

FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING OCTOBER 7, 2008

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CITY COMMISSION CONFERENCE MEETING 1:30 P.M. OCTOBER 7, 2008

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

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. Frank Sousa

I – A – Hortt Park – Open Space 18 – Amend Interlocal Agreement with Broward County – Purchase Price

The City Manager explained the purchase price is \$3.1 million however the appraisal was \$2.788 million. In an effort to convince the School Board to lower the price, the City would allow the School Board to stay on the property an extra year with no rent said direction is needed from the Commission on the issue of the sale price of \$3.1 Million. He said that the appraisals came in at \$2.788 Million. They want to get the School Board to support lowering the price, no rent and to waive the City portion of the rent for the first year.

In response to Commissioner Teel, the City Manager indicated the first year rent is \$155,000 and 30-35% is the City's portion.

Mayor Naugle asked if the neighborhood is willing to wait provided there is assurance about securing the park. Commissioner Hutchinson replied yes, provided there is a "drop-dead" date. The neighborhood is okay with the additional 24 months.

Julie Hager, Shady Banks Homeowner Association, mentioned the 150 letters of support from the neighborhood in her possession and read one. Provided the City has possession of the property, the residents trust the City will keep the green space and do the right thing. She urged this be approved.

Commissioner Hutchinson indicated this matter will be discussed at the November 12, 2008, School Board meeting which she will attend.

Mayor Naugle noted this will be subject to review by bond counsel.

Action: Consensus approval as presented: an additional year will be added to lease for a total of 2 years; first year lease would be between School Board and Broward County and second year would be between School Board and City; City will work with County to secure opinion from Bond Counsel that it is permissible for City to give back to School Board a portion of what the City derives as rent for the first twelve months; City would return its portion of the \$155,000 rent pay due to Broward County in year one to School Board is allowable under bond covenants; City and Broward County would work to modify timelines for development of Hortt Property; City will work with Broward County Attorney to verify with Bond Counsel that leaseback terms are consistent with bond covenants. School Board will discuss this issue at a public meeting and decide whether this proposal is acceptable.

I-B – Request Of Riverwalk Fort Lauderdale, Inc. D/B/A Riverwalk Trust, For Donation – Holiday Lighting Along Riverwalk Park

Phil Thornburg, Parks and Recreation Director, noted this is the same request as last year, \$20,000.

Patsy Mennutti, Riverwalk Trust, introduced Chair for Light-Up Fort Lauderdale, Ken Warner, and Riverwalk Trust Chair, Tom Vogel. She noted that Riverwalk Trust will also contribute \$20,000 along with raising private donations.

In response to Commissioner Teel, Ms. Mennutti indicated the quote for this year's total cost is \$60,000 which includes the white lights on the trees on the north and south sides of the Riverwalk, the wrapping of poles with the garland and bows, and some displays. Some of this year's displays would be new, customized depending on the sponsors.

In response to Mayor Naugle, Ms. Mennutti advised that Riverwalk Trust is asking all stakeholders along the Riverwalk for contributions.

In response to Commissioner Moore, Ms. Mennutti indicated if additional contributions are not secured, there would be less displays, but the trees would all be wrapped and there would be garland on the poles.

Mayor Naugle felt the Sun Sentinel should contribute.

In response to Commissioner Hutchinson, Ms. Mennutti indicated Riverwalk Trust intends to ask Broward County to contribute also.

Vice Mayor Rodstrom supported the lighting, but was concerned why this was not included in the budget, could it be for the future and what is the funding source? The City Manager said the cost would be charged to the Contingency Fund. Mr. Thornburg agreed to include it in next year's budget.

Vice Mayor Rodstrom asked whether the City would get any recognition. Ms. Mennutti said they working closely with the Parks and Recreation and Public Information departments to get the word out. She also agreed to work with the Tourist Development Council.

In response to Commissioner Teel, Ms. Mennutti indicated that the Downtown Development Authority provides holiday lighting at Huizenga Plaza.

Action: Consensus approval as presented. See regular meeting agenda item. In response to Vice Mayor Rodstrom, the Director of Parks and Recreation indicated that since this is the second year of the program, staff could look into budgeting this next year.

