

## MINUTES

### BROWARD COUNTY PLANNING COUNCIL

May 28, 2015

**MEMBERS** Anne Castro, Chair  
**PRESENT:** Commissioner Michael S. Long, Vice Chair  
Mayor Daniel J. Stermer, Secretary  
Commissioner Richard Blattner  
Commissioner Angelo Castillo  
Neal R. de Jesus  
Tommy DiGiorgio  
Michael Friedel  
Commissioner Michelle J. Gomez  
School Board Member Patricia Good  
Richard Grosso  
Vice Mayor Martin D. Kiar  
Ms. Mary D. Graham  
Vice Mayor Rita Mack  
Robert McColgan  
Bernard Parness  
Mayor Michael J. Ryan

**MEMBERS** Commissioner Bill Ganz  
**ABSENT:** Commissioner Shari L. McCartney  
Nicholas Steffens

**ALSO** Barbara Blake Boy, Planning Council Executive Director  
**PRESENT:** Andy Maurodis, Legal Counsel  
Dr. Jennifer Jurado, Director, Broward County Environmental Planning and  
Community Resilience Division  
Dennis Mele, Esquire  
Robert Annenberg, Resident  
Jim Koeth, Planner, City of Fort Lauderdale  
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, May 28, 2015.

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

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

CHAIR CASTRO: Going to go ahead and call this Broward County Planning Council regular meeting and Public Hearing to order, with a little bit of an echo. Sorry. God -- it sounds like God or something, doesn't it?

UNIDENTIFIED SPEAKER: Yes, it does.

UNIDENTIFIED SPEAKER: (Inaudible) Darth Vader.

CHAIR CASTRO: Is that what it was? Yeah, well, we're going to try to -- I guess he's -- he's already organizing it back there.

UNIDENTIFIED SPEAKER: Yes.

**PLEDGE OF ALLEGIANCE:**

CHAIR CASTRO: We're going to stand for the Pledge of Allegiance, followed by the roll call, please.

**(THE PLEDGE OF ALLEGIANCE WAS LED BY CHAIR ANNE CASTRO.)**

**ROLL CALL:**

CHAIR CASTRO: Nancy's here taking the minutes, and she'll go ahead and do the roll call.

THE REPORTER: Commissioner Richard Blattner.

COMMISSIONER BLATTNER: Here.

THE REPORTER: Commissioner Angelo Castillo.

COMMISSIONER CASTILLO: Here.

THE REPORTER: Mr. Neal de Jesus.

MR. DE JESUS: Here.

THE REPORTER: Mr. Thomas DiGiorgio.

MR. DIGIORGIO: Here.

THE REPORTER: Mr. Michael Friedel.

MR. FRIEDEL: Here.

THE REPORTER: Commissioner Bill Ganz. Commissioner Michele J. Gomez.

COMMISSIONER GOMEZ: Here.

THE REPORTER: School Board Member Patricia Good.

MS. GOOD: Here.

THE REPORTER: Ms. Mary D. Graham.

MS. GRAHAM: Here.

THE REPORTER: Mr. Richard Grosso.

MR. GROSSO: Here.

THE REPORTER: Vice Mayor Martin Kiar.

VICE MAYOR KIAR: Here.

THE REPORTER: Commissioner Michael S. Long.

COMMISSIONER LONG: Here.

THE REPORTER: Vice Mayor Rita Mack.

VICE MAYOR MACK: Here.

THE REPORTER: Commissioner Shari L. McCartney. Mr. Robert McColgan.

MR. MCCOLGAN: Here.

THE REPORTER: Mr. Bernard Parness.

MR. PARNES: Here.

THE REPORTER: Mayor Michael J. Ryan.

MAYOR RYAN: Present.

THE REPORTER: Mr. Nicholas T. Steffens. Mayor Daniel J. Stermer.

MAYOR STERMER: Here.

THE REPORTER: Ms. Anne Castro, Chair.

CHAIR CASTRO: Here.

