

MINUTES

BROWARD COUNTY PLANNING COUNCIL

January 28, 2016

MEMBERS Anne Castro, Chair
PRESENT: Commissioner Michael S. Long, Vice Chair
Commissioner Richard Blattner
Commissioner Mark Bogen
Commissioner Angelo Castillo
Tommy DiGiorgio
Charles F. Fink
Michael Friedel
Commissioner Bill Ganz
Commissioner Michelle J. Gomez
School Board Member Patricia Good
Mary D. Graham
Richard Grosso
Robert McColgan
Bernard Parness
Mayor Michael J. Ryan

MEMBERS Neal R. de Jesus
ABSENT: Mayor Daniel J. Stermer, Secretary
Vice Mayor Rita Mack

ALSO Barbara Blake Boy, Executive Director
PRESENT: Andy Maurodis, Legal Counsel
Nancy Cavender, The Laws Group

A meeting of the Broward County Planning Council, Broward County, Florida, was held in Room 422 of the Government Center, Fort Lauderdale, Florida, at 10:00 a.m., Thursday, January 28, 2016.

(The following is a near-verbatim transcript of the meeting.)

CALL TO ORDER: Chair Anne Castro called the meeting to order.

CHAIR CASTRO: Good morning, everybody. I would like to start by wishing everyone a happy, happy new year. It's been a while, and I hope people are finding their way to their seats. I know members are still finding their way in. We're going to call this Broward County Planning Council regular meeting and Public Hearing for January 28, 2016 to order.

ROLL CALL:

CHAIR CASTRO: And if, Nancy, you'd please call the roll.

THE REPORTER: Commissioner Richard Blattner.

COMMISSIONER BLATTNER: Here.

THE REPORTER: Commissioner Mark Bogen.

COMMISSIONER BOGEN: Here.

THE REPORTER: Commissioner Angelo Castillo.

COMMISSIONER CASTILLO: Here.

THE REPORTER: Mr. Neal de Jesus. Mr. Thomas DiGiorgio.

MR. DIGIORGIO: Here.

THE REPORTER: Mr. Charles Fink.

MR. FINK: Here.

THE REPORTER: Mr. Michael Friedel.

MR. FRIEDEL: Here.

THE REPORTER: Commissioner Bill Ganz.

COMMISSIONER GANZ: Here.

THE REPORTER: Commissioner Michelle J. Gomez.

COMMISSIONER GOMEZ: Here.

THE REPORTER: School Board Member Patricia Good. Ms. Mary D. Graham. Mr.

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Richard Grosso. Commissioner Michael S. Long.

COMMISSIONER LONG: Here.

THE REPORTER: Vice Mayor Rita Mack. Mr. Robert McColgan.

MR. MCGOLGAN: Here.

THE REPORTER: Mr. Bernard Parness.

MR. PARNES: Here.

THE REPORTER: Mayor Michael J. Ryan. Mayor Daniel J. Stermer. Ms. Anne Castro, Chair.

CHAIR CASTRO: Here. I understand that School Board Member Good is on her way. I believe Mr. Ryan is in the back, as is -- nope, just Mr. Ryan, I think. I know Mr. McColgan said he wasn't going to be here, but, lo and behold, he's here. So we don't need to excuse him right now. So thank you.

CONSENT AGENDA

AGENDA ITEM C-4 – EXCUSED ABSENCE REQUESTS:

CHAIR CASTRO: I believe we have requests for excused absence for Mayor Stermer and Mr. de Jesus.

MS. BOY: Correct.

MR. PARNES: So moved.

CHAIR CASTRO: So I have a motion --

COMMISSIONER LONG: Second.

CHAIR CASTRO: -- and a second. Mr. Parness I think made the motion, Commissioner Long the second. All in favor. Any opposed? Hearing none, the motion carries.

VOTE PASSES UNANIMOUSLY.

PLEDGE OF ALLEGIANCE

CHAIR CASTRO: Okay. Now we're going to stand for the Pledge of Allegiance, and I'm going to ask Commissioner Bogen to lead us in it, as our newest member. Thank you.

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(THE PLEDGE OF ALLEGIANCE WAS LED BY COMMISSIONER MARK BOGEN.)

OATH OF OFFICE:

CHAIR CASTRO: Next, as we are apt to do periodically, we're going to be accepting our new member, the Commissioner, so I'm going to ask him to step to the center to swear in. Of course, there'll be a photo op. I believe there's a photographer here.

MS. BOY: Yes.

CHAIR CASTRO: And you know what the fire drill looks like after we finish the swearing in, so be prepared to move to the center. Thank you.

COMMISSIONER BOGEN: Are we partying afterwards?

CHAIR CASTRO: Absolutely. If that's where you want to roll, we'll give it to you today. You're the newest.

CHAIR CASTRO: I do solemnly swear --

COMMISSIONER BOGEN: I do solemnly swear --

CHAIR CASTRO: -- that I will support, protect, and defend --

COMMISSIONER BOGEN: -- that I will support, protect, and defend --

CHAIR CASTRO: -- the Constitution and government --

COMMISSIONER BOGEN: -- the Constitution and government --

CHAIR CASTRO: -- of the United States and the State of Florida --

COMMISSIONER BOGEN: -- of the United States and the State of Florida --

CHAIR CASTRO: -- that I am duly qualified to hold office --

COMMISSIONER BOGEN: -- that I am duly qualified to hold office --

CHAIR CASTRO: -- under the Constitution of the State --

COMMISSIONER BOGEN: -- under the Constitution of the State --

CHAIR CASTRO: -- and the Charter of Broward County --

COMMISSIONER BOGEN: -- and the Charter of Broward County --

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CHAIR CASTRO: -- and that I will well and faithfully perform the duties --

COMMISSIONER BOGEN: -- and that I will well and faithfully perform the duties --

CHAIR CASTRO: -- of a member of the Broward Planning Council --

COMMISSIONER BOGEN: -- of a member of the Broward Planning Council --

CHAIR CASTRO: -- on which I am now about to enter --

COMMISSIONER BOGEN: -- on which I am now about to enter --

CHAIR CASTRO: -- so help me God.

COMMISSIONER BOGEN: -- so help me God.

CHAIR CASTRO: Congratulations.

COMMISSIONER BOGEN: Thank you.

(Applause.)

UNIDENTIFIED SPEAKER: Okay, here we go.

CHAIR CASTRO: Try to remember to take your ID badges off for the photo, if you can.

(Picture taken.)

CHAIR CASTRO: Okay. As some quick reminders, we have new badges, so if you haven't gotten your new badge, yet, she's kind of walking around and taking your old badge. Also, if you want to put in with the bagel fund. And Ms. Cavender's here doing the minutes.

ELECTION OF OFFICERS:

CHAIR, VICE CHAIR, SECRETARY

CHAIR CASTRO: And now we're going to move on to the election of officers. So we'll start with the Chair. Do -- and you may nominate yourself, because it's hard with the Sunshine Law for people to know that you're interested in running, and I get that.

So please, if you're interested in being the Chair, raise your hand so somebody can say, I'll nominate you. Yes, ma'am.

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MS. GOOD: I would just like to nominate you, Madam Chair.

MR. RYAN: Second.

UNIDENTIFIED SPEAKER: Third.

COMMISSIONER LONG: Third.

UNIDENTIFIED SPEAKER: Fourth.

COMMISSIONER BLATTNER: Move that nominations be closed.

MR. DIGIORGIO: Second.

CHAIR CASTRO: How does that go, Andy? Andy's explaining the rules of elections to me. I'm in charge of the meeting. I've already lost control of the room.

MR. MAURODIS: That would just need to be preceded by a motion to suspend the rules which provide for two year terms --

COMMISSIONER CASTILLO: So move.

MR. MAURODIS: -- and a two-thirds vote --

UNIDENTIFIED SPEAKER: Second.

MR. DIGIORGIO: Second.

UNIDENTIFIED SPEAKER: Sure.

CHAIR CASTRO: Okay. Who moved the suspension of the rules?

COMMISSIONER CASTILLO: I did.

CHAIR CASTRO: Commissioner Castillo. Seconded?

MR. DIGIORGIO: I seconded.

CHAIR CASTRO: Okay. We got that, Nancy?

THE REPORTER: Who seconded?

CHAIR CASTRO: Mr. DiGiorgio.

UNIDENTIFIED SPEAKER: It was unanimous.

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CHAIR CASTRO: Exactly. All in favor?

VOTE PASSES UNANIMOUSLY.

CHAIR CASTRO: Okay. Now I can move the nominations?

MR. MAURODIS: Now the nominee can --

CHAIR CASTRO: Who nominated, for the record?

MS. GOOD: I did.

CHAIR CASTRO: School Board Member Good. And who seconded?

MAYOR RYAN: I did.

CHAIR CASTRO: Okay. So we got it? All in favor? Any opposed? Hearing none, thank you again very, very much. I appreciate it. So thank you.

(Applause.)

CHAIR CASTRO: As I said last time, I am truly humbled by it. As you all know, I'm passionate about Broward Next, so I'm ecstatic to be able to see it to its conclusions, because I -- I've been promised by staff we will conclude it on this watch. And so -- and I think it's shaping up to be something really great and wonderful for the County and for the cities and the municipalities and the residents of Broward County. So thank you very much.

VOTE PASSES UNANIMOUSLY.

CHAIR CASTRO: Now we'll open up nominations for the Vice Chair. Again, show me something like that you're interested to get nominated or the other people will know to nominate you. Go ahead.

MS. GOOD: Would this be similar as what we did with the Chair?

CHAIR CASTRO: Yeah. Actually, I don't think he's termed out, is he?

MS. BOY: Yes, we would need to -- to waive the rules, because this is his -- is this your third year? I actually --

COMMISSIONER LONG: Second or third, yeah.

MS. BOY: Yeah, it's your second -- is it?

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COMMISSIONER LONG: Yes, it is.

MS. BOY: Yeah, okay.

CHAIR CASTRO: That's just a motion to waive the rules?

UNIDENTIFIED SPEAKER: (Inaudible.)

CHAIR CASTRO: Do we have a motion to waive the rules?

COMMISSIONER GOMEZ: Waive the rules.

COMMISSIONER GANZ: Second.

CHAIR CASTRO: Second? I believe Commissioner Gomez and then Commissioner Ganz. All in favor? Any opposed?

VOTE PASSES UNANIMOUSLY.

CHAIR CASTRO: Okay. Now, are you making a --

MS. GOOD: Yes, ma'am.

CHAIR CASTRO: Okay, to nominate, I'm assuming, Commissioner Long?

MS. GOOD: Yes.

CHAIR CASTRO: Just making sure. We have a motion to nominate Commissioner Long. Is there a second?

COMMISSIONER GOMEZ: Second.

CHAIR CASTRO: We have a second by Commissioner Gomez.

MR. PARNES: Move that nominations be closed.

CHAIR CASTRO: Mr. Parness has moved the nominations close. So all in favor? Any opposed? Congratulations.

COMMISSIONER LONG: Thank you.

(Applause.)

VOTE PASSES UNANIMOUSLY.

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CHAIR CASTRO: Now we're on Secretary. I know Mayor Stermer's our current Secretary.

MS. GOOD: Yes, he is.

MS. GRAHAM: I nominate Mayor Stermer.

MS. GOOD: Second.

CHAIR CASTRO: Waive the rules or?

COMMISSIONER GOMEZ: Yes.

CHAIR CASTRO: Waive the rules motion.

COMMISSIONER GOMEZ: I move that we waive the rules.

CHAIR CASTRO: Commissioner Gomez and School Board Member Good, first and second, to waive the rules. All in favor? Any opposed?

VOTE PASSES UNANIMOUSLY.

CHAIR CASTRO: Okay. Now, would you like to, Ms. Graham?

MS. GRAHAM: I nominate him to have a second term as Secretary.

CHAIR CASTRO: Okay. Do I have --

MS. GOOD: Second.

CHAIR CASTRO: -- a second? Okay. We have a first by Ms. Graham, a second by School Board Member Good. All in favor? Any opposed? Okay, great. Thank you all very much.

(Applause.)

CHAIR CASTRO: On behalf of Mayor Stermer, thank you. I'm assuming this is something he wants and he's okay with it. We'll find out. Really, we'll find out next month, so we'll figure it out. I'm sure staff will get to him.

VOTE PASSES UNANIMOUSLY.

NOMINATIONS BY PLANNING COUNCIL TO EXECUTIVE COMMITTEE - FOUR AT-LARGE MEMBERS:

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CHAIR CASTRO: Now we're going to do the nominations to the Executive Committee and the Trafficways Committee. Again, there are rules about, you know, how many people, but we've often let more people join, because I happen to personally believe the more diverse your ideas are, the better solution you come up with.

Does anybody need to know who's currently on it, or can people -- the executive team is already -- is on it, so we're part of it. And then currently we have Commissioner -- or -- is it Commissioner or Vice Mayor now, Richard Blattner.

COMMISSIONER BLATTNER: Commissioner.

CHAIR CASTRO: Commissioner Richard Blattner, Commissioner Angelo Castillo, Mr. Neal de Jesus, School Board Member Patricia Good, and Mayor Michael Ryan is on the Executive Committee.

COMMISSIONER CASTILLO: Move the committee.

MS. GRAHAM: Second.

CHAIR CASTRO: Anybody else?

THE REPORTER: Who made the motion?

CHAIR CASTRO: It was Commissioner Castillo. Ms. Graham seconded. This is the Executive Committee. And everybody's free to attend any time you want. It's pretty informal, because, again, we like to get the most information out. All in favor? Any opposed? Seeing none.

VOTE PASSES UNANIMOUSLY.

APPOINTMENTS BY CHAIR TO LAND USE/TRAFFICWAYS COMMITTEE:

CHAIR CASTRO: Okay. The Land Use/Trafficways Committee. Again, it's the executive -- me, Commissioner Long, Mayor Stermer. And then you have Commissioner Blattner, Commissioner Castillo, Mr. de Jesus, Commissioner Gomez, and Mayor Michael J. Ryan.

COMMISSIONER CASTILLO: Move the committee.

MS. GRAHAM: Second.

CHAIR CASTRO: Okay. We have a motion and a second. Any -- anybody else? Okay. All in favor? Okay.

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VOTE PASSES UNANIMOUSLY.

CHAIR CASTRO: Now, I'm sorry, but wasn't Mayor Stermer on one of these, too? Do we know if he still wants to be on or --

MS. BOY: On the committees?

CHAIR CASTRO: Yeah, I thought (inaudible).

MS. BOY: Yeah, he's on the -- he's an officer (inaudible).

CHAIR CASTRO: Okay, so -- that's right. Never mind. Never mind. I just remember seeing him there. I'm doing the thing, because --

MS. BOY: Yes.

CHAIR CASTRO: -- before we were talking about if we had everybody in here. Okay. We're good, then. All right. Thank you all very, very much. That was fairly pain free and ready to go.

CONSENT AGENDA

AGENDA ITEM C-1 - APPROVAL OF FINAL AGENDA FOR JANUARY 28, 2016

AGENDA ITEM C-2 - JANUARY, 2016 PLAT REVIEWS FOR TRAFFICWAYS PLAN COMPLIANCE

AGENDA ITEM C-3 - APPROVAL OF MINUTES OF DECEMBER 17, 2015

CHAIR CASTRO: Now we're going on to Consent Agenda. Any items to be pulled or may I have a motion to approve the Consent Agenda? We've already excused the absences.

MR. FRIEDEL: Motion to approve.

CHAIR CASTRO: Got a motion to approve by Mr. Friedel. Second?

COMMISSIONER GOMEZ: Second.

CHAIR CASTRO: Got a second by Commissioner Gomez. All in favor? Any opposed? Seeing none, carries.

VOTE PASSES UNANIMOUSLY.

REGULAR AGENDA

AGENDA ITEM R-1 - COUNSEL'S REPORT:

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CHAIR CASTRO: Counsel Report.

MR. MAURODIS: No report, Madam Chair.

CHAIR CASTRO: Oh, great.

AGENDA ITEM R-2 - EXECUTIVE DIRECTOR'S REPORT:

CHAIR CASTRO: Executive Director's Report?

MS. BOY: Sorry. Good morning. Barbara Blake, Executive Director. First, I'd like to welcome Commissioner Bogen to the Planning Council.

COMMISSIONER BOGEN: Thank you.

MS. BOY: I hope that, you know, we can do whatever you and your staff need to assist you during your time on the Council. Congratulations to the officers and to the committee members. I'm going to go through a couple of administrative things first, and then I have some planning related items.

Your February meeting appears to be able to be cancelled, so if you dispense of your business this morning, then you'll be able to cancel the February meeting. The March meeting is stacking up not to be a huge meeting, but a little bit heavier agenda, just the timing of how applications have come in. That's how that looks to be occurring.