I-C – Proposed Lien Settlements – Special Magistrate and Code Enforcement Board Cases

Commissioner Moore asked if any of these settlements have anything to do with the Kratensteins who had properties foreclosed 6-8 years ago. Valerie Bohlander, Director of Building Services, agreed to verify none of these settlements involve those individuals.

Action: Commissioner Moore asked it be verified that none of these items have anything to do with the Kratenstein properties foreclosed upon a few years ago.

II-A – August 2008 Monthly Financial Report

No discussion.

II-B – Interim City Commissioner District III Interview and Appointment Process

The City Clerk wanted to be clear of the Commission's direction. She understood the interviewing and ranking would be in the afternoon and ranking in the evening on October 21, 2008. Commissioner Hutchinson suggested the interviews be conducted first at the conference meeting. Mayor Naugle concurred.

With respect to ranking, Commissioner Moore felt it should be kept open as opposed to scoring on paper. The district committee will be making recommendations.

The City Clerk noted that there are eight candidates.

Commissioner Teel felt the Commission should hear from all candidates. Commissioner Moore said the district has indicated they wanted to offer three to five names to the Commission but this does not stop the Commission from interviewing all candidates.

Mayor Naugle asked if the appointment on November 4 should be discussed at the conference meeting. The City Attorney said there has to be a resolution regarding the appointment. In response to the City Attorney's question of whether there are any additional names than those who met the deadline, Commissioner Moore indicated no, the district is interviewing the eight applicants. Mayor Naugle pointed out that group may make a recommendation just as other groups could do, but the Commission will make the decision.

In response to Vice Mayor Rodstrom, Commissioner Moore indicated that he is not a member of the district committee.

In response to Mayor Naugle, both Vice Mayor Rodstrom and Commissioner Teel wanted to discuss the matter at the November 4 conference meeting.

In response to Commissioner Moore, Commissioners Hutchinson and Teel understood the selected individual would take the seat at the next meeting after November 4.

Concerning use of a ballot, Commissioner Moore urged the Commission to consider having open dialogue. Commissioner Teel thought the Commission could reduce the number from eight to three or four in the afternoon and then make a decision at the evening meeting. She asked the Clerk to bring ballots in the event the Commission wishes to use them.

Commissioner Moore suggested the candidates be encouraged to acquaint themselves with items on the agenda.

Action: There was consensus for interviews to take place as the first item of business at the Oct 21, 2008 conference meeting. The matter will be scheduled for the Nov 4, 2008 conference meeting and appointment at the evening regular meeting.

II-C – Audit Report – Code Enforcement Division

The City Auditor commented on the cooperation, that it is a well-run operation, but there may be opportunities to improve policies and procedures to assure things are done in a consistent manner.

Vice Mayor Rodstrom said she was having issues with Code Enforcement keeping up with violations. The Manager has indicated different things will be implemented in the next sixty days to address those situations. She mentioned the foreclosed properties and maintenance of them in the interest of the City's appearance. Valerie Bohlander, Director of Building Services, said staff will be coming back to the Commission with a comprehensive plan concerning foreclosures.

Mike Maloney, Code Enforcement Manager, said they are looking at a vacant property registration ordinance but this does not cover the costs associated with problematic properties.

In response to Vice Mayor Rodstrom, Ms. Bohlander did not have an estimate on the cost for the work associated with foreclosed properties.

Discussion turned to liens and that some liens do not hold up for properties in the foreclosure process. The City Attorney clarified that generally lenders do not take title until the sale occurs. In that interim period of time with a lis pendens filed, once the sale occurs, everything between the sale and the lis pendens is wiped out.

Commissioner Teel said there are two houses in The Landings that are in foreclosure and the neighbors having been helping with maintenance. The police arrested an individual living in one of the residences without water. She suggested no trespassing signs. The City Attorney indicated this issue is being looked at. The research will take several weeks. It would be changing real property law in order to charge people with trespassing without permission of the owner because the owner cannot be found.

