

NEWPORT BEACH HARBOR COMMISSION MEETING MINUTES
Council Chambers – 100 Civic Center Drive
Wednesday, September 12, 2018
6:30 PM

1) CALL MEETING TO ORDER

The meeting was called to order at 6:30 p.m.

2) ROLL CALL

Commissioners: David Girling, Chair
Scott Cunningham, Vice Chair (excused absence)
John Drayton, Secretary (excused absence)
Ira Beer, Commissioner
Paul Blank, Commissioner
William Kenney, Jr., Commissioner
Don Yahn, Commissioner

Staff Members: Carol Jacobs, Assistant City Manager
Dennis Durgan, Harbormaster
Armeen Komeili, Deputy City Attorney
Matt Cosylion, Code Enforcement Supervisor
Jennifer Biddle, Administrative Specialist

3) PLEDGE OF ALLEGIANCE – Commissioner Yahn

4) PUBLIC COMMENTS

Kevin Finn, 1324 West Bay, requested removal of the large vessel moorings in West Bay or consolidation of mooring fields and restoration of recreational use to the protected water at the eastern edge of mooring field H.

Philip Stump, 1314 West Bay, concurred with the comment regarding restoration of public use to the eastern edge of mooring field H as Marina Park has increased recreational activities on the water.

Trudy Finn, 1324 West Bay, remarked regarding noise generated by Harbor users, the appearance of the barge, and the danger of collisions on the water.

Annie MacAulay, Mountain and Sea Adventure Science Camps and Hydra Eco Tours, noted the recent ruling prohibiting vessels greater than 85 or 90 feet was prohibiting them from participating in the Festival of Lights. Because the non-profit's vessel exceeds the length limit, she requested information about other ways the non-profit can participate in the Festival of Lights or have the same anchorage.

5) APPROVAL OF MINUTES

1. Minutes of August 8, 2018

Commissioner Kenney moved approval of the draft Minutes for the August 8, 2018, meeting as presented. Commissioner Blank seconded the motion. The motion carried by the following roll call vote:

Ayes: Chair Girling, Commissioner Beer, Commissioner Blank, Commissioner Kenney, Commissioner Yahn

Absent: Commissioner Cunningham, Commissioner Drayton,

6) **PUBLIC HEARING ITEMS**

1. Mooring Revocation Hearing: F-14

Mooring permits may be revoked for failure to comply with any of the regulations listed in Newport Beach Municipal Code ("NBMC") Sections 17.60.040(K) and 17.70.020(A). According to NBMC Chapter 17.70.020(B), the Harbor Commission shall conduct a public hearing prior to revoking a mooring permit. This public hearing is a request to consider the revocation of Mooring F-14.

Recommendation:

- 1) Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(K) and 17.70.020(A), revoke Mooring Permit F-14 based on the following reasons:
 - a) The moored vessel has been determined to violate the applicable mooring regulations in Section 17.25.020, and the mooring permittee or sub-permittee has not made the necessary corrections or repairs within the time required; NBMC Section 17.60.040(K)(1)(a)
 - b) Promotion of a fire hazard on a moored vessel through the accumulation and storage of combustible or other flammable materials; NBMC Section 17.25.020(I)(3)(a)
 - c) Accumulation or storage of rubbish, trash, debris, rubble, containers, and boxes that is visible aboard a moored vessel; NBMC Section 17.25.020(I)(3)(c)
 - d) The moored vessel is a hazard to public safety and health through the accumulation of storage, unsanitary conditions, and the dumping of construction materials into the Harbor; NBMC Section 17.25.020 (I)(3)(c)
 - e) Maintenance of the moored vessel in such a non-seaworthy condition that it is unsafe, unsightly or poorly maintained including: marine growth on the hull, chipped and peeling paint on the hull, accumulated trash and debris, wood and furniture stored on the deck; NBMC Section 17.25.020(I)(3)(f)
 - f) Maintenance of the moored vessel in such a non-seaworthy condition that it would present a physical danger to public safety personnel during emergency access; NBMC Section 17.25.020(I)(3)(f)
 - g) Allowance of repetitive, boisterous or unruly conduct by the vessel operator when that conduct: (i) is offensive to a person of ordinary sensibility, (ii) continues after a written or oral request to terminate the conduct, (iii) is offensive to a considerable number of people; NBMC Section 17.25.020(I)(3)(i)
 - h) The size of the chains and the weights for the mooring do not meet the specifications outlined in Resolution 2017-74; NBMC Section 17.25.020J
 - i) Failure to provide proof of insurance for the moored vessel; NBMC Section 17.60.040(B)(2)(f)
 - j) Failure to pay all fees associated with the maintenance and repair of the mooring equipment as required by the conditions of the permit; NBMC 17.60.040(B)(2)(b)
 - k) The permittee has breached or failed to comply with the terms or conditions contained in the permit or upon which permit was granted; NBMC Section 17.70.020(A)(8)
 - l) The structure attached to the mooring does not comply with the permit and does not meet the standards adopted by the Harbor Commission for such work or structure; NBMC Section 17.70.020(A)(4)
 - m) The work, structure, use, or activity is detrimental to the use, operation, or development of the Harbor; NBMC Section 17.70.020(A)(2)
 - n) Maintaining the mooring and vessel in violation of the provisions of Title 17. NBMC Section 10.50.020(I)-Public Nuisance
 - o) The length of the vessel exceeds the City approved mooring length; Resolution 2017-74(7)
 - p) Misrepresentation of a material fact in the application for a mooring permit; California Civil Code Section 1689(b)
- 2) Find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project

