

**FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING
DATE FEBRUARY 3, 2009**

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CITY COMMISSION CONFERENCE MEETING 1:30 P.M. FEBRUARY 3, 2009

Present: Mayor Naugle
Commissioners Teel and Lewis, and Vice Mayor Rodstrom

Absent: Commissioner Hutchinson

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

I-A – Proposed ROA-W Zoning District – Permitting Waterway Uses – NE 20 Avenue

Cate McCaffrey, Director of Business Enterprises, indicated since the Commission's last discussion on this item, staff has been working on a proposal to allow continued upland uses, as well as conditional waterway uses. Staff has interpreted the Zoning Code to prohibit the sale, display or handling of merchandise in ROA zoning, and specifically precludes certain uses that are occurring on NE 20 Avenue. In an effort to legally permit such uses and respecting the original intent of the ROA zoning which allowed for a limited non-residential use while retaining a residential feel, staff is proposing an ROA-W zoning. This zoning would only be for NE 20 Avenue. It would allow the current ROA uses and two additional waterway uses: 1) if a vessel is berthed and related to the upland use (berthing of a yacht for a yacht broker) and 2) when the upland use is not related to or an extension of the waterway use. The goal was to contain development and not have the feel of a commercial marina. Certain requirements are suggested relative to parking, vessel dimensions, landscaping and vehicle use area.

Commissioner Teel referred to a letter received on this. In response to Mayor Naugle, the City Attorney said the letter was received either last night or this morning; it was faxed, e-mailed and probably mailed. The letter comes to many conclusions with which staff disagrees. When the ordinance is brought back in the future, staff would be prepared to address the issues.

Mayor Naugle opened the floor for public comment.

Bob Brantmeyer, Sun Dream Yacht Charters, thanked the staff for their efforts. Although he does not like everything in the proposal, it is something with which he can work with.

Roseanne Lovell, Lovell Companies, thanked the staff for their efforts. Although she does not like everything in the proposal, it is something with which she can work with. She felt the 80% of the waterway rule is arbitrary and would prefer it be more 90%. She hoped that those who have already gone through the waiver process would be grandfathered in.

Linda Socolow, Shutts & Bowen, said that she is the author of the referenced letter. The main concern is that some existing property rights would be affected. Some property owners have been using the commercial use for decades, relying on existing

interpretation of the zoning laws. She asked that the Marine Advisory Board be permitted to review any proposed ordinance or regulations.

There were no further comments from the public.

Mayor Naugle did not support the proposed ROA-W because he felt it is unnecessary. He felt a better way would be to clarify the definition of a vessel, providing for storage of a vessel as long as it is not used for commercial purposes at that premises. A boat docked in these places has never been considered a commercial vessel. All boats are for sale for a price. This is an overactive imaginative staff. He discussed previous zoning of R-2, R-3 and R-4 and that it allowed dockage rental. When these places were built, it allowed rental. He wanted to rely on the original legislative intent. The City Attorney indicated that would be one approach. The better approach would be to find the actual uses and create the regulations to provide for those uses. It is correct that if there is doubt about vested rights or what has been previously done, legislative intent is looked at. Legislative is very difficult to find. He explained how vested rights are determined. Mayor Naugle indicated that everything he has said is in the minutes.

Mayor Naugle wanted simple rules so that it is not complicated for someone to deal with their government.

Vice Mayor Rodstrom felt the 30% and 80% is over the top. It would open a can of worms. She also wanted it to be more simple.

Mayor Naugle wanted consideration of a waiver for Mr. Brantmeyer at the next meeting, February 17, 2009.

Commissioner Teel pointed out that the 30% rule has been around for years. She would not favor tinkering with it so as to protect navigation of the waterways. She felt the idea was to make it more easy to understand. She did not intend to take anyone's rights away. People were having activities that were not sanctioned by the code. She did not see any heavy-handedness.

The City Attorney explained the 80% was an attempt to not create a hard and fast setback line.

In response to Vice Mayor Rodstrom, the City Attorney confirmed that the 30% rule is not being changed.

Mayor Naugle wanted to only cleanup the definition of commercial vessels.

Commissioner Teel commented that the 80% provides more setback flexibility. Mayor Naugle thought if it was done, it should be for all zoning classifications. Commissioner Teel felt this is a good way to see how it works.

Mayor Naugle suggested adding "boats are not considered merchandise, display or for sale merchandise" to the text of "professional, business and financial offices, not including sale, display, storage or handling of merchandise on the premises".

The City Attorney asked about boats on trailers with for sale signs. Mayor Naugle suggested it could be clarified by specifying boats berthed in the water or that boats

berthed would not be considered merchandise. Vice Mayor Rodstrom felt it should be berthed in the water, not trailer. Greg Brewton, Director of Planning and Zoning, felt there may be a difference of interpretation of whether these types of activities are permissible regardless of whether it is storage. It is possible to achieve for the ROA, however, he wanted to research it more.

