

**FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING  
JUNE 5, 2007**

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**COMMISSION CONFERENCE MEETING      1:30 P.M.      JUNE 5, 2007**

Present: Mayor Naugle  
Commissioners Hutchinson, Rodstrom, and Teel and Vice Mayor Moore  
(arrived at 1:36 p.m. as noted)

Absent: None.

Also Present: City Manager – George Gretsas  
City Auditor - John Herbst  
City Clerk - Jonda K. Joseph  
City Attorney - Harry A. Stewart  
Sergeant At Arms – Sgt. C. J. Herbert

Mayor Naugle said that the waterway tour was very good.

**I-A – Board of Adjustment Interviews**

Deferred until Vice Mayor Moore arrived. Continued on Page 3.

**I-B – Proposed Ordinance – Business Tax – New Classifications**

No discussion.

**I-C – Riverside Park Neighborhood Character Plan**

Marc LaFerrier, Director of Planning and Zoning, said this plan was done in partnership with the Riverside Park neighborhood. The City's consultant on this project, Civic Design Associates, was not able to attend today. Riverside Park led the way in reviewing key issues that concern other neighborhoods regarding redevelopment. The neighborhood is unique and regulations should be put in place to foster those unique characteristics. He made a slide presentation. Copies of the slides are attached to these minutes.

Vice Mayor Moore entered the meeting at approximately 1:36 p.m.

The City Manager wanted to not create false expectations because there is no funding available.

Mayor Naugle said that some things could be easily done.

Commissioner Hutchinson said that some items could be implemented citywide.

In regard to green building practices, Commissioner Teel said it is apparent that this would not be mandatory any time in the near future, but she suggested the principles of green buildings be placed on the City's website to assist anyone interested in doing it on a voluntary basis. Mr. LaFerrier said that as far as incentives are concerned, there could be an opportunity for an increase in density or performance driven development standards if green building standards are provided for example. Mayor Naugle said to green building standards could increase the cost of a home and go against affordable

housing. Vice Mayor Moore said when a house is green, it could become more affordable in terms of maintenance.

Vice Mayor Moore applauded the neighborhood association. He referred to the previous committee that examined code amendments to address community concerns. He hoped that this wish list could be put back on the table for review some time during the summer. He appreciated Commissioner Hutchinson's comment that they are citywide. He said the overlay district is essential for this to happen and should be put in place immediately. He asked about the timeline for an overlay district. Mr. LaFerrier said this plan scoped out many key issues. Good recommendations were made. This is something that could be brought forward in the public hearing process in the next 6-9 months. The overlay needs to be scoped so it would not be a dramatic change and not significantly change property rights, thereby becoming a rezoning or a taking.

Vice Mayor Moore suggested addressing it in stages, as a conceptual plan with a piece done now. The earlier the community sees a buy-in, the better it will be. When the Sistrunk corridor was done, an overlay district was requested, but never done. Things have popped up, i.e. liquor store, which are thorns in the redevelopment effort. The liquor store is operating without a license.

Mayor Naugle and Vice Mayor Moore felt the overlay district is well over due. Vice Mayor Moore noted it protects the integrity of what the community wants.

Dave Marshall, President of Riverside Park Residents Association, said they want this to move forward expeditiously.

Mayor Naugle asked if the Association would be willing to make a list of the top five things that need immediate attention. Mr. Marshall said they would want professional input in composing a list.

Vice Mayor Moore said there are many neighborhoods who have civic engagement with trying to increase the quality of their neighborhoods. Years ago the Commission did not have a fear about floating a bond for neighborhood projects. The Commission has not done any initiatives that they could claim as their own. He would like to do a citywide initiative. He wanted to discuss this subject to see how the community feels.

Mayor Naugle said bond issues require voter approval and timing is essential. He was not sure the time is right.

Commissioner Rodstrom believed there may be cuts in the Neighborhood Capital Improvement Program and the Broward Beautiful or they may disappear altogether in the next couple weeks. Residents may like the idea because they could improve their area. Vice Mayor Moore said it would be something paid and would not continue; it depends how it is framed. Commissioner Rodstrom said there are neighborhoods who have never applied because they did not know it was available. She felt it is worth looking at.