**OATH OF OFFICE:**

CHAIR CASTRO: Once again, it's going to be my privilege to give the oath to two new members, Mr. DiGiorgio and Mr. Grosso. After we finish the oath, we're going to, of course, do the Chinese photo fire drill. Is the photographer here? Good. Thank you. There you are. And once we finish that, if Mr. DiGiorgio and Mr. Grosso, when they get back to the microphones, would like to say a few words, you're more than welcome to do that. So if both of you gentlemen would come to the center first, we can swear you in. I know one appointment is Vice Mayor Kiar. Do you want to stand up for this, too?

VICE MAYOR KIAR: I would love to.

CHAIR CASTRO: Okay. I'll do it, and you stand with him, because I know he's one of your guys.

VICE MAYOR KIAR: He is (inaudible).

CHAIR CASTRO: (Inaudible) on the Council. Please, both of them stand together over there. Thank you.

UNIDENTIFIED SPEAKER: You're welcome.

CHAIR CASTRO: Please hold it this way. We're going to push this out of the way so she -- is that helping you? You tell us what to do.

UNIDENTIFIED SPEAKER: (Inaudible.)

CHAIR CASTRO: Okay. You ready? Raise your right hand, please. I do solemnly swear that I will support --

MR. DIGIORGIO: I do solemnly swear that I will support --

MR. GROSSO: I do solemnly swear that I will support --

CHAIR CASTRO: -- protect, and defend the Constitution and government --

MR. DIGIORGIO: -- protect, and defend the Constitution and government --

MR. GROSSO: -- protect, and defend the Constitution and government --

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

MR. DIGIORGIO: -- of the United States and the State of Florida --

MR. GROSSO: -- of the United States and the State of Florida --

CHAIR CASTRO: -- that I'm duly qualified to hold office --

MR. DIGIORGIO: -- that I'm duly qualified to hold office --

CHAIR CASTRO: -- under the Constitution of the state and the Charter of Broward County --

MR. DIGIORGIO: -- under the Constitution of the state and the Charter of Broward County --

MR. GROSSO: -- under the Constitution of the state and the Charter of Broward County --

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

MR. DIGIORGIO: -- and that I will well and faithfully perform --

MR. GROSSO: -- and that I will well and faithfully perform --

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

MR. DIGIORGIO: -- the duties of a member of the Broward County Planning Council --

MR. GROSSO: -- the duties of a member of the Broward County Planning Council --

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

MR. DIGIORGIO: -- on which I am now about to enter --

MR. GROSSO: -- on which I am now about to enter --

CHAIR CASTRO: -- so help me God.

MR. DIGIORGIO: -- so help me God.

MR. GROSSO: -- so help me God.

CHAIR CASTRO: Congratulations.

(Applause.)

(Picture taken.)

CHAIR CASTRO: All righty. Everybody's getting situated. Just, again, as a quick

Planning Council

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reminder of the bagel fund. You know, we support our own bagels, so if you have a couple dollars to throw in today.

### **CONSENT AGENDA**

#### **AGENDA ITEM C-1 - APPROVAL OF FINAL AGENDA FOR MAY 28, 2015**

#### **AGENDA ITEM C-2 - MAY 2015 PLAT REVIEWS FOR TRAFFICWAYS PLAN COMPLIANCE**

#### **AGENDA ITEM C-3 - APPROVAL OF MINUTES OF APRIL 23, 2015**

#### **AGENDA ITEM C-4 - EXCUSED ABSENCES**

CHAIR CASTRO: Okay. We're now going to go Consent Agenda, C-1, 2, 3, and 4. Please notice there's excused absence requests for Commissioner Ganz and Mr. Steffens.

MAYOR STERMER: Move C-1 through C-4 including –

MS. BLAKE BOY: And Commissioner McCartney.

CHAIR CASTRO: Oh, I'm sorry, and –

MAYOR STERMER: -- excused absences for Commissioner Ganz, Commissioner McCartney, and Mr. Steffens.

CHAIR CASTRO: Thank you.

MAYOR RYAN: Second.

CHAIR CASTRO: All in favor? Anybody opposed? Seeing none, carries unanimously.

#### **VOTE PASSES UNANIMOUSLY.**

CHAIR CASTRO: Okay. Now we're down to R-1, the Regular Agenda.

COMMISSIONER CASTILLO: Did the -- did the new guys want to say something?