There's a Broward Next workshop next week on February 4th, and we'll be talking about the last three highlighted regional issues, climate -- climate resilience planning, environmental protection, and disaster planning, and post-disaster redevelopment. Those are the final three highlighted issues. I am anticipating that you will start seeing items for the actual Land Use Plan and taking transmittal actions as early as May. It may be June. We're starting to work on the second section of the Broward County Land Use Plan, and that's a -- probably a little bit heavier, policy related, implementation, permitted uses, those sorts of things.

So we're working hard every day on these items. The -- oh, I have -- there's additional agenda material for Items PH-3 and PH-4, and you were emailed that yesterday. So I do believe you need to accept the additional agenda material. They were both correspondence. One was just updating comments on PH-4 related to Pembroke Pines, and PH-3 was correspondence from the City of West Park.

CHAIR CASTRO: You want a motion to accept those or?

COMMISSIONER CASTILLO: So move.

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COMMISSIONER LONG: Second.

CHAIR CASTRO: We have a motion by Commissioner Castillo, seconded by Commissioner Long. All in favor? Any opposed?

VOTE PASSES UNANIMOUSLY.

MS. BOY: We are having -- we had such a great response to the United Way fundraiser that we did in the fall, by popular demand, we've brought the game board for the Super Bowl. We've chosen a local charity, the Pantry of Broward, for the contribution.

The squares are \$5 apiece. If you would like to purchase one, you can do so at the end of the meeting. See staff, and they have change and all that kind of good stuff. But we're anticipating raising at least \$250 for the Pantry. They provide groceries and food mainly to grandparents who are raising their grandchildren. That's kind of their priority, or their niche. So we're excited about that. And we'll do it -- and we're going to start it again for United Way season in the fall, also.

The final item is the -- I wanted to update the Planning Council about the County Commission's action on this past Tuesday, January 26th. As you know, you're the local planning agency to the County Commission, and you make recommendations on the land use changes, the text and maps. One of the items that was moved forward for transmittal by the County Commission to the State review agencies was the amendment to Policy 107.07 regarding affordable housing.

You reviewed that at your December meeting, and your recommendation was for the County Commission not to take any additional action on the item until it was kind of folded into the Broward Next process.

So I wanted to let you know today that the County Commission did transmit that item to the State review agencies. They will have 30 days to review it. Then, when we receive their comments, the start -- the clock starts ticking for 180 days to adoption. So I just wanted to let you know that that happened. So that was -- if there's any questions about that.

CHAIR CASTRO: I'm going to make a comment. I don't know if anybody else wants to comment on that. I -- and I -- in deference to our new member, Commissioner Bogen, who, by the way, I hope to give you a few minutes to say your opening remarks, as well, I was a little disappointed that the County Commission decided to move forward.

We had a very vigorous debate here, and there were some very well thought out points brought out, not the least of which that the current policy was the result of a settlement between the County and the municipalities. I'm not even coming at it for that angle. For those of you who don't know, my day job now is I'm Executive Director of the Dania

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Beach Housing Authority.

For two years now, I've been trying to rebuild public housing, because it's a mess. And I have 39 units on five acres of property. I could house a lot more people who need affordable housing or extreme low income housing than I currently am. However, getting it done apparently is a whole 'nother matter. And I have a lot of people -- excuse me -- from the city to the County to the State to the federal government screaming for this to be done. In other words, we need more housing, and yet the mechanisms -- and I know you now sit on that housing council -- you find out it's all about the money.

What we did with the study is we put out this one shoe fits all feet study, so -- and I understand the County Commission. They want to compare apples to apples, and I agree with them. And I'm going to ask Ms. Blake-Boy to confirm that that's not the end of the decision-making process, for the record, that cities are then allowed to propose what it is they have that meets the affordable housing policy standard, if the study indicates they don't.

Now, I'm not, obviously -- people sometimes have accused me of being parochial, over the years. I'm obviously not advocating on behalf of Dania Beach right now, because everybody knows our city, we have a plethora of affordable housing. It's just not quality affordable housing. And that's not even covered in this policy. The study really doesn't even talk about the quality of housing. That's a whole 'nother layer.

And I think that's why it was important to keep having the conversation to figure out what the metrics really should be so you're getting a really clear position or point of reference of what's on the ground. And then the other answer is, well, the city has to demonstrate what their affordable housing plan is.

Well, some cities don't have money. And, ironically, it's the poor cities that don't have money. And, ironically, it's them who usually have the worst housing stock. So how do you develop a plan if you don't have money? So there's a lot of things in this that were moving parts that I still haven't seen come together, so I was kind of hoping we'd have a real serious conversation about the affordable housing issue before we implemented any policy changes, because, first, funding's going to have to be identified. And I know that staff's been working very hard on the linkage fee, which I'm all in favor of, although, by our own accounts, it doesn't generate a lot.

I've offered up a modified TIF, and by modified TIF, CRA, which the County no longer wants to do, designate the TIF just for affordable housing. If you have an area that has a finding (inaudible) of blight, which is what the CRA requires, obviously they need better housing. So give them a modified TIF. Ten years instead of 40 years, 50 percent of TIF instead of whatever. In other words, put something in. The developers aren't going to be able to pay for this on their own, which seems to be the tact we're taking. The businesses and the developers.

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That's not right. In addition, I don't even want to get into the livable wages, the cost of insurance in South Florida for property insurance and casualty. We've all talked about that. But my point is I'm sorry to hear the County Commission go ahead and transmit without having more of a discussion on the item.

I would have even rather they asked for a joint workshop between the Planning Council and them to really vet it out further so they can understand the different points of view of what was coming up. This wasn't about who's in charge and who has power. This was about solving a serious problem in Broward County, and I don't see that happening with the way the thing is moving through the system now.

So I just wanted to put that on the record and ask you clearly, if the study comes out and says a city does not meet the affordable housing component, the city still has the ability to say, yes, we do, and here's why.

MS. BOY: So what I would say in response to that is the methodology that would be put in place by this policy, it sets the data. So it's not even saying whether or not the city's meeting affordable housing policy. It's saying this is how many units there may be a gap for very low, low, or moderate for rental and ownership. So it delineates -- everyone would be on an equal ground starting point for the additional information that would be provided, related to its policies and programs and the implementation of that.

So, you know, it takes city -- City X's data, base data is based on the same methodology as City -- as City Y. And that's really what the essential and what the primary part of 107.07 of the change is. And it will come back to you. You know, the State reviews it, has their review period, and it does come back to you for a second Public Hearing.

CHAIR CASTRO: Is there anything in the data to suggest the quality? If a city has a plethora of affordable housing, is there anything in the data to discern what the quality of that affordable housing is?

MS. BOY: No. The data is based on the American Community Survey data, which is updated annually. It's based on that, and there's not an evaluation of the -- what the standard of the housing is.

CHAIR CASTRO: So if you have a city, ironically, that has a lot of affordable housing but it's not quality, because it's an older city, a smaller city, and there's a bunch, there's six or seven cities, and everybody knows who I'm talking about, and they have a ton of affordable housing, so they meet the policy, but the quality isn't good, what mechanism, then, is there available for them to demonstrate they need better affordable housing in order to get funding pools from the County's capital development account or whatever that replaced the TIF?

MS. BOY: So I would say in response to that that the, the second piece of it -- so there's the base data of how many units you're deficient, or what your gap is for

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affordable housing that defines that by the American Community Survey. The second piece of it is what the municipality submits as its programs and policies, and how those are directed, and what the impacts of those programs and policies are.

So a city may be directing, if it has CDBG money, or if it doesn't, it may be directing that towards improving the substandard housing. That may be a program that they -- the city has.

CHAIR CASTRO: Let me rephrase. If the city has already met the standard by the base data meaning they have a lot of affordable housing, just by numbers. There's no gap in the city. Do they still have to demonstrate that they have a program?

MS. BOY: Well, one thing I would say --

CHAIR CASTRO: Or have they met the first standard, and we walk away from the analysis?

MS. BOY: -- if there was -- if the -- if it -- if the methodology showed no gap in the municipality, then they would -- they would -- they're done.

CHAIR CASTRO: But then I'm going to ask you again, what's happening to that location -- I'm going to get to you, Ms. Graham -- relative affordable housing? Because from the County's point of view, especially for funding, the city has plenty of affordable housing. But it's --

MS. BOY: Substandard.

CHAIR CASTRO: -- pardon my French, crap. Substandard. So that city isn't even going to be looked at now, because why do we want to give City A, B, C money for affordable housing? They don't have a gap.

MS. BOY: There's nothing in this policy that gives money to municipalities. It's strictly based on its own program.

CHAIR CASTRO: I understand that. But you know, just like I do, that people look at these things, and they'll look at the study to determine who's going to get financing and who's going to get funding especially since the County has gone to a TIF form of CRA funding.

And, remember, a CRA, a Community Redevelopment Agency, is about areas that have had a finding of necessity or finding of need that they are blighted. And they're going to look at the capital redevelopment fund to see who's getting money. The monies that Ralph Stone has, they're going to look at that to see who's going to get the money.

But if you already have a bunch of affordable housing, nobody cares what quality it is.

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So where does that get picked up in the equation? And this policy, to me, should have added in that factor. And, actually, I think it was Commissioner Gunzburger who brought up this. But, anyway, that was why I wanted it to come back and revisit a little bit. I'm sorry. Ms. Graham.

MS. GRAHAM: Thank you, Madam Chair. If you would, just for the record, put -- make your statements, for those of us that aren't in the know, and also to be in the minutes, the difference between the absolute minimum that you're describing that's older, obsolete housing, and what would be the standard you would want for modernization, if something was to be built. If you could just say something about that so that we all have it on the record.

CHAIR CASTRO: I think there's an ability for regular what we call inventory of residential communities and areas, which will tell you and -- and whether it's the Property Appraiser's Office of whoever, they can give you a measure of quality of housing.

I believe the Census also includes some aspect of quality of housing. And I could be wrong. I think that has to be part of the baseline study that the Commission is given to make these decisions, and I think that's the direction. It's not one thing to have the numbers. It's -- again, it's the quality of what's on the ground.

And, to your point, there are measures for that. You could even go by age of houses. You could go by the last time permits were pulled. And probably Mr. DiGiorgio and other people could tell me faster ways they have of looking at these things and saying, yeah, we know that that's substandard housing over there.

You know, you can do physical inventories of the actual buildings, and maybe you require the County or the city or somebody to do them. I don't know. But I don't think this is giving a clear picture of what's needed, in particular where funding should be directed. Then we talk about cities having their own plans. Well, a lot of cities aren't cash rich, because their housing stock isn't valuable.

So how do they come up with a plan when they don't have the extra money after paying public safety and whatever else? And there's no mechanism for that. So sooner or later, either the market force is going to take over and gentrify all these neighborhoods, and you're going to have a bigger affordable housing problem -- and I'm up here at the 60,000 policy view. I'm looking globally at how we're shifting the points on the board.

And I think we should have spent more time looking through this before we decide to pass more policies up to the State or vision (phonetic) the State. And that's all I'm saying. And I think this Council really talked about it a lot at the meeting, and I think it was -- I don't want to use the word, disingenuous. That's a little strong. I think it was short-sightedness of the County Commission to go ahead and pass it to the State at this

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point in time. And that was just my personal opinion, and I wanted to put that on the record today. Yes, sir.

COMMISSIONER BLATTNER: Well, we did have this discussion, and I remember supporting you in this, because a lot of the eastern cities, the older cities, have a lot of affordable housing that's pretty deplorable, and vultures come in. They slap a coat of paint on the house, and it doesn't rise to the point of even necessarily being a code violation, but it's not -- it's not what we need and what we want. And I'm glad you've brought this point up, and I'm wondering if there is -- is there another vehicle -- Commissioner Long, you're on the -- what is the board?

COMMISSIONER LONG: Housing -- Housing Authority.

COMMISSIONER BLATTNER: You're on the Housing Authority. Could -- can the Housing Authority, or can any agency within Broward County say that we're going to address the issue of the quality? For example, we have cities that don't have affordable housing, and they pay you to go away. I'm sorry to be disrespectful, but I don't want affordable housing in my community, so I'll give you a hundred thousand dollars. Just leave me alone.

Can the money that is collected in that -- in that manner be used for enhancing the quality of housing stock in other communities? I think it's an important issue, and I think that you set the agenda well. I just don't know where to go with it. I'm not sure that the County Commission could do much different than they've done now.

But if the County Commission says, no, we're done with this, the issue doesn't go away. And I don't know what other options there are to create this. I mean, it can't always fall to the issue of, well, these are code violations or health and -- health and safety issues. And then you end up in a process that takes years to resolve, and somebody pays, but the property really doesn't get improved very much. So I'm as frustrated as you are.

CHAIR CASTRO: Thank you, sir. I'm going to do Commissioner Long, and then Commissioner Bogen. Oh, and Commissioner Ganz.

COMMISSIONER LONG: Yes. Thank you. And if my voice cracks, I apologize. Fighting off a cold. But, you know, to what Chair Castro has said, there is a lot of substandard affordable, quote/unquote, housing out there, and, as you've said, mostly on the eastern side. It's a lot older.

You know, there are inspections that could be done through, you know, HUD, and the Housing Authority does that for a number of programs, including the Partnership for the Homeless, for our rapid rehousing programs.

But when you look at substandard, you're looking at, you know, the age of the building, the quality of the electric, and the plumbing and other issues. And what we're seeing

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more and more is, especially in the electrical thing, they've never been upgraded since the late '40s and '50s, when many of these were built.

So you have the cloth-covered wiring, you have the issues with everything, even in the '70s, with aluminum wiring, which, for the most part, have been pulled out now. So you do have a lot of issues which causes a lot of health and welfare issues.

And plus you also have the crime issue. Most of these are in very bad neighborhoods that have a very high crime rate. And if you look to put, you know, a family into one of these, you're really taking a great risk by doing that. But they don't have any other options.

So as much as we talk about affordable housing, in many cases, we don't even define what affordable housing is, because for lower, 30 percent of AMI, there's nothing out there. And if it is, you wouldn't want to be living there. So I do echo what you said and what you said. And there has to be something in there. I mean, there could be inspections that could be required if you're going to call this affordable housing.

I don't know if that's going to solve the problem, because, again, the money -- we always talk about where the money goes. I brought that up at the last number of meetings. I never get a real good answer of where all the dollars have been put in. Exactly -- show me where that million dollars that's been collected in the last year went to, other than into a big pot.

Show me what it's doing other than paying for administrative costs, for policy changes. I want to see bricks and mortar being -- being done somewhere, and say, this is because of the affordable housing program we have, which they pay into it. So let's see the results, rather than policy results.

CHAIR CASTRO: Commissioner Ganz.

COMMISSIONER GANZ: Yes, I wanted to go on the record, also, saying that the City of Deerfield Beach has some grave concerns and is also disappointed that this was, what I would consider, rushed through by the County.

Unfortunately, I was not here at the last meeting. That would have been the time to express -- to go more in depth, so I'll save it for our next opportunity. But I at least want to go on the record with that. And I believe our staff has talked to the Planning Council staff and is also going to be talking to County staff, as well.

CHAIR CASTRO: Thank you. I have Mr. Parness and then I have Commissioner Bogen.

MR. PARNES: In Deerfield -- is my mic on? Hello? There we go. In Deerfield, I just went through a 40-year inspection on my apartment house that I live in. It's a condo.

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And we had to hire an engineer, as the owner, and he had to come in, and we had extensive cement work, electrical work done on the building in order to get it passed.

Why aren't these apartments that are up going through the same thing? And if they're not brought up by the landlord, the cities should take them over, fix them up, and make them livable. But it's not being done, and it should be. We spent over \$25,000 fixing up our building, as the owner. Why aren't landlords, or slumlords, whatever they're called, who have affordable housing held -- have their feet held to the fire to make them livable?

MS. GRAHAM: Madam Chair, I believe there is a threshold for the 40-year inspection. I don't know if it's everything over four -- in other words, four units or less, you know, duplexes, triplex, quadplex are exempt. And, again, I would need to double-check whatever the current thing is. I know Dade had the lead on 40-year recerts, and Broward eventually adopted it, but, in fact, Broward just -- I believe they just adopted the 40-year recerts in the last five years.

Palm Beach County doesn't even have it. And for the older buildings, just like you said, you put the 25,000 into it, but that was the minimum to make it pass the engineer's criteria. So there may be some housing stock, as you mentioned, in Dania that is exempt from that. Because you don't get around it. If you're cited, you've got a certain amount of time to comply.

CHAIR CASTRO: West Park, Oakland Park, Wilton Manors. Commissioner Bogen, then I'll get back to Mr. Grosso. Go ahead, Commissioner Bogen.

COMMISSIONER BOGEN: Yeah, hi. Thank you. Can I -- I don't know how to start this. So we -- this came before the Broward County Commission, and as a Broward County Commissioner, we get a packet from staff. So I just want you to understand that the information we got, we get a one-sheet overview on what we're voting on.