Commissioner Moore was concerned that tax dollars are being spent to maintain foreclosed property and the City cannot get their tax dollars back because of some sort of limbo. He understood the neighborhood wants the properties maintain so as not to jeopardize the value of other properties. The City Attorney explained that there are occasions when whoever filed a lis pendens is in a superior position. If the mortgage is \$100,000 and it is sold for \$100,000, the purchaser takes ownership free and clear of the liens. If it sells for more than \$100,000, the liens are paid from that excess.

Commissioner Moore was concerned about fraudulent activities that could occur and deterioration of neighborhoods. .

Vice Mayor Rodstrom pointed out that there are occasions where there is not even enough money to pay the mortgage and the City is sitting far behind others. She felt this will be increasing. Mayor Naugle noted that the mortgage holders have not yet been awarded the properties. The City Attorney added that some mortgage holders have gone belly up.

Commissioner Teel felt the maintenance is basic, cutting grass and putting chemicals in swimming pools.

Commissioner Moore pointed out there have been absentee landowners in the northwest portion of the city where properties had garbage and weeds, but the City did not do anything.

Mayor Naugle raised the idea of employing a group such as the Housing Authority's Step-Up where youth are trained to restore properties. There is going to be a period of time in the law where the taxpayers will be exposed. The alternative is to leave unmaintained properties to burden the entire neighborhood. The City Attorney noted that technically individuals of organizations such as Step-Up could be considered trespassers.

Mr. Maloney indicated that Code Enforcement is monitoring the initial foreclosures; lenders are being contacted and results can be seen, however, he commented about the magnitude of foreclosed properties. The draft property registration ordinance would have the lender register with the City, post the name of who is responsible for regular maintenance. It will hold the lender more responsible.

Vice Mayor Rodstrom commended Mr. Maloney and Code Enforcement staff. The City Manager urged the Commission to give staff time to work through the legal and cost implications. Discussion ensued about the number of foreclosures occurring and that the court system is granting extensions while the properties are not being maintained.

The City Manager indicated that staff is doing what is possible with the current tools.

Mayor Naugle suggested if there is a house with a real estate sign posted but it is not being maintained, the Commission should call the agent. The Commission could also get the neighborhood association to call also. Commissioner Teel mentioned there are political signs being posted on properties in need of maintenance.

Commissioner Moore thanked staff for their work. He agreed with the Mayor in contracting with a not for profit organization where youth could be trained and participate, perhaps an athletic organization.

As a community project, Vice Mayor Rodstrom thought Home Depot might volunteer equipment or loan equipment.

Action: Commissioner Teel wanted to be in a position for the City to post no trespassing signs on properties in foreclosure without the owner's permission. Vice Mayor Rodstrom was concerned about neighborhoods suffering from properties in foreclosure not being properly maintained. Mayor Naugle suggested coordinating with a not-for-profit organization for minimal ongoing maintenance until the property is sold. The City Manager and City Attorney will look into a plan of action and report back. Mayor Naugle encouraged the Commission to contact any real estate agent who has posted a sign on a property not being properly maintained. Neighborhood associations should also be encouraged to contact the agent.

II-D – Fire-Rescue Facilities Bond Issue Blue Ribbon Committee Annual Report – Staff Response

No discussion. See page 6.

II-E – Diesel Fuel For City Vehicles – Emergency Purchase

The City Auditor had discussed this matter with the Director of Parking and Fleet Services and is now comfortable with what was done.

In response to Commissioner Moore, Kirk Buffington, Director of Procurement Services, explained why normal purchasing procedures were not followed, having to do with Hurricane Ike and that the City had already suffered allocations at Port Everglades when fuel was ordered and less was delivered. Procurement Services failed to secure the declaration of an emergency. The City Manager explained it was a timing technicality.

Mayor Naugle commented in the past the County tried to interfere with the City maintaining a supply of fuel.

In further response to Commissioner Moore, Mr. Hoelzle noted the per gallon price of \$3.92 including transport from Tampa at that time and that the City stored 8,000 gallons.

Action: The City Auditor and Director of Procurement Services expanded on the backup material provided.