Mayor Naugle commented that recognition of how the ability to hook up to sewers will impact development is crucial. The plan is crucial at this time.

Commissioner Hutchinson emphasized that the five top issues be addressed. Mr. LaFerrier said staff will note every section of the code that would be applicable for a change and organize it on a spreadsheet.

**Action:** An overlay of design guidelines will be brought forward in the public hearing process in the next 6-9 months. Mayor Naugle and Vice Mayor Moore were interested in pinpointing Code amendments that could be accomplished without capital outlay. Vice Mayor Moore and Commissioner Rodstrom were interested in exploring a bond issue for neighborhood projects where neighborhoods are interested in paying for the improvements. Commissioner Teel wanted the principles of green buildings placed on the City's website for those who wish to voluntarily do it.

#### **I-A – Board of Adjustment Interviews**

Continued from Page 1.

Mayor Naugle noted that decisions of the Board of Adjustment may not be appealed to the Commission; it has the final word before the Circuit Court.

Diana Centorino said she has lived in Fort Lauderdale for 21 years. She served on the Planning and Zoning Board. She is a lawyer in private practice, graduated from Boston College. She originally practiced law in Massachusetts and has practiced a total of 33 years. She is married with three children; her husband is the Chief of Public Corruption in Miami-Dade County. She has lived in the same hour twenty-one years. She has owned her office for seven years. She is dedicated to the sense of community in Fort Lauderdale and would be honored to serve on this board. She spoke one time before the board in a matter concerning her neighbor. Her application lists various activities in which she participates. With her youngest child going to college, she has time to get back involved.

Bruce Weihe said he has been active in the community for a long time and has served on the Community Services and Planning and Zoning boards. He has lived in Fort Lauderdale for thirty-three years and has been married for twenty-eight years. He has lived in the same house for about twenty-five years. He had one matter before the Board of Adjustment in 1976. He mentioned involved with the Little League. His children are getting old enough to allow him to get back involved. He would be honored to serve on this board.

Mayor Naugle explained the appointment process and thanked the candidates.

**Action:** See regular meeting.

#### **I-D – Refunding Water Deposits for Residential and Irrigation – Lawn Services**

Commissioner Hutchinson had asked for this item to be placed on the agenda. She explained that one's residential water meter deposit is eventually refunded with timely payments, but the irrigation deposit is never refunded. The City Attorney said the ordinance says if there is a residential account, deposits are returned after a certain time of paying bills timely. It appears to be an unwritten policy and no one can identify its source.

Commissioner Hutchinson felt a policy should then be set. The City Attorney said if the Commission wants to treat the irrigation account the same as the house account, the ordinance would not have to be changed to do so. Mayor Naugle noted it is residential accounts.

Commissioner Rodstrom asked if this would be done retroactively. Betty Burrell, Director of Finance, said they have approximately 2,300 accounts, but not all would qualify for a refund, if they have not made timely payments. Staff will review the accounts. They are entitled to interest accrual. It is a liability account so there would be no economic impact. The money is already set aside to be refunded.

**Action:** Consensus approval.

### **I-E – Automated Public Restrooms for Beach**

Peter Partington, City Engineer, said there is an item on the consent agenda this evening to commence preliminary design for restrooms at the north end of the beach. He showed photographs of an automated restroom that could be placed in a façade of the City's choosing. The question is whether the City should pursue automated restrooms distinct from the regular style.

Mayor Naugle said these restrooms are used in Australia. Because of the criminal and homosexual activities in City restrooms, it has been a problem. These restrooms allow only one individual inside at a time. The City should ensure that public restrooms are not a place for such activities. He felt it is a good idea.

Ron Hicks, Director of Economic Development, responded to the Mayor's question that the restroom would be placed on a concrete pad, 15 feet in width, partially on the sidewalk.

Vice Mayor Moore said there needs to be discussion as to whether public restrooms should be on the beach. He was concerned about safety in a public facility.

Ina Lee, Chair, Beach Redevelopment Advisory Board, said this matter has been on their agenda for ten years. If the City is committed to creating a world-class destination, people need restrooms. The Board researched these types of restrooms. They are being successfully used throughout the country and the world. She mentioned Atlanta, San Francisco, New York. She pointed out their merits including safety concerns. Other municipalities are not having problems with them. The Board is unanimously in favor.