Nowhere in this overview did it express the Planning Council's opinion. I am looking at this one-sheet overview. Requested action, motion to adopt. Why the action's necessary, not why it should be deferred, but what action -- what the action accomplishes. Previous action taken. Summary explanation. Nothing. Zero.

Now, if you keep going past -- into some exhibit, it does show the Planning Council recommends that the County Commission not take any further action. But I, as a Commissioner, I don't know why any other Commissioner would need to keep looking, based on the one sheet. So I think we've got a big problem. I mean, I've been around for a year now, but I don't know, Barbara, if you -- how you communicate with staff or which staff wrote this, but whoever wrote this misrepresented the Planning Council's, you know, statement and opinion.

And so your Broward County Commission voted on something, getting information

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without all the time you spent on this. I just want you to understand. It's not that it went ignored, at least not by me, but it's -- you've got somebody in the County who wrote this who did not transmit the correct information.

MS. BOY: So I wrote the item, so I'll -- I'll say that. But I just would add also -- and I'm happy to change how we prepared these items in the past. The item that -- the one-page piece that you get, we do rely on the other information that's in there to represent what the action that was taken for the amendment.

I can -- I apologize, and, certainly, moving forward, I will be happy to change how we do those items, but it's going to change the content a lot of how that first page -- you know, how that one item is done, because none of the items have the recommendation that was made in the agenda on the item. It's all in the exhibits that are given to the Commission. So I apologize.

COMMISSIONER BOGEN: No, I'm not asking you to apologize. I'm just saying that if you're looking at me, as a Commissioner, to do -- take action on behalf of this Council, it should be right there in front of us, you know, what -- what you're looking for, I would assume, unless -- you know, I haven't been around, as I said, for ten years here, so maybe I'm mistaken.

But if you're looking to have the Broward County Commission vote in a certain way, I would assume that on that front page it would say the most important thing is how you want us to take action. And, Anne, I don't know if you see it there, but I don't see anywhere on that page --

CHAIR CASTRO: No. I'm reading through it now. Okay.

UNIDENTIFIED SPEAKER: (Inaudible) bring that motion?

CHAIR CASTRO: Yeah.

UNIDENTIFIED SPEAKER: (Inaudible.)

CHAIR CASTRO: No, we had, I think --

UNIDENTIFIED SPEAKER: (Inaudible.)

CHAIR CASTRO: -- Mr. Grosso. Thank you for that, because that was very helpful, Commissioner.

MR. GROSSO: Thank you, Madam Chair. It would be my sense that, given the nature of this body, that our recommendation ought to be a primary point of information. The other thing that I would say is that, given the sentiment on the board, you know, the fact the State -- the County Commission voted to transmit this proposed plan amendment to

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the State is the beginning, not the end, of the process.

They've got several -- I think the State has 60 days, don't quote me on that number, and then when the State report comes back, the County has half a year to go forward and adopt, that -- it's very common that these plan amendments change a lot from what's proposed to the State to final adoption.

So I think that -- that those of us who have the strong input on what the final product ought to be, there's plenty of opportunity to continue to influence that. I don't know what the County Commission's motivation was for moving forward. They probably wanted to get something done.

But there's a way to get something done and tweak it as it goes forward. So I would urge those who have a lot of expertise on this not to see this as give up the fight, but to just keep working to get this massaged before it gets to a final adoption.

CHAIR CASTRO: Well, and I think what staff's idea was, too, was to roll it into Broward Next, which is where I thought it was going to be. And was that mentioned to the Commission?

MS. BOY: Was it -- well, outside of the exhibit, no. I mean, there was no discussion of it at the meeting. There was no questions of anyone or staff.

CHAIR CASTRO: Okay. Thank you. That might have been where we got. I think Mr. DiGiorgio -- no, you're good? So I've got Commissioner Castillo and then Commissioner Blattner.

COMMISSIONER CASTILLO: Yes. Yes, welcome aboard, Commissioner Bogen. And I remember when this came up, the presentation was something along the lines of -- and staff will correct me if I mis-recall this -- but the discussion was something along the lines that the study concluded that there were some 55 or 65,000 unit shortage of affordable housing. I think it was 55,000. Is it -- was that the number?

MS. BOY: I think the 2013 number was around 60,000 units.

COMMISSIONER CASTILLO: Sixty.

MS. BOY: And then we updated it for the County Commission agenda, and it was 66,000.

COMMISSIONER CASTILLO: But -- and this is the part, Commissioner, I wanted to point out. But the estimated total amount of the fees coming in was like a little over a hundred thousand dollars a year or so?

MS. BOY: Well, I think now you're talking about the linkage fee, where this item is only

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related to Policy 107.07, and the change for the base data for --

COMMISSIONER CASTILLO: All right. So this is like a different -- those were --

MS. BOY: So those are two separate things. So Policy 107.07 is proposed to be updated to eliminate that municipalities can submit data and methodology professionally acceptable, eliminate that, and replace it with the requirement that they use the same base data as represented in the Meridian -- the Meridian study that was presented to both the County Commission at the affordable housing workshop and to the Planning Council at your regular meeting last month. So it replaces the data set only for your -- for the base data. It's not related to the -- to the linkage fee.

COMMISSIONER CASTILLO: I remember it, I remember it more clearly now. On both levels, my assessment was that there was a factual disconnect between what we were trying to accomplish and the means that were proposed to accomplish it. And I'm kind of sorry, as well, that that didn't come forward, and that you didn't have that information.

I don't know what can be -- what can be done at this time, but it is a fairly important thing, and I know that the Broward County Commission has always cared deeply about the affordable housing issue. I would encourage some sort of revisiting of this issue so that we can get it all on -- you know, out in the open.

If we're going to do something about affordable housing in this community, we have to ascribe some seriousness to it. And that begins with getting the facts right, and I'm sorry that that didn't happen. But I'm hopeful that the opportunity will arise for it to happen.

CHAIR CASTRO: Commissioner Blattner.

COMMISSIONER BLATTNER: Yeah, I'm really curious that there's a bill before the State Legislature that will require that vacation homes have a safety inspection, but not an affordable housing unit.

And one of the things that some cities have done, although I don't think it's true in Broward County, is they have passed an ordinance that says the sale of any single family home is subject to an inspection.

And that inspection accomplishes only two things, health and safety, and if the house or the home matches what is shown on the Broward -- on the County Property Appraiser's list.

In other words, the house is listed by the Property Appraiser as a 3/2, and the inspection shows it's a 4/3, something happened there. So were permits issued? If not, that's how you can begin to address the slippery slope of this stuff.

Because wonderful housing projects that were built 20, 30, 40, 50 years ago are sliding

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into this area where now, because of many reasons in cities, whether it's code or whatever, the values are stable or going down, and you get to these situations where people are desperate, and they start converting and doing things that are inappropriate.

So I brought this up to the City Commission a long time ago, and I lost four to -- four to one. And I would lose today six to one, because people don't understand this. And the realtors will come out strongly against it, because it impedes their ability to make sales.

And yet, if we're really serious about it, we need to address this, I think, separate and apart from what's been proposed to -- by the County -- by us and by the County Commission.

CHAIR CASTRO: I agree. Mr. DiGiorgio.

MR. DIGIORGIO: Thank you, Madam Chair. I -- for the record, I'd like to say that I do wish that our position was more clearly stated in a very obvious way.

We -- there's over 34 pages of minutes specifically on this item. It goes much deeper than just what Chair Castro talked about, which is the substandard housing.

It goes into the methodology used. It goes into the coordination of Broward Next. There's much more detail than just the one issue. So as I agree with Commissioner Blattner that that is a concern, there's -- there is some mechanisms in place that we can look at to address some of the quality of the housing.

And, again, that would come through the Broward Next, the whole general conversation, as opposed to the specifics and the minutiae that we've kind of gotten into with the methodology we're using.

There's methodology, as we pointed out, rightfully so, in the minutes, that are -- is in place right now. This is changing the methodology, but it's not necessarily addressing the major issues.

So -- and I agree with Mr. Grosso, this is a long process. However, I think it's really important that we state our opinion for the record, and if there is a potential to rescind that transmittal, I would recommend we do so, because it's a much bigger issue.

The 180 days I don't think gives us the time to get it fixed properly. I don't think -- I -- I love your optimism that we're going to get Broward Next done in this year, and I hope we do. But if we don't, we have an issue, because this is a key component.

So I do -- you know, for the record, I think we should strongly state, and I think we all have, that the Commission acted on what they thought was correct. They saw their document, and, again, there was nothing that stated that 34 pages and over an hour and a half of discussion was on this one item.

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But I do think we have an opportunity to correct something. If there is a mechanism -- which I don't know if we can actually rescind the transmittal. I've never done that before. But maybe there's a -- there's something that the County Commission can do to put that in motion.

CHAIR CASTRO: Mayor Ryan and then Ms. Graham.

MAYOR RYAN: First of all, I want to thank Commissioner Bogen for being here today. Had he not been here, we would have been wondering how it is that the County Commission unanimously ignored our recommendation and our discussion.

And I echo the comments of my colleague Mr. DiGiorgio. In fact, my staff this morning said, in a tone that would have reflected that the County Commission thumbed their nose at this body's recommendation, that the truth is that didn't happen.

And I think but for Commissioner Bogen being here today, many of us may have walked away wondering whether this was another example. Instead, this is an opportunity to communicate in a positive way, and we understand better now why it is that that passed the way it did.

I would, to the extent it's helpful to Commissioner Bogen in whatever efforts he can exact going forward, I would make a motion that we pass a resolution in support of a motion to reconsider and to rescind the action that was taken, if that's possible, so that we can at least transmit to the County Commission and give support to Commissioner Bogen if he's so inclined to seek the reconsideration of that matter.

CHAIR CASTRO: Is that a motion, sir?

MAYOR RYAN: Yes.

CHAIR CASTRO: Do I have --

MR. PARNES: Second.

CHAIR CASTRO: -- a second?

COMMISSIONER CASTILLO: Second.

UNIDENTIFIED SPEAKER: Second.

CHAIR CASTRO: Mr. Parness or Commissioner Castillo, both yelled second, Nancy. You want to have a roll call? All in favor? Anybody opposed? Seeing none, the motion carries.

VOTE PASSES UNANIMOUSLY.

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CHAIR CASTRO: Whether it's a resolution, a letter, whatever you need.

MR. MAURODIS: Yeah, Madam Chair, we may have to -- the issue of rescinding that type of action may be a little dicey as far as their ability to do it, but we'll clearly -- and we -- while mentioning that, clearly get the whole panoply of issues that you want them to consider or whether they even consider that when it comes back to them.

CHAIR CASTRO: And they may not. But, to Mayor Ryan's point, I think it sends a message that we thought the trigger was pulled a little too soon, and could you pull it back a little bit. Maybe you need to start engaging us, because whether they can rescind it or not, and I know that's more of a technical question, at least to --

MR. MAURODIS: The import of what -- of the -- the feeling of the Planning Council will be clearly felt. We'll make sure of that.

CHAIR CASTRO: Well, and to Mr. DiGiorgio and Mr. Grosso's point, this is a process. The key is, let them know we think there's a problem now, so we can start fixing it now by engaging each other and having the conversation.

MR. MAURODIS: So that when it does come back to them, it's going to come back to them with a very clear knowledge of this Council's position.

MAYOR RYAN: Madam Chair --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR RYAN: -- Commissioner Bogen.

CHAIR CASTRO: Okay. Yes, sir.

COMMISSIONER BOGEN: I'm right now having to see what it's going to take to see if we can legally reconsider or rescind, so I will --

MS. BOY: On Tuesday?

COMMISSIONER BOGEN: Pardon me?

MS. BOY: On Tuesday or?

COMMISSIONER BOGEN: No, right now. We're going to go talk to the County Attorney. I've got my staff person right now. We'll go talk to the County Attorney. We'll go talk to Bertha and see what we need to do, if possible, because it was at a Public Hearing.

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MR. MAURODIS: So you would have to do a notice.

COMMISSIONER BOGEN: Yeah, so we'd have to see what we can do. But I'll get on it immediately --

CHAIR CASTRO: Thank you.

COMMISSIONER BOGEN: -- and see if there's --

MR. MAURODIS: Well, the letter will fit right in with that.

COMMISSIONER BOGEN: -- if there's a way to do it, I'll get it done.

CHAIR CASTRO: Maybe they haven't even transmitted yet, so nothing has gone to the State, so it'll be easier for them to then make a motion to pull it back.

MS. BOY: Right. We have the package in our office that would go to the State, so we can hold it until we find out today. I mean, we're obviously not sending it right this -- right now. But if they tell you that there's some action that can be taken, we can send the other items that the actions were taken on, go --

COMMISSIONER BOGEN: So --

MS. BOY: -- go ahead and send that part.

COMMISSIONER BOGEN: -- so you're controlling that.

MS. BOY: So -- right. We have control. The Statute says that it needs to be sent within ten days of the transmittal, but if we know that there was going to be some other action or discussion scheduled for that, we would just hold -- we can hold that item.

COMMISSIONER BOGEN: I can try to get it on the agenda for the Tuesday -- next Tuesday meeting. I just -- you know, I'll find out today. So I don't have to talk to anybody. It's just you're the one that can hold off on sending -- transmitting it to the State.

MS. BOY: Right. We can -- we can amend the letter, but then I would need to know pretty quickly what is going to happen, because --

COMMISSIONER BOGEN: You got it.

MS. BOY: -- of the statutory requirements.

MR. MAURODIS: That's right.

COMMISSIONER BOGEN: We'll be on it.

CHAIR CASTRO: Mr. Grosso.

MR. GROSSO: Thank you. I can also point out for what it's worth, that 180-day deadline is waivable. If the County is butting up against the 180 days (inaudible).

MR. MAURODIS: Oh, yeah.

MS. BOY: For anything initiated by -- by a government, it's waivable.

MR. MAURODIS: There's a lot of time on the back end of this process out there.

MR. GROSSO: Right. You can ask the State for an extension of that 180 days. The State's pretty flexible, from my experience, on those sorts of things. So if this doesn't work, that's still another mechanism that could get us to where we need to be.

CHAIR CASTRO: Does anybody else want to talk about this item anymore?
Ms. Graham.

MS. GRAHAM: Madam Chair, maybe as the conversations go forward on this, we'd all talked about housing and properties individually. As anyone knows who's ever lived in a major metropolitan area, you can live on a good block, or you can live a block away from a good block.

So I really think it needs to be looked at on a slightly larger scale, because, as you said, if Dania has properties that need to be upgraded to make them more desirable, but you don't want to put a family in a property where the neighborhood is bad, maybe we need to look at what the -- what the criteria is to improve that neighborhood, in general, if it's crime or vandalism or what have you.

But we could take all the money that we could be given with a blank check and improve properties, but if the underlying element in a neighborhood is not improved, it's not going to matter. Thank you.

CHAIR CASTRO: I agree. And I think there's ways of -- qualitative methodologies to determine housing stock, even on a global scale like Broward County. And I think maybe the County and the cities should do a joint study of some kind.

And you -- and I think somebody mentioned that you start with the Property Appraiser's records, with the age of the buildings, last permits pulled, or improvements, because that's going to give you a good understanding, probably, right off the bat, of where -- and you map it, you grid it. And then you look for the pockets, and then you actually go out and do a physical, you know, look or inspection, or Google Map, or whatever.

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And there's ways to figure it out and say, okay, this area has substandard housing. Not every house will be substandard. Not everyone will be pristine. But the point is I think there's ways to do this. Yes, Mr. Parness.

MR. PARNES: Well, I kind of have the feeling if they're looking at a development off Sistrunk Boulevard, that you can take a very bad neighborhood and change it. To avoid and say we're not going to go on this block because they have four crimes more than the next block, no, I think what you have to do is solve the problem and build the housing where it's feasible.

Change the neighborhood to a better neighborhood. Otherwise, you're taking a vacant lot and putting a nice house on it, taking a bad neighborhood, and letting it stay bad. And I don't think that's the goal here. I think we -- those neighborhoods have to change and improve.

Every time I see a store go up in my town, I applaud, because it adds to the lifeblood of my town. Every time I see new housing going up, I applaud, saying new families are coming to my town. I think that's the attitude the County has to take, that we have to take what we have and make it better --

CHAIR CASTRO: Thank you.

MR. PARNES: -- not avoid it.

CHAIR CASTRO: Mr. Friedel.

MR. FRIEDEL: Twice I've heard people on this board say today, we wouldn't want to move a family in there. Well, families already live in these houses, and I'd like that to be a point that we see. And, you know, to Commissioner Blattner's point, you know, these houses already exist and -- or these domiciles already exist. What can we do to make them better for the families that already, you know, live in these communities for whatever reason? Thank you.

CHAIR CASTRO: Thank you. Now, I was remiss in that I didn't let Commissioner Bogen say a few words after we swore him in -- so I figured we'd hit him hard first, right, set the tone, and now officially, officially welcome him. I wanted to point out to you, if you notice, a lot of diverse opinions, a lot of expertise on this Council, which is really what it's known for, from other lawyers to builders to community activists to environmentalists, and that's what the beautiful thing of this group.

