

**COMMISSION CONFERENCE MEETING AGENDA
SEPTEMBER 28, 2005**

<u>Agenda Item</u>	<u>Page</u>
I-A Broward Urban River Trails, Inc. - Waterways	1
I-B Sponsorship of Third Annual Broward County Mayor's Gala - \$3,000 Proceeds to Benefit United Way of Broward County	2
I-C Code Advisory Committee Ordinance Proposals	2
II-A South Side Cultural Center Project Update – Prorams and Interior Renovations	5
II-B Emergency Repairs to Radio and Telephone Communications Systems	10
III-B Advisory Board and Committee Vacancies	10
1. Board of Adjustment Advisory Board	10
2. Budget Advisory Board	(Deferred)
3. Charter Revision Board	(Deferred)
4. Community Appearance Board	10
5. Community Services Board	(Deferred)
6. Education Advisory Board	(Deferred)
7. Fire-Rescue Facilities Bond Issue Blue Ribbon	(Deferred)
8. Insurance Advisory Board	(Deferred)
9. Northwest-Progresso-Flagler Heights Redevelopment Board	(Deferred)
10. Unsafe Structures Board	(Deferred)
11. Utility Advisory Committee	(Deferred)
IV-A City Manager Reports	11
1. Proposed Lien Settlements – Special Magistrate and Code Enforcement Board Cases	11
2. Acknowledgment of the Police Department; Boulis Case	24
V Commission Reports	11
1. Green Space 125 (Dennison Site)	11
2. Tree Removal; Cities of Coconut Creek and Plantation; Procedure	12
3. Issues with the County; Attainable Housing, Sistrunk Boulevard; Annexation – Rock Island and Twin Lakes – Osswald Park	12
4. Broadband and DSL; League of Cities Information Technology Meeting	22
5. Crime Prevention; Northeast Alliance	23
6. Citizen Volunteer Corps (CVC)	23
7. Newsracks	23

COMMISSION CONFERENCE MEETING 1:30 P.M. SEPTEMBER 28, 2005

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

Absent: None

Also Present: City Manager – George Gretsas
 City Attorney - Harry Stewart
 City Clerk - Jonda K. Joseph
 Sergeant At Arms – Mitch Van Sant

I-A – Broward Urban River Trails, Inc. - Waterways

Phil Thornburg, Director of Parks and Recreation, said that John Rude was present today to discuss a funding issue in connection with the Broward County waterways.

John Rude, Broward Urban River Trails, Inc., said that this is a local non-profit organization, and their goal is to protect, preserve and enhance Broward County's waterways. He said they do this through educational outreach, waterway clean-up programs, and school activities. It is basically to create cleaner and more accessible waterways for the residents of the County. He proceeded to pass out brochures, along with information that is distributed during the Fort Lauderdale Monthly Jazz Brunch. It provides an opportunity for individuals to enjoy the music, and obtain information to get the more involved.

Mr. Rude advised that a project they are extremely pleased with is the culmination of the North Fork New River and Environmental History. Everyone is aware of the story of Frank and Ivy Stranahan, but stories of the minority community are not well known. With a grant from the South Florida Water Management District, they were able to tell those stories to the northwest community. They want to get them printed and use it as reference material at the African-American Research Library.

Mr. Rude also said that Riverland Woods was recently dedicated and many of the individuals of the Broward Urban River Trails have been part and parcel of this. He said they are also part of Site 125 that has been recently secured. Broward Urban River Trails was instrumental in the formulating of the County Bond Referendum so they could save some of the last parcels. Many of the County's land preservation issues and purchases are out in the western areas, but they lobbied hard to keep some on the east side.

Mr. Rude said they are also working with the Architectural Department of Florida Atlantic University for a design guideline for North Fork. He referred to the Greenways and Trails County project. Unfortunately the North Fork of the New River was omitted. This area is one of the most beautiful naturally occurring water bodies left and is a remnant of the eastern Everglades Coastal transitional area. They are trying to work with architectural students to develop design guidelines so that one day there may be a trail system going through the area as well.

Mr. Rude further said that the City of Lauderdale Lakes has taken their proposal to use the greenways and trail system through the South Florida Water Management District's canals, and are using it to start facilitating some of the redevelopment efforts in the Oakland Park and 441 area. This could not have been done without the support of Fort Lauderdale, who helped with the organization at its beginning.

Action: Approved as recommended - \$25,000 contribution.

I-B – Sponsorship of Third Annual Broward County Mayor's Gala - \$3,000 – Proceeds to Benefit United Way of Broward County

Commissioner Hutchinson said that last year they reserved a table.

Commissioner Moore said that he is not in favor of supporting the event, but majority rules. Mayor Naugle said that he is going to be out of town; he agreed with Commissioner Moore.

I-C – Code Advisory Committee Ordinance Proposals

Steve Scott, Assistant City Manager, said this is an update on the ordinances proposed by the Code Advisory Committee. The first three included boarded-up buildings, maintenance of walls, fences and PODS, have been approved by the Commission and now are part of the City's Code. The Commission requested changes to the rental building signage ordinance, which will be presented on October 5, 2005. The ordinance relating to garden centers was presented previously at a conference meeting, and was approved conceptually. It must go before the Planning and Zoning Board. When conceptual approval is obtained on other, they will be presented to the Planning and Zoning Board as one group at their next meeting. All amendments to the Unified Land Development Regulations have to be approved by that Board.

Mr. Scott thanked the City Attorney's office for working with the code specialist attorney. Two ordinances provided for this meeting relate to commercial vehicles being redefined and shopping carts in neighborhoods. If they are conceptually approved, they would then go before Planning and Zoning, and then come back to the Commission.

Mr. Scott said there are two ordinances drafted at the request of the Committee. One of them is in regard to inoperative/unlicensed vehicles, and one relates to community inspection citation forms. The City Attorney's office recommends against the adoption of these two ordinances.

The City Attorney said that in regard to Ordinance Proposal 8, Inoperative Vehicles, the problem with it is that according to the current system, if there is an inoperable vehicle, a notice of violation is sent to the owner, and the process takes seven days to remove the car. This would require trespassing on the part of the Code Enforcement staff because the ordinance calls for posting the vehicle. It also purports to create a special assessment which is not authorized under the statute. Currently the City is not involved in the towing process. The individuals are brought to a hearing within seven days, and tow the car after an order is given by the Special Master. The car is towed by the company, and the City is not involved. The City's contractor takes the car away, and in order for an individual to get it back, they have to pay the towing company. The City is

not out anything. With this proposal, the process would be changed. The City would start paying in order to put a lien on the property.

It reserves the right to foreclose on the lien, but it does not explain what the lien is on, whether it is on the real property or the car. The term "inoperable junk or abandoned vehicles" is used and he does not know what inoperable junk is. The Property Appraiser's records are used for notice to the owner which is probably the least accurate records available because there is a statutory requirement that people who own property and move are required to notify the Tax Collector. The City's ordinance requires that they use the Tax Collector's database for ownership of property.