CHAIR CASTRO: Oh, I'm sorry. You're right. Thank you very much, Commissioner, for pointing that out. Gentlemen, I'm sorry. I took your time away from you. I'm giving it back, because Commissioner Castillo's absolutely correct.

MR. GROSSO: Is this on?

VICE MAYOR KIAR: You have to push the little face on the (inaudible).

UNIDENTIFIED SPEAKER: They're in the new dais.

CHAIR CASTRO: Yeah, push the face.

MR. GROSSO: Face.

CHAIR CASTRO: There you go.

MR. GROSSO: Thank you for the warm welcome. I'm a 20 year plus resident of Broward County. I live in Plantation. I think this is a really exciting time for land use issues in our County, and I'm really pleased that our -- our County is doing some very progressive things. I'm very honored to be part of this board. I really look forward to working with everyone. Thank you.

MR. DIGIORGIO: Thank you, Madam Chair. My name's Tom DiGiorgio, and, as you all know, many of you know, I do serve as the Chair of the Economic Development Council in Pompano Beach. And this is a -- a true honor to serve on this committee with you fine distinguished folks.

And I'm excited to see what's happening in Broward County, because it is an exciting time here, and I'm really excited to be part of it. So thank you, and I look forward to the upcoming years.

CHAIR CASTRO: Thank you. And if staff hasn't already discussed with both of you, they're in the middle of a huge initiative called Broward Next. Hopefully, we'll get you up to speed relatively quickly, because I know a little bit about both your backgrounds, and I think you'd be very valuable to that, a resource to that whole process. So we'll make sure that they kind of brief you on all that, as well. Okay? Basically, we're rewriting the Land Use Plan for Broward County. So it's -- it's big. So, yeah, no big deal. Okay.

## **REGULAR AGENDA**

### **AGENDA ITEM R-1 - PERFORMANCE REVIEW: PLANNING COUNCIL ATTORNEY** **AGENDA ITEM R-2 - PERFORMANCE REVIEW: EXECUTIVE DIRECTOR**

CHAIR CASTRO: Okay. Now we're on to R-1. So we're starting with R-1 and R-2, and I'm just going to report that the Executive Committee unanimously agreed to these recommendations for both Ms. Blake Boy and Mr. Maurodis, with an additional caveat to the motion that was approved that if the County provides a increase for non-covered employees, that it automatically -- Ms. Blake Boy automatically receive it.

Last year, we had to make a motion and do it. And this year, it's usually two to three percent, if the County has the money, that she automatically receive it without us having to take any further action. So, with that, I will certainly take any comments and a motion for R-1 and R-2.

MAYOR STERMER: Move R-1 and R-2. Just so the rest of the Council's aware, as the Chair stated in her backup, Mr. Maurodis has not sought an increase, again, and we

thank him for that. He is a valuable asset, and, while he may be at meetings a man of very few words, when he does speak, he's giving us unfettered, unbiased, and his best advice to this Council, and it's always been that.

And Andy is a very knowledgeable person on these issues, and it honestly, for those of you that are new here and those of you that recently joined us, you'll find Andy to literally be a -- you know, a no-holds-barred tell-you-like-it-is without an -- without an objective to get to, just the answer. And sometimes we don't always find lawyers that do that, but Andy does that, and I think he's a valuable asset to this -- to this Council.

CHAIR CASTRO: So I –

MAYOR RYAN: Second.

CHAIR CASTRO: -- I have a second by Mayor Ryan. Any comments? Briefly, I'm going to say again, I judge a good lawyer by one that'll tell me, no, or I don't know. Either one of those. Because then I know I'm not, you know, dealing with somebody who, yeah, who just wants to please and will say anything to make things happen.

And that's very, very important and critical in the processes we're following here. And, trust me, over the years, Mr. Maurodis has not hesitated to tell me, no, and I don't know, on occasion, which is good, because it kind of checks me back and puts me back where I need to be in the process. So I do appreciate that.

And he's always done it with grace and dignity and politeness and you can't even get upset when he tells you, no, or I don't know. So that's really the mark of a good attorney. And then, Ms. Blake Boy, you know, again, you and your team are phenomenal. I hear it from other cities, other places. I've gone out -- I work with a lot of cities and staffs, including Dania Beach's own city and staff.

