity for the department and the City to look at some joint participation to beautify the area.

Mr. Girisgen stated that staff could pursue two potential funding sources. One of those sources was the FDOT Highway Enhancement Program, and the other was the Broward Beautiful Grant Program.

Commissioner Teel remarked that this area was an important entryway into the Port.

Commissioner Hutchinson asked if they were able to use Broward Beautiful grant money as a matching program. Mr. Girisgen stated that he believed they looked favorably at matches, but further stated that they also had to budget this into the annual maintenance budget for irrigation.

Action: SE 17 Street project approved. Presentation regarding 20th Street project would be made in the future.

I-B – Florida Inland Navigation District (FIND) – Funding Participation Request for Intracoastal Waterway and the New River Deepening Study

Commissioner Hutchinson asked where the funds were coming from.

Jamie Hart, Supervisor Marine Facilities, stated that monies had been left from dredging the New River which could cover the cost, and there was a balance of monies also in the waterway sign project account. He explained the grant would cover 75% of the amount needed.

Commissioner Hutchinson clarified that their portion of the funds were less than \$20,000. Mr. Hart confirmed and stated the amount of \$19,751. Commissioner Hutchinson asked how much money was remaining in the dredging account. Commissioner Teel stated there were many dredging projects that needed to be done in the City. Mr. Hart advised there was approximately \$18,000 left from the dredging, and \$2,000 in the sign account which could be utilized. He advised there was a grant for \$120,000 for signage

Action: As recommended.

I-C – City of Clearwater Residential Rental Housing Inspection Ordinance

Lori Milano, Director of Community Inspections, stated that staff was asked to bring forward the ordinance regarding residential rental housing that was presently in place in the City of Clearwater. She stated that she had spoken with that City's Housing Inspector. She further added that the population of Clearwater based on the 2000 census data was 108,787 compared to Fort Lauderdale's population which was 152,397, and due to annexations the City now had about 166,922 residents. She continued stating that their ordinance had been adopted in 2002, and they had just begun to implement it in January, 2003. She stated they had sent out a letter in May, 2003 to all property owners advising them of the adoption of the new ordinance and the City's intent to enforce it. She explained that one housing inspector would be in charge, and they did not feel it would generate any additional revenue. She further stated they had adopted the ordinance in an attempt to address problems they had experienced in their rental properties.

Ms. Milano further stated that they charged \$28.75 per license for up to 5 units, and \$1.60 per unit over and above that amount. She stated they were unable to discuss the effectiveness of the ordinance since it was in its early implementation stages.

Commissioner Teel stated that at her district meeting one of the land use attorneys in her area had told her that the Cities of Pompano Beach and Coral Springs had a similar ordinance. Ms. Milano stated there were various cities throughout the State that had such ordinances.

Commissioner Moore stated it was good to know that those citizens had not found this ordinance to have adverse impacts. He further stated that various municipal entities had found it necessary to license rental units, and it was one way to identify such units. He stated there were a number of single-family homes that were also rented in the community, and he did not want the multi-unit landlords to feel they were being targeted. He felt such an ordinance would give the City an opportunity to have a licensing procedure that could enhance revenues so that additional workers could be hired, or it could take care of the City's present staff. He stated that he had another example of a licensing program from Hagerstown, Maryland. He stated the landlords to asked to look over the applications given them and make any changes necessary, and there was a charge of \$39 per unit annual fee.

Commissioner Moore stated Clearwater's goal was to identify and eliminate blight, and he believed their document was an educational piece. He explained that if they made visual sitings of code violations from the exterior, then they would have the authority to enter the interior. He stated that he felt there needed to be the opportunity for an inspection process which could be done every 36 months.

Mayor Naugle stated that the City now licensed 4 or more units, and asked if the occupational license would be for less. Commissioner Moore confirmed and added that triplexes, and duplexes and other similar structures would now have to obtain a license. Mayor Naugle stated that the City's Housing Authority inspected all of their units for which they had certificates. Commissioner Moore reiterated that the Housing Authority did make inspections when properties were first rented out under Section 8, unless the occupant complained.

Philip Goombs, Director of Fort Lauderdale Housing Authority, explained that they did an initial and annual inspection, and advised that they had about 2,000 units. He further explained they inspected for health and safety issues.