The City Attorney said they do not see this as an improvement over the current system, and it purports to create an unauthorized assessment. It also purports to provide a 20-year lien when the statute of limitations provides for a four-year lien, and in order to get a 20-year lien, one has to follow the procedures as set forth in 162, which is not done in this case. He recommended that the City's ordinances not be amended, and that staff explain what the problem is with the current system regarding the removal of cars. Since the system has been refined, he believed the cars are being moved quite well.

Commissioner Moore asked what was the goal of this Committee in making their recommendations and changes, and who was the person that wrote this ordinance.

The City Attorney said that they hired someone from Dade County who was involved with codes and wrote the ordinance similar to Dade County.

Commissioner Moore asked if that person is present at today's meeting. Mr. Scott said he was invited, but not able to attend. Commissioner Moore asked if any of the members of the Code Advisory Committee are present today. Mr. Scott said that the Committee has been notified.

Commissioner Moore said he is curious why none of the Committee members are present after working on this for over three years.

Richard Mancuso said that he was not notified and was out of town last week. He was not aware that anyone was notified.

Commissioner Moore asked if these matters could be tabled until a regular meeting on a first or third Tuesday, and at a time to allow the Committee's input. He also wanted the code specialist attorney to attend the meeting. In the interim he asked that the City Attorney review the drafts proposed and make adjustments to reach the goal of the Committee, rather than just say that the proposed ordinances would not work. With a group that has worked as diligently as this Committee, he did not feel they are being given their proper day.

Commissioner Hutchinson said there are two ordinance proposals, Nos. 5 and 7, and if the Commission could come to some type of agreement on those, they could then be sent to the Planning and Zoning Board. They will then come back to the Commission.

The City Attorney said that Nos. 5, 6 and 7 are being proposed to move forward.

Mayor Naugle said that Nos. 8 and 9 should be rescheduled.

Commissioner Hutchinson asked when is the next scheduled Planning and Zoning Board meeting. The Director of Planning and Zoning indicated October 19th.

Commissioner Moore asked if the Commission can move the ones scheduled to move forward.

Mayor Naugle said that Nos. 8 and 9 would be rescheduled and the Committee and the attorney would be invited.

Mayor Naugle asked for the definition of a commercial vehicle.

The City Attorney said there are different definitions. Vessels and watercraft are defined separately, but there can also be one that is considered commercial.

Commissioner Trantalis said that if an individual has a personal watercraft outside of their property and they use the area as a place to sell boats, is that considered commercial.

The City Attorney said that the ordinance is addressing a commercial vehicle and not a commercial use. That would be a zoning issue. A charter boat is something entirely different, even though it has no markings on it. A charter business cannot be run without proper zoning.

Commissioner Trantalis asked what if private property is used to buy and sell boats. The City Attorney said that is considered a commercial use. Commissioner Trantalis asked how such use can be determined, if the vessel is unmarked.

Mayor Naugle said that No. 6 is going before the Planning and Zoning Board, and since it involves vessels, perhaps it should also go to the Marine Advisory Board. Commissioner Moore suggested the Commission request that the item be placed on that board's next agenda so it would not delay the issue.

Commissioner Trantalis asked if there has been an opportunity to discuss the differences between the attorneys. The City Attorney said the differences have been discussed.

Commissioner Trantalis said that the language regarding boats being parked in front of someone's yard states: "21' in length or 10' in height." If a vessel is parked on a trailer and in and of itself not 10' in height, is this how it is being measured. The City Attorney confirmed that is correct.

The City Manager said that each person has their own ideas, and at the beginning there was a lot of disagreement, but differences were worked out on all but two issues. This is the last of a lot; overall a tremendous amount of progress has been made.

Commissioner Moore said he is not looking for confrontations, but for clarity as to what the thoughts are of the Committee and if the Commission is doing all it can to assist.

Commissioner Moore was concerned about the commercial vehicles. In some cases he understands what people are trying to accomplish, but his district is composed of many

blue collar workers with commercial vehicles. People need a place to park their vehicles. He did not want to impose such a hardship. If these vehicles are not parked at the owners' homes, what would be the alternative. He said there are no other alternatives.

Mayor Naugle referred to previous discussion about the number of wheels or axles. Commissioner Hutchinson said some of the people in her area have commercial vehicles also, like people who sell Mary Kay, Avon.

The City Attorney said the City has an ordinance which limits the vehicle size and number of axles of a vehicle. His office recommended against this ordinance. They believe this can be done; it is not illegal. There are some legal failings on the last two items, but this issue has some over-breadth issues, because it says: "If it looks like a commercial vehicle or has anything that identifies it as commercial, or if it is used as commercial." This could mean a pickup truck with no identification on it, but is used for commercial. Commissioner Hutchinson concluded she could not park her vehicle at her residence because she uses it in her cleaning business, even though there is no signage on it. Commissioner Moore noted that it would be acceptable if placed in a garage.

Commissioner Trantalis felt the language needs to be refined. Commissioner Moore agreed.

Action: Ordinance Proposal Nos. 5, Garden Centers, 6, Commercial Vehicles, 7, Shopping Carts were approved for consideration by the Planning and Zoning Board. Discussion will be held at a future meeting with the Committee and the Specialist Attorney regarding Nos. 8 and 9. Ordinance Proposal 6 will be presented to the Marine Advisory Board provided it does not cause a delay.

II-A – South Side Cultural Center Project Update – Programs and Interior Renovations

Phil Thornburg, Director Parks and Recreation, said that John Wilkes of Friends of South Side is present today.

Mr. Thornburg stated that updates are being provided from time to time to the Commission regarding the South Side School. He showed a picture of the school. He showed the various areas of the building and explained their uses. They are looking at a multi-functional site. They want to change and evolve as needs are seen. There are a lot of arts, physical activities, history, and education to make the center unique.

John Wilkes, Friends of South Side, said due to budgets and inclement weather, they have been delayed in appearing before the Commission regarding their programs. The roof has been secured and there would be no further degradation of the building. They put out a solicitation for exterior design of the building. Volunteers may provide their services. There has been a 50% - 60% response regarding financial donations towards this project.

Mr. Wilkes further said that they explored various types of programs, the needs and costs, and what revenue might be projected from such programs. Limitations are being imposed due to statutory regulations, along with restrictions relating to how this property was provided. They saved it from being another courthouse, parking garage, or an

office building. Basically, they are going where this City has not gone before. This is an opportunity to not just do another parks facility, but to embrace this as not only a community or City project, but to keep in concert with the monies provided for acquisition of this site as a County and hopefully nationally recognized location where they would be preserving and enhancing the historical and cultural significance. It can be a cultural information center; provide programs not offered elsewhere and it will provide a greenway to the downtown.