II-D – Fire-Rescue Facilities Bond Issue Blue Ribbon Committee Annual Report – Staff Response

Vice Mayor Rodstrom asked about the southeast fire station and sites have been selected if it was possible to do so. James Eddy, Fire Rescue Chief, replied yes in a general sense. Vice Mayor Rodstrom wanted staff to monitor the value of properties so that if the opportune time arises, a proposed purchase would be brought to the Commission. Fire Rescue Chief Eddy replied yes. Mayor Naugle noted that the value of commercial property has not fallen very much at this time.

III-B – Board and Committee Vacancies**Audit Advisory Board**

Action: No Formal Action Taken.

Affordable Housing Board

Action: No Formal Action Taken.

Beach Business Improvement District Advisory Committee

Commissioner Hutchinson recommended consensus appointments of Jim Oliver (Ritz Carlton) and George Cozonis (Atlantic Hotel and Spa) to the Beach Business Improvement District Advisory Committee. There was no objection.

Action: Formal Action To Be Taken At Regular Meeting.

Cemeteries Board of Trustees

Commissioner Hutchinson recommended James Mowell to the Cemeteries Board of Trustees.

Action: Formal Action To Be Taken At Regular Meeting.

Centennial Celebration Committee

Vice Mayor Rodstrom recommended E. Birch Willey and Wingate Payne to the Centennial Celebration Committee.

Action: Formal Action To Be Taken at Regular Meeting.

Code Enforcement Board

Commissioner Hutchinson recommended consensus appointments of Ron Perkins and Margaret Croxton as alternates to the Code Enforcement Board. There was no objection.

Action: Formal Action To Be Taken at Regular Meeting.

Community Appearance Board

Action: No Formal Action Taken.

Community Services Board

Commissioner Hutchinson recommended reappointing P.J. Espinal to the Community Services Board.

Action: Formal Action To Be Taken At Regular Meeting.

Economic Development Board

Action: No Formal Action Taken

Education Advisory Board

Action:: No Formal Action Taken.

Insurance Advisory Board

Commissioner Hutchinson recommended Charles Grimsley replacing Randall S. Swenson to the Insurance Advisory Board.

Commissioner Moore recommended Jim Drake to the Insurance Advisory Board. There was consensus approval for the Clerk to verify if any term limited member wished to step down, otherwise the term limited member with the most seniority would be replaced by Mr. Drake.

Action: Formal Action To Be Taken at Regular Meeting.

Marine Advisory Board

Action: No Formal Action Taken.

Nuisance Abatement Board

Action: No Formal Action Taken.

Parks, Recreation & Beaches Advisory Board

Vice Mayor Rodstrom recommended reappointing Mark Hartmann to the Parks, Recreation & Beaches Advisory Board.

Mayor Naugle recommended reappointing Ed Angelbello to the Parks, Recreation & Beaches Advisory Board.

Commissioner Hutchinson recommended Kenny Nail to the Parks, Recreation & Beaches Advisory Board.

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

Planning and Zoning Board

Vice Mayor Rodstrom recommended Michael Moskowitz to the Planning and Zoning Board.

Action: Formal Action To Be Taken At Regular Meeting.

Unsafe Structure & Housing Appeals Board

Action: No Formal Action Taken.

Utility Advisory Committee

Action: No Formal Action Taken.

EXECUTIVE CLOSED DOOR SESSION WAS HELD AT 2:23 P.M.

The City Commission shall meet privately pursuant to Florida Statute 768.28(16) regarding evaluation of the following case:

Julie Germain – VA GL 07-027

MEETING RECONVENED AT 2:30 P.M.

IV – City Commission ReportsBoat washed ashore on Galt Ocean Mile beach

Commissioner Teel indicated a derelict boat washed ashore on Galt Ocean Mile beach. She wanted to know about expediting its removal. The City Attorney elaborated upon problems that could be encountered. The State was to clean it up but could not secure the permit.

In response to Mayor Naugle, Phil Thornburg, Parks and Recreation Director, indicated it could be cut up and taken away; it would be a matter of time and effort. There is a question is whether it is the City's responsibility as it is private property. He had heard

that Beach Rakers, which is under contract with the Galt to clean their beach was in the process of obtaining a permit. Commissioner Teel was not sure they are proceeding because the price bid was unrealistic.