Commissioner Hutchinson left the meeting at approximately 3:12 p.m.

Commissioner Trantalis remarked that he felt such an ordinance would create many problems.

Commissioner Moore stated that this City on June 20, 2003 had sent out over 3,800 applications and over 3,000 were returned. He further stated that there was over an 80% compliance rate the first year it had been done.

Commissioner Hutchinson returned at approximately 3:13 p.m.

Commissioner Moore reiterated that he did not feel that anyone should be afraid of such an ordinance. He stated the goals of their program were to identify and eliminate blight, preserve and enhance existing housing, to identify unsafe buildings, assist owners in eliminating dangers, making the City more attractive, making owners more responsible to abide by the Code, bring housing into compliance, engage community involvement, and improve the living conditions for all citizens while positively affecting property values.

Commissioner Moore stated that the individuals who felt such an ordinance would be problematic with rental units were not Section 8 owners, but were low-wage earners who were not able to obtain a Section 8 certificate and who could not afford to be evicted from their apartments.

Gerry Cooper, Commissioner with Broward County Housing Authority and a landlord, stated he was impressed with the professionalism of the City's Housing Authority. He stated they made initial and yearly inspections when the leases were renewed which were very detailed. He explained that Section 8 certificates were no longer in existence and were now known as something else, but they traveled throughout the United States. He further stated that as a landlord there had never been a lack of code enforcement by the City's department. He believed the issue concerned the follow-up. He stated that under the Clearwater system, he did not see that the City would have any more power than what it already had. He stated they were already being inspected by the State and County, and the City Fire Department.

Mr. Cooper further stated that they had sent a letter to all tenants regarding the possibility of inspections, and many of them felt they were good tenants and did not want individuals coming into their homes. He stated there was no better inspector than the tenant living in the building and using the appliances.

Commissioner Moore asked how many rental properties Mr. Cooper owned in the City. Mr. Cooper replied that he could not give an actual number, but was a substantial owner of property in the City. Commissioner Moore asked out of all Mr. Cooper's properties, how many were voucher recipients. Mr. Cooper stated that he had zero under the Broward County Housing Authority, and possibly 25 with other housing authorities. Commissioner Moore stated this was the point he was attempting to raise consistently which was that unless Mr. Cooper permitted an inspector on his rental properties, there would be no inspections.

Mr. Cooper stated that they were inspected by the Fire Department and City inspectors.

Ms. Milano stated they had a good relationship with the Fire Department and they referred violations and complaints to their office.

Mr. Cooper further stated that there was so much outside work to do, an attempt to do more was asking too much. Commissioner Moore reiterated that he did not feel it was never too much to offer an individual a clean and decent environment to live, work, and play in. He felt the licensing opportunity that was being proposed would motivate property owners to make the necessary improvements to the property. He advised that recently the Commission had waived a \$500,000 lien on a rental unit in the northwest quadrant because the building had been repainted and the parking lot had been restriped. The next week when the code inspectors went to that property for an interior

inspection, it was found that work was being done without permits. He believed they needed to get inside the buildings on a routine basis for the benefit of the tenants.

Jeff Biegelson, representative of a number of corporations in Commissioner Moore's district, stated that the issue which he believed was valid was that there was a multitude of code compliance problems, and the City never had a problem identifying code violations on the exterior. He stated that the property owners who were compliant were not the problem. He continued stating that the Clearwater ordinance, in respect to licensing issues and interior inspections, was merely a fishing expedition. He stated there was no record to show a need for intrusive interior inspections, and he felt that would be heavy-handed government intrusion on the rights of private homeowners. He further stated that the issues raised by Commissioner Moore regarding code compliance all evolved around the problem the City had which was the lack of tools to enforce the uncooperative property owner to maintain the property, repeat violators.

Mr. Biegelson stated that the issue regarding interior inspections, licensing fees and the money involved was important because there were hundreds of units in the northwest and there were no code compliance problems. Issues brought to their attention were immediately taken care of. He further stated they were dealing with low-income people who were not being subsidized. He felt there was ample opportunity through the State Division of Hotels and Restaurants which they were licensed by who came to inspect every 6-9 months, and complaints could be made to them. He also stated that the Health Department and Code Enforcement were other opportunities to deal with code problems. He felt this was another bureaucratic layer that landlords would not be able to handle without raising the rents. He encouraged the Commission to be aware that there were 2 problems which was the lack of cooperation from bad property owners, and the City needing a stricter tool to deal with these problems.