And I've been on it now I think eight or nine or ten years or something like that, and I learn more here than just about any other place that I interact with.

So we want to welcome you today, and we're always pleased to have one of the members of the County Commission, because it does give us a different point of view from a little bit higher up altitude. And if you'd like to say a few words, please feel free to

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do so.

COMMISSIONER BOGEN: Well, I -- I have a half an hour speech here to talk about.

COMMISSIONER BOGEN: No, I just am happy to be here. I look forward to working with everybody here. And if you want to go beat up the Broward Commission, I'll be your guy to do that for you, because those guys don't know what they're doing. Come on, come on.

CHAIR CASTRO: Oh, there.

COMMISSIONER BOGEN: Except me, of course.

UNIDENTIFIED SPEAKER: Yeah, this -- this tape is going to get looped.

COMMISSIONER BOGEN: But I would like to ask one question. The committee that had to do with the traffic that you were talking about, do they -- those guys get out of tickets? Is there a way to get out of the speeding tickets or no?

CHAIR CASTRO: No.

COMMISSIONER BOGEN: Well, forget it. No, but I look forward to working with everybody here. Thank you.

COMMISSIONER BOGEN: Thank you. Okay. I think we're done with all that. We're done with the report, yes? We've done the excused absences.

PUBLIC HEARING

CHAIR CASTRO: So we're now moving on to the Public Hearing and the quasi-judicial hearing. Does anybody want to disclose any contact by any parties for any of these items? Seeing none, I believe we're pulling PH-3 and 4 because we have speakers for 3 and --

MS. BOY: The PH-3, we have -- we have speakers. PH-4, there's only speakers for questions.

MS. GOOD: I'll pull Item PH-4

CHAIR CASTRO: So we're pulling PH-3 and 4. So does anybody want to pull 1 or 2?

MS. BOY: And the quasi-judicial hearing has been waived for Item PH-1.

CHAIR CASTRO: Perfect.

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AGENDA ITEM PH-1 - RECERTIFICATION PCR 16-2
AGENDA ITEM PH-2 - RECERTIFICATION FOR PCR 16-1

MR. MAURODIS: So you can adopt 1 and 2.

COMMISSIONER CASTILLO: I'm going to move 1 and 2.

COMMISSIONER GOMEZ: Second.

CHAIR CASTRO: Okay. So we have a motion and a second. Did you catch it? Okay. All in favor? Any opposed?

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM PH-3 AMENDMENT PC 16-1:

CHAIR CASTRO: Seeing none, we go to PH-3.

MS. BOY: Good morning. PH-3 is a proposed amendment. It's Hillcrest Golf Course in the City of Hollywood. And the proposal is to change a piece of commercial recreation within a dash line area to irregular residential within a dash line area. There are no new units proposed as part of this amendment. They're actually proposing to use units that are already permitted within the residential portion on the north side of the course, as you can see there on the piece that says Hillcrest Drive.

So as far as impacts to facilities and services are concerned, there is -- there is no -- there are no negative impacts to those or the environment. However, it is a golf course, so it's subject to policy 504.04 of the Broward County Land Use Plan. And what that says is if you're going to change any property or parcel that was -- is designated as a golf course and used or formerly used as a golf course, there's kind of a checklist of things that you need to go through related to environmental, historical, trees, drainage, how you're going to make it part of the community, have you done a Phase 1 and Phase 2 environmental.

So they have satisfied those -- that part of the policy, and there's actually an analysis of the open space. Planning Council staff recommends approval of the units. I also want to not that the -- we made an additional recommendation that that border piece in green, which you can see outlined in red here, be changed to recreation open space from commercial recreation to really fortify the applicant's commitment to maintain that 53-plus acres as open space. So staff recommends approval of the proposal. No net impact to units, because it's moving units that are already permitted in another part of the golf course to this portion.

And the additional recommendation that the area outlined in red in the -- on the screen be also changed to recreation open space as part of the recommendation. We have

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seven members of the public signed in to speak, so I will start calling them three names at a time to come forward. The first speaker is John Moore. The second speaker is Lee Schillinger. And the third speaker is Dennis Mele.

CHAIR CASTRO: And as the members come forward, you're going to see a timer, I think, down here for the three minutes. You know, we try to relax a little bit with that, but I am going to use it today, because we do have several speakers. So please watch the timer for your time. You want to state your name for the record?

MR. MOORE: Yes. My name is John Moore. I live at 4330 Hillcrest Drive in Hollywood. I am a board member of the Hillcrest Green Team, Inc., which is a non-profit that we originated for the purpose of preserving wildlife and green space areas in Hillcrest. I did bring all this. However, I'm not going to bore you with all of it.

I understand why we're all here today, and there's certain things that we would like to bring your -- to your attention that we shouldn't today, because it's a Planning Board meeting. So I won't get into that. However, part of what they have given you to look at in front of you, I want to go to Attachment 13. And I want you to keep in mind that there's presently a very intense lawsuit that is pending in the courts today, and part of our reason for being here is to try to get the -- get you folks to understand our situation, and hopefully you will be able to maybe put aside any decisions that you might make today until after the decision in the courts have been made.

So, anyway, getting on with this attachment, some of the problem is with the number of units that they claim that there's presently there. The number that our team had was 2355, which the entire unit was built for 3,000. So 2355 gives them the 645 that they had planned, and that would bring that area of Hillcrest out to the planned on 3,000. However, about halfway down the page, they're looking at a number of 2299. They're saying that 1206 people have signed these affidavits -- or waivers, I should say, to change their restricted covenants.

Well, if that number was the 2355 that I know about, the 1206 would be very close, and possibly not even be enough for this to go through. It's never been certified, that we know of, by a certified person. The waivers have been under lock and key by the developers' attorneys. We have not seen them. We were asking for certification. While we would certainly love to see at least a nine-hole course left at Hillcrest, that would be something that could be considered, however, the people I represent, they're not young. We -- like for instance, we're in a 55 and older condo, ten-story high rise.

When I first started getting involved with this, I've never seen such an intense bunch of elderly people about what they're trying to do to their areas. They moved here to this area because of the golf course views. They have a restricted covenant for it. And the way they got their number was by tricking people into signing these waiver forms, by lying on the content, and not even, in most cases that I know of, and Mr. Schillinger will get into that, most likely, the people didn't even know what they were signing.

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Also, in cases, they were offered \$50 gift cards to bring people who didn't sign, because a -- a non-signature, a no vote, was a no. They had to sign the waiver. So people who did not sign the waivers were being asked by people to come in with them. And the more people they could bring in to sign a waiver, they would get a \$50 gift card for each one.

Now, the lawsuit goes in very detail about some of the, what we claim, are fraudulent items, which is how they got this vote. So all's I'm asking, and I won't take up much more of your time, is to please have the consideration for these people in this community who love their community. They love the owls. They love the falcons, the green space. At least give us the opportunity to hear it out in court prior to giving this developer any more space to move on with his development.

Thank you.

CHAIR CASTRO: Thank you.

MS. BOY: Lee Schillinger, followed by -- sorry -- Lee Schillinger, followed by Dennis Mele, followed by Julie Porumbescu.

MR. SCHILLINGER: Hi. My name is Lee Schillinger. I'm an attorney with offices at 5701 Sheridan Street in Hollywood, Florida. I represent approximately 95 unit owners that have signed agreements with me, together with the Hillcrest Hollywood Green Team. The Hillcrest Green Team is a corporation that was created by unit owners to protect that area.

There was recently a lawsuit in Dade County involving the Calusa Golf Course, in which the developer lost. And the reason I bring this up is that the courts have held that the way that this golf course was created is a matter of law. And the law that created this golf course in 1976 required that it remain a golf course unless a majority of the then unit owners agreed to change the form of the -- and that is what the pivotal issue in the lawsuit is. Mr. Moore has touched on the fact that -- and the lawsuit deals with it, the developers first tried to get our case dismissed. They failed on that. We're now in the discovery stages, but I can tell you that we have numerous affidavits from a lot of different people that people were told, you have to sign in, and they were given the back page of this agreement form to sign, which was then notarized and subsequently recorded, when they thought they were merely signing in.

People were induced with Publix gift cards to go out and induce other people to sign. I can tell you that I've talked to a number of different people, independent of each other, that all identified that in March of this year, they were told it's already -- we already have the majority number, therefore, it's a fait accompli. You might as well sign. And if you signed the form, you got a free breakfast. So the people were induced to sign because it was a fait accompli.

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They only had 200 forms signed at that time, so it was a lie. So there's -- there is -- it's a case that will demonstrate that the condition of the ordinance has not been met. You will notice that the letter is from Mr. -- the letter that says, we have reached the number we need, is from Mr. Riley. Mr. Riley is the attorney for the developer and the owner.

They have no independent certification that they have met the condition that would even allow them to be before this committee -- before this Council. And that's why we request that the Council postpone this until there has been a court action on it, because we believe that their action is improper and illegal.

CHAIR CASTRO: Thank you.

MS. BOY: We'll hold the questions?

CHAIR CASTRO: Yeah.

MS. BOY: Dennis -- Dennis Mele, followed by Julie Porumbescu, followed by -- I'm sorry, somebody -- Mr. -- Ms. -- or Ms. Porumbescu.

MS. PORUMBESCU: Aurel.

MS. BOY: Aurel? Thank you.

MR. MELE: Hello. Dennis Mele, 200 East Broward Boulevard, on behalf of the applicant. As for the issue that has been raised by the two previous speakers, I would ask you to look at page Roman Numeral Five dash 2 of your agenda backup.

My understanding is that your staff has consulted both with Mr. Maurodis and with the County Attorney's Office, and this litigation that's being discussed has nothing to do with what action you may or may not take on this land use amendment. It's a civil matter, and it has no place in this proceeding.

It's my understanding that at the Hollywood City Commission meeting, the Hollywood City Attorney gave the Commission the same advice that Mr. Maurodis and the County Attorney's Office have given to the County, that that is a separate matter for them to deal with at the courthouse, not here. Mr. Riley, the attorney who actually participated in gaining the signatures, both in the first round of this amendment back in 2007 and in the most recent, is here today, and he'll speak and address those issues directly, because he was directly involved, and he has more personal knowledge about it than I do.

Could I ask if you could put up the map again, the aerial photos that we had a moment ago? Just keep going. There we go. So this map shows you -- actually, if you'd go to the next one. I'm sorry. There we go. Oh, wait. It's one more. One more. There we are. Okay. No, I meant yours, not mine.

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MS. BOY: He meant our aerial.

MR. MELE: Your aerial.

UNIDENTIFIED SPEAKER: Oh, our aerial.

MR. MELE: Right. Yours are better than mine. I'm going to use yours. Thank you. I'm sorry. There we go. All right. So the area north of the area outlined in red is the portion of Hillcrest that has already been changed to a residential 11.1 dash line, and that dash line also includes the area outlined in red and the area in yellow.

Now, the area outlined in red, as the staff told you, will be preserved as open space. We have agreed that instead of leaving it as commercial recreation, we will change it to recreation and open space. So there is a guarantee that nothing can be built there. Now, that area's in excess of 53 acres. The area south of it that is kind of that bright green color with the stripes on it is the area that is commercial recreation today that will be changed to residential. The number of units will not change, as the staff has advised you. The reason that the overwhelming majority of people in Hillcrest were supportive of this change is that the way this property was going to be developed if the area that's outlined in green did not go to residential was going to be in high rise buildings.

And, instead, the current owner is talking about single family and much lower density, much lower height. And so the residents in the area, it's my understanding, were very supportive of that. The 53.8 acres that will remain open space is far in excess of the amount of open space preserved in most of the golf course conversions that have been done in this County over the last few years.

The benchmark we usually use in determining the amount of open space to be saved is the city's Comprehensive Plan recreation requirement. Some cities are three acres per thousand population; some are four acres per thousand population. This greatly exceeds that standard.

As for the letter from West Park, just very quickly, in your original backup, you had a letter from the City Manager of West Park concerned about having a buffer along Pembroke Road. My clients met with the City Manager of West Park. He is now satisfied that the buffer we have on Pembroke Road is adequate. In fact, I think it's actually a little larger than what he had asked for.

In his supplemental letter that was part of your additional backup, the City Manager of West Park is suggesting that no access from this property should be allowed to Pembroke Road. I know that's an issue that is under discussion at the City of Hollywood. It was discussed at the Hollywood City Commission land use amendment transmittal hearing.

And I believe that Hollywood indicated that they would take that discussion up again at

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the time of site plan and determine exactly what form of access should or shouldn't take place. Other than that, I'd be happy to answer any questions you may have. I know you have other speakers. If there's questions that come from that, I'd be happy to come back up and answer them.

CHAIR CASTRO: We're going to hold the questions to the end, because -- plethora's my word of the day. We had a plethora of attorneys in our speakers today, so you all may counteract each other, so we all feel like judges today. We're listening to the pros and cons, and I ask the members to record their questions, and we'll be calling you all up shortly, I'm sure.

MR. MELE: Thank you.

CHAIR CASTRO: Thank you. Next?

MS. BOY: The next speaker is Julie Porumbescu, followed by Arel Porumbescu, followed by Tekisha Jordon who's for questions only.

MS. PORUMBESCU: Yes, good morning. My name is Julie Porumbescu. I'm a unit owner in Building 22 at Hillcrest. I had a whole speech, but now I'm going to just tell you from my heart. I am not in favor of this development. I think it will cause a lot of problems in our development. And we're already in a dormitory area, and now we're going to put another dormitory area in. We were told, and it's in a report, by one of the audit -- one of the attorneys for the developer that our property values will go down.

Now, we've all spent a lot of money to improve our condos so that -- this is our last step. We're not going anyplace else -- so that we can live in a great place. And we are in a great place. Hillcrest is wonderful to live in. And also, I will tell you, Mr. Moore and Mr. Schillinger talked about affidavits. I was one of those people that voted against the development.

And then one night, I get someone, Lewis Rissman (phonetic) came in, and said to us that we are going to court, and we will be sued if we do not sign this paper, and it's going to happen the next day. I signed that paper. And when I found out what it was really about, I went to Mr. Schillinger and I signed an affidavit. So I want you all to know that we don't want our property values to go down, and I'm sure none of you would want your property values to go down after you invested so much money in your property. Thank you very much.

CHAIR CASTRO: Thank you.

MS. BOY: Arel Porumbescu, followed by Tekisha Jordan, followed by William Riley.

MR. PORUMBESCU: Good morning. I -- I wrote it down so that I don't miss anything. My name is Arel Porumbescu. I live in Building 22, Hillcrest. Julie is my wife. We had a

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lot of action in -- through -- through our apartment, because she -- she's also the president of -- official president of the Hillcrest Green Team.

Before I retired, I was teaching statistics at FIU, and claimed that I know everything about lying with vital statistics. What I'm specifically referring now is this dash versus not dashed area and population density and what not. Personally, okay, and I apologize for being blunt, I see this as a simply a bait and switch scheme that replaces an old scheme that took over the nine golf -- nine-hole golf course that's on the opposite side of Hillcrest Drive. And now they're trying to build -- come up to the total approved number of 3,000 units by taking more and in a different area. Anyway, enough of that. Julie talked about it. We at Hillcrest would enthusiastically embrace development, but it must be progressive, and it must enhance our quality of life.

So I want to voice my opinion that this change is aggressive, because it actually destroys a unique opportunity for the city and the County. The County has the opportunity to develop roughly 200 acre L-shape ideally located area which should instead be developed instead of just building housing density, should be developed into a world class destination.

I am talking about taking the long view that includes not only the Hillcrest area golf course, but also the city property that is on the corner with Park Road and the Orangebrook Golf Course, which is also part of the plans. Okay? So when you look at this this way, I respectfully submit that we will -- it will become obvious why this Hillcrest housing project should be -- should at least be delayed until the County will get to evaluate it in terms of the lost -- lost opportunity impact.

You put this there, you just lost a beautiful opportunity to -- you know, you even have a brown field in the corner, and -- that you can use as parking lot to go each both ways. So I'm available to discuss in much more detail possible scenarios that -- at this time, but at this time, they are no more than ideas or visions. So now I -- I'll do the unforgivable sin of ending on a negative tone. So the -- this proposal for this so-called development has gone too far, and thousands of man hours went into it already.

This kind of time and effort should be spent much better for progressive work that enhances our community resources and quality of life. I don't mean that in -- in terms of negative towards us, because I wanted to come here and voice my opinion, but I -- I mean to be -- I mean, we -- we're -- I'm 70. Okay? I'm not going anywhere, like -- like somebody said. Okay? But I would like to see something that is a world destination around us, not -- not more housing, more traffic, more -- you know, they can't even get in and out of this development right now, the way it's planned. When you look at the maps, it's a nightmare, the -- those ridiculous circles and all that. So --

CHAIR CASTRO: Thank you, sir.