Mr. Brantmeyer explained he started the application process because all of the boats to the south were allowed to dock stern-to. With respect to the 80%, if it was no longer possible for him to turn his boat because of a new setback, he could not longer dock at his dock. He thought he had received an interpretation from the City Attorney that there are no setbacks in ROA-W.

Mr. Brewton agreed to review the definition, although he was not certain it would solve everything.

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

No discussion.

II-A – Replacement of Hydraulic Elevator Jack – Police Station – Emergency Purchase

No discussion.

II-B – December 2008 Monthly Financial Report

In response to Mayor Naugle, Shonda Singleton-Taylor, Director of Management and Budget, indicated that excluding the pension which is paid at the beginning of the year, the percentage is 17.6%.

In further response to Mayor Naugle, the City Manager advised that vacancies are being sparingly filled.

The City Auditor commented that the property tax revenue was a little lower than anticipated this month, although he does not surprised considering foreclosures, potential collection rates and so forth.

At Mayor Naugle's request, the City Manager offered to furnish information about the status of the water accounts.

Vice Mayor Rodstrom recalled the Commission was thinking of having a discussion with the current members about projected revenues so as to have available in the minutes for the incoming Commission.

The City Manager offered to provide numbers of the City's status. Mayor Naugle thought it would be helpful to know the number of utility turn-offs this year compared to last year. In response to Vice Mayor Rodstrom, Mayor Naugle felt her request could be scheduled as a report on the agenda.

III-B – Board and Committee Vacancies

Affordable Housing Advisory Committee – no appointments at this meeting

Audit Advisory Board – no appointments at this meeting

Aviation Advisory Board – no appointments at this meeting

Beach Redevelopment Board – no appointments at this meeting

Cemetery System Board of Trustees – no appointments at this meeting

Citizens Police Review Board – no appointments at this meeting

Code Enforcement Board – no appointments at this meeting

Community Appearance Board – no appointments at this meeting

Community Services Board – no appointments at this meeting

Economic Development Advisory Board – no appointments at this meeting

Education Advisory Board – no appointments at this meeting

Fire Rescue Facilities Bond Issue Blue Ribbon Committee

Commissioner Teel recommended June D. Page to the Fire Rescue Facilities Bond Issue Blue Ribbon Committee.

Insurance Advisory Board – no appointments at this meeting

Marine Advisory Board – no appointments at this meeting

Nuisance Abatement Board – no appointments at this meeting

Board of Trustees, Police and Firefighters Retirement System – no appointments at this meeting

Unsafe Structure and Housing Appeals Board – no appointments at this meeting

Utility Advisory Committee – no appointments at this meeting

IV – City Commission Reports

Neighborhood Stabilization Grant Program

Vice Mayor Rodstrom requested a status report. Greg Brewton, Director of Planning and Zoning, explained that staff had to wait for the regulations from HUD. Kirk Buffington, Director of Procurement Services, advised that staff is on track. There are two RFPs. One is to hire a provider that would perform the work and another for a

program manager. He noted the timeline for bid openings and at the pre-bid for both RFPs there was a tremendous amount of interest.

Mayor Naugle noted the Commission agreed that language is to be added that officers and directors of non-profits could not self-deal and wanted to make sure that provision is included in this program. Responders should be informed of this provision.

Economic Stimulus Requests

In response to Vice Mayor Rodstrom, the City Manager advised that the priority projects were those that are ready to go. Work on this is proceeding.

Reducing Quorum Requirement; Certain Advisory Boards and Committees

Vice Mayor Rodstrom referred to the regular meeting agenda item O-01 concerning reducing the quorum requirement for some boards and thought perhaps this should be deferred for a decision by the incoming Commission. The incoming Commission may have more interested individuals. Mayor Naugle did not see that there would be an impact; it would still be a majority of those members serving. Commissioner Teel noted this was requested by the boards and membership is limited by what is specified in the ordinance.

Beach renourishment; opposition to Port Everglades Sand ByPass Project

Mayor Naugle asked about the citizens of Fort Lauderdale starting a letter writing campaign to the Broward County Commission regarding their previous promise about beach renourishment. Commissioner Teel agreed. Mayor Naugle asked that the Public Information Office get the word out that a commitment was made to Fort Lauderdale and additionally there is a concern about the blasting and noise from the bypass.

Citizens Volunteer Corps Projects

Vice Mayor Rodstrom announced upcoming CVC projects.

V – City Manager Reports

None given.

There being no further business to come before the Commission, the meeting was adjourned at approximately 2:11 p. m.