Commissioner Moore stated that he agreed with Mr. Biegelson that the cost would eventually be placed upon the tenant just as the costs for other improvements were passed on for improvements to the properties. He asked how many years Ms. Milano had been the Director of the Code Enforcement Department. Ms. Milano replied she had been the Director for about 8 years. Commissioner Moore asked if in that 8 years had she ever revoked a license from a person not maintaining their property. Ms. Milano replied she had not. Commissioner Moore reiterated that a method was needed to make individuals who were repeat violators to not have the opportunity of offering rental units in this City.

Caldwell Cooper, member of the Code Advisory Committee, stated that this issue had been discussed for several months. He advised that Commissioner Moore had taken this matter out from the Committee and presented the matter to the Commission without the goodwill of the Committee. He stated that before the last Commission meeting, the Committee had taken a bus tour to look at "blighted" properties in the various districts. He stated that he had a difference of opinion from other members, but of the 7 properties looked at in District III, one had been slated for demolition with another being contemplated for such action, but most items were "curb appeal" matters. He felt the department had ample tools to address the problems. He stated that possibly Code Enforcement needed additional personnel, but to open "Pandora's Box" and add the interior inspections, he felt would be an impossible situation to handle. He stated that possibly the Committee needed some direction from the Commission as to how they should proceed.

Mr. Cooper added that he also was a landlord and asked how could a substantial landlord ever be able to facilitate and meet with inspectors. He remarked that he did not have life safety issues at his properties, and if one occurs it is immediately taken care of. He felt they should begin cleaning up the outside before worrying about the inside, and be proficient at one job.

Commissioner Moore stated that by putting a license on these properties, it would help them keep the properties maintained or licenses would be revoked. He also stated that Mr. Cooper and Mr. Biegelson were probably the most sophisticated landlords in the City, and would guarantee that they could inspect their rental properties. He stated it would just be another rule to play by and would not be detrimental.

Commissioner Moore stated that the reason this item was pulled from the Committee was because it was the most controversial, and he had been told by individuals on the Committee that there were members preventing the dialogue of such a discussion. He stated that he had asked the Commission to pull this item from the Committee's discussion so the Commission could provide further direction to the Committee.

Mr. Cooper asked if Commissioner Moore was stating that he was going to levy more fines on individuals who were not paying them, and the Commission was not willing to collect and foreclose on. Commissioner Moore stated that the answer was why individuals had been placed on the Advisory Committee, which was so they could offer changes to the present Code that would enable them to address the problems in a quicker fashion and eradicate the existing problems.

Commissioner Trantalis stated that this item had not yet been completely considered by the Code Advisory Committee, and he did not think it was objectionable to have them review the problem. He felt the presentation was important, but in respect to the Committee, he believed the issue should be discussed by them.

Commissioner Hutchinson stated that something was needed and everything shown by the Code Board last month pertained to exterior problems. She stated they still had not gotten those issues right. She reiterated that she was not convinced that what was being proposed would be the right tool. She stated there were problem properties which had been that way for 10 years, and the City could not get a handle on them. She believed this would not generate revenue, but she felt it would require more staff, and therefore, more overtime.

Marge Rehead, resident of Victoria Park, stated that she wanted to talk about a situation which existed across the street from where she lived. She stated that a single-family home had been turned into two apartments and there was no egress but for a wooden stairway from the second floor. She stated there had been a fire due to poor wiring and the individual had to go through the fire down the rickety stairs to safety.

Mayor Naugle stated that they would have the Fire Chief check out the situation.

Commissioner Moore asked if there was anything in the Code which would permit the revoking of a license. The City Attorney replied there was no such provision. Commissioner Moore stated this matter could be returned for discussion to the Advisory Board or the Commission could make a decision directing them to arrive at more of an

educational tool or a licensing tool. He believed there had to be some methodology by which they could address individual housing needs in a responsible manner.

Mayor Naugle asked how many units in the City on a percentage basis were code enforcement problems. Ms. Milano stated she was not sure of the percentage. Mayor Naugle stated he believed the worst were less than 5%, and he felt this type of approach would add another fee, tax or procedure on the other 95% in order to capture the 5%. He stated they wanted to do things better and save money, and he felt this would be inefficient.