Mr. Wilkes said that parking can be provided by office buildings across the street. Sites and developments are occurring along the river. If they get credits for landscaping and greenways to the site, there would then be bicycle paths. This would be a location to sit outside and eat lunch. As the City develops, these sites become more and more important.

Mary Fertig said that this is a unique site. In the interest of generating revenue, all program ideas have been evaluated in various ways. She proceeded to present a slide presentation. The site was acquired from the School Board in 2004. She presented slides of the interior of the building which consists of about 11,000 square feet. In 2004, citizens cleaned up the outside of the building. They established committees to review fund raising and programming and to plan the construction of the building. Two external buildings have been demolished. They were not original buildings and were in poor condition. They have initiated fund raising efforts, began building an alumnae organization, and have an architect selection in process. Some internal demolition has also been done to make the structure safer.

Ms. Fertig further said that they want to create a South Side Cultural Center of the Arts. They are going to renovate the building. The first idea is in regard to a Culinary Arts Building where local chefs could provide instruction, catering for special events, and eventually food service. Regarding space requirements, they feel it is important before they have the building designed to have an idea of what would go into it, and how the space would be used. As a community benefit, this will be a place where individuals could learn to cook and serve, while keeping in mind their commitment to the School Board to maintain an educational purpose. Each idea has a type of teaching program where students can learn. There would be an opportunity for food service. The cultural aspect can provide diversity and help individuals express their creativity.

Ms. Fertig said that regarding revenue, they feel the Culinary Arts portion would provide potential catering revenue from special events, educational programs, and food service.

Ms. Fertig further said that in regard to the Art Center, Florida Craftsmen want to use the site for their South Florida Gallery. The Young in Art desire museum space. She said that a ceramic studio would also be provided, a working stone studio, and art classes by local and national artists. Regarding community benefits, art instruction and awareness, art classes, and space would be provided for local artists to display their work and offer instructional guidance. This would provide individuals the opportunity to view art in a gallery setting.

Ms. Fertig said that regarding revenue, they hope to lease space to various groups, while still providing opportunities to hold community events, programming and art sales. She added that for every category they will pursue grant funding. The horticultural arts grew out of an idea to involve students and the landscaping of the park itself. They

looked at national historic renovations as to how communities used such facilities, and they discovered that in some areas students grow herbs and produce local products to sell. This is an opportunity for community involvement and education. It will hopefully enhance the environmental awareness and help focus on nature as art.

Ms. Fertig said that the Student Community Service Center is an idea of having an office for student volunteers to report to and seek opportunities. Local students have to volunteer a certain number of hours for graduation credits, and some of the middle schools are also applying such requirements. This is an opportunity to gather volunteer hours and save money.

Ms. Fertig said that in regard to the Civic Association Resource Center, Tarpon Bend has been very active in planning this. They initially saw the need for such a Center, as well as storage space for neighborhood associations.

Ms. Fertig said that there would also be a Visitors Center Gift Shop providing an opportunity for students to learn business skills, and for visitors to obtain information about other cultural events in the area.

Ms. Fertig said that regarding the Performing Arts Center, they would provide lessons regarding music, drama, and films. She said this is a tremendous benefit for the community.

Ms. Fertig said that various programs that already exist could also be housed at this facility, such as trips and tours, feature films, floral workshops, fitness programs, along with historic card games.

Ms. Fertig said there would be a lot of sharing of space at this site. There is a grant proposal for \$1.5 Million for cultural facilities. It is \$500,000 over a three-year period which is for bricks and mortar. Commissioner Hutchinson indicated a group meets in November to decide who gets the grant and she will be attending.

Ms. Fertig said that they hope the Commission will endorse the programs to be offered which have been geared toward the concept of a cultural center.

Vice Mayor Teel asked if there is to be a typical classroom set-up from how it had originally been used. Ms. Fertig said that had been discussed in two ways. One is to have a classroom or to use the wall space throughout the building as historic exhibit space. There is currently the old schoolhouse in the Historic Village. They discussed having a 1920's classroom which would be different from some of the others that are being shown. Vice Mayor Teel said that Dillard School has one, and it is interesting. Ms. Fertig said that a tremendous amount of input has been provided by the community regarding the site.

Mr. Thornburg thanked Ms. Fertig for all the time and effort she has put into this project.

Mayor Naugle acknowledged that many individuals have made a tremendous contribution to this project.

Commissioner Hutchinson thanked Phil Thornburg and his staff, along with Kathleen Gunn, who have done a great job in working with The Friends of South Side. This is an

opportunity for the City to view this facility differently. She felt it would bring a lot, not only to the City, but also to Broward County. She hoped the Commission would allow the Parks & Recreation staff and the Friends of South Side to look at this more creatively as they go through the architectural process.

Commissioner Trantalis asked if an auditorium is going to be provided at the site for performances. Mr. Wilkes said there would only be classrooms, but they were redoing the entire site, and have discussed an outside staging area where events could be held. Commissioner Trantalis clarified that there would be a portion of the exterior that would be designed to create a sort of amphitheater. Mr. Wilkes said that it would not be attached to the building, but separate in the park and would be complimentary to the site. There is a set of restrictions on the building that are different from the use of the land adjacent to it.

Ms. Fertig said further there is also a very large room in the building which could double also as a performance area. The architects would have to review this. She said there is also a small area that could be used for performance, but presently it is in disrepair.

Commissioner Trantalis noted a commitment of three years from the CIP Fund, just under \$4 Million. He asked what percentage of the total CIP funding over any of those given years that amount would be.

Albert Carbon, Director of Public Works, said that he does not have that information, but would obtain it and pass it onto the Commission. The Friends of South Side continue applying for grants and additional funding. Commissioner Trantalis understood that their projection regarding the build-out schedule moving forward regardless of whether grant funding is received.

Commissioner Moore said there is a school in Palm Beach County, Delray, that has been renovated, and it is very well run. Commissioner Hutchinson said that it is a focal point for that city. Commissioner Moore was concerned about outside restrooms. He asked what is being proposed and was concerned about safety.

Mr. Thornburg said that the safety would be better in this park. Staff would be provided while it is open. They would be monitored and locked when the building is closed. The idea of the outside restroom is one, it is a requirement of the grant in connection with the playground, and second, would provide a facility for individuals in the park whereby they would not have to go into the building and possibly disrupt programs that are taking place. They would be attached to the building in the rear.

Commissioner Moore asked if staff would be part of the Parks and Recreation Department. Mr. Thornburg said that discussion is presently taking place as to who would be monitoring the building. He believes there would be some private entrepreneurs in the building, along with some Parks and Recreation staff. Commissioner Moore asked what types of programs would be offered in the park. Mr. Thornburg said the park would have typical outdoor programming, including tennis courts, baseball diamonds, playgrounds, and walking trails. Inside would be more highly utilized programs, such as yoga, aerobics and computer classes.