Vice Mayor Moore asked why businesses along the beach do not permit individuals to use their restrooms. Ms. Lee said that they do. Commissioner Hutchinson said that some do and some do not. Mayor Naugle noted that public use of the restrooms was a condition of the McDonalds' approval, but that restaurant has been relocated.

In response to Vice Mayor Moore, Phil Thornburg, Director of Parks and Recreation, said restroom maintenance is contracted out; they are serviced three times a day. John Hoelzle, Director of Parking and Fleet Services, said the restrooms are locked when the parking lot closes at 2 a.m. and reopens at 6 a.m.

The City Manager said the location and a small unit was chosen as a pilot. The real question is whether it works. Calls to other communities indicated they work fairly well. Hopefully a small size will address some of the safety concerns. They are not cheap. In response to Commissioner Rodstrom about hours of operation, Mr. Hicks indicated it can be programmed. Mayor Naugle noted a charge could be assessed. The City Manager said the door itself is programmed.

Louis Herrera, Public Facilities and Services, nationwide distributor, was introduced by the City Engineer. He agreed about placing traditional restrooms on the beach. There are over 6,000 automatic public restrooms throughout the world. It is a new technology in the United States. He explained how it operates. There are five companies that manufacture these and he represents all of them.

In response to Mayor Naugle, Mr. Herrera recommended one unit to start. With 300-400 uses a day, it is recommended another unit be added. Mayor Naugle thought the biggest expense would be in providing the infrastructure, utilities to the site. Mr. Herrera indicated they are connected to the sewer system.

In response to Commissioner Rodstrom, Mr. Herrera explained the timed locking feature.

Ms. Lee said that given what the City is investing in the community and the number of people who go to the beach, something needs to be done. In terms of what is available at this time, lifeguards have a list of public restrooms available, but this is not how she felt the service should be provided.

In response to Commissioner Teel's question about a mother and a child, Mr. Herrera explained that would be possible. It is intended for single use. It is handicap accessible, 32 inch door. A diaper changing station can be provided. He went on to elaborate upon the materials used and features.

In response to Commissioner Rodstrom, Mr. Herrera recommended the City use maintenance service available through the manufacturer. There are three service components' janitorial, technical service and preventative maintenance. If there is a problem with a unit, it automatically phones the vendor. These units have been used in Europe and Asia for over twenty years. Many of the kinks have been ironed out.

In response to Commissioner Teel, Mr. Herrera indicated that there are none in South Florida.

In response to Mayor Naugle, the City Manager said that no General Fund dollars would be used; the cost would be borne by the CRA. Mr. Partington said that on tonight's agenda is a consultant agreement for preliminary design and part of that will be buttoning down the cost. A single unit is approximately \$350,000; two units are \$450,000. There is about \$800,000 in CRA funds set aside for this project. Mr. Herrera indicated that is fully installed.

Vice Mayor Moore was concerned that this is a proprietary situation. With respect to safety, he was concerned about a facility that is locked for a specific time in comparison with a facility where people may walk in. He was concerned about a facility that is not monitored.

Mayor Naugle said that the Police Department has reported casual sex, pick up activity and transmitting diseases. It is mostly males. This type of facility would not foster loitering.

Mr. Herrera said the maintenance does not have to be proprietary. City employees could be trained, however, he felt that their staff can handle it faster, more efficiently and cheaper. He strongly recommended their personnel for the test.

With respect to anti-social behavior, Mr. Herrera it has never appeared to be a problem in their units except one instance in Seattle. In that case, it had to do with its location. He offered to give anyone visiting Atlanta a tour.

In response to Mayor Naugle, the City Manager indicated use of the unit could be free or whatever the Commission decides to charge. Mr. Herrera said that so far all units have been free. Councils have determined that the money received from the unit would not outweigh damages if someone tried to steal the funds. Also salt air causes problems with mechanisms. Mayor Naugle felt there should be a nominal charge.

**Action:** Consensus approval. Vice Mayor Moore opposed.

**EXECUTIVE CLOSED DOOR SESSION**  
**(2:45 p.m. to 3:02 p.m.)**

**Police Professional Liability Claim PP L 00-425 – Ernest Schepp**

**II-A – April 2007 Monthly Financial Report**

No discussion.