The City Attorney stated he believed what they issued was an occupational license which was a tax and not a regulatory fee, so they would not be able to revoke such a license.

Mayor Naugle asked if such an ordinance was created could they require landlords to give the City access to someone's home without the person's permission. The City Attorney stated they were researching the issue. Mayor Naugle asked what if the tenant or property owner refused entrance to the property. The City Attorney stated they would have to decide at that time if a warrant would be necessary. He recommended that no doors be broken in.

Commissioner Moore asked what if the individual had a lease agreement which stated that inspections could be done at the owner's request. The City Attorney stated that if they had a regulation, than as a condition of doing business in the City, and there was a legitimate public purpose for such a regulation, then they would have to conform the leases to do that, otherwise they would be in violation. He stated they were proposing an actual licensing.

Mayor Naugle asked if they could circumvent the 4th Amendment. The City Attorney explained they were discussing a license to do business, as opposed to an occupational license.

Commissioner Trantalis stated that they could not pre-waive Constitutional rights. Commissioner Moore stated that it was so basic that other municipalities were beginning to do this. He reiterated that it was up to the policymaking boards and what their intents happened to be.

Commissioner Teel stated there was a problem, but in looking at the City as a whole and in looking specifically at Galt Ocean Mile which had certain requirements in the condominiums, she felt they would be "biting off more than they could chew." She felt efforts should be made towards the violator.

Ms. Milano explained further that the Clearwater ordinance did not apply to hotels, motels, or resort condominiums. She reiterated that Clearwater had not yet tested this ordinance because it had not been in force for a long period of time, but they had indicated that if approvals were not granted for interior inspections, they would have to obtain search warrants.

The City Attorney advised that for 5 units or more inspections were presently being done. Ms. Milano stated that the Fire Department inspected 4 or more units. Commissioner Moore stated it appeared there was no consensus in moving forward with

this matter. Commissioner Trantalis disagreed and stated there was a consensus to move forward, but to let the Committee proceed with their discussions and recommendations. Mayor Naugle stated he did not even want the Committee to get further “bogged down” on this matter until they received more information.

Commissioner Teel felt staff could address this and deal with the 5% offenders. Mayor Naugle agreed. Commissioner Trantalis stated it was not the majority who were the problem, but this would be an attempt to generate revenue to help the deficiency of housing units that existed in the City. He felt it would be an undue burden to inspect all rental units. He suggested that some threshold be established that would trigger an inspection.

Commissioner Hutchinson suggested that the Committee look at developing a tool to deal with the small percentage of violators that would facilitate compliance. She stated she was not looking at this as a City-wide issue. She stated there were “witch-hunts” occurring now, and this would only open the door to a bigger problem and she was not supporting this.

Action: Code Advisory Committee to recommend a solution to deal with the small percentage of violators.

I-D – Utility Advisory Committee – Tree Preservation Committee

Greg Kisela, Assistant City Manager, stated that the Utility Advisory Committee was making a recommendation to the Commission that a tree preservation committee be formed to deal with issues regarding the tree canopy. He further stated they had not done any analysis regarding staffing such a committee because they wanted to first receive direction from the Commission.

Commissioner Moore left the meeting at approximately 4:41 p.m.

Commissioner Hutchinson asked why this could not fall under one of the City’s existing boards such as the Community Appearance Board. She stated that previously that Board had worked on the arbored streets. She further stated that there was not an arborist who worked with the Board, but asked if there would be an opportunity for the Board to have an arborist as a member. Mayor Naugle stated that possibly an arborist, a landscape architect, and someone from utilities could also be part of the Board.

Commissioner Trantalis asked if this Committee had not been originally formed due to issues regarding trees. Mr. Kisela confirmed. Commissioner Trantalis further stated that this Committee was actually a tree preservation committee in some respects. He felt they did not need to have another separate committee, but could add to the mission statement.

Mayor Naugle stated that he felt they wanted an ordinance, similar to the historic preservation ordinance, that had a mechanism to deal with the issues. He stated since they were unable to add an historic preservation specialist, he did not feel they could afford to do this at this time.