Commissioner Hutchinson said the Commission has reviewed the Hardy Park Plan which was done by Parks and Recreation staff, along with the Tarpon River

neighborhood, and some individuals from Rio Vista. Recently the City received a grant for a no-bounds playground which allows challenged and handicapped children to play with everybody. As a part of that grant, restrooms have to be provided. In order to keep the area that is currently green, they are going to have to re-think parking. It would be no different than what was done in front of Avenue Lofts where the County right-of-way was used. This would have to be considered along Andrews Avenue. They will have to look at utilizing parking across the street. Mayor Naugle thought perhaps they could consider onstreet parking around the entire perimeter. Commissioner Hutchinson agreed, and noted the building will be more useable.

Commissioner Moore asked about the staffing level at Croissant Park. Mr. Thornburg said that off the top of his head he would say three or four.

Mayor Naugle felt the group is moving in the right direction, and encouraged them to find viable organizations and grants to help pay the cost.

Commissioner Moore asked when information would be received regarding the grant funding. He asked what time period is going to be given to show that this is a fiscally responsible project. Mr. Thornburg said that individuals will meet in November regarding a \$500,000 grant and there should be an answer by the end of the year. Commissioner Moore asked if that would be operational monies. Mr. Thornburg said it is capital money. Commissioner Moore was concerned with operations. Mr. Wilkes said first is the building. Second, each of the programs are with charitable organizations and applications would be made through County sources. When a facility is provided, there is negotiation as to the programming revenue. It would vary from year to year. They are now looking to see what the building could be used for and as many self-sustaining programs as possible. A café, for example, could generate revenue. Usage will be determined through the architectural process. The programs would have to be blessed and bids solicited. As far as how and by whom it will be operated, it would probably be a hybrid situation. Restrictions on the building prohibit the lending of the building to private enterprise. Obviously, they will be looking to approve those programs that come with money.

Commissioner Hutchinson said that as they move through the Historic National Registry process, there may be some other restrictions applied. She asked for an update regarding that process.

Marc LaFerrier, Planning and Zoning, said that they have gone through the first phase of the application, and received high marks on it. They have just finished the final application and would probably be sending that out in the next few days, and the State would have their hearing within the next 3-4 months. They meet quarterly.

Commissioner Hutchinson asked to be notified date of that meeting date. Mr. Wilkes noted it would be beneficial to be designated because it would open a new source of grant revenue.

The City Manager was concerned that they not get too far ahead of themselves. If the funding does not come through or the program issues do not pan out, could the City be exposed to costs. He wanted more information at some point in time as to who pays for this.

Commissioner Moore explained that is why he wanted information about the time line. Commissioner Trantalis asked if naming opportunities are being considered.

Mr. Wilkes said they want to keep all doors open and set the bar high. As discussions occur, cost questions will arise. They want to make sure there is a program with the cost. There is great response from the community. If something unique is done, he believed there will be community support. He believed if what he is trying to sell is provided, there will be private donations to cover shortfalls.

II-B – Emergency Repairs to Radio and Telephone Communications Systems

Commissioner Moore asked why they continue to build with things that are a single source.

Kirk Buffington, Director of Procurement Services, said in regard to Nortell and the Nortell Switches, this is the system that exists. The City has to stay consistent with the installed system and equipment. The system was originally purchased through a competitive process in about 2000.

Tim Edkin, Director of Information Technology Services, said this is done through vendor with whom the City has a maintenance contract to support the system. The system was bought from one person, and maintenance is done through another organization.

III-B – Advisory Board and Committee Vacancies

The City Clerk indicated that all individuals with applications on file are being telephoned in addition to writing to them.

Board of Adjustment

Commissioner Hutchinson said that she has a consensus appointment to make for the Board of Adjustment, David Goldman. There are currently three openings on this Board, and two of those are as alternates. She said that Patricia Rathburn, the Chair, has reached her time limit. Mayor Naugle said that there is an interview process and the candidate could be invited to the Commission's next meeting. Vice Mayor Teel was not comfortable considering an individual for a permanent appointment, as she knew of other interested individuals, but there are concerned with being alternates for a long period of time. Commissioner Hutchinson suggested that all names be supplied at the next meeting.

Action: Deferred.

Budget Advisory Board

Action: Deferred.

Charter Revision Board

Action: Deferred.

Community Appearance Board

Commissioner Trantalis appointed Dennis Cole and Ree Cole to the Community Appearance Board.

Action: Formal Action To Be Taken at Regular Meeting.

Community Services Board

Action: Deferred.

Education Advisory Board

Action: Deferred.

Fire-Rescue Facilities Bond Issue Blue Ribbon

Action: Deferred.

Insurance Advisory Board

Action: Deferred.

Northwest Progresso Flagler Heights Redevelopment

Action: Deferred.

Unsafe Structure and Housing Appeals

Action: Deferred.

Utilities Advisory Committee

Action: Deferred.

IV-A – Proposed Lien Settlements – Special Magistrate and Code Enforcement Board Cases

Mayor Naugle said that Item No. 17, 700 West Broward Boulevard, CE03110467, has been withdrawn.

Commissioner Hutchinson asked when Item No. 17 would be addressed. The City Attorney said there was no settlement.

V – Commission Reports

Green Space 125 (Dennison Site)

Commissioner Hutchinson said that the County has acquired Green Space 125 (Dennison site). She asked if the County could be contacted to get rid of the rope swing where the drowning occurred.

Phil Thornburg, Director of Parks and Recreation, said he would take care of it.

Tree Removal; Cities of Coconut Creek and Plantation; Procedure

Commissioner Hutchinson distributed owner affidavits from the City of Coconut Creek used in regard to tree removal and replacements. She felt it is innovative and asked for the Commission and staff to review the material and then discuss it at a later date. It is signed by the individual. She said the Utility Advisory Committee developed a tree brochure. She also provided tree and landscape standards which she reviewed with Dave Gennaro, Chief Landscape Plans Examiner. She mentioned by Mr. Gennaro feels the affidavit it a great start. She wanted to move this matter to the next level.

Mayor Naugle asked if it come back to the Commission as a conference report. Commissioner Hutchinson agreed.

Commissioner Moore said that at the last League of Cities meeting, there was a presentation by the City of Plantation regarding the new tree ordinance. He asked if staff could review Plantation's approach and make a comparison.

Action: Mayor Naugle said that both items would be scheduled for a Commission Conference meeting.