In response to Mayor Naugle, the City Attorney indicated the boat is on both public and private property. Mr. Thornburg believed the public property would be state jurisdiction.

The City Manager offered to secure an estimate or handle it if the Commission so directs. Commissioner Teel felt it is hazardous and should be removed.

Cate McCaffrey, Director of Business Enterprises, said they are in the process of obtaining an estimate for the removal. There is a question as to the County approving the removal because of an environmental review that needs to be done.

The City Manager commented that the beach is somewhat of a public right-of-way and this is a hazardous situation. Staff will handle it if the Commission is comfortable with it.

Before proceeding, Commissioner Hutchinson wanted to know the cost and the funding source. She did not feel that Parks and Recreation could absorb another expense.

Commissioner Moore understood the impact, but he did not feel it is the City's responsibility. This is no different than garbage dumped on private property. In those cases, the City holds the private property owner responsible. The garbage example includes rodents and property values. There needs to be a level playing field for everyone.

Commissioner Teel pointed out it is not all private because it is the ocean. Commissioner Moore believed it is the State and the upland property owner.

Mayor Naugle suggested an estimate be obtained and the City ask for a contribution from the Florida Boating Improvement Fund. He offered to attend one of their meetings and make a request.

The City Manager asked if the Commission would be comfortable with staff handling it if there is no funds outlay. The Commission expressed consent.

Mayor Naugle recommended the Manager should continue to seek the boat owner, document the City's expenses, and bill it to the Florida Boating Improvement Fund, appealing for reimbursement.

Vice Mayor Rodstrom suggested the City could also seek reimbursement from the State.

The City Attorney indicated it will be difficult finding the boat owner because it does not have an FL number and it is not a documented vessel.

Commissioner Moore questioned if this exception is made what happens if someone challenges the City, demanding the same action be taken on their property. The City Attorney indicated they have the right to ask. Mayor Naugle thought it sets a precedent for the beach. Commissioner Moore mentioned all of the special concessions made for the beach.

Commissioner Moore asked if the upland property owner has any responsibility. Mayor Naugle said a bill would be sent to the private property owner for their portion of the removal and the District Commissioner would request the reimbursement.

Action: Commissioner Teel wanted a boat that has washed ashore on Galt Ocean Mile beach removed. Mayor Naugle requested the City Manager pursue the boat owner if the owner can be determined, and staff to remove the boat and submit a bill to the state, Florida Boating Improvement Fund and the applicable portion to the upland property owner.

SMRCA (South Middle River Civic Association)

Vice Mayor Rodstrom announced an upcoming Citizen Volunteer Corps' project by SMRCA on October 25, 2008.

Middle River Terrace

Vice Mayor Rodstrom announced open space acquisition in the Middle River Terrace area is scheduled before the Broward County Commission on October 14, 2008.

Riviera Isles: flooding

Vice Mayor Rodstrom distributed photographs, showing flooding in the different areas. She said that there is also flooding in Riviera Isles, Victoria Park, Seven Isles, and Las Olas Isles.

Mayor Naugle said that Cordova Road also has problems. He felt the only answer is to consider a special assessment and raise the road. This area is sinking. Once the road is raised, individual property owners will be responsible for filling their lot.

In response to Commissioner Moore, Mayor Naugle indicated the problem is from high tides, not rain; it does not involve swales.

Debris, drug sales, loitering; coordination with Broward Sheriff's Office

Commissioner Moore referred to the area of Royal Palm, a block off NW 19 Street and 30th Avenue, where debris is being dumped nightly in an alleyway. There are also drug sales taking place in this area. Property owners are being told they have to pay for it to be removed, but they have not dumped it. The City Manager offered to look into it.

Commissioner Moore referred to an unincorporated area adjacent to the City boundary at 22 and 24 Avenues where there is a three-way stop. He wanted to pursue achieving a cooperative effort with the Broward Sheriff's Office and City's Police Department. People are moving back and forth between the two jurisdictions to avoid the law enforcement officers.

Commissioner Teel commented the same thing is happening with the homeless on Commercial Boulevard and Powerline Road (Twin Lakes North).