Tom Chancey, arborist, stated that the UAC had started out as a tree preservation committee due to the line clearance and utility issues, but had expanded to substations

and power plants and became diversified in their focus. He reiterated that only a few of them were related to the tree issue, and more specifics were needed. He continued stating that they had discussions with the Commission previously regarding the need for upgrading the landscape preservation ordinance that was already in existence from the standpoint that the value system was too low. He stated the County and City were losing their canopy due to development, and changes needed to be made. He stated they were attempting to focus on a broadening of that base, but were not encouraging the Commission to start another Board or spend additional resources. He reiterated that the group could be a committee at least for now.

Mr. Kisela stated he was not advocating for or against such a group, but in the last 18 months he had learned from this Committee that expertise was needed, and whoever would work on protecting the tree canopy would have to possess such expertise. He reiterated that it was more of an art than a science. He added that every tree was unique and how they were trimmed was important. He further stated that Asphlund trimmed about 75% to 80% of the trees. He stated that this Committee attempted to deal with this issue, but were unable to do so.

Commissioner Hutchinson suggested that possibly this group should be a subcommittee of the UAC with arborists as members so perspectives could be given as to what could and could not be done.

Commissioner Teel asked how much was the Community Appearance Board being utilized at this time. She stated the UAC was pretty busy with the various issues going on at this time. She felt that individuals with the necessary expertise could be placed on the Community Appearance Board.

Mayor Naugle suggested that Tom Chancey and Bunney Brenneman give a presentation to the Community Appearance Board for their input. Commissioner Hutchinson suggested that a Friday memo be given to the Commission on the issue.

Mr. Chancey stated that the Community Appearance Board had been spending their time seeking properties. He felt they needed a group to have complete focus on the tree issue.

Commissioner Moore reiterated that he did not want to create another advisory board, and if it was appropriate to form an ad hoc committee of the UAC, he would be in support of that recommendation. Commissioner Hutchinson stated if it required placing individuals on the committee with appropriate experience, they should do so. Mr. Kisela advised there were present openings at this time.

Mayor Naugle announced the group would make recommendations to the Commission regarding ordinance changes and procedures that dealt with future tree preservation, line clearing, sidewalks, and whatever was necessary for the health of the tree canopy. He added that a major initiative would require some type of funding source, and they had to realize the limitations that were in existence at this time. Mayor Naugle clarified that he should have stated they were to make recommendations to the UAC first.

Commissioner Teel stated that since this was a subcommittee would they report back to the UAC and then the Commission. Mayor Naugle confirmed.

Action: Ad Hoc Subcommittee to be formed as part of the UAC.

I-E – Construction Project at Fire Station No. 47 (1000 S.W. 27 Avenue)

Commissioner Hutchinson clarified that the men would not be moved into the modular until they were ready for construction.

Chief Otis Latin, Fire-Rescue, explained they wanted to move the men into the modular as soon as they were placed on the site.

Commissioner Hutchinson reiterated that funds were only available for the design portion and not for construction. Chief Latin explained they had the funds to purchase the modulars. Commissioner Hutchinson asked why the men would be moved now, if they were only going through the design process. Chief Latin stated there were problems with the station itself, and the men needed to be moved.

Mayor Naugle asked if the men's quality of life would be better in the modular. Chief Latin confirmed. Commissioner Moore stated it was his opinion that the bond issue was not going to pass. Chief Latin stated they would then go to Plan "B." He stated the key was whether they could get the City Manager to go along with it, but he felt there was the ability to look at the fire assessment because that could be used for equipment and stations.

Commissioner Moore stated they wanted the temporary site removed so the park could be developed. He reiterated that the community had accepted the fact that it was a necessity for the safety of their neighborhood.

The Acting City Manager stated that they were going to come up with suggestions as to how the CIP should be prioritized. To the extent a fire station was prioritized over something else, than it would be covered. Commissioner Hutchinson asked how much money was in the CIP that would be prioritized.

Greg Kisela, Assistant City Manager, stated that there was a list of projects that were to be funded with the accelerated that were no longer being funded, and they would have to take the accelerated coupled with the existing CIP. He further stated there were monies available depending on the priority.

The Acting City Manager reiterated the question was what would be financed. Mr. Kisela stated they had to decide what was not going to get done. Commissioner Hutchinson asked what was the CIP budget.