MR. PORUMBESCU: -- thank you.

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CHAIR CASTRO: No, that's okay. Thank you.

MS. BOY: Tekisha Jordan, followed by Bill Riley -- William Riley, sorry.

CHAIR CASTRO: Is Ms. Jordan for questions, or is she speaking?

MS. JORDAN: Questions only.

MS. BOY: Okay. Questions only. Okay. Mr. Riley.

MR. RILEY: Thank you, and good morning. For the record, my name is Bill Riley. I'm an attorney with the law firm of Gray Robinson, with offices located at 333 Southeast Second Avenue in the City of Miami. I'm up here on behalf of the property owner, the International Brotherhood of Pipefitters and Plumbers. I've represented them for nearly a decade, and I'd be able to give you a lot of history with regards to this property.

I'll start from the beginning and try to move through it quickly. The Hillcrest PUD was established by ordinance in 1976. As part of that ordinance, they created two golf courses, a nine-hole golf course, which is not part of this application, and an 18-hole golf course. The nine-hole is on the north side of Hillcrest Drive. The 18-hole golf course is located on the south side of Hillcrest Drive between Hillcrest and Pembroke. In about 2005, 2006 a potential developer at that time came before this board, came before the City of Hollywood, and came before the Broward County Commission and asked for approval to develop 645 residential multifamily units on the nine-hole golf course.

Very intense project, because it was condensed to a small amount of acres, just the nine-hole golf course and the clubhouse. That project was approved. The site plan was approved. The land use application was approved. And, because the market collapsed, it was never built. So as part of this process, a new potential developer came along and says we can do a lot better. We can go back and ask for the recertification of the old plan, but we can do better. We can go ahead and we can give you a lot more amenities, lot more green space, usable green space, and a single family housing product.

There's 2,299 units in Hillcrest. There's 4,598 approximate residents within the Hillcrest PUD. That 1976 covenant says, if you want to modify it, you have to get 50 plus one percent of the entire unit owners within that community. We worked for a year with the Hillcrest Leadership Council, got overwhelming support, perfected our plans, perfected our legal documents, perfected our concessions.

When we went before the individual building owners, and we did that for every individual building, we got the requisite number within 60 days to move forward. That's how much support we have. What you are hearing today is a small minority of that 4,500

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individuals that live within the Hillcrest community. And when people say that they don't know about it, just make no mistake, every one of those modifications -- and that modification is very simple. The same document that was done in 2005 is the same document we use now.

We made sure it was a very transparent process so no one was confused. And every single document was recorded with the title to those properties. If they were -- if they signed it to agree to modify the covenant, and all the modification was is currently in 1976 it says the property can be used for no use at all; it can be used for a golf course use; or it can be used for recreational use. We added in the word for the modification, residential. That was it. That was the only modification. It can't be used for commercial. It can't be used for industrial and so forth.

With that, I would close by just saying that the Calusa Golf Course that was brought up, make no mistake about that, that is a red herring. The Calusa Golf Course was a modification to a golf course where they didn't go to the community. They didn't ask for the community's support. They asked for the declaration to be invalidated as a matter of law through Marte, a legal concept.

We went through the proper process. We spent over a year with the neighbors, perfecting these plans, perfecting these documents. And that's why we're here before you today asking you for your approval. Thank you very much.

CHAIR CASTRO: Thank you. Any other speakers?

MS. BOY: That concludes the speakers.

CHAIR CASTRO: Okay. Ms. Graham.

MS. GRAHAM: Mr. Riley, I have a question, please. You mentioned that you added that word, or, in as you were closing your statement.

MR. RILEY: Yes, ma'am.

MS. GRAHAM: When was that added in, please? And also, it originally was no or for golf course, and what was the third item before the, or, was added?

MR. RILEY: Okay. So in 1976 -- I -- I'm sorry, I was trying to rush to meet the time --

MS. GRAHAM: Uh-huh.

MR. RILEY: In 1976, it was the nine-hole golf course and the 18-hole golf course were only to be used for either no use at all, open space, for recreational purposes, commercial recreational purposes, or for a golf course.

In 2006, this process happened, the same process we're going through now, and for the nine-hole golf course, they added the word, residential, making it a permitted use also within the covenant. Still has to go through the process, land use process, site plan approval process and everything else, but it made it an eligible use. That's the only thing that happened.

Now we've used the same document, but we've provided an expanded legal description. We also provided all this information on websites, individual meetings, presentations to the communities, individual mailers. We tried to make everything transparent, because I'm not as dumb as I look, and I don't think that it'd be wise for me to go through a year process with neighbors and tell them what I'm going to do, tell them this is the plan I'm going to show, and then come before an elected body and say, oh, no, this is really the plan. I don't want to get crucified.

MS. GRAHAM: But that was only for all properties that changed hands from 2006 forward, where you said you attached the declarations to the deed and -- and if there was a mortgage or whatever else --

MR. RILEY: Yes.

MS. GRAHAM: -- it was all rolled in. So what happened to the people that owned prior to 2006 that didn't refinance or whatever, that wouldn't have this --

MR. RILEY: Prior --

MS. GRAHAM: -- added to theirs?

MR. RILEY: -- prior to 2006, they either signed the waiver or they elected not to sign the waiver. If they elected not to sign the waiver, they said, we don't want the modification to happen, and if you don't get 50 plus one percent, it won't happen. Once they signed the modification, we did it on a rolling basis and recorded it in the public records of Broward County. So if they changed hands, if they refinanced, if anything happened, it was immediately on notice. So what I did was, back then and today, what I did was, every time I got a batch of ten or twelve or twenty, I record them, even though we didn't have enough votes. And that's the certification process, because they're all recorded in the public records of Broward County.

MS. GRAHAM: Okay. And one more question.

MR. RILEY: Yes, ma'am.

MS. GRAHAM: On your site -- on your -- on the backup that we have for the development, it says there's going to be 22 lakes that are part of the improvements, 645 residential, approximately -- I'm sorry, 22 acres of lakes. Are you familiar with that?

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MR. RILEY: Yes, ma'am.

MS. GRAHAM: Okay. Are those lakes used for storm water retention?

MR. RILEY: They're -- some of them are used for reclaimed water. Some of them are used for storm water --

MS. GRAHAM: Thank you.

MR. RILEY: -- some are used --

MS. GRAHAM: You answered the question.

MR. RILEY: Okay.

MS. GRAHAM: Thank you.

MR. RILEY: Thank you.

CHAIR CASTRO: I have Commissioner Bogen, followed by Commissioner Castillo.

COMMISSIONER BOGEN: Yeah, I'd like to talk to -- first ask the Planning Council attorney a question. Is it fair to say that prior to any redevelopment of the golf course, consent is required, correct, of a majority of owners?

MR. MAURODIS: It may be by the -- I have not studied the homeowner -- the homeowners' documents. Those are private covenants that, at the Planning Council, it is always my opinion to you that it's not of your concern and not something that you should consider, the deed restrictions in the homeowners' documents.

From what I can see, apparently there was some need for some sort of consent, but it's the opinion of both the County Attorney's Office and my opinion that those (inaudible) issues among the homeowners and their documents are not issues for us to consider here at this -- at this level. We are dealing at the land use level.

COMMISSIONER BOGEN: So is it fair to say that regardless of what -- so I just want to play it out for a second.

MR. MAURODIS: Yeah.

COMMISSIONER BOGEN: There -- so there's a lawsuit, and the lawsuit, I assume, claims that the condition of the ordinance has not been met; correct?

MR. MAURODIS: Correct.

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COMMISSIONER BOGEN: Is that what the lawsuit alleges?

MR. MAURODIS: The condition of the deed restrictions is that --

MR. MELE: Right. The lawsuit -- Dennis Mele again, on behalf of the applicant. The lawsuit is regarding the deed restriction, not -- not a city ordinance, not a land use map, it's regarding the --

MR. MAURODIS: Private -- basically, it's a matter of private --

COMMISSIONER BOGEN: Oh, I see. Okay.

MR. MAURODIS: -- it's a matter of private contract.

MR. SCHILLINGER: Excuse me. This is incorrect. What they're telling you is totally incorrect. It's within the city ordinance that --

CHAIR CASTRO: Sir, if you -- if you're going to speak, come up to the microphone so everyone can hear, please. Thank you.

COMMISSIONER BOGEN: Well, before you -- before you say anything, sir -- I'm sorry, what's your name?

MR. SCHILLINGER: Lee Schillinger.

COMMISSIONER BOGEN: Lee. Lee, one second, please. So there is an -- a lawsuit. I understand it's a private action, but what I'm just curious is if we move forward, which we're here to move forward, and approve it, and then he's successful on his action, what does that do to our moving forward?

MR. MAURODIS: We would not be a party to that. We would not be a party to that action, so what would happen -- and that's an excellent question, because you -- you have two things going at two different levels.

COMMISSIONER BOGEN: Right. And it's --

MR. MAURODIS: You have decision-makers, too. You have the decision-makers at the County level on the land use. So let's assume that the land use is changed in accordance with the application.

COMMISSIONER BOGEN: Right.

MR. MAURODIS: If they win their suit, they can stop the developer from doing their development. See -- so they will have the land use --

COMMISSIONER BOGEN: Okay. I got it.

MR. MAURODIS: -- and the developer will see it, but he won't be able to touch it.

COMMISSIONER BOGEN: So it's fair to say -- I'm also an attorney, Lee -- so your suit goes forward. It has nothing to do, regardless of what is done today, approve or not approve you're still moving forward with your lawsuit, and then can take action from that if you prevail.

CHAIR CASTRO: That's correct.

COMMISSIONER BOGEN: That correct?

CHAIR CASTRO: That's correct.

MR. SCHILLINGER: That's correct. In fact, we may have to join the city to enjoin them from issuing the building permit, but, yes, we would get a declaration that what they were --

COMMISSIONER BOGEN: So there's no harm in this body approving. If you prevail, then you'll be able to accomplish what you want to accomplish.

MR. SCHILLINGER: The harm is that then they go back to court and they say, well, the governments have approved this already --

MR. MAURODIS: But it's not an identity of issues. It's --

CHAIR CASTRO: Right.

MR. MAURODIS: -- it's (inaudible) more of a waiver.

COMMISSIONER BOGEN: I got it. I got it.

CHAIR CASTRO: Mr. Schillinger, thank you.

COMMISSIONER BOGEN: Thank -- thank you. Thank you.

CHAIR CASTRO: I think I have Commissioner Castillo, then I have Mr. Grosso, and then Mr. Parness, and Mr. Friedel.

COMMISSIONER CASTILLO: Florida being the world capital of golf is part of why my family and I moved here. And I have to tell you that this course in particular is one that I've played many, many times. It's -- it's an amazing place. For those of you who aren't golfers, it's one of the -- it's one of the -- it's one of the most interesting courses in Broward County in the sense that even on a rainy day you can -- you can drive it. It has

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many holes where you can just grip it and rip it, and I can't tell you how great that is.

And there aren't a lot of -- it's not a prissy course, except for the 18th hole, which slopes downward and there's a -- an island green, and a lot of money has exchanged hands on the 18th hole of that golf course. And some of it has been mine. I'm going to miss it. I'm going to miss it. Another course that I loved was in Pembroke Pines Raintree. And I want to tell you a little story about that.

So Raintree had to close, and it is now being developed as single family homes. And I want to -- and I want to explain why some of this is happening. So around 1975 or so -- Barbara, you may take a look -- the population of Broward County was about 800,000. And today it's almost like 2,000,000. So you had 800,000 to 2,000,000, 1975 to let's say roughly 2015.

But there were more rounds of golf played then than there are now, even though golf is more popular now than ever before, and even though Broward County has played a storied role in the PGA. I mean, we've had events here that we don't have anymore. There are storied courses here that are ripe for some sort of rejuvenation, and we're still the world champion -- the world capital of golf, yet, for some reason, we're not generating these rounds.

So these people are going out of business. They can't afford to continue it. So when Raintree was going out of business, their owner came to the City of Pembroke Pines and said, I can't do it anymore. I can't pay my bills. There aren't enough rounds of golf. And we said to them, how can we help? And they say, buy it. You run it. And we couldn't. So we went to the people, and we said, do you want to buy it? Because otherwise, they have to sell it and redevelop it. And they said, how much? 40,000,000. They said no. We said, reconsider. They said. So we had to -- I'm telling you the story. So we had to allow housing to go in there. It broke our hearts. We didn't want to lose this asset. But that's the way -- that's the way this is going.

Okay, so now we've got -- now we've got this situation now at this course, and it breaks my heart, because I hate to see it -- I hate to see it change. But I don't know -- I don't know how else to deal with this. At the same time, 55 and older, we're not getting more people to retire here. We're not. There's going to be a glut of 55 and over retirement community units very soon. It's already starting.

And they're going to have to change, because they're not going to have people to live in the units. Folks are not retiring here in the same number of units that -- that we have units, even as our population grows. Something's going to have to happen there. The community is changing. I don't see -- I don't see anything, right off the bat, and I was looking very hard. I was looking for a reason to say, no, from a land use perspective to this, because I hate to see the loss of this. But it's not there.

But I am concerned about this business with the lawsuit. And I know -- and I know all of

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us are concerned about that. It's not something that we're supposed to care about from a Planning Council perspective, but I care about it as an elected official in the community. And I hope that that comes to a swift conclusion, because there shouldn't be another saga about golf course development in our community. It's the last thing we need. Anything about this should be crystal clear and above board and pristine in reputation.

So I'm concerned about that. And I hope that that comes to a landing soon. And I encourage all the parties involved in this to bring that to closure soon, because there should not be a shadow of any of that. We've had enough golf course sagas in Broward County. So I have no choice but to support this right now, but I worry about it, and I really do lament the change.

CHAIR CASTRO: All right. Mr. Grosso --

MR. GROSSO: Thank you, Madam Chair.

CHAIR CASTRO: -- Mr. Parness, and Mr. Friedel.

MR. GROSSO: A few maybe questions of staff. The scenario that Commissioner Castillo just described, do we have the facts in front of us that demonstrate that that is what's happening with this golf course, that it's no longer an ongoing viable enterprise?

MS. BOY: I --

MR. GROSSO: Do we have those facts?

MS. BOY: -- I would actually refer to the developer's representative or agent, Mr. Mele, about the viability of the -- of the golf course. Or Mr. Riley.

MR. RILEY: Yes, sir, I can testify as an officer of the court. We've been working on this, like I said, for a decade. And, unfortunately, the union pension fund went out one time and bought a lot of assets, including the Diplomat Hotel, and built that. Because they bought so many assets and the market went down, they had an issue where they may not have been able to satisfy their obligations for pension funds.

The Labor Department actually came in, so they've actually had an impeachment hearing, have a new international president, and are trying to replenish that pension fund, so they're divesting their assets. But one thing I can tell you is that they sent out an email, without my knowledge, when we already filed this application, saying that after the high season, we can't afford to put any more money into a losing proposition. We're losing approximately -- I think what I was told is around \$300,000 a year. Can't afford it anymore. Close the golf course down.

The contract purchaser, to their credit, said, no, that's not something that's good to do.

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We will operate this golf course and see it through. So while we still have the contract, they're actually trying to be good corporate citizens and making sure this golf course is not an abandoned site, it continues to go forward. I hope that answers your question.

MR. GROSSO: Thank you. Thank you. Maybe a couple -- thank you very much -- couple follow up questions, not for you, sir --

MR. RILEY: Okay.

MR. GROSSO: -- but for staff. The -- under the proposal, the nature of the open space that would be allowed or occur then, would that be also privately owned?

MS. BOY: Yes, the city -- it's my understanding, staff's understanding that the City of Hollywood doesn't want to maintain the open space, so it would be privately held, two ways.

That's why we -- first way, through a declaration of restrictive covenants maintaining it as open space uses only, and then the second piece is staff's additional recommendation that it be changed on the land use map to recreation open space to further ensure that use.

MR. GROSSO: What are the kinds of things that would be -- that could be allowed, then, in that broad category?

MS. BOY: It's -- it's a broad category, but it's really not. It's very narrow. The kinds of uses that are permitted there are recreation related, playgrounds, fields, a -- any type of like community center that's related to the open space kind of thing, that that's really the intended use.

MR. GROSSO: Those kinds of things, could those kinds of things potentially replace the golf course now if the golf course actually did not become an ongoing concern anymore?

MS. BOY: Could they replace the golf course? Well, it's commercial recreation right now in the plan, so that allows much more intense uses. Bowling alleys, arcades, different kinds of tracks, that sort of thing.

MR. GROSSO: Okay. My final question, or maybe it's an observation, I'm assuming that -- it's clear, to me that the private enforcement of covenants is not relevant to our planning decision, but yet it would assume, and I'll ask staff to tell me if I'm right on this, the nature of the residents' concerns, traffic, compatibility, density, those are relevant concerns to the land use planning decision we'd be making today; is that right?