**II-B – Fleet Plan – Fiscal Year 2007-2008**

Mayor Naugle asked if the City Manager has looked at cutting back on vehicles and fuel efficiency measures. The City Manager said staff is reviewing the fuel efficiency issue and alternative fuel vehicles. John Hoelzle, Director of Parking and Fleet Services, confirmed the Mayor's observation that two electrical vehicles have been purchased for the Parking Division. They are examining those vehicles.

In response to Commissioner Rodstrom, Mr. Hoelzle said departments pay into the Reserve every month so at the end of the vehicle's life cycle there would be sufficient monies in the account to replace the vehicle.

**Action:** Accepted.

**II-C – Repair of Irrigation Pumping Station at Mills Pond Park – Emergency Purchase**

In response to Commissioner Rodstrom, Albert Carbon, Director of Public Works indicated there are surge protectors on the pumps. Mayor Naugle commented that employees should be instructed if the breaker trips repeatedly to report it.



**Action:** Accepted.

**III-B – Advisory Board/Committee Appointments**

Audit Advisory Board

**Action:** Deferred.

Aviation Advisory Board

Vice Mayor Moore recommended reappointment of Sharon K. Woods to the Aviation Advisory Board.

**Action:** Formal Action To Be Taken At Regular Meeting.

Board of Adjustment

There was consensus for Diana Waterous Centorino to be appointed as a full member and Bruce Weihe as an alternate on the Board of Adjustment Advisory Board, although Mayor Naugle, Vice Mayor Moore and Commissioner Hutchinson expressed an interest in Mr. Weihe being the full member and Ms. Centorino the alternate.

**Action:** Formal Action To Be Taken At Regular Meeting.

Cemeteries Board of Trustees

**Action:** Deferred.

Charter Revision Board

Vice Mayor Moore recommended that Daniel W. Lewis be reappointed to the Charter Revision Board.

**Action:** Formal Action To Be Taken At Regular Meeting.

Code Enforcement Board

**Action:** Deferred.

Community Appearance Board

Vice Mayor Moore recommended that Ayisha Gordon be appointed 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 Committee

**Action:** Deferred.

Historic Preservation Board

Commissioner Rodstrom recommended reappointment of Susan Ryan Jordan to the Historic Preservation Board.

**Action:** Formal Action To Be Taken At Regular Meeting.

Insurance Advisory Board

**Action:** Deferred

Marine Advisory Board

**Action:** Deferred.

Northwest Progresso Flagler Heights Community Redevelopment Advisory Board

Vice Mayor Moore recommended reappointment of Rosalind Osgood to the Northwest Progresso Flagler Heights Community Redevelopment Advisory Board.

**Action:** Formal Action To Be Taken At Regular Meeting.

Nuisance Abatement Board

**Action:** Deferred.

Parks, Recreation and Beaches Advisory Board

**Action:** Deferred.

Planning and Zoning Board

Vice Mayor Moore recommended reappointment of Maria Freeman to the Planning and Zoning Board.

**Action:** Formal Action To Be Taken At Regular Meeting.

Utility Advisory Committee

**Action:** Deferred.

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

Mayor Naugle asked this item be moved earlier on the agenda in the future.

Vice Mayor Moore did not agree with the recommendation for 248 Utah Avenue because the impact of the property on the community is very negative. The property owner explained that they could not handle the situation. They went to the Housing Authority. It is being used as income producing, yet they claim they cannot control who it is rented to. The person who tried to profit should pay for what it caused the neighborhood. It went on for some time. He felt they should pay the full amount. Mayor Naugle explained landlord/tenant relations in his experience. Vice Mayor Moore was concerned about property values impacted and the adjoining properties. The City should send a message to the community that people should do a better job in selecting tenants.

Valerie Bohlander suggested this property settlement item be removed.

Commissioner Rodstrom requested an explanation of the process. Mayor Naugle explained this process was decided by Commission consensus. He provided some historical insight.

Vice Mayor Moore noted this property owner also failed to provide a proper mailing address to the City. This individual should not be given any break.

In response to Commissioner Rodstrom, the City Attorney said that ultimately settlements are deposited in the General Fund.