Issues with the County; Attainable Housing, Sistrunk Boulevard; Annexation – Rock Island and Twin Lakes; Osswald Park

Commissioner Moore said that he is concerned about various issues with the County. One is attainable units, and the ordinance that may be produced by the County. He said that he has chairs the Affordable Housing Committee created by the League of Cities. He said that he met with the County Mayor yesterday. They are proposing a one-time exchange for lifetime the Save Our Home initiative for the sale of a home. There are a number of individuals in the County who do not buy a new homes because they are concerned about tax increases. They are attempting to deal with this issue legislatively which would allow each county to have a vote regarding such an ordinance. This one time initiative would be in regard to property within the county. This is worthy of consideration by the City and the Property Appraiser.

Mayor Naugle said that housing prices are high due to lack of supply, and because people are not selling like they used to do. It would require a constitutional amendment. He agreed something must be considered.

Commissioner Moore said the first argument is the length of time, but they need to start somewhere. This has to be done to create housing stock, and to create the opportunity for families to go into residential communities without expansion of schools. This would have a tax impact on the municipal entities. Mayor Naugle believed it would bring in extra revenue and create more opportunity for redevelopment. It will not be a loss.

Commissioner Moore said they are also looking at a two-day conference at the Convention Center regarding affordable housing on October 5th and 6th. The cost of the conference is \$85. He said grants are available for individuals who may not have the resources to pay the \$85.

Commissioner Trantalis said that the Broward County Planning Council has an Ad Hoc Committee which also came up with a definition and guidelines regarding attainable housing. Commissioner Moore said he has a copy of what they are utilizing to establish whether Broward County has a need for affordable housing. It shows what percentage of individuals are renters and what percentage of their income goes to rent, as well as homeowner information. He passed the information along to the consultant working on this.

Mayor Naugle said there is a new recognition countrywide that in some places the automotive and transportation expenses vary depending on income. The standard for lenders is 30% of one's income for housing. If a person lives downtown, it eliminates transportation expense. The individual can pay more for their housing. Commissioner Moore said that would apply if one lives and works downtown.

Commissioner Moore said that County Commissioner Eggeleton and Representative Smith attempted to deal with a tax that was defeated last year, and he hopes the Commission would review and support this also. It provides the opportunity for first-time homeowners the ability to own homes. He would like to see this Commission committed to affordable housing and wanted this matter on a future agenda for the Commissioner or the City's Lobbyist, Linda Cox to provide a report.

Mayor Naugle said the tax needs to be lawful, where there is a nexus, so that it would hold up in court. Commissioner Moore felt because it was done in Dade, it could be justified in Broward as well.

Commissioner Moore believed the documentary stamp was to deal with commercial properties. It would be great to have Representative Ellyn Bogdanoff explain her position on this issue. He asked if Linda Cox and Representatives Smith and Bogdanoff could be invited to attend.

Commissioner Moore had not received a date as to when dedication of the Sistrunk Boulevard right of way will be discussed by Broward County. Issues have been addressed. He suggested that this should also be placed on the Commission's agenda.

Mayor Naugle said he has gone to some meetings and followed their process. He felt they are waiting for the support of the district commissioner. Commissioner Moore did not think an item being placed on the agenda should be prevent when there is a difference by the district commissioner. The people are the government.

Commissioner Moore referred to traffic mitigation and asked whether that has been completed. The City Manager said he is not aware that the study is completed. Commissioner Moore asked if an update can be provided regarding the study, and for it to be placed on a conference agenda.

Mayor Naugle said it has been sent back due to the City not having a mitigation plan. Commissioner Moore said the issue was refuted, but one has been done anyway. He wanted it presented to the County to show how thoughtful the City has planned this project. He wanted the opportunity for a vote.

With respect to annexation, Commissioner Moore said that an interlocal agreement was sent in June for signature, but there has been no response. The City is constantly

having things backlogged due to the County not making decisions. These are political issues and no one wants to be in the middle of a controversial issue. The community ends up against the wall with short deadlines. This should not be allowed to continue to happen.

Mayor Naugle asked for a status report to be provided to the Commission. At such time, he asked if Commissioner Moore would like for the Commission to consider a resolution, requesting the matter be placed on the County's agenda. Commissioner Moore confirmed that is correct, and that a decision be made by the County.

Commissioner Moore wanted an update on the issue of annexation. The Broward Delegation let everyone down. They asked for a partnership agreement, but then the Delegation said they could not take a position. He questioned going through any rules of the Delegation, if they mean nothing.

Mayor Naugle introduced City Lobbyist Linda Cox.

The City Manager said there is an offer on the table, and there are three possible scenarios in terms of the next step to be taken.

The City Attorney said that there are some twenty issues. He said the issue of the park is that the City would pay the County for two years to operate the park at \$410,000 the first year, and \$432,000 the second year. The County would give the City a Capital Improvements Grant of \$418,000 for start-up costs, and then give property which they say is worth \$450,000, single family parcels spread throughout the Rock Island area.

In response to Commissioner Moore, the City Attorney said that would not make it revenue neutral. He City believes their costs over the two-year period would exceed those amounts significantly. It would be closer to \$1.2 Million. The City would operate the park. The County also wants a credit for \$314,000 for covered basketball courts which they are planning to build. They also want to keep a portion of the park for a new library building and the old one would be given to the City, which the City would probably demolish..

The City Manager said staff wants to outline three possible options based on where the City now stands with the County.

In response to Mayor Naugle, the City Attorney said the City would be paying the County; the County would operate the park for two years.

The City Manager clarified that the first option is to accept the County's offer. The City Attorney that the second option is for the City to assume responsibility of the annexed area without an interlocal agreement. The building code and permits, zoning, school guards, engineering, and right-of-way management are matters that would not require an interlocal agreement. He said if it is within municipal boundaries, it is the City's. the act provides for two streets to remain County streets, but the City would take over maintenance of the remaining streets. With respect to street lighting, an amendment to the County's agreement with FPL would be necessary, but he did not think it would be required. The problem is that the County would probably shut off the streetlights or not pay the bill. The City can take over planning, development, waterway management and sewers without a contract. He did not believe a contract is needed for community

development block grants. For whatever they are working on, they would have to complete. The transfer of property would require a contract. Another requirement for a contract would be allocation of State revenues. For the next period of time, until the State receives population information regarding, the City would not receive a pro-rata share of utility and franchise taxes. He did not know that dollar impact. The City could also take over garbage without an agreement along with transfer of records, employee displacement, and police and fire service. Neighborhood parks goes back to transfer of property which would require an agreement.

The City Attorney said if the City says the annexation has taken place, and forgets about the Interlocal agreement, then the only outstanding issues are the transfer of property and the allocation of State revenues.

Commissioner Trantalis asked if the City would absorb the cost to operate the park. The City Attorney said the City would not accept the park; it would be the County's property. They own that real estate in fee simple title, and it would not transfer by way of annexation. The property has to be transferred by the County, and the City would have to accept it. The County could close the park which is what they said they would do, or they would have to continue operating it.