Phil Thornburg, CIP Chair, stated that there was about \$6 Million in accelerated now which was allocated to about 25 projects. He added that some projects would have to be removed in order to fund this. The Acting City Manager further stated that there were monies in the budget in the amount of \$300,000, but about another \$700,000 was needed for the station.

Action: No action taken.

I-F – Proposed Criteria for Review of Certificates of Public Convenience and Necessity

Mayor Naugle stated that the Community Services Board at their July 14, 2003 meeting agreed to the following:

1. Allow 100 permits under CPCN to be issued based upon an average of up to 25,000 hotel/motel units being occupied.
2. If there is an increase in the number of these occupied hotel/motel units, then one permit shall be allotted for each additional 275 occupied units on average.
3. The applications shall include the owner's name, as well as the corporation name.
4. The applications shall include a history of the violations and complaints for the vehicles for hire owned by the applicant individually or corporately.
5. The Community Inspections Division shall review and determine if the application is complete and ready for CSB consideration.

Commissioner Moore stated that if recommendation No. 1 was accepted, 15 additional permits would be available. He stated that he supported this recommendation.

Lori Milano, Community Inspections Director, stated that their division had received applications for 31 new Certificates of Public Convenience and Necessity.

Commissioner Moore asked if they had to agree to permit those additional certificates or did they occur automatically. Ms. Milano replied the Commission had to agree to the number of certificates. Commissioner Moore advised that he would be looking very carefully at the operators who had violated the current rules and laws before the licenses were issued.

Ms. Milano stated that the Commission might also want to consider having the Community Services Board hearing all applications during a time certain such as November, and then bring them forward with their recommendations to the Commission.

Commissioner Moore stated he felt the review should be every 6 months, but did agree that there should be a window.

Mayor Naugle asked if an ordinance amendment was needed based on the criteria. The City Attorney confirmed.

Nancy Beatriz, Silver Fox Van Service, stated that Dan Taylor was their attorney who had been holding a check due to issues with the City. Letters had been written and phone calls made, but to no avail.

Commissioner Moore stated if they had been cited for improper operations of their vehicles which had been done repeatedly, it appeared they gave low regard to the City's rules and regulations. He further stated that his personal thought was that they were attempting to offer a fair trade practice by allowing the licensing of the vehicles, and would only consider the individuals who followed the City's rules.

Ms. Beatriz stated they did not have low regard for the City's laws, but that most people on the beach did not have this service. She remarked they had been the first to receive

the citations, and after that at least two other services had moved forward and received their permits.

Commissioner Moore stated that he had initiated through the Code Committee actions to be taken on such vehicles, and everyone had been doing their own thing. Some were cited and then complied with the laws. Mayor Naugle asked how that action had been initiated. Commissioner Moore stated he had called the Code Director to enforce the laws, along with the City Manager. He clarified that he called any department head when he had questions about the ordinance they were to oversee. Mayor Naugle asked him if he had directed them to take any type of action. Commissioner Moore stated he asked them to implement the law. Mayor Naugle remarked that he could not take such action. Commissioner Moore remarked that he was a citizen of the City and could call in any code violations, and therefore, he could do it as a policymaker.

Commissioner Moore further stated that they were to implement the Code which gave them the opportunity to cite several drivers for improperly doing business in the City. He stated many had been cited and came in and followed the laws.

Mayor Naugle suggested that in the future, it would be best to make such contacts through the City Manager or Assistant City Manager because it was a violation of the Charter for the Commissioner to ask a department head to take action.

Commissioner Moore asked Ms. Beatriz when they were cited, what action had they taken.

Ms. Beatriz replied that they had gone to the City to obtain the permit, and they were told to remain off the road. She added they were carrying American Airlines at that time.

Mayor Naugle stated they were to talk about ordinance amendments and procedures and this was getting into details that were not on today's agenda.

B.C. Hasso, B.C. Express, stated the Community Services Board has done a lot of work on this and asked if he could present some guidelines for the Board to consider. Such guidelines were as follows:

1. Age and condition of the vehicle when applying for the permit because it was issued to a particular vehicle and not to the company. He advised that many vehicles on the road with some of the companies were in terrible condition and not being maintained.
2. Check with Code Enforcement for the history of the person, along with the number of violations given by Code and the Police Department.
3. Consider renewals for permits and not have them issued automatically.