as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Code Enforcement Supervisor Matt Cosyion reported staff recommends revocation only when all other avenues to obtain voluntary compliance have been exhausted or when a permittee has demonstrated an unwillingness, inability, lack of desire to engage with staff or to address concerns. In numerous emails, staff has offered to meet with the vessel owner and the permittee, Mr. Panek; however, Mr. Panek has declined to meet with staff. Staff issued a Notice of Revocation Hearing on July 26, 2018. The vessel is unsightly and poorly maintained and filled with visible accumulated trash, rubbish, and debris. The vessel length exceeds the mooring size. A misrepresentation of a material fact is contained in the mooring permit application. An unpermitted accessory structure is located in the water adjacent to the vessel. The terms and conditions of the mooring permit have not been met. Staff is concerned that the vessel is a fire hazard and, as such, the vessel creates a hazard to public safety. The vessel is not seaworthy and is unsafe, unsightly, and poorly maintained. Staff has received complaints regarding the permittee engaging in maintenance activities in the late evening and early morning hours. A 65-foot mooring requires a 1-inch bottom chain. South Mooring's inspection report indicates the permittee supplied a chain that was too small for a 65-foot mooring. The Wild Wave is a 64-foot vessel, according to Coast Guard documentation, moored on a 60-foot mooring and should have a 1-inch chain. The mooring permit application lists the vessel as 59 feet in length. A City receipt shows the permittee has paid for a 60-foot mooring. The accessory structure is detrimental to the commerce, navigation, and free use of the Harbor. Recreational Harbor users could collide with the structure after dark. The spikes extending from the structure pose a safety issue for Harbor users and sea lions. The structure is not permitted and should not be in the water. The permittee has breached or failed to comply with the terms and conditions of the permit. The permittee by signing the permit application agreed to be responsible for any fees associated with the maintenance and repair of mooring equipment. The permittee is required to supply the City with proof of insurance. The most recent insurance policy that the City has for the Wild Wave expired on March 1, 2018. The permittee submitted a homeowner's policy, and staff requested a vessel policy. The permittee has not submitted proof of insurance for a vessel. South Mooring's inspection report reflects Harbor Resources Division's payment of the invoice for inspection and overhaul of the mooring.

Chair Girling clarified that a Harbor Commission decision can be appealed to the City Council within 14 days of the decision.

Louis Pilato, attorney for Mr. Panek, requested a two-month continuance of the hearing. The notice listed 15 Municipal Code sections that were supposedly violated but mentioned only five specific items. Mr. Panek's request for additional information was denied, leaving Mr. Panek to believe only the five specific items were concerns. The agenda contains 16 specific allegations of violations without giving Mr. Panek time to inquire or to make corrections. The Harbor Commission report contains 13 specific items of complaint. Therefore, both Mr. Pilato and Mr. Panek were unsure of the alleged violations. The noise complaint is new. Mr. Pilato requested additional time to obtain a specific list of complaints so that Mr. Panek can take corrective actions.