MS. BOY: That's correct. And I would say that there's -- the way that the impact analysis is handled in this, because it's within a dash line area and there's a total

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number of units permitted, those are already accounted for in all of the variety of models and facilities and services. So that's already been taken into consideration in the past. So for this, it's no net impact to the facilities and services analysis.

MR. GROSSO: In other words, it's been projected that if that impact did occur at some point, it would not violate our adopted levels of service?

MS. BOY: Correct, because the -- it's already been taken into account in the various models in accounting.

MR. GROSSO: Yet --

MS. BOY: Because it's no net impact to the -- to the land use. So we're just talking about --

MR. GROSSO: Right.

MS. BOY: -- land use here.

MR. GROSSO: Right.

MS. BOY: Right. We're not talking about the site plan or zoning.

MR. GROSSO: So do the -- are the residents' concerns about traffic impacts not really valid, illegitimate concerns at this point?

MS. BOY: So we waited for the County Land Use Plan. It's a -- it's a long range projection, and because it's the year 2040 that we're looking at, because this is going from commercial recreation and there's no new dwelling units being added to the County Land Use Plan, there's -- it's not an impact to the regional transportation network that way. When they -- if it proceeds past the land use stage and the Land Use Plan amendment is approved, they will be subject to concurrency for short range and other various zoning requirements.

MR. GROSSO: Thank you. Thank you, Madam Chair.

CHAIR CASTRO: Just to follow up two things that he was asking about. It's held privately, but it's still going to be under the staff's recommendation for public use, as well; correct?

MS. BOY: Well, it'll be -- the land use will be changed to recreation and open space, and there are previous cases of recreation open space designations that are privately held and maintained by different organizations other than municipalities or governments.

CHAIR CASTRO: Right. So the public will be able to access it.

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MS. BOY: Correct.

CHAIR CASTRO: I just want to make sure --

MS. BOY: Yes.

CHAIR CASTRO: -- because I thought that was what we were asking, but I wasn't sure. Secondly, I think Mr. Grosso has run up to the age-old traffic count battle, and just -- and I know you're kind of newer here, too, but if there's an empty lot, they attribute a number of trips based on what the land use is.

So today, the cars aren't, obviously, going to that lot or coming off the lot, but they're already in the counts, and that's what she was kind of explaining to you, is the counts are already there. But is the neighborhood going to experience more traffic? Yes, because now you're actually building something that people are going to actually travel to and from, so the traffic will get heavier.

But the way the system works, they don't look at it as a change. It's a net zero, because they -- baseline -- talking about baseline reports, they've attributed those traffic counts to the current study. Does that make sense?

MR. GROSSO: I'm very familiar with the --

CHAIR CASTRO: Okay. Okay, great.

MR. GROSSO: -- planning reality versus reality. I've --

CHAIR CASTRO: I'm --

MR. GROSSO: -- been dealing with it --

CHAIR CASTRO: -- I'm still --

MR. GROSSO: -- for 30 years.

CHAIR CASTRO: -- I'm still ten years trying to figure it out, so I'm glad you got it.

MR. MELE: I have something that would, I hope, respond to that. I understand the planning reality versus regular reality, but there's a regular reality aspect to this that we should understand.

As staff has told you, we're not adding one single unit. But what are we doing? Instead of building big high rises, we're spreading the units out, so the distribution of traffic over the streets will work much better when the units are spread out over a larger area than

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when they're all packed into a tighter area. So even the regular reality, this is not an adverse traffic impact.

MR. GROSSO: Follow-up question. When you say, we're not adding any units, I mean, if they could build these units now, what's the need for the --

MR. MELE: They would be building them on a smaller area. There -- as they pointed out, it's a different legal description. I don't know if you saw that map that was up there. Maybe we could put it back up.

MS. BOY: So -- okay. So here's the land use map. This is the Broward -- an excerpt from the Broward County Land Use Plan. And you see the dashed line that's around it, the kind of pink and black line? So that's representative of a dash line area. And there's an overall irregular density for that area of 11.5 that permits the -- sorry -- 2,995 dwelling units total within that dash line area.

This portion of land that's being proposed to change from commercial recreation to irregular residential. So today, although the units exist in the plan, they're prohibited from being developed on that portion of the property, but they exist within that dash line. There are 2,995 units allowed there. So if this Land Use Plan amendment is approved, they can construct the remainder of the units -- I think it's 645 -- on that portion. If the Land Use Plan is not changed, then all residential development is restricted to that northern portion, but still at the same number of 2,995 units.

CHAIR CASTRO: So they would be putting the same number of units in a smaller area is what she's -- and they're entitled to that today.

MS. BOY: Right.

CHAIR CASTRO: Okay. I have Mr. Parness, Mr. Friedel, and Mr. DiGiorgio, and then I know the gentleman in the back wants to come up and say something. We're going to let him.

MR. PARNNESS: I live in Century Village in Deerfield. We've had a golf course go out of business. Five years ago, we tried to buy the golf course for five and a half million dollars, which, in reality, came to over \$10,000,000, and was finally voted down by the residents. Recently, a developer tried to pick up 23 acres of the land, put an assisted living center and housing that looked just like ours, and donate 50 acres of the golf course to the village. They turned it down.

We are looking at a weed patch. We have been. And it's hurt property values. The union, God bless them, have been maintaining the golf course at a \$300,000 a year loss for how many years before they say, I've had enough? Put in 2,000,000, 3,000,000, to be a nice guy, but we have better uses for the money of union funds. They'll be looking at a weed patch. Right now, apartments where I live are not moving. They came back

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for a while, and when the golf course became a weed patch, we lost the value of our homes, and will continue to do so.

Progress has to go on. Golf courses are going out of business because people aren't playing golf. People who bought say, look, I'm looking at a golf course. Well, then buy the golf course, and then you can continue to look at it. But you don't want to buy the golf course, but you don't want the owner of the property to stop losing money. That just doesn't make sense. Homes and new families are what adds to the economy of Broward County. And empty weed field donates nothing, generates nothing but a loss. I am going to vote to approve this.

CHAIR CASTRO: Mr. Friedel, then Mr. DiGiorgio.

MR. FRIEDEL: Mr. Maurodis, I have a question before I begin. My concern is if, for whatever reason, we do not approve this, will we be subject to some sort of litigation from the developer, since, you know, they could make the argument that we based it on the agreement, which isn't part of our purview --

MR. MAURODIS: The developer?

MR. FRIEDEL: Yeah.

MR. MAURODIS: No, I do not believe so, and I'm -- I'm sure Mr. Schillinger can accurately represent. I can see no cause of action by our approving this plan. I don't even think I'm going to ask him because I don't want to put him in that position. No, the answer is a definitive no.

MR. FRIEDEL: Well, I apologize for wasting your time on such a silly question.

MR. MAURODIS: I didn't mean to --

MR. FRIEDEL: That's fine.

MR. MAURODIS: -- I hope I didn't give you the impression that it was --

MR. FRIEDEL: No, not at all.

MR. MAURODIS: -- a silly question. All right. That was not my intention.

MR. FRIEDEL: No. I -- I just wanted to make sure.

MR. MAURODIS: No, no, no, no.

MR. FRIEDEL: You know, I've heard Chair Castro say several times, you know, when you buy a piece of property, there are no guarantees what the value of that property are

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going to be at any given time. And I want the residents to know that I hear their concerns when it comes to this matter. I see you shaking your head at me, and I apologize.

However, based on our, you know, legal ability in this -- in this organization, I feel compelled to vote for the project. But there are some questions over it, and I was wondering is there an ability for us to defer our action, you know, based on the outcome of litigation or something to that effect so that these concerns can be addressed before anything actually happens?

MR. MAURODIS: In this case, I would -- I believe it would not be appropriate to defer pending the outcome of this type of litigation. I guess I could see certain circumstances where that may be appropriate, where -- where it really dealt with the sub -- your ability to make the decision, but I do not believe this would be an appropriate case to do that.

We have deferred to get other information and -- you know, but dealing with the application itself. So my strong recommendation would be against any deferral based upon this lawsuit.

MR. FRIEDEL: Okay. And they would be no way to benchmark it, you know, the approval pending the outcome of the --

MR. MAURODIS: No, no, no.

MR. FRIEDEL: Okay. Thank you very much.

CHAIR CASTRO: Mr. DiGiorgio.

MR. DIGIORGIO: Thank you, Madam Chair. Mr. Mele, I have a couple questions.

MR. MELE: Yes, sir.

MR. DIGIORGIO: We talked about the 645 additional units that are -- already exist currently in the entire dash line area. The new area that we're talking about developing is 83.6 acres; that's correct? I'm just reading from the --

MS. BOY: Yes.

MR. MELE: Yes.

MR. DIGIORGIO: Okay. In that 83.6 acres, we're talking about putting the 645 units there?

MR. MELE: Actually, the whole dash line area, we split -- the areas that we're building, we split into two parts. Can you put the --

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UNIDENTIFIED SPEAKER: Yeah.

MR. MELE: -- aerial photograph up again, please?

UNIDENTIFIED SPEAKER: The aerial?

MR. MELE: Yeah, the aerial. There we go.

UNIDENTIFIED SPEAKER: That one?

MR. MELE: Perfect. So you see Hillcrest Drive running through the middle.

MR. DIGIORGIO: I do.

MR. MELE: And the dash line goes both north and south of Hillcrest Drive. So what we're doing is we're putting 494 units south of Hillcrest Drive. That would be 238 single family homes, 256 town homes. And then north of Hillcrest Drive, we're putting 151 units, 67 single family and 84 town homes. And you see the area north of Hillcrest Drive is the area that's already allowed for residential.

So the area south of Hillcrest Drive where we're adding the new residential, that's the 494 that I mentioned. Actually, Mr. Riley was telling me -- I don't know if this is important for your decision-making -- but as we build out this community, we're actually building 23 units less than the maximum allowed. I know it doesn't sound like a lot. There's 200 -- 2,995 allowed. We're building 23 less, just wanted to point that out.

MR. DIGIORGIO: So, Mr. Mele, in the -- in the --400-plus units that are going to be on the 83.6 acres, right?

MR. MELE: That's correct.

MR. DIGIORGIO: Okay. How is that single family when it's -- I'm just trying to do the math on this. We talk about one of the big advantages to the neighborhood is we're talking about single family homes.

Single family development is one -- one to five units per acre, typically. So how does that number fit on there? I'm just trying to get a feel, because I like the idea that we're trying to spread it out. I want to make sure I understand it. I'm trying to --

MS. BOY: I have the density right here.

MR. DIGIORGIO: Okay.

MS. BOY: I have the density on the portion --

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MR. DIGIORGIO: Right.

MS. BOY: -- and the 494 would be 5.91 dwelling units, because it's -- the overall density of 11.5 just goes through the calculation. So it's not that it defines the type. It's just the maximum number of units. So if they construct 494 units south of Hillcrest that would average about 5.9 units per -- per acre there.

MR. DIGIORGIO: Right. And then we talked about the other things, they're adding in the other amenities and -- to take up the acreage. But I understand that. So that's basically just a little over five units per acre, almost six units per acre.

MR. MELE: Right. I was just asking our land planner about our lot sizes, because that's really what you're getting to.

MR. DIGIORGIO: Exactly.

MR. MELE: And these are what you would normally consider zero lot line size single family lots. Whether we center them on the lot or put them on the zero lot line really isn't an issue for this, but they're small lot single family.

MR. DIGIORGIO: Thank you.

CHAIR CASTRO: I have Commissioner Ganz and then Mr. Grosso.

COMMISSIONER GANZ: One of the best -- I've struggled with this, because we've had this in our city, as well, and we -- those of us who have grown up here in South Florida, born and raised down here, have seen the golf course industry change, and we know what happens with that.

And we who lived across from them or lived on them really had no control over what happens in the private industry and whether they're managed properly or whatever happens. And that shift and change is really disappointing for the residents surrounded there.

It's disappointing to hear that -- and I think a lot of the points have been made up -- made already, is that I do fear that whatever our judgment is here today might have some kind of impact on whatever lawsuit there might be out there, and then that would put the -- that would put the parties at a disadvantage, based on our actions. But according to what Counsel is saying, that's not something we should weigh. Is that correct, Mr. Maurodis?

MR. MAURODIS: Yes, it is.

COMMISSIONER GANZ: Okay. So that takes that argument away from us a little bit.

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And there's also this nice little trick of basically you've got a way of winning approval or getting community support on a project by giving them a really unctuous project or suggesting an unctuous project, and then giving them something that is not really as desirable as what they would want, and telling them, if you don't do this or agree to this, this could potentially happen. That happens all over.

And in this case, I do applaud the people that are running the golf course or trying to maintain it, because the other trick is to go ahead and let the property fall and decline, and that way they can say, if you don't do something, it's going to continue to be in this - in this condition.

I am -- I do have a question regarding what was allowed in 2006, and I'm -- and pardon my ignorance on this. I'm trying to understand what was approved then and how it relates to what is being approved now in -- with this project.

MR. RILEY: Yes, sir, I can give you a really quick summary. In 2006, we filed a land use application amendment that went through the city and the County and the State. And what that was is that was for the entire irregular dash line community, and that changed from commercial recreation to residential the nine-hole golf course.

COMMISSIONER GANZ: And you had to get community support on that to do that.

MR. RILEY: We did. We had to go through the same exact process that we're --

COMMISSIONER GANZ: Okay.

MR. RILEY: -- doing now.

COMMISSIONER GANZ: So were they sold, then, on agreeing to that, based on the fact that no other residential units would be put in, and they'd still have an increased buffer or an existing golf course at that time?

MR. RILEY: No. No. The only thing that -- I hate to use the word, sold, but the only thing that was explained to them whenever they made their decision on whether to modify that covenant or not was that the nine-hole golf course, which, at that time was vacated -- vacant for over a decade, because it was such a losing proposition, the only thing that they were told was a site plan was going to be approved, or -- or requested for approval that had multi -- multifamily units on the nine-hole golf course, three stories in height, and then high rises on the clubhouse and then 20 townhouses on an acre and a half that currently comprises the tennis facility. That's what they were told at that time. So 645 multifamily units in total, all emptying out onto -- or most -- mostly, 90 percent emptying out onto Hillcrest Drive, and most of it comprised in a high rise structure that included a structure parking garage.

Now, what they also were told was that we were going to continue to operate the -- the

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person that was going to buy it at the time was going to try to continue to operate the 18-hole golf course. So not only were -- when you talk about traffic, not only are you going to have the 645 that was approved at that time, and also less ingress and egress points, when you spread out the density as we're proposing now, but you're also going to have an operational golf course that was going to include trips from outside the community coming into that community.

COMMISSIONER GANZ: Okay.

MR. RILEY: And that's what got approved in 2006 for the land use, 2009 for the site plan approval.

COMMISSIONER GANZ: Okay. Thank you. For staff, just one -- one follow up question. The change that they're looking to do, by not keeping it the commercial open space, when you talk about tracks and different things like that, what could potentially go in there, this change would be to recreation open space and limit what could go there?

MS. BOY: Correct.

COMMISSIONER GANZ: Okay. So you're taking away the option if someone wanted to put in like a dirt bike track or anything like that, any type of commercial --

MS. BOY: Right. So for that remaining piece of 55.8 acres, we're proposing -- our recommendation is that be changed to recreation open space, to limit those uses.

COMMISSIONER GANZ: And the applicant's agreed to that? Is that what we --

MS. BOY: They have, and they've also offered to enter into a declaration of restrictive covenants representing the same.

CHAIR CASTRO: Commissioner, you're good?

COMMISSIONER GANZ: Yes, ma'am. I'm sorry.

CHAIR CASTRO: Thank you. That's okay. Mr. Grosso.

MR. GROSSO: I think that, you know, you're under no obligation, there's no property right to change the land use designation. I think that should be clear. The policy discussion about whether to do it, I found really helpful, very enlightening.

My question would be is there a compromise? Is there a lesser residential density to which this property could be converted that might ease the character, the traffic, the density burdens on the neighbors, those folks who invested in their own lives in this neighborhood? Do we have the discretion to do something less than -- than the

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applicant is asking for?

MR. MAURODIS: Yeah, the -- my suggestion on these type of things is it's difficult to kind of negotiate, and the application is for an irregular -- what -- an irregular 11.5? I guess that you could recommend, because you are a recommending body, that you recommend that less than the full 11.5 be granted, leaving it to the applicant to work it out before they get to the Commission.

My recommendation on these is to really be clean. If you don't like what's being proposed, then you vote against it. The applicant can then go back to the drawing board, and try to come up with something they think works. So I -- kind of not absent the -- some sort of, you know, the developer discussing a specific issue with you that can be really honed in on, but absent that, I would recommend that kind of planning-on-the-fly and recommending a few less be avoided.

If you feel they haven't -- you know, again, it's a legislative decision that the Commission's going to be making on a land use application -- if you feel that it doesn't meet the policy guidelines, then -- I'm not suggesting that you deny it, but if that's your feeling, then you recommend to deny it, and the developer will, I'm sure, either try to get it approved or maybe figure out something else.