In response to Commissioner Teel, Vice Mayor Moore estimated this property owner will go for another Section 8 tenant and receive 90% funding from the government. This individual was going to the property to collect rent and there was garbage and debris all over.

In response to Commissioner Rodstrom, Vice Mayor Moore explained the Housing Authority's review process is focused on the property, not the person.

**Action:** Consensus approval as submitted. Vice Mayor Moore was opposed to 248 Utah Avenue; Case CE06062109.

#### **IV – Commission Reports**

##### **Fort Lauderdale Hollywood International Airport; South Runway**

Mayor Naugle said the Commission took a strong position on the south runway at the International Airport. An Interlocal agreement was executed. The City gave away City property to Broward County in exchange for building the south runway. Tonight the Broward County Commission is holding a discussion on this matter at the same time as the City Commission's meeting. He wanted the City Manager to designate someone to present the City's position at that meeting. Before elected, Commissioner Hutchinson worked on this.

Commissioner Hutchinson agreed the City has always been supportive of the south runway. The City supported this project where the ultimate goal was the runway and everything but that runway has been done. The City did their part.

Mayor Naugle said if the south runway is not approved, there is the chance that a second runway would be built on the Fort Lauderdale side. Vice Mayor Moore pointed out that the City put \$500,000 in the berm built on the south side of the airport.

Commissioner Hutchinson said individuals in Dania Beach have no idea of the magnitude of the impact on the Edgewood neighborhood if a dual north runway is built. She felt the ultimate goal for everyone is getting rid of the cross runs.

Commissioner Rodstrom wanted to be exempt from this discussion because she had not been part of the original voter discussion on the airport and she has a different take on the situation.

Vice Mayor Moore explained that would not be possible as the majority rules. In such case, Commissioner Rodstrom said she would send someone to the meeting to represent her opinions.

Vice Mayor Moore commented on the number of years this item has been discussed.

Commissioner Rodstrom said she has a quote from the Federal Aviation Administration, saying that no matter where the runway is placed, Fort Lauderdale will be impacted. Vice Mayor Moore commented on the positive economic benefit from an additional runway.

The City Manager said that Clara Bennett, Airport Manager, will represent the City at the County Commission meeting.

**Action:** The City Manager was directed to send a representative to the Broward County Commission meeting that evening to present the City's position in favor of the south runway.

### Billboards

Vice Mayor Moore asked about the status of the billboards. The City Attorney said that most of the billboards have come down. Vice Mayor Moore wanted to be certain that whatever the City was to get in the matter has been secured. He wanted to review the billboard policy. He noted when driving in his district from west to east, he reaches a point where there are no more billboards. There are billboards on state roads only in his district. He wanted to know what prevents the removal of billboards along Sunrise and Broward boulevards.

Commissioner Hutchinson said there is one billboard in her district. Vice Mayor Moore commented about the number that are in his district.

Vice Mayor Moore noted the purpose of the settlement agreement was to get the billboards on major roadways and interstates, and not into residential communities. The City Attorney said the City was sued over their regulations prohibiting new billboards. The lawsuit was settled to allow billboard companies who had existing leases, to keep existing billboards and there would be no new billboards except for one company who also sued the City and received permission for five additional billboards of which only one or two are left.

Vice Mayor Moore wanted some methodology to put some limit of time on the existing billboards along those boulevards. It is unfair that one community has to deal with them while others do not. The City Attorney clarified more billboards are not coming into the City. The existing billboards are vested. They were there prior to the time the ordinance changed. Other than the billboards permitted in the settlement, there are no new billboards.

Vice Mayor Moore wanted the Commission to now discuss the issue of billboards in one area of the city.

Mayor Naugle said the sign ordinance provided an amortization period and after a period of time, the signs were removed. If the Legislature has pre-empted the City from regulating billboards, the question is whether the remedy is legislative change.

Commissioner Hutchinson suggested this be scheduled for discussion.

The City Attorney believed that the Legislature has pre-empted the area for billboards due to heavy lobbying efforts. It will probably require changes in the legislation.

Mayor Naugle said the Commission might have to adopt this as a priority in order to get the Legislature to change the law.

Vice Mayor Moore requested a status report from the City Attorney.