In response to questions from the Commission, Deputy City Attorney Armeen Komeili advised the Commission to discuss and act on the request for a continuance. The Commission can act on one or all violations.

Commissioner Blank moved to deny the request for a continuance. Commissioner Beer seconded the motion.

Mark Callin, 1112 West Bay, noted violations have been occurring for several years. Removal of the osprey nest was a concern. Noise from the Wild Wave occurs regularly. Debris falls from the vessel into the water. Commercial construction occurs on the boat. Pump-out service is not provided regularly to the boat.

Neighbors believe people are living on the boat more than the permitted three nights per month. He requested the Harbor Commission revoke the permit and relocate the vessel outside the Harbor.

The motion carried by the following roll call vote:

Ayes: Chair Girling, Commissioner Beer, Commissioner Blank, Commissioner Kenney, Commissioner Yahn

Absent: Commissioner Cunningham, Commissioner Drayton

Deputy City Attorney Komeili indicated the Harbor Commission can choose the violations on which it takes action. The Commission can act on the five specific violations if it chooses to do so.

Commissioner Blank suggested Commissioners address any or all violations.

In response to Commissioner Beer's request, Mr. Pilato listed the five specific violations.

In reply to Chair Girling's queries, Code Enforcement Supervisor Cosylian advised that the chain size is part of the five violations. The only misrepresentation is the length of the boat as stated in the permit application.

Mr. Pilato remarked that none of the violations should be addressed or considered by the Council because the Wild Wave is a commercial boat. Municipal Code Section 17.10.025 lists exemptions and says the requirements of the chapter are not applicable to commercial fishing vessels traversing on the waters of Newport Harbor. The Wild Wave is a fishing vessel, a commercial vessel, not a private pleasure craft. Section 17.25.020(i)(5) also states requirements of the section are not applicable to vessels used in marine construction or marine contracting services. The Coast Guard documents include operational endorsements for Wild Wave as a fishery. The Orange County Assessor described and classified Wild Wave as a commercial boat. Coast Guard documents state the overall length, but the overall length was not requested. Mr. Panek does have insurance coverage because his homeowner's policy includes any marine vessels he may own. The vessel engages in commercial construction and fishing activity. If staff considers the osprey roost as the accessory structure, Mr. Panek will remove it. The Harbor Commission cannot revoke a permit simply because an accident might occur. Everyone can see the size of the boat. There was no lying, no falsifying of statements, and no attempt to fool anyone. Nobody has actually measured the boat.

Mr. Panek indicated chains measuring 1.25 inches for the east side and 1 inch for the west side were turned over. He agreed to a specific hourly amount for the time spent on the inspection and overhaul, and Mr. South billed his credit card for a larger amount. In response to his complaint, the credit card company reversed the difference between the amount charged and the agreed upon amount. He had submitted evidence showing the chain sizes and Mr. South's return of his checks. After a discussion between the City Attorney and Mr. Miller, the Harbor Resources Division paid Mr. South the full amount, and Mr. South refunded Mr. Panek's payment. A 7/8-inch chain has 24,500 pounds of strength, which is 6,500 pounds more than required for the mooring. The Council stated that people do not need to replace the chain in compliance with Mr. South's schedule until the chain is due for replacement. The existing schedule at the time required a 0.75-inch chain for a 60-foot vessel and a 65-foot vessel. When he serviced and increased the size of the mooring to 65 feet, he had the Sheriff's harbor department certify it. However, Mr. Miller advised him that Mr. South had to certify the mooring. He and Mr. South verbally agreed to a fee of \$250 per hour, and the work required less than hour. Work to extricate mooring F-16 from mooring F-14 required an additional half hour; therefore, he paid for 1.5 hours of work. Mr. Panek had signatures of approximately 15 people who like the boat. People visit the boat to see the operation. He built the osprey roost with the knowledge of the County Harbormaster. Mr. Miller had advised Fish and Game that he would not object to the roost if Fish and Game did not object to it. Fish and Game has not objected to the roost.