CHAIR CASTRO: Before I go on to Mr. Fink, I know two of the gentlemen wanted to respond to some of the questions that were asked. If you want to step up for a minute. One minute. You want to -- you -- somebody asked a question, well, the lawyers answered well, it doesn't matter, but each of you wanted to make a brief comment in response to the question, so please do.

MR. ORUMBESCU: Yes, there are just a -- there's one factual error that was introduced here was about traffic. There are just two ways in and out of this neighborhood. One is at 46 and Hillcrest and the other one is at Park and Hillcrest Drive. No matter what, all this has to travel along Hillcrest Drive. Number -- the number two observation, we -- I'm speaking, of course -- I don't know if I can get the majority on this point of view, but nobody, as -- as far as I know, is objecting to the original 206 agreement. Everybody signed, everybody was at peace with it. We're objecting to, like I said, the bait and switch.

Number three, about golf, about the beauty of golf. My son worked for eight years in Gainesville for the West End Golf Course, which happens to offer night golf. Okay? To my knowledge, nobody was offering night golf around here. The point I'm making is this. The golf course is unprofitable because apparently there are other interests that want to keep it unprofitable. To give you an example, in my building, my -- my board decided that they want to change all the carpeting. So, you know, it's a big expense, everybody's questioning it. Guess what? They stopped vacuuming, okay, and cleaning and shampooing the rugs. What I'm saying is what we see is we see cars every day at all hours in the golf course. We see a restaurant that is extremely popular, but it is not

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exploited properly.

CHAIR CASTRO: Okay.

MR. ORUMBUSCO: So what I'm saying is that we have to take into consideration the -- the decision makers who run these places and their ultimate goals, okay? For example, I can tell you that, you know, it's not good to spread rumors, but I believe my wife was actually told the -- this fellow really wants to move and run the Diplomat Golf Course, so he has no interest in (inaudible).

CHAIR CASTRO: Thank you. That's fine. Thank you.

MR. ORUMBUSCO: I'm sorry. That's it.

CHAIR CASTRO: That's -- thank you. Sir? Mr. Fink, you're up next. Anybody else?

MS. GRAHAM: I have a plan.

CHAIR CASTRO: Okay. Ms. Graham. Go ahead, sir. One minute, please.

MR. WEINBERG: I didn't really come here to speak. I'm not much of a public speaker. I came here really to observe, but I'll give you my background real fast and I'll tell you how I feel about the whole thing. My name is Mitch Weinberg. My wife and myself have an apartment in Building 21, which we have it because it's been in the family since it was built. So I'm probably one of the older people here. I go back to when I was young, newly married guy coming down to visit in around 1970, the other buildings that were high rise weren't even put up at that time. And I followed the situation as it went along over the years.

Originally, the land was owned by the developer, so people bought apartments, but they didn't have the land rights. Somewhere along the way, I guess some years later, not that many years, the rules were changed and either the builder had to or he thought it was in his best interest, the property was then turned over to the buildings. I don't remember if they paid for it or not. So now the buildings owned the land that they were on and they felt more secure.

Before the Great Recession, the first thing happened here. And some of the things the lawyers are saying, I believe I heard the same way. Other things are a little distorted. And I'm not here because -- I want (inaudible) right now.

I think the project will go through, and I understand the economics, and I understand the golf course is changing. I -- I'm a golfer. I've been coming here, obviously, for 40 some-odd years, maybe -- maybe 50 years, playing at Orangebrook, playing at Hillcrest, so I understand all of this.

That being said, I think you're a microcosm of America. And I think the whole problem

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with the presidential election now is what you see here. People think they're getting one thing, and they get something else, or the rules change along the way. People like myself, I'm 76, worked hard all their life. They see the rules changing. The government decides what they think is better. May be better for some, might be worse for others. But people see all their values just being distorted.

So when people buy into these projects like Hillcrest, they understand that land values could change, values of apartments could change, anything could change. But they think the government is there protecting them a little bit. Part of these -- part of this optimism is really misplaced, but I give you an idea here. People bought in originally to three story and five story buildings in that community. This is way before my -- my in-laws got into it. These buildings were all on the golf course. So people were really buying the golf course. You're not buying an apartment. You're buying the way of life when you come to Florida when you retire.

So they felt that this was their and this was their way of life. And this is just a side point, but when this changes, and it will change, what happens to all of those buildings that really the whole building is where it is? So you're changing where it is an putting it into where there's no view in the back, there's back yards, there's -- the whole thing is different, is the town going to reassess those buildings and lower the taxes because their value is much less? So you have 2500 apartments, are they assuming they're going to get the same taxes and everything is going to be good and these things are going to be salable like they are now?

I don't think so. I have met people playing golf there that came as far away as England. And they bought an apartment, they didn't care what it cost. They said, this is great. I'm right at Hillcrest. I can play golf here, I have a place to look out at the golf course, I'm willing to pay it.

Do you think that fellow's going to come from England now and say I'm going to come to look at a -- at a building 200 feet away from me or whatever? Are you taking into account what the buildings are built like? Are they going to put on nice roofs so the people in the high rise will look down and see something that's a tile roof? Or are they going to see a flat roof? Nobody seems to care.

CHAIR CASTRO: I'm going to --

MR. WEINBERG: (inaudible) air conditioning --

CHAIR CASTRO: -- interrupt you. You need to end your comments, please.

MR. WEINBERG: Okay. My point is --

CHAIR CASTRO: I thought you were answering a question.

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MR. WEINBERG: -- originally this thing was sold as a nine-hole golf course being developed. They were supposed to get a million dollars. When they thought about it, they said we're not going to take a million dollars. That's ridiculous. So the developer upped it to \$3,000,000. When I came by a few months later, I said how you make out, because I talked to the people that were running the building.

We never got the money. Why didn't you get the -- get the money? Because the lawyers who were working with the developers were very smart. They said we'll give you the money when we get building permits. Building slowed down now so they never go the money.

CHAIR CASTRO: Okay.

MR. WEINBERG: But now they've sold it at a different value. And I think that if it was done with the whole system now, they were told the 18 holes, that was not maybe, they were told it would stay, and they were going to have a restaurant (inaudible) --

CHAIR CASTRO: All those things you're addressing right now are probably the litigation in court --

MR. WEINBERG: What I'm saying, though, is --

CHAIR CASTRO: Succinct.

MR. WEINBERG: -- just to -- just to speak --

CHAIR CASTRO: Very succinct, very short.

MR. WEINBERG: -- from my heart.

CHAIR CASTRO: Yes.

MR. WEINBERG: Okay.

CHAIR CASTRO: Now, you have ten seconds. Ten seconds.

MR. WEINBERG: People are not getting what they thought they're getting. (Inaudible)
--

CHAIR CASTRO: Understood.

MR. WEINBERG: -- go through. But I think the people in the boards and all the Commissioners should really be involved of all the details before they look at something and just say these are lots and we're going to count lots.

CHAIR CASTRO: Understood.

MR. WEINBERG: How about counting people and understanding values in people's lives?

CHAIR CASTRO: Thank you very much. Thank you.
Ms. Graham.

MS. GRAHAM: Thank you, Madam Chair. Pembroke Road, is that a County road or FDOT, please, someone?

MS. BOY: It's a state facility.

MS. GRAHAM: Thanks.

CHAIR CASTRO: Mr. Fink.

MR. FINK: Just a quick question. So we're going from a -- a dash line, irregular dash line, to a dash line, irregular dash line. So basically we're going just from one dash line to another.

And a couple of the Council members brought up, is there any assurance that these will -- will, in fact, be developed, the single family? I know we're not doing zoning, but will the -- is there any assurance in this process that it will be single family?

CHAIR CASTRO: Okay. Step up.

MR. RILEY: May I answer that?

CHAIR CASTRO: Yeah.

MR. RILEY: Yes, board member, we have provided a declaration of restrictive covenants that provides for all the details with regard to what the use of the open space would be, make sure it's all passive use, make sure exactly how many units are going to be built, make sure that they are single family, including detached and attached single family product, to the extent of saying how high the roof is going to be is how detailed that covenant is. So the answer to your question is, yes, we have provided that covenant on all our Public Hearing applications, and if this application is ultimately approved at site plan, it will be recorded in the public records. Yes, sir.

CHAIR CASTRO: Anything else? A couple of quick comments. One, I want to make sure the audience, especially those who -- from the public who are here to comment on it understand our role, and it's been touched on a few times.

We don't approve or disapprove of the actual change in land use. What we do is make a

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recommendation that goes to the Board of County Commissioners, who then decides whether or not the change of land use will go through. So that's why when you hear us saying that we have a very narrow scope here, we have a very narrow scope here.

So I want everybody to understand, as we alluded to earlier, this is the beginning of the process. For all of you, whether you're for or against it, this is just a start. You're going to have other opportunities all the way to the County Commission back down to your City Commissions to get involved.

Secondly, somebody alluded to my comment earlier. You know, you buy a piece of property in Florida today -- and I'm a native, born and raised here. My dad was a very smart man. He built our family home up in a place called Coral Ridge, and it's probably the worst house in the neighborhood because it's the oldest house in the neighborhood, speaking of quality housing stock. But it still has a lot -- a lot of value because of its location. I live in Dania Beach. I have a nice house in Dania Beach. When I bought my house in Dania Beach, I didn't know they were going to build a South Runway -- sorry, you're going to get my South Runway speech early. I didn't know it was going to be this soon in the process.

So I always tell people whatever you have in your -- in your house and your -- in the four corners of your lot, that's really all you're entitled to. And what's worse, that most Floridians -- and I count us all as Floridians -- don't like is the same rights apply to their neighbor and the property they own. And we have to be very careful when we say, hey, I don't want you to do that with your property, because what eventually may happen -- so whether the golf course is profitable or not, I'm not even really worried about at this point. I see land uses changes for less reasons than the land isn't generating revenue or property -- or money.

So you have to be careful when you come to property rights, because it is one of the basic tenets under the law of the United States of America. You know, properties had more rights than women did for a long time, than people of color did for a long time, ironically. So I just want you all in the public to understand the context of which we're operating in and how we have to kind of go through the decision-making part-and-parcel to what our responsibility is here today.

And I just do that as an educational qualification so that you don't go out of here, whether we pass it, the recommendation, or not pass the recommendation, thinking, oh, my God, we -- we just lost the world. No. You're just starting to climb onto it. So whatever happens, happens, but I wanted you to be aware of that. Any other comments before I ask for a -- an action on the item, please?

May we have a motion on the item?

MR. PARNES: I move we accept the item.

MR. DIGIORGIO: Second.

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CHAIR CASTRO: And that's with all staff recommendations, including the open space and everything else?

MR. PARNES: Yes.

CHAIR CASTRO: Okay. Great. Anybody else? All in favor? Anybody opposed?

MS. GRAHAM: I oppose it.

CHAIR CASTRO: Okay. I'm going to do a roll call just so we're clear so Nancy can capture it. Would you do a roll call, please?

THE REPORTER: Commissioner Richard Blattner.

COMMISSIONER BLATTNER: Yes.

THE REPORTER: Commissioner Mark Bogen.

COMMISSIONER BOGEN: Yes.

THE REPORTER: Commissioner Angelo Castillo.

COMMISSIONER CASTILLO: Yes.

THE REPORTER: Mr. Neal de Jesus. Mr. Thomas DiGiorgio.

MR. DIGIORGIO: Yes.

THE REPORTER: Mr. Charles Fink.

MR. FINK: Yes.

THE REPORTER: Mr. Michael Friedel.

MR. FRIEDEL: Yes.

THE REPORTER: Commissioner Bill Ganz.

COMMISSIONER GANZ: No.

THE REPORTER: Commissioner Michelle J. Gomez.

COMMISSIONER GOMEZ: Yes, the same way Commissioner Castillo said it.

THE REPORTER: School Board Member Patricia Good.

MS. GOOD: Yes.

THE REPORTER: Ms. Mary D. Graham.

MS. GRAHAM: No.

THE REPORTER: Mr. Richard Grosso.

MR. GROSSO: No.

THE REPORTER: Commissioner Michael S. Long.

COMMISSIONER LONG: Yes.

THE REPORTER: Vice Mayor Rita Mack. Mr. Robert McColgan.

MR. MCCOLGAN: Yes.

THE REPORTER: Mr. Bernard Parness.

MR. PARNES: Yes.

THE REPORTER: Mayor Michael J. Ryan. Mayor Daniel J. Stermer. Ms. Anne Castro, Chair.

CHAIR CASTRO: No. Thank you. I think the ayes have it. Thank you all very much.

VOTE PASSES 11 TO 4 WITH COMMISSIONER BILL GANZ, MS. MARY GRAHAM, MR. RICHARD GROSSO, AND CHAIR ANNE CASTRO VOTING NO.

AGENDA ITEM PH-4 AMENDMENT PCT 16-2:

CHAIR CASTRO: We're on to PH-4, which I believe School Board Member Good --

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. BOY: Do you want to ask the question or?

MS. GOOD: Oh, okay. Thank you, Madam Chair. Just in looking through PH-4, I noticed just a couple of things. One, the issue of the educational mitigation plan being amended, I just wanted staff to identify when that would take place.

MS. BOY: It would -- it would occur subsequent to the adoption of the Land Use Plan

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amendment. I'm sure that they're probably working with the School Board staff, ahead of time, but the adoption, the enforcement of it wouldn't occur, and the amendment would not be effective until that occurs. So if the amendment gets approved, it's not effective, even though the plus 30 days at the end, until they enforce any voluntary commitments that have been made.

MS. GOOD: So is the modification to the educational mitigation plan a condition to the approval?

MS. BOY: Correct.

MS. GOOD: It is.

MS. BOY: Uh-huh.

MS. GOOD: And can I just get the member of the public who's here on behalf of the applicant to just restate that, that that's going to occur, and they're working with the district?

MR. MELE: Dennis Mele, 200 East Broward Boulevard, on behalf of the applicant. Yes, you have in your backup -- actually, this property is owned by the City of Pembroke Pines. My client has a contract to purchase it. The city has already agreed that the educational -- education agreement will be modified if needed to be, and we agree, as well.

MS. GOOD: Okay. Just based on the district's comments that are enclosed, it mentions the need for that to occur. And I understand that it's the city's application, but it's also -- you're the contract purchaser, so it's a little complex.

MR. MELE: I think the normal practice is -- is it prior to recertification --

MS. BOY: Right. Prior to the effectiveness, so --

MR. MELE: Right.

MS. BOY: -- if they want the recertification, it'll be in place before -- well, the -- with the new process, it'll be on the checklist for recertification.

MR. MELE: And so we agree to do it. And we've worked multiple times with Alan Gabriel, your -- your legal counsel, and Chris (Inaudible), your staff, on modifying these types of agreements. We kind of have a standard form. It's not too hard to do.

MS. GOOD: Okay. I appreciate that. My last comment is really more procedurally. It touches upon a little bit of what was mentioned earlier regarding transportation. I spoke a little bit to Ms. Blake Boy about it earlier today. It's the way that the information is

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being shared, and I will try to focus on the particular page, if you'll just give me a moment. I have it marked. Give me a second.

Okay. So under, you know, Attachment 4, the traffic analysis, it focuses on trafficway at Hiatus Road. My question was why the focus on Hiatus and no mention of Pines Boulevard or Palm Avenue, especially since the fact that the development proposed for the activity center is certainly abutting Pines Boulevard and abutting Palm Avenue and not abutting Hiatus.

Just a point of transparency, I live in the community directly east of Palm Avenue, so if I didn't live in the area and I just looked at the information that's being shared with the Planning Council, it would appear that there is absolutely no traffic issues within the surrounding community, just based on the information shared. And I just think, in the abundance of transparency, that additional information should be shared regarding the surrounding right of ways, so if staff could touch on that point.

MS. BOY: Sure. I spoke with Ms. Good before the meeting, and the way that we prepared the transportation analysis in compliance with our policy regarding transportation impacts is that any link on the regional transportation network that's impacted greater than three percent of the -- of the capacity of that roadway is noted on this distribution.

And so in the case of Pines Boulevard, when we received the model run from the -- from the MPO, the distribution was less than that three percent de minimis threshold, so the number of trips wasn't stated in your backup. Hiatus Road was, because it's greater than three percent, and the mitigation of the policy would be necessary at that time. Further, the impact to Hiatus Road, although it is greater than three percent, the level of services maintained at an acceptable level of service C, with or without this amendment, so that there was no mitigation of the policy required of the applicant through that review.

I can certainly, for the next hearing, you know, update this file, and also, before it goes to the County Commission, to talk about the surrounding roadways in the narratives, but that they don't meet the three percent policy requirement.

MS. GOOD: And just for the record, what is the level of service of Pines Boulevard and Palm Avenue?

MS. BOY: The level -- level of service F.

MS. GOOD: And Palm Avenue?