Mayor Naugle stated he did not think this was intended for amphibious sight-seeing vehicles, and asked if those could be brought before the Marine Advisory Board instead of the Community Services Board.

The City Attorney stated that was no problem as long as the vehicle stayed in the water. He advised that if they were on the road, they would be covered by the ordinance. He stated the ordinance could be changed to exempt an amphibious vehicle on the road.

Jack Latona, representative of Water Taxi, stated that they were comfortable with the existing ordinance, but they needed to get underway with the process since the season was about to begin.

The City Attorney stated that if they were a tour vehicle, they needed a Certificate of Public Convenience and Necessity. The question was were they in line.

Mr. Latona stated they were told they could not get in line. The City Attorney stated there were 15 permits remaining. Ms. Milano confirmed and added that there were 31 applications in her office. Mr. Latona asked if those included sight-seeing vehicles. Ms. Milano replied they included any vehicles for hire. The City Attorney stated they included sight-seeing vehicles. Mr. Latona stated that it was his understanding that the Commission had directed the moratorium because of the issues revolving around the other types of vehicles, but that it did not apply to sight-seeing vehicles. He stated they were asking to let the present ordinance continue to apply until it was changed to cover sight-seeing vehicles.

Ms. Milano replied that under the current ordinance, there was a limit. Commissioner Trantalis asked where rickshaws came in. The City Attorney added that they were under the same category of vehicles for hire. Mr. Latona further stated there was a rental car with chauffeur and sight-seeing vehicle section, but the definitions distinguished between the rental car with chauffeur which was defined as "passenger type vehicle for hire rented with a chauffeur or driver by the hour, day, week, or month." He further stated that there was a separate definition for sight-seeing vehicles which stated: "vehicle for hire transporting passengers over the streets of the City in accordance with a contract previously made between the owner, operator, and a passenger." The City Attorney reiterated that they were lumped together in the same section requiring a certificate. Mr. Latona stated they would be happy to obtain the certificate. Ms. Milano reiterated there were no limits at this time under the current Code, but what was being proposed by the Committee was that 15 be issued. Mr. Latona reiterated they just wanted to proceed forward with their plans.

The City Attorney emphasized these vehicles were not different and were vehicles for hire. He stated if the Commission decided to do away with the moratorium and issue an unlimited amount and they were included in the 31 applications, then they would issue 31 permits and they would obtain one. Mayor Naugle asked when this could take place. The City Attorney stated that could be done tomorrow. Ms. Milano agreed and remarked that they were not applying any new criteria and they could be processed.

The City Attorney reiterated that the moratorium was so that criteria could be adopted for the applications. He stated none had been adopted, and in order to do so, the time frame would probably be January. He emphasized there was no separate section for a Certificate of Public Convenience and Necessity for a sight-seeing vehicle. All require certificates and they were discussing limiting those certificates. He added there had never been a limit on certificates and all of them had been treated the same.

Mr. Latona disagreed and stated that in the ordinance a taxicab required a certificate and required them to appear before the Community Services Board. He further stated that under the sight-seeing section, they only had to appear before the Commission.

The City Attorney stated he would be happy to hear all legal arguments, and then bring them back to the Commission at their next meeting.

Action: Item to be presented at the November 4, 2003 meeting.

II-A – Proposed Revision to Policy and Guidelines – Substantial Rehabilitation Program

Commissioner Moore stated that he had a question regarding Item No. 3 which stated: "...sale, transfer or settlement is made to an immediate family member who is eligible for the Program..." and asked if that person was earning an income higher than the eligible amount under the program would they have to pay the amount in full.

Faye Outlaw, Interim Director of Community and Economic Development, stated they would have to be income eligible at the time of the transfer.

Commissioner Moore stated he wanted the section listing eligibility requirements highlighted in some fashion so individuals would clearly understand it. Ms. Outlaw reiterated it was in the current agreement and they could make it stand out further.

Action: As recommended.

II-B – Installation of Irrigation Meters in Washington Park Area

Action: None taken.

CLOSED DOOR SESSION 5:13 P.M.

CONFERENCE MEETING RECESSED AT 6:05 P.M.

City Commission Conference Meeting recessed at 6:05 p.m.