In response to Commissioner Kenney's inquiries, Deputy City Attorney Komeili believed three nights could be spent on a vessel in a 30-day period without a live-aboard permit, but he would confirm it. Mr. Panek indicated he does not spend more than three nights in a month on the vessel; he does not live aboard the boat at all. Code Enforcement Supervisor Cosylian stated staff has not performed a dye tab test. Mr. Panek clarified that the boat is used to support fishing vessels. He does not fish with the boat, but he

supports fishing boats. Occasionally he takes people out to fish. He has a Fish and Game license, but he did not know if it is current. He does use the boat for commercial and construction activities but not within the Harbor. Everything on the vessel has a purpose commensurate with his activities, but there is no junk, debris, or trash. He properly removes trash as needed. He leaves the Harbor each time he performs commercial or construction activities. Vessels have picked up fabricated items from Wild Wave, but the items are fabricated outside the Harbor. Code Enforcement Supervisor Cosylion knew of two instances since 2017 when the vessel left the mooring, once to demonstrate operability and once to tow a vessel. Mr. Panek had submitted valid liability insurance covering watercraft in the amount of \$300,000. Code Enforcement Supervisor Cosylion disagreed with Mr. Panek's statement regarding insurance coverage in that the insurance policy submitted does not comply with the standards. Mr. Panek advised that he paid for mooring maintenance, but his payment was refunded in full. The City then paid for it. Deputy City Attorney Komeili confirmed the 72-hour limitation for living aboard a vessel without a live-aboard permit. Chuck South reported the mooring tackle Mr. Panek furnished for the west end was a 1.25-inch chain. The chain used on the other end was 7/8-inch. If the chain Mr. South placed on the boat remains in place, it measures 7/8 inch. At Mr. Panek's instruction and after a phone call to the office, Mr. South's crew used the 7/8-inch chain. When Mr. Panek learned that Mr. South could not submit a completed work order that would satisfy Mr. Panek's need, Mr. Panek canceled part of the payment. The current mooring tackle conforms to a 60-foot mooring if it has not been altered since he was there. Mr. Panek confirmed that a marine sanitation device is installed aboard the vessel. He uses a port-a-potty because he does want to move the boat to a dock that is not large enough to accommodate his vessel. The sanitation device could probably be used for a significant length of time before needing to be pumped out.

In answer to Commissioner Beer's questions, Mr. Panek understood the term "length overall" to mean bow to stern. Deputy City Attorney Komeili reported vessels generally are subject to Sections 17.60 and 17.25.

Chair Girling clarified that despite Wild Wave being designated as a commercial vessel, the vessel must adhere to some of the items mentioned in the hearing. Deputy City Attorney Komeili added that Wild Wave is subject to Title 17 because it is moored within the Harbor. For example, the provision regarding trash applies to any vessel moored in the Harbor.

In reply to Commissioner Yahn's queries, Mr. Panek reported he is upgrading the boat. Arc welding should not bother anybody. He uses a port-a-potty rather than the holding tank. He removes the port-a-potty from the vessel and empties it each time.

In response to Commissioner Blank's questions, Deputy City Attorney Komeili stated a motion should contain Code sections because the appeal process differs depending on the Code section. If revocation is based on sections that provide appeal periods of different lengths, staff will use the longest appeal period. No matter the number of violations used for revocation, the permittee can appeal one or more than one violation. One violation will be sufficient to revoke the permit.

Commissioner Blank cautioned Commissioners regarding the number of violations contained in a motion. By basing revocation on multiple violations, appeals could extend for quite a while.

In answer to Commissioner Kenney's query, Deputy City Attorney Komeili advised that the appeal period for all violations listed for revocation begins with the date of the decision. At most, the appeal period would be 21 days.

Commissioner Beer remarked that not a lot has been done with respect to the City's allegations and the violations. Mr. Panek has not met with Code Enforcement Supervisor Cosylion despite several offers. The permit application requests an overall length, and the number provided is not accurate, even based on Mr. Panek's definition of overall length. Insurance has not been provided to the satisfaction of the City. The vessel is a public nuisance and/or safety hazard. Based upon the testimony of Mr. South, the vessel exceeds the length requirements of the mooring based on the tackle that is in place.

Commissioner Beer moved to revoke the permit for mooring F-14 based on the permit application, insurance, public nuisance, and mooring size. Commissioner Blank seconded the motion.

Commissioner Kenney noted the 16 alleged violations. Based on the Deputy City Attorney's opinion, the Commission can act to revoke the mooring permit on one, two, five, twelve, thirteen, or sixteen. He questioned whether it would be better to incorporate all 16 alleged violations.