MS. BOY: I don't have Palm Avenue. I don't have that piece in front of me, but I believe it is level of service F. D or F.

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MS. GOOD: Could the applicant state what it is? I'm sure they know.
What is the level of service for Palm Avenue adjacent to the --

MR. MELE: Actually, I can you tell from that map?

MS. BOY: Sorry, we don't have the level of service, the tables for the entire County, but I'd be happy to get the information to you.

MS. GOOD: And I don't want to misstate it, but I think it is, as well. So that's my trouble. And, again, I'm not dictating how models are formulated, but I am concerned on how information is shared, because, again, I feel that the way the traffic is delineated here should definitely reflect the conditions surrounding, and it's almost like they're showing the path of least resistance.

I will tell you that if you're going to be visiting that center, in all likelihood you would probably go down Pines Boulevard or Palm Avenue.

And so I just feel that we need to be more open on how the information is shared and displayed, understanding that the model is going to be the model, and ultimately they may meet traffic concurrency and whatever other requirements they need to adhere to with regard to traffic patterns. But I just feel the information should be shared much differently than it is, and I just wanted to share that with my colleagues on the Council.

MR. MELE: Madam Chair, could I --

MS. GOOD: I don't know if you can add anything.

MR. MELE: -- can I make a brief comment? First, I would ask you to recall that we do not perform the traffic analysis. Neither does your staff. The MPO does that with a model that has been blessed and approved by the DOT, which the MPO is required to use. Secondly, the three percent rule for traffic to be looked at in a land use amendment is in your Comprehensive Plan. A number of years ago, there was a question, why are we using this three percent rule? I think it was DCA at the time said, well, put it in the plan. And it's in there.

So one of the reasons I didn't know the level of service on Palm Avenue is because it didn't come on the three percent list, so I didn't have to look at it. If it did, I would have. If it did, it would have been in y our report. I certainly have no problem with you having more information in the report, just like you talked about earlier on the affordable housing matter. That's solely your decision to make. I just want to point out that we didn't do the traffic study --

MS. GOOD: No, I understand.

MR. MELE: -- and we're following all of your rules.

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MS. GOOD: And just through the Chair, and I don't want my information -- or my inquiries to be misinterpreted. I understand the applicant is following the rules. I understand that, you know, staff is using the models that are being -- that are required to be utilized.

It just so happens that I live in the vicinity of this area, and so if I happen to look at this particular page, I would not surmise that there is traffic issues with regard to the surrounding areas. And so, you know, if it can't be shared in a different way because of whatever our requirements are, I -- I just needed to hear that.

CHAIR CASTRO: Are there going to be any egresses or ingresses on the other two streets in question from the property or to the property?

MR. MELE: There is -- actually, if you put that aerial photo up -- I'm not too good with the aerial photos this morning -- you can kind of see it underneath the yellow. There is one access out to Palm Avenue, kind of at the southeast portion of the site. There are a number of access points out to Pines Boulevard. And then also there is an access point that would take you south, where you see the words FP and L substation, down to Washington Street.

CHAIR CASTRO: One other thing that I was going to suggest for reporting, because I know you can't throw the kitchen sink at everybody, but I think on traffic counts, even if they don't make the three percent rule, if there is an egress or ingress to the property land use change in question, you should list that on the summary report, saying this road is less than three percent.

In other words, tell the Council and the County Commission we did review it, but it fell less than three percent. Because to her point, if you know there's a way to get in and out of it, somebody's counting cars somewhere. So it's just, you know, to give information and to preempt the questions or the lack of knowledge, it might be something we'd do with the reports moving forward, just to, you know, kind of settle that up. I'm sorry. Ms. Graham.

MS. GRAHAM: And isn't an F rated roadway like the worst rating it can get?

MS. BOY: Yes.

MS. GRAHAM: You know, and I'm glad that Mr. Mele clarified that it's the MPO that comes up with all this independent traffic analysis, but if this stuff hasn't been revisited in a long time and we keep increasing the density -- someone said earlier that we had 800,000 people in Broward in the '70s, and now we have over 2,000,000, you know -- because there's F roads all around where I live, too. And the development keeps coming in, and we have limited egress.

And that's why I asked earlier about what road comes under which jurisdiction, County

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or FDOT, because FDOT will only let you put median cuts and turnout lanes, right-hand only, and things like that only places that they decide. You have to be so many feet from an intersection and what have you. So it just -- it's only going to get worse than it is now, and it's already the worst. That's it. Thank you.

CHAIR CASTRO: You're supposed to get on the bus. We've had this conversation before.

COMMISSIONER CASTILLO: Part of the change is to get on the bus.

CHAIR CASTRO: Yes, you're supposed to get on the bus. I don't know where the bus is, but -- until it's too painful for you to get in your car anymore, you need to use mass transit.

COMMISSIONER CASTILLO: Get on the bus.

CHAIR CASTRO: That's where we're headed.

MS. GOOD: Get outside.

CHAIR CASTRO: That's right. Get outside. I have Mr. Grosso and then Commissioner Ganz.

MR. GROSSO: As someone who's had the occasion to use the F word driving the roads of Broward County on occasion, you know, land use decisions have two components.

There's the hard numbers, and there's the soft stuff, the quality of life, the stuck in traffic and I'm not getting home for another half an hour again. Just as we go forward as a board, I just always want us to remember the quality of life, the things you can't necessarily measure. Legally, as a matter of land use planning, they are every bit as relevant to our decisions. And I know there can be -- in my observation, doing this for a long time, there can be a tendency to maybe put more weight on the numeric things.

And I just -- I want us to always remember we are talking about impacting people's lives on a daily basis, and it's not always just the numbers. I'm persuaded that there's a legitimate concern about traffic getting worse in a place where people have already made their lives and are trying to live their lives. And I just want us to always to remember those issues, too. Thank you.

CHAIR CASTRO: Noise can get worse, too.

MR. GROSSO: Yes.

CHAIR CASTRO: Commissioner Ganz.

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COMMISSIONER GANZ: My concern with this goes to transportation, as well. On page 3 dash -- or Section 2-2, where it's -- I think it's technical page 3-2, it says in there that the Broward County Transit Division staff report states that current and future fixed County bus service, as well as the city's community bus services provided to the proposed amendment site, they also make recommendations, as well as our own -- our PEDMD group report makes recommendations on that as far as providing for multi-modal transportation and pedestrian and bicycle traffic.

My concern with -- in order to accomplish that, usually that means that that puts a greater impact on the roads in order to make that space, to make it -- to make -- to be able to fit everything into one limited space that you have. So if you're going to insist that we want, you know, pedestrian traffic and bicycle traffic, somewhere along the line, you can't fit twelve pounds of sugar in a ten-pound bag. You're going to have to make accommodations that might put a greater burden on the vehicular traffic if you're trying to make room for all these things in here.

In my own city, trying to keep the Complete Streets methodology, we're reducing lanes on Hillsborough in a small stretch in order to better accommodate these things like bus transportation and vehicle -- or bicycle transportation. But in doing that, we're putting a greater impact on the roadway, which is already F rated as well, which good luck finding a thoroughfare in Broward County that isn't F rated. So if we make these recommendations, is it possible to make these part of a conditional use, or condition or approval? Because they seem very vague.

MR. MELE: Could I respond? Remember that we're amending a regional -- or a Local Activity Center that already has a certain amount of development permitted. So most recently, we were at the Planning and Zoning Board for the City of Pembroke Pines for a portion of this property, and a large portion of the time was spent on making sure that we had pedestrian and vehicular connections between the various parts of the property.

So we've really already built that in, so we have no objection if you want to add to your motion the language that's coming from Mass Transit and Development Management that we have these connections, because we're doing it anyway.

COMMISSIONER GANZ: But what does that mean, we're doing that, putting these recommendations in? Because they're very vague.

MR. MELE: Well here's what I understood them to be, from talking to the folks when we were going through this process. Number one, there's already pretty good bus service on Pines Boulevard, and you've got this -- can we put the aerial photo up one more time?

CHAIR CASTRO: Commissioner Ganz, would you give the page that you were referring to again?

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MR. MELE: I think it's --

COMMISSIONER GANZ: Three dash two, yes.

MR. MELE: -- Roman Numeral three dash two, and it's under the transportation and mobility continued. And I think it's the third paragraph of that part, that last paragraph?

COMMISSIONER GANZ: Yes, it -- it's actually --

UNIDENTIFIED SPEAKER: Second.

COMMISSIONER GANZ: -- starts in the second paragraph and continues on to the third paragraph.

MR. MELE: Okay. So, remember, that in -- what they're talking about in the second paragraph is a lot of within the site. And then the third paragraph, the way I'm reading it, is between the site and wherever the other mass transit facilities are. And we're fortunate that Pines Boulevard has very good bus service. But look at how deep the property is. It goes all the way down to Washington Street.

And so the back portions of the property are generally the residential, and the front portions are generally commercial, although I'm really over -- I'm really over simplifying the plan. But the idea was to make sure that we have pedestrian and bicycle avenues to travel within the property and to get you out to Pines Boulevard where the bus stops and the rest of the things are. And so that's what we're already doing.

CHAIR CASTRO: Just so I can clarify or add on to Commissioner Ganz concern, you're in no way reducing the lines of traffic, lanes of traffic, the right of ways or anything else in order to accommodate the pedestrian/bicycle friendly environment.

MR. MELE: No, we are not. And, for example, I know what Commissioner Ganz is talking about on Hillsborough Boulevard, because I've been following that, where they actually are taking a portion of a six-lane road and making it a four-lane road so that you can have the other (inaudible).

CHAIR CASTRO: Furthermore, if they needed a bus cutout, you would give up some of your --

MR. MELE: We'll be going back for a plat note amendment after this process is done. At that time, all the County departments have an opportunity to review it again. If Mass Transit wants a bus cutout, they'll ask for it. I have been noticing lately that they haven't been asking for those bus pullout lanes, because they say that once the bus gets in the lane --

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COMMISSIONER GANZ: It's hard to get back out.

MR. MELE: -- it's hard to get back in.

CHAIR CASTRO: But --

MR. MELE: But if the --

CHAIR CASTRO: -- but to his point, you're not going to use up any of the current traffic capacity area --

MR. MELE: No.

CHAIR CASTRO: -- for anything you're doing, or reduce it in any way.

MR. MELE: That's correct. We --

CHAIR CASTRO: Okay.

MR. MELE: -- are not.

COMMISSIONER GANZ: Okay. Thank you, Madam Chair.

CHAIR CASTRO: I think I have Ms. Graham? Oh, we're good? Okay. I think we're ready for oh, sorry.

MS. GOOD: Just from staff's perspective, so does the Council have an opportunity to revisit things such as how the models are being conducted? Is that something that would require -- and I don't mean for this particular application. I just mean in general moving forward, having had the discussions on multiple occasions.

MS. BOY: So when we -- when we receive the model, we -- what we do is we review it. And sometimes we have to go back to the MPO and say, this doesn't make any sense at all, because this site is by I-95, and you have all the site -- all of the traffic going almost to A-1-A, so it doesn't make any common sense that way.

So we do review it from that perspective. I mean, if there's a specific scenario that the board is interested in having modeled, you know, we would have to ask them for that, but, you know, there's a fee involved for that. We pay them -- the applicant pays them directly for those model runs, unless there seems to be an error that's occurred in the model run.

MS. GOOD: Again, I guess I'll do this off line in speaking with you. I'm still trying to understand how the model was utilized using a road --

MS. BOY: Okay.

MS. GOOD: -- that isn't even abutting the property, unless it's, again --

CHAIR CASTRO: Maybe what you could do is have the MPO come through one time and do a brief presentation.

UNIDENTIFIED SPEAKER: And I'm on the MPO, so just for the record --

CHAIR CASTRO: Right. We've got a couple. But do a presentation of when you hand them the land use change, how they approach it --

MS. BOY: Right.

CHAIR CASTRO: -- and make decisions.

MS. BOY: So it's been that number of trips, which is -- I think 446 was distributed on the network. So it's not saying that those trips are going straight from the site to Hiatus Road. They're going, you know, probably via Washington Street or via Pines Boulevard or however it is that they're getting there.

MS. GOOD: So they're traveling -- they're traveling other roads to get to those roads, so it's not saying that it has direct access. They're traveling through the roads that are not meeting --

MS. BOY: Correct.

MS. GOOD: -- an acceptable level --

MS. BOY: That are not triggering the --

MS. GOOD: -- of service.

MS. BOY: -- the policy.

MS. GOOD: Okay. And, again, I'll do that off line --

MS. BOY: Uh-huh.

MS. GOOD: -- just to better educate myself. I mean, I do believe that there's a different way to potentially share information with the Council, just so they're aware of the conditions --

MS. BOY: I have --

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MS. GOOD: -- surrounding some of these areas.

MS. BOY: -- I have some notes here for how it -- how I think we could change the reporting.

MS. GOOD: And, certainly, this is not the first development that's coming through this activity center, so I don't want the Council -- I mean, clearly, this is -- it's not the first time. So I just wanted to share my concerns and observations, I guess.

CHAIR CASTRO: Commissioner Castillo.

COMMISSIONER CASTILLO: Just to offer some brief background on this. This is going to be downtown Pembroke Pines. It's incredibly looked forward to in my community. We actually widened the roads years ago in anticipation of this project. We added lanes on Pines Boulevard. We added lanes on Pembroke Road. We added lanes on Sheridan. We are putting in a bridge over I-75 for Pembroke Road, and next year, I believe, we will be taking Pembroke Road finally out to its final destination on US-27 so that we have three fully functional east/west arteries in the city.

We have widened north/south roads, and if we need to widen more, we will. There will be additional traffic around this area because that's what downtowns do. And we are very eager to have it. It's going to add a dimension of life to the city and the surrounding area that is incredibly anticipated and long awaited.

This was deferred because of the recession and land values during the time, and it was just impossible to construct during that time. But this is long overdue, and we're very much looking forward to it. We are on top of every aspect of it. And there will be a traffic -- there will be a mass transit hub in this location where people can take the bus. Get off. Go to where they want to go in the center. Get back on the bus, right there, in a hub that's covered and all that and not rained on, and go home.

And we're very much looking forward to that. So I -- we've worked very hard on this, and we're at the point where we think it's going to be a winner, not just for us, but for the surrounding communities, and I look very forward to it happening sooner --

CHAIR CASTRO: At the end of this --

COMMISSIONER CASTILLO: -- rather than later.

CHAIR CASTRO: -- discussion, are you making a motion to approve the item?

COMMISSIONER CASTILLO: I do make a motion to approve it.

MR. PARNES: Second.

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CHAIR CASTRO: And we have a second. And I know Commissioner Ganz wanted to make a comment.

COMMISSIONER GANZ: I just want to say, to piggyback on what you just said, knowing that you anticipated this and you still widened the road --

COMMISSIONER CASTILLO: Right.

COMMISSIONER GANZ: -- and it's still F rated --

COMMISSIONER CASTILLO: Right.

COMMISSIONER GANZ: -- let that be a lesson to the MPO and all of us that paving doesn't solve the traffic problems, clearly. So --

COMMISSIONER CASTILLO: It doesn't.

COMMISSIONER GANZ: -- that's good to know.

COMMISSIONER CASTILLO: You've got to get on a bus.

UNIDENTIFIED SPEAKER: Oh, wow.

CHAIR CASTRO: Okay.

COMMISSIONER GANZ: I'll second the motion.

CHAIR CASTRO: Thank you. And then one more comment.

MS. GOOD: Yeah, just to reiterate, Palm Avenue was not widened, you know, and I think anyone surrounding the activity center has a right to be able to leave their community. And, again, I appreciate the expansion of right of way improvements within the City of Pembroke Pines along Pembroke Road. That's not anywhere near this development.

And certainly I'm always willing to take bus transportation wherever possible. But, again, all I was trying to -- my point was that some of the conditions that are existing out there need to be represented in the documentation that's shared with the group. And that was the whole reason for my commentary. So I appreciate staff's due diligence. Thank you.

CHAIR CASTRO: Okay. We have a motion and a second. All in favor? Anybody opposed? Seeing none, motion carries unanimously.

VOTE PASSES UNANIMOUSLY.

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OTHER BUSINESS:

CHAIR CASTRO: Again, we'll keep you informed whether there's a February meeting or not. Happy new year, everyone. Ms. Blake Boy, you have something to say? No? There's a Broward Next workshop February 4th. Anything else?

MS. BOY: Not a committee meeting.

CHAIR CASTRO: It's not a committee meeting. It's the workshop, the three -- the three items. All right. Everybody have a great day. Be safe out there.

Thank you.

Oh, I'm sorry, don't forget the football pool. Football pool, five bucks a box, although last time I think everybody in the Planning Council staff won. I don't know what that means.

MS. BOY: (Inaudible.)

CHAIR CASTRO: Oh, no, it wasn't? Okay, there were other people?

(The meeting concluded at 12:31 p.m.)