Mayor Naugle felt it would help revenue from the State based on the population. The City would be "upside down". The City Attorney indicated that it would take a short period of time for such things as utility, franchise and sales taxes. The City Manager said that a lot of ifs are involved.

The City Attorney clarified that the first option is to sign the contract, and the second option is for the City to accept the responsibility. The third option is for the City to take the position, which he believes is the appropriate one, that the annexation has not taken place and it does not belong to the City. Both acts contain the same language. It says that the annexation takes place on either September 15, 2005 or September 15, 2006, depending on the vote that was taken. They have opted for September 15, 2005. Then it goes on to say except as provided for in this act. The very next section is the only other section in the act that provides any condition precedent to the annexation being effective. It says an Interlocal agreement shall be developed between the governing bodies of Broward County and the annexing municipality and executed prior to the effective date of the annexation.

Because of the timing, the City Attorney indicated he sent a proposal which was reviewed by the Commission. The City did not receive a response for a long time, but then a response was given saying that their policy, even though it is not written, is that they would not sign the agreement unless the park deal was included.

The City Attorney said if the City takes this a position, then his strong recommendation is that the City file a declaratory judgment on the issue, and tell the court the City is in doubt as to who owns the property, and who is the actual governing body of the area, and ask for a declaration and an interpretation of the act. They could ask for a restraining order requiring them to continue to provide such services. The City should be prepared to provide for public safety during the interim.

Commissioner Trantalis said that might be a dangerous road; what happens if the motion for declaratory judgment is granted in favor of the City declaring that the City

owns that portion of land. The City Attorney said that it would not be in the City's favor. Commissioner Trantalis said that he meant without the restraining order. The City Attorney said the City's position would be that they are not required to provide anything, and would not do so. Commissioner Trantalis felt they should let "sleeping dogs lie" as far as this is concerned because he did not want the court to impose the outcome of the referendum on the City without an interlocal agreement requiring the County to subsidize the operation of the park. The City Attorney said the question before the Court would be whether or not the annexation is effective without an interlocal agreement. If it is effective without such an agreement, then the City would not get the park. The park cannot be forced on the City. Commissioner Trantalis said that Section 4 says that the transfer could only take place if there is an interlocal agreement. If the Court says that is a superfluous section, then the City ends up with the property. The City Attorney said no. There has to be a transfer of property. The fact that property is annexed, the City takes over the rights-of-way by case law. Unless a street is functionally classified as a County road, then it would become a municipal street. Commissioner Trantalis asked if the referendum in and of itself invoke a transfer without any action by the County. The City Attorney said the City is going to tell the Court that it is the City's opinion that it does not invoke a transfer. Commissioner Hutchinson asked what happens if there is a difference of opinion. The City Attorney said it is his belief that would put the City at Option 2, whereby they would assume responsibility without a contract. Commissioner Trantalis said that is dangerous. The City Attorney said that means the City does not get the park. Commissioner Trantalis said they could get a park, but no funding for its operation. The City Attorney noted that one cannot put another on the title to property without the person accepting it.

Commissioner Trantalis said he is concerned that the City Attorney is going into this matter with a strategy of what they intend to get versus what might be the ultimate outcome. There is the opportunity for a Court to rule in a way that would be detrimental to the City. The City could be forced to take the park without the subsidy. He asked if the park is a part of the neighborhood. Commissioner Moore confirmed that is correct. Mayor Naugle said that it is owned in fee simple by the County and the annexation does not say whatever they own would be the City's. He referred to the vacant lots which the County did not tell the City about.

The City Attorney said the County, in their agreement, is attempting to transfer the park and maintain control over part of it because they want to control the existing library and the new library site during construction, and then grant the old library site to the City.

Mayor Naugle said the County might have bond covenants on the library system that says they have to continue to operate it.

Commissioner Trantalis asked what would happen if the County closes the park. He asked what type of condition would that create after-the-fact. The City Attorney said that if it became an attractive nuisance, the City would require the County to fence it.

Mayor Naugle clarified that the City Attorney's recommendation is to say that the annexation has not taken place, and protect the public by obtaining a restraining order, and that services have to be provided.

The City Attorney said that the County has taken the position that the annexation has occurred. He said the citizens now do not have a government that wants them.

Mayor Naugle said that according to the law, the annexation has not taken place because the agreement has not yet been signed. The City Attorney said that the County says the annexation has taken place according to the law. It is his opinion that the annexation has not occurred, but this does not mean that the County is changing their position on the issue. The only way to get a determination as to who is correct is to go to the courts.

Mayor Naugle asked when the County Administrator took such a position. The City Attorney said that it was the other one.

The City Manager said that the fourth option in this matter is to do nothing, wait for the clock to run down. The problem with that scenario is the City does not know how the County would react. They could pull service at the end of the month, and then how would the City react. The City Attorney said that he is suggesting a declaratory judgment because when two elephants fight, only the grass suffers. The City and the County are the two elephants, and the citizens are the only ones who are going to suffer. The citizens would not have a government. By taking the high road, the City is saying the special act passed and it is the law of the land, but they do know what it says. The City believes it says that the County still has jurisdiction due to there being no interlocal agreement. He did not know how the County could argue that this is not a condition precedent. He did not know how a court would find otherwise.

Commissioner Trantalis said if the City does nothing, would that suggest that the County might initiate a declaratory action. The City Attorney confirmed that could occur.

Vice Mayor Teel said that Twin Lakes is involved as a pawn or hostage. They should be treated as a separate entity. If the City is going to ask for declaratory judgments, then Twin Lakes should be a separate request in that regard. The County is attempting to lump them together, and once that is done, the City would be agreeing this is a joint annexation. The two should be disassociated. It is unconscionable. Commissioner Trantalis agreed. Vice Mayor Teel felt one County Commissioner is holding this up.

Commissioner Trantalis suggested that the Commission direct the City Attorney to move forward with the declaratory judgment action in order to expedite the process.

Commissioner Hutchinson asked how to separate the two matters. Commissioner Trantalis felt two declaratory judgment actions be filed.

Vice Mayor Teel said that the City needs to be very careful in this matter because of the agreements that have been signed and promises made to the annexed areas. She referred to the agreements already signed for giving money for sewer connections, and \$10 million to Rock Island, and so forth. She questioned what would happen to those agreements.

Commissioner Hutchinson said that the County does not live up to their agreements. Vice Mayor Teel agreed, and said that the County does not have a good track record. She said it makes the City uncomfortable by putting people's futures on the line. She felt this should not be discussed further until better plans are submitted and discussions can take place in a less "rushed" setting. She felt this needs more forethought before action is taken.

Commissioner Trantalis said this is an uncomfortable situation, but it appears the City Attorney has arrived at a solution which would help take this to the next step.