Deputy City Attorney Komeili recommended the Commission revoke the permit based only on the five violations which the Commission instructed Mr. Pilato to address. Mr. Pilato did not address the remaining allegations because of the Commission's instruction.

Chair Kenney proposed an amendment to the motion to refer to the five violations contained in the July 26, 2018 letter, which was mailed and emailed to Mr. Panek and posted on the vessel.

Commissioner Beer moved to revoke the permit for mooring F-14 based on the five violations contained in the July 26, 2018 letter, which was mailed and emailed to Mr. Panek and posted on the vessel. Commissioner Blank seconded the motion. The amended motion carried by the following roll call vote:

Ayes: Chair Girling, Commissioner Beer, Commissioner Blank, Commissioner Kenney, Commissioner Yahn

Absent: Commissioner Drayton, Commissioner Cunningham

2. Mooring Revocation Hearing: S-42

Mooring permits may be revoked for failure to comply with any of the regulations listed in Newport Beach Municipal Code ("NBMC") Sections 17.60.040(K) and 17.70.020(A). According to NBMC Chapter 17.70.020(B), the Harbor Commission shall conduct a public hearing prior to revoking a mooring permit. This public hearing is a request to consider the revocation of Mooring S-42.

Recommendation:

- 1) Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(K) and 17.70.020(A), revoke Mooring Permit S-42 based on the following reasons:
 - a) Failure to maintain the mooring in a good and serviceable condition as required by NBMC Section 17.25.020(H).
 - b) Failure to maintain the vessel in compliance with the applicable mooring regulations in NBMC Section 17.25.020(I)(3).
 - c) Failure to have the mooring inspected and repaired if needed once every two years as required by NBMC Section 17.25.020(K).
 - d) Failure to provide proof of insurance and registration as required by the permit conditions in NBMC Section 17.60.040(B).
 - e) Maintaining the mooring and vessel in violation of the provisions of Title 17. NBMC Section 10.50.020(I)-Public Nuisance.
- 2) Find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Code Enforcement Supervisor Cosyion reported the Orange County Sheriff's Department sent a letter to the permittee in 2016 to advise him of the need to have the mooring inspected and overhauled if necessary. Staff sent a follow-up letter to the permittee in April 2018 regarding inspection. Based on City records and information from South Mooring, an inspection has not been performed. The mooring and vessel broke loose and ended up on Balboa Island. The permittee did not respond to staff's email. Staff then sent the permittee a Notice of Revocation, which included an impound notice, via first-class and certified mail addressed to two locations. One notice, sent to a Balboa Island address, was signed and returned, but the permittee has not responded to the letter. Staff attempted to contact the permittee by phone, but the number has been disconnected. Key violations are failure to maintain the mooring equipment, poor maintenance and an unsightly appearance, and failure to provide proof of insurance, registration, and contact information.

In response to questions from the Commission, Code Enforcement Supervisor Cosylian advised that the permittee failed to have the mooring inspected and overhauled. The lack of an inspection resulted in the mooring breaking loose and landing on Balboa Island. The Sheriff's Department sent the original letter in July 2016. Staff has no record of a response from the permittee. Staff called the phone number on file and learned that the number has been disconnected.

Commissioner Kenney noted five alleged violations. Failure to maintain the mooring is one of the violations. Water inside the vessel is at or over a battery, which causes an environmental concern. Failure to provide insurance and registration are additional violations.

Commissioner Beer moved to revoke the permit for mooring S-42 based on the violations set forth in the City's correspondence. Commissioner Blank seconded the motion. The motion carried by the following roll call vote:

Ayes: Chair Girling, Commissioner Beer, Commissioner Blank, Commissioner Kenney, Commissioner Yahn

Absent: Commissioner Cunningham, Commissioner Drayton

7) CURRENT BUSINESS

1. Harbormaster Report

Recommendation:

- 1) Find this action exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.
- 2) Receive and file

Harbormaster Dennis Durgan reported sea lions are alive and well in the Harbor. Staff is attempting to contact boat and home owners where sea lions are located and to eliminate battens with spikes. Statistics were provided in the Commission packet. In October, he plans to share a one-year recap of statistics. Code Enforcement Supervisor Cosylian is working with the Harbor Department for one year.