Commissioner Moore complimented the Community Redevelopment Agency on the acquisition and demolition of the Harden property. Individuals who were loitering at the

Harden property are now at the triplex adjacent to the Russell home. He asked that the police frequent this area.

Homeless

Commissioner Hutchinson believed the homeless problem in the downtown, the Riverwalk and specifically Stranahan Park is out of control. A group is providing food, but no one is cleaning up. It is also happening on the beach. The City needs to strengthen its ordinance to require cleanup. It is not possible to access the library or Woman's Club without going through a bombardment of angry, hostile and nasty people. It is disrupting events. There needs to be designated areas where these agencies may provide food to the homeless.

Vice Mayor Rodstrom agreed with the need for guidelines.

The City Attorney had not previously heard about the areas not being cleaned up. The City can regulate time, place and manner, however, it is not possible to prohibit feeding or that it cannot be conducted on the beach. Areas have to be identified which was done once before, the stadium – airport, but it was not acceptable to the court. The City would probably have to pay legal fees.

Mayor Naugle suggested the clean-up aspect be strengthened and a determination be made of whether there are other aspects that could be addressed. In response to Mayor Naugle, the City Attorney indicated it is determined that a public safety hazard is created, an off-duty police officer could be required for a feeding.

Commissioner Moore suggested it be handled as a special event.

Commissioner Hutchinson suggested a registration requirement.

In response to Commissioner Moore, the City Attorney explained the difference between a special event and a feeding of the homeless is religion and speech. A feeding cannot be prohibited on the beach unless a reasonable alternative is provided. He agreed to look into whether cleanup can be required and other conditions imposed (including registration). He was uncertain whether a permit could be required.

Mayor Naugle suggested in the meantime the City should identify the organizations who are providing feedings and request that they clean-up afterward.

Commissioner Hutchinson emphasized the need to identify sites. She was concerned about the problem festering on the beach where development is occurring and the core of the downtown and the Riverwalk where people are out walking. Vice Mayor Rodstrom said the homeless are congregating in areas where they are being fed. Perhaps there should be one location in each district.

Commissioner Moore commented about his work on the Homeless Assistance Center and his belief that the homeless will congregate wherever they are fed. They will also congregate where there are public facilities and access to air conditioning. He reiterated his belief that it should be addressed as an event.

The City Attorney indicated he will return with a recommendation.

The City Manager did not think the Commission will be happy with whatever recommendation comes forward. People will continue to complain because they do not want to see homelessness. The shelters are full by 3 p.m. and there are people with no place to stay. As social services are cut, the poor who require more service will get less because the resources are not there. These are the implications of a dysfunctional social service system. There should be a more holistic approach and a commitment by the Commission. The colder it gets throughout the country, the more homeless there will be.

Commissioner Hutchinson said she would be happy with a more holistic approach because she agreed it will get worse with social service programs decreasing. The City should control its own destiny and control of the feedings is essential.

The City Manager felt part of this is a shaping of public opinion. Many people see the homeless situation as a law enforcement issue which it is not, but there is no commitment to a legislative agenda for a holistic approach.

Commissioner Moore believed there is no compassion in Broward County for people with hardships. He pointed out no action taken concerning affordable housing. People feeding the homeless will have to shape public opinion; it will not be the policymakers. Broward County should provide social services but they are not doing it. It is difficult to get people to be supportive when people conducting feedings do not concern themselves with debris left afterward. He believed an event permit process would force those people to the table to discuss a more holistic approach.

Mayor Naugle believed that the more services provided, the more there will be. New York City was cleaned up by enforcing rules. There is a need for rules.

Commissioner Hutchinson pointed out that the homeless need more than a meal. There needs to be an ordinance change. Mayor Naugle felt that people conducting feeding programs are doing so at the expense of the city; there needs to be rules. He agreed the homeless need more than a meal.

Dock Waiver granted on Sep 3, 2008; James Juranitch; 714 NE 20 Avenue

Commissioner Hutchinson referred to the recently approved dock waiver for property on 20 Avenue. Conditions 5 and 6, she believed were not part of the motion.

The City Attorney indicated that Condition 6 was placed on waivers by the Commission several years ago. The condition is that if a property is cited by Code Enforcement, it would put the waiver in jeopardy.