#### Police Training; Procedures; Policies and Cultural Sensitivity

Vice Mayor Moore had sent a request for review to the City Manager of an MLK organization that reviews police tactics and asked if this could be placed on a future conference agenda. This is a not-for-profit entity that reviews policies, procedures, training and cultural sensitivities.

#### Overlay District; Sistrunk Boulevard

Vice Mayor Moore noted a charette was conducted on the Sistrunk corridor over a decade ago at which time an overlay district was requested. When looking at the timeline for the Riverside Park overlay, he asked an overlay also be implemented for Sistrunk.

#### Liquor Store; 9<sup>th</sup> Avenue and 6<sup>th</sup> Street

Vice Mayor Moore stated there is a liquor store at 9<sup>th</sup> Avenue and 6<sup>th</sup> Street that has a negative effect on the neighborhood. They have been operating for four years. They have no occupational license. He requested a memorandum explaining why this business is still operating. He preferred to place a lock on the door and let them sue the City.

#### Bay Colony Club Condominiums; Recreation Lease

Commissioner Teel indicated that Bay Colony Club Condominiums originally created a recreation lease. A district was formed; they floated bonds to purchase lands under the lease and have now paid those bonds in full. She read a letter received from Bay

Colony Club Condominiums, requesting the City to dissolve their district, authorized by City Ordinance C-81-30E. They are represented by Alan Gabriel.

The City Attorney said the enabling ordinance would have to be amended in order to grant the District that authority. He provided some history on this matter. If the District is abolished, the property comes to the City even though they paid for it. If the City gives them authority to divest themselves of the property in a fair and equitable manner, that is, to the people who paid for it, there would be no title issues.

In response to Vice Mayor Moore, the City Attorney provided more clarification and Commissioner Teel explained this is the community's common recreation areas.

**Action:** At Commissioner Teel's request, there was consensus for the City Attorney to draft an amendatory ordinance with respect to disposition of Bay Colony Club Condominiums' recreation lease for community property.

#### Sex Offender Ordinance

Commissioner Teel said she received a call from an individual who is concerned about the sex offender law going into effect in different cities. He questioned whether Fort Lauderdale should be doing the same. Hollywood, Pembroke Pines and Coral Springs have ordinances regarding this issue.

The City Manager said that at the Commission's request, the Chief of Police would be coming forward with a recommendation at the next meeting, June 19th. The Police Department is consulting the City Attorney's Office.

In response to Vice Mayor Moore, the City Attorney indicated that other cities have addressed this. The City is not without protection. There is a state law that prohibits sex offenders of a certain type to live within a designated amount of feet from where children congregate if they violate four delineated provisions in the statute. The Commission would be presented with something that resembles what the State has, but will also have three or four additional statutory violations and leaving the 1,000 feet.

#### Advisory Board Appointees

Commissioner Rodstrom asked about advisory board appointees' terms running with the elected commissioner because sometimes the philosophy does not reflect that of the current elected official.

Mayor Naugle said it is difficult to come up with good individuals to serve. Having staggered terms allows the Commission to concentrate on a few boards at a time. It would be difficult to have all appointments at once.

Commissioner Rodstrom suggested perhaps this could be followed for only certain boards. Mayor Naugle indicated it could be limited to Planning and Zoning. Vice Mayor Moore disagreed. Discussion followed about simply bringing forward any changes a new commissioner would like to make to the Commission.

Mayor Naugle noted that most all of the boards expire every year.

In response to Commissioner Rodstrom, the City Attorney said he would look into the procedure for removal of appointees. Commissioner Teel noted a former commissioner removed someone.

**Action:** At Commissioner Rodstrom's request, the City Attorney will advise on the process for removal of advisory board members.

#### Fire Station Bond Issue

Commissioner Rodstrom asked if an update could be provided on the fire station bond issue at a conference meeting.

#### WaterWorks 2011 External Audit

Commissioner Rodstrom asked if an update on the WaterWorks 2011 external audit could be provided at a conference meeting.

#### Beach CRA

Commissioner Rodstrom asked if a financial update could be provided by the Interim Beach CRA Director. The City Manager agreed to provide a report.

#### **V – Manager's Report**

None.

There being no further business to come before the Commission, the meeting was adjourned at approximately 3:45 p.m.