In reply to Commission inquiries, Harbormaster Durgan advised that definitions of line items are on the reverse of the statistics. Hazard debris is large debris in the water such as a log, chair, shopping cart, etc. With respect to the decrease in assistance to vessels under 20 feet, staff has tried to impress upon rental companies their need to provide assistance to customers and to charge batteries before releasing vessels. Apparently, some companies have understood the need. Enforcement of public docks includes enforcing time and size limits at public docks. Staff has implemented tagging measures and is using cameras in enforcement. Mooring field H is located in front of Marina Park and the American Legion and at the south side of Lido Island. The City removed ten moorings within mooring fields H and J and planned to place them on the boundary line between fields H and J as rental moorings for Marina Park. At his suggestion, the moorings were converted to sand-line moorings and placed on the boundary between fields H and J. Moorings 7-10 were relocated from Marina Park to the location of the scow, which was moved closer to Lido Island. The scow is currently in the Back Bay for a dredging project.

Chair Girling remarked regarding the decrease in bridge jumpers.

8) COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)

Commissioner Blank reported at the invitation of Visit Newport Beach he took a group of British journalists for a Harbor cruise and a dock-at-night experience the previous night.

9) PUBLIC COMMENTS ON AD HOC COMMITTEE REPORTS OR QUESTIONS AND ANSWERS WITH STAFF.

Commissioner Kenney requested a meeting between the standup paddleboard ad hoc committee and staff. Assistant City Manager Jacobs reported she is working on a meeting.

Functional Areas 2 and 3: High-level goals and objectives for City moorings are to maximize the amount of navigable Harbor available for recreational purposes; to maximize the amount of beach frontage available for recreational use; and to adopt policies that discourage the ongoing use of derelict vessels where the sole purpose is holding or preserving mooring rights. A meeting with staff is scheduled in the next few weeks.

Functional Area 4: The ad hoc committee has begun a review of Title 17. At the conclusion of meetings the following week, the ad hoc committee proposes to meet with stakeholders prior to presenting final recommendations to the Harbor Commission.

Functional Area 5: The ad hoc committee and staff will meet to determine next steps prior to the next meeting of the Harbor Commission.

Functional Area 6: The first set of exercises will be conducted with the Harbor Operations Division on October 22. Exercises will be modified based on feedback from meeting participants.

Commissioner Blank shared the revised route and Commissioner assignments for the Harbor cruise on November 17.

George Hilkama suggested the order of the two revocation items should have been reversed due to the length of the first item and the brevity of the second item.

Kevin Finn inquired about public access to ad hoc committees for Functional Areas. Chair Girling reported the Functional Areas can be found on the City website. The Commission discusses them at each meeting. Mr. Finn offered to work with staff to explore issues. Chair Girling suggested residents appear before the Commission to share concerns and to request they be placed on an agenda. Commissioner Beer advised that the moorings ad hoc committee expects to obtain public feedback prior to presenting information to the Commission. Commissioner Blank clarified that ad hoc committees develop recommendations and do not make decisions.

Jim Mosher reported citizens shared feelings of being harassed by increased efforts to enforce Code provisions at the August 14 Council meeting and the town hall held at Marina Park.

Assistant City Manager Carol Jacobs indicated she spoke with one of the complaining residents, and the following day the resident took doughnuts to the staff at Marina Park. The resident has valid concerns regarding Code Enforcement, and notice letters may be revised.

Chair Kenney stated Title 17 appears to cover most enforcement topics; however, there has been an absolute lack of enforcement. When enforcement increases, complaints also increase. After 10:00 p.m., finding an officer to respond to complaints and finding the violator is difficult. Hopefully, word of increased enforcement will result in fewer Code violations.

10) QUESTIONS AND ANSWERS WITH STAFF ON HARBOR RELATED ISSUES

To answer Commissioners' questions, Assistant City Manager Jacobs advised that the City received 42 applications for the Harbormaster position. Based on the applications, a great deal of experience is available, and she is confident the City will hire an applicant who will fit the position perfectly. Interviews are tentatively planned for October 18, after which the City Manager will interview the top two or three candidates. Once the City Manager makes a decision, the background process will begin. Mid-November is likely the soonest someone could begin employment.

- 9) **MATTERS WHICH COMMISSIONERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)**

None.

- 11) **DATE AND TIME FOR NEXT MEETING: Wednesday, October 10, 2018**

ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 8:41 p.m.

DRAFT