In response to Commissioner Moore, the City Attorney indicated the property owner would have an opportunity to bring their property into compliance if cited.

Mayor Naugle believed this condition was not a requirement for other waivers and it should be removed. Commissioner Moore agreed.

Commissioner Moore understood there is a need for a vessel length of 105 feet for handicapped accessibility purposes. He did not object to 105 feet.

Commissioner Teel objected to removing Condition 6 because the condition provides for a thirty-day period to correct the violation. Mayor Naugle noted there is no relief from a potential citation during that period of time.

Mayor Naugle did not want to impose the condition because it has not been imposed in the past. Commissioner Teel said the other properties have not been living up to conditions, therefore boards, such as the Marine Advisory Board, want more teeth in the laws.

Commissioner Hutchinson pointed out the condition has not been in the backup for other dock waivers. The City Attorney indicated he had not drafted the resolution for this waiver. He went on to explain on December 20, 2005, there was an application at the same location. Former Commissioner Trantalis asked if the policy would be on all future waterway waivers. Commissioner Teel had seconded the motion and said that was her intent. The condition was not placed on other waivers unless they had to do with this area. Mayor Naugle noted that the condition was not in the Commission's discussion that evening. The City Attorney agreed to remove Condition 6.

The City Attorney indicated some limitation on the length of the boat should stay in the resolution. Mayor Naugle suggested 105 feet and the City Attorney indicated that is what was intended by the maker of the motion.

Mayor Naugle asked if a tender would be allowed. A boat of this size typically has another 35 foot boat. Commissioner Teel recalled the property owner agreed to one vessel. He said this, both at the Marine Advisory Board and Commission meetings.

In response to Commissioner Moore, Mr. Juranitch said he agreed to one permanent boat. He indicated that every large boat has a tender. Commissioner Moore asked what length the tender would be. In response to Mayor Naugle, Mr. Juranitch indicated that a thirty-five foot tender would be acceptable.

Commissioner Teel recalled discussion at the Marine Advisory Board where Mr. Juranitch indicated that he wanted a second boat at this location. When a board member asked how the City would know if there was a second boat, the response was that they would not know it. She believed the intent is to have as many boats as can be fitted into the area.

Vice Mayor Rodstrom asked if this is the first 100 foot dock on that waterway.

The City Attorney said that to the extent there is going to be a public hearing, one needs to be scheduled. This conversation should be amongst the Commission.

Commissioner Moore acknowledged comments about an additional boat. In response to Commissioner Moore, Mayor Naugle explained the purpose of a tender. Commissioner Teel pointed out this is the Applicant's residence; it is not about riding around an island.

Vice Mayor Rodstrom pointed out it is a large dock and boat for the area and now they want another boat.

Commissioner Teel objected to allowing a second boat.

Discussion ensued about what was said during the public hearing concerning a second boat. Commissioner Moore recalled recommending one boat because people were concerned about commercialization of the neighborhood. He did not know if a tender is a necessity.

Mayor Naugle suggested the vessel be registered so that it could not be rented out. Commissioner Teel pointed out that the Applicant already said he does not own the boats.

In response to Mayor Naugle, Mr. Juranitch suggested the tender be registered in the name of the primary boat.

In response to Commissioner Moore, the City Attorney said the City might be able to limit the size of the tender to something that would fit on the boat; 24 foot. It would be necessary for the tender to be stored on the main boat at some point in time. Commissioner Moore agreed to this condition. (Condition 6 would be removed and the boat limited to 105 feet)

Action: There was consensus approval to remove condition 6 concerning future potential violations; and to modify condition 5 to allow a vessel of 105 feet and a tender that could be stored on the primary boat.

III-B – Board and Committee Vacancies

The City Clerk noted there is candidate who is a member of the Code Enforcement Board and therefore coming off the board. One of the alternates could become a full member. Commissioner Hutchinson felt it would be fair to appoint the individual whose application was first received by the Commission. She believed that it was for Ron Perkins. There was no objection.

V – City Manager Reports

None.

There being no further business to come before the Commission, the meeting was adjourned at approximately 3:32 p. m.