Vice Mayor Teel asked when the City goes to court, can they somehow include in the motions the monies that have been promised to the annexed areas.

The City Attorney said the City would be taking the chance of losing those monies, but they do not have them now.

Mayor Naugle asked if there is any ability to have the Department of Community Affairs, the Governor, or another body to intercede in this dispute.

The City Manager said that the monies that have been promised are at risk even if the City accepts without an agreement. Vice Mayor Teel said the only way for the City to receive the money is through the joint agreement which the County is not willing to sign unless it is their version of that agreement. The City Attorney confirmed that is correct.

Commissioner Moore was concerned how the City would be perceived if they are to act according to how the conversation is taking place. The Rock Island community voted to come into the City. He asked why the Broward Delegation does not stand up for the policies and procedures that they said have to be followed for annexation. This is the issue. The City and the neighborhood played by those rules, and now there is the possibility of a white community being brought into the City, while a black community is excluded. He was concerned about this due to the governmental entity involved. Each of them voted and had a choice, but the City is now looking for an option to deal with one, but not the other. The Broward Delegation process needs to be challenged. That is the issue, and this is where the safety valves open. The \$10 Million infrastructure for Rock Island has to happen by Broward County because it is a bonded project, regardless of whether it is delivered to a municipality entity. The \$300,000 being discussed could only be addressed if annexation takes place because it is a part of the interlocal agreement for a median improvement in that community.

In regard to the exchange offered by the County, Commissioner Moore was concerned that the value of the lots offered would meet the amount of \$500,000. He was also concerned about that statement that it is no longer a County park, but they would spend money for capital improvements on the park. The municipal entity is not being given any choice about the amenities or to use it for acquisition of adjoining property to make it meet the 40 acre requirement. There is nothing in their policy that says a regional park consists of 40 acres. All documents have been reviewed, which state a regional park could be less in acreage. There are many confusing issues on the table.

Commissioner Moore said that what is going to be heralded would be the black community who did what they were supposed to do, and yet are going to be plummeted with high taxes because the disagreement between the City and County had not been settled. Today is the 28th and the Stipulation ends on the 30th. Whatever happens has to occur in 48 hours.

Commissioner Hutchinson asked what happened with the Broward Delegation.

Linda Cox said that several Delegation members have gotten involved in the process and tried to negotiate and mediate the issue. She believed they would be willing, at the appropriate time, to reverse some of this at the next legislative session. They are getting ready to hold public hearings which she believed start the end of October.

The City Manager said that none of that solves the City's problem. Ms. Cox realized it does not solve the immediate problem.

Commissioner Hutchinson questioned why there are even rules.

Mayor Naugle said the City could not annex either area because there is no Interlocal Agreement. The annexation could only take place with an Interlocal Agreement. He spoke with the Sheriff in regard to public safety, and he indicated that they would continue to provide police and fire service until October 1, 2005. The Sheriff raised the question as to whether the City police officers would have jurisdiction in an area where the annexation did not occur and it could jeopardize criminal investigations if the wrong agency was in an area or if the police did not have arrest powers in an unincorporated area. He asked how the area could be patrolled if the annexation does not take place.

Commissioner Trantalis said there is no equal mechanism for a declaratory action or injunction in an attempt to impose upon the Broward Delegation. They represent the area and they either get involved or not. Commissioner Moore agreed. Commissioner Trantalis said it appears the only option the City has is to initiate a judicial action, and let a third party mediate the dispute. The Commission should direct the City Attorney to proceed.

Commissioner Moore said if the City Attorney is recommending this road for the City to follow, then they should move forward. He did not want the citizens left out. It infuriated him when the people are not dealt with first, and then the money issues. He did not expect this Commission to take on such a burden. This Commission needs to deal with the procedural process with which the governmental entities work. The Public Information Office should deal with an opt ad to show that people's lives could not be played with in such a manner.

Commissioner Trantalis said they should all attend the Broward County Mayor's Ball and meet with the Broward Delegation and Commissioners. He felt that is the only available mechanism to effect the City's point of view. He felt they could only seek the judicial recourse, and they should move forward in such a manner.

Commissioner Moore believed there is a fifth option that they have not yet discussed which is to tell the County that the City wants them to operate the park with full service. The City should make a counter offer.

The City Attorney said that the City made the offer that the County keep the park. The City Manager said that they also discussed a possible phasing option as well. He was told that they would not accept anything beyond two years.

Commissioner Moore said, in order to deal with the people, that today the City make a proposal to the County, as a Commission, that says the City would agree to the annexation if the County provides a three-year payment regarding operation of the park. Mayor Naugle suggestion five years. Commissioner Moore said he would not disagree

with five years. The assessment values will probably rise, and it will not be revenue negative. It would provide time to ramp up. It should be a minimum of three years but not more than five years.

The City Attorney said that he, the City Manager, and Commissioner Moore met with representatives of the County, and one of the proposals discussed was a four-year equal phase-in. In the City's numbers, it showed that in the fifth year they would break even. They proposed a four-year pro-rata. Commissioner Hutchinson said that it should be four years at the County's cost. The City Attorney said they proposed four years because he believed the City's numbers are conservative, but the County turned down the proposal. The City cannot get the staff or the district commissioner to place this on the agenda.

Commissioner Moore said if they as policymakers are making a recommendation, then why are they dealing with staff. This City Commission needs to make known to the County Commission their position, not staff. He said the media is aware of this and nothing has been negotiated behind closed doors. They should be asked to put it on the agenda and tell the public what they are going to do. The City has taken over three parks through annexations, and all of them were less than 30 acres. Even the other municipal entities that took over parks were under 30 acres. The reason a regional park was defined by the County as 40 acres is something no one can justify. In looking at what was offered by the City Attorney, it showed that this park impacted six municipal entities in a 2.5 mile radius. The City Attorney added that five unincorporated areas would be also affected. Commissioner Moore said the programming in that park show that individuals participate from all over the County, but the County insists that it is not regional. This City, which is the highest tax paying entity to the County, has no residential park in its entire limits. He question that because of this "made up policy," the park is not going to be addressed.

Mayor Naugle said that a guarantee was made at a meeting with the County's elected representative present. Commissioner Moore said they are letting the elected body escape this. This Commission is discussing this at every one of their meetings. Some thirty residents tried to speak at the County meeting yesterday, but were denied.

Mayor Naugle asked if this is malfeasance. The City Attorney said the County would argue that this is a difference of legal opinions as to responsibility.

Commissioner Moore suggested that a counter offer be made to the County, and that the issue be placed on the County Commission's agenda. He wanted a public meeting to be held.

Mayor Naugle said that in the interim, the Commission would follow the City Attorney's recommendation regarding a declaratory judgment.

The City Attorney said that tonight as a walk-on, there will be a resolution declaring an emergency because otherwise they would have to go through Chapter 164, and have joint meetings with the County over a certain period of time in order to resolve the conflict.

Vice Mayor Teel said it was clear in the beginning of the negotiations that Rock Island was a negative as far as financial balance because of the park. Twin Lakes was not a

problem. They came out as neutral. They were two separate bills. She asked if they should then be two separate declaratory judgments.

The City Attorney said that the problem is that both of them have identical language. The City's legal position is that if an interlocal agreement is required, then the annexation has not taken place. Therefore, the City could not argue in the case of Twin Lakes that it was annexed, but Rock Island was not. Both areas have to be treated the same. He said that both would be included in the same declaratory action.

Mayor Naugle said there is a question mark regarding police jurisdiction. Commissioner Moore asked who would be called for such service as of October 1st.

Vice Mayor Teel said it is frustrating dealing with staff, but in her mind staff was told by the Commissioners how to handle this issue. Commissioner Moore said that is all the more reason to place this in the public eye so that it is clear that it is Broward County's responsibility.

The City Attorney said that tomorrow they would file the lawsuit, and either that day or the next they would be informed as to which judge is being assigned.

Commissioner Moore asked about making a counter offer.

Vice Mayor Teel was not interested because offers have been made, and they now need to go to court.

The City Attorney said that a counter offer would be put in writing and forward it. Commissioner Moore clarified that the offer would be five years for total operation by the County.

Commissioner Trantalis asked if, after that time, it would become revenue neutral. The City Attorney indicated that is what the numbers showed when the decision was made. Commissioner Hutchinson noted that the numbers were run a long time ago. Mayor Naugle noted you simply have to make an assumption on appreciation that may or may not happen.

The City Manager said that he wants everyone to understand one other potential which is at the end of the month, the County is taking the position that they are withdrawing services. He was not sure what would happen.

Commissioner Trantalis felt the Governor has to step in at that point because the County is abdicating their responsibility.

Commissioner Moore felt the people in the annexed areas need to know the City's position on the issue. Mayor Naugle said the law says clearly that there is no annexation without an interlocal agreement being signed. The City cannot make arrests or patrol in an unincorporated area.

Action: The City Attorney will forward a written counter offer to the County of five years total operation by the County. The City Manager said they will explore the City's options regarding communicating with the two concerned areas.

Commissioner Moore felt that if the County agrees to operate the park for five years, the City should authorize any park improvements. Future operation costs are a factor.

Broadband and DSL; League of Cities Information Technology Meeting

Commissioner Moore said that he attended the Information Technology meeting of the League of Cities. He was informed that the City's Information Technology Services Department is the best in the nation.

Commissioner Moore thought there was an agreement with Comcast for a total build-out and asked if this is correct. Tim Edkin, Director of Information Technology Services, said that Comcast has completed their broadband build-out of the City. He said the two options are Comcast and DSL.

Commissioner Moore said one of the things being discussed is that the industry can select where to provide such services. He wanted a resolution by the City, that when you stick to your guns, even though there is one supplier of a service, that they will do whatever is needed for the good of the community. For example, when cable build-out was first done, there was an obligation to provide it everywhere. Now, the best leader for cable companies are the neighborhoods who they fought the most not to install services because they did not think those communities would pay for the services. Those are the blue collar communities. They are now finding it to be their mainstay, and he believed that would be the same with Broadband and DSL. With redevelopment occurring around the country and housing costs skyrocketing, delivery of Broadband service should not be left to the industry's discretion to select where they would get the best return. The City should require that any build-out be done City-wide for future vendors. He wanted to demonstrate to other communities the City's success in having service provided citywide.

Mayor Naugle said that other vendors are only in certain areas. Commissioner Moore said he does not mind that, as long as there is one builder that is build-out and there is no exclusion.

Mr. Edkin said one of the problems is that there is currently a bill in the US Senate to eliminate franchising at the local level. When that is eliminated, then the City's control over providing service and customer service, all go away. There is another State bill that Verizon is pushing that would do franchising at the State level and take away the municipal power

Action: Mayor Naugle suggested this be addressed with the upcoming legislative agenda. Commissioner Moore indicated he would bring it to the attention of the City Lobbyist, Linda Cox.

Crime Prevention; Northeast Alliance

Vice Mayor Teel said that the Northeast Alliance hosted a crime prevention meeting on Monday night. The police did an excellent job; valuable information was provided.

Mayor Naugle said they talked about the vehicular burglaries that are occurring throughout the City and the importance of individuals keeping possessions out of site.

Citizen Volunteer Corps; CVC

Vice Mayor Teel said that the CVC on October 15th at 9:30 a.m. would be working with the police in a program to distribute information on cars parked in municipal lots.

Vice Mayor Teel said CVC had a good event at the Beach Community Center a couple of weeks ago. Bushes were planted.

Newsracks

Vice Mayor Teel referred to newsracks and magazine racks. During the hurricane, they fell over and the contents fell out, but as of this time no one has cleaned it up. Something needs to be done.

Mayor Naugle asked about the status of the automotive and real estate publications that have no editorial content. The City Attorney said they are considered commercial unless they contain some sort of article. Commercial speech is also protected. In response to Vice Mayor Teel, the City Attorney indicated that a book with only apartment rentals in it is okay.

Commissioner Moore thought they had decided newspapers in the right of way had to be in a certain type of stand. Commissioner Hutchinson said that pertained to a certain area.

The City Attorney said that the City Manager has requested that further research be done in this area. They are looking at what options are available to expand that district. He thought the district is on the beach. It requires similar containers.

Commissioner Moore said that every time he attempts to get an ordinance adopted, he is informed it has to be City-wide, but then he hears about something special for the beach.

Commissioner Trantalis said that he is constantly hearing about these stands at the beach; people are always complaining.

In response to Mayor Naugle's observation of some newsracks with red stickers, the City Attorney indicated the sticker referred to a Code violation. Unfortunately, the form cited the wrong Code section. The newsrack is supposed to have the name of who is responsible for the newsrack; address and phone number. Mayor Naugle noted that the glue and ink from the sticker is unsightly as well.

Action: The City Attorney said they would come back with a recommendation to the Commission. The City Manager said that staff is researching this matter and will resolve it.

Commissioner Moore left the meeting at approximately 3:54 p.m.

Vice Mayor Teel said that people think that newsracks should be picked up before a storm because they are safety hazards. Many calls are received.

The City Attorney said that they could provide that the newsracks be picked up as a public safety matter. If they are not picked up, he was not sure what could be done. At least they would be made liable. The City Manager said that hopefully the new system would have them bolted into the ground and uniform standards would be established.

City Manager Reports (Cont'd) – Boulis case; Police Department

The City Manager thanked the Police Department for two years of hard work on the Boulis case, and said everyone should be proud of their efforts.

There being no further business to come before the Commission, the meeting was adjourned at approximately 4 p.m.