By far and away, I tell people this County group, the Planning Council staff, is probably one of the most customer service oriented, positive, can-do staffs that you can come across. Very professional, and they really try to touch every base, everything, even welcoming new members in to the meeting preparation, to everything. They cover every social etiquette. They really watch out for everybody's interest.

Very balanced, very fair. They never push an agenda, which is huge, because that would be a very easy, you know, hole to step into in the -- in the position that you all have. So, again, hats off to both of you. When I approached these reviews, I asked them to help me write the reviews, so I want to give them some credit, because, to be honest with you, after, you know, two or three years of doing this, you start running out of superlatives to heap on them, and it gets to be a little more challenging.

I was like, Barbara, can we just take last year's out and reprint it with a new date? I mean, is there another way? I mean, and it -- so that's why I ask if anybody else has anything else they want to add, feel free, because this is an opportunity to do it.

Go ahead.

MS. GOOD: Thank you, Madam Chair. And I just want to add, too, that probably now more than ever with the Broward Next initiative, great communication skills are really necessary, as we move this initiative forward.

And I just also want to thank Ms. Blake Boy, because she's really done a tremendous job in ensuring a very transparent process in everything that we do with the Planning Council. Her communication skills are phenomenal.

I think her entire team -- I think she, as the leader of the group, really has developed a great team of individuals that are part of your staff that really does an excellent job in communicating the Planning Council's desires. And especially with the vision that we have for Broward County, and where we're seeking so much input for so many stakeholders, I think this is really a great opportunity that you're here with us. And I just very much appreciate your efforts and that of your whole team, actually. Thank you.

CHAIR CASTRO: Thank you. Commissioner Gomez.

COMMISSIONER GOMEZ: I also want to say thank you, because, as a newbie to the Council -- or not the newest one anymore -- very giving of your time for both Andy and Barbara and your whole team, and it's very encouraging for those of us who are trying to make sure we do a good job up here. And so thank you very much for all of your time. Appreciate it. Thank you.

CHAIR CASTRO: Thank you, Commissioner Gomez. Anybody else? Do we have a second to Mayor Stermer's --

VICE MAYOR KIAR: Second.

UNIDENTIFIED SPEAKER: Second.

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

**VOTE PASSES UNANIMOUSLY.**

**AGENDA ITEM R-3 - PROPOSED YEAR 2016 MEETING SCHEDULE AND APPLICATION DEADLINES**

CHAIR CASTRO: R-3.

MS. BLAKE BOY: R-3 is just an approval that we're requesting for the posting of the 2016 meeting schedule and deadlines. You know, we just like to do them several months ahead so that municipalities and applicants are aware of any deadlines, and you have the schedule for next year. It's on the schedule.

CHAIR CASTRO: Does anybody have any issues or questions about the schedule? Any concerns? Any holidays or anything that was missed? No? So we're good?

UNIDENTIFIED SPEAKER: Yes.

CHAIR CASTRO: Do you need it actually approved? Yes?

MS. BLAKE BOY: Sure.

CHAIR CASTRO: Do we have a motion?

MS. GOOD: Move.

VICE MAYOR KIAR: So moved.

MS. GOMEZ: Second.

CHAIR CASTRO: All in favor? Any opposed?

**VOTE PASSES UNANIMOUSLY.**

**AGENDA ITEM R-4 - COUNSEL'S REPORT:**

CHAIR CASTRO: Mr. Maurodis, you're up.

MR. MAURODIS: Yeah. It is time to review some of the recent legislation that was enacted this past legislative session. We are trying to focus on bills that are land use oriented, not a land use matter. There are three that I'd just like to focus on at the present time.

And while it's more of a zoning issue than a land use issue, the regulations with regard to sober houses or recovery homes was significant. This is something -- an area that a number of parties have --

MAYOR STERMER: Hold on.

CHAIR CASTRO: I was going to say, you might need to get closer to that microphone.

MR. MAURODIS: -- a number of parties have --

CHAIR CASTRO: There you go.

MR. MAURODIS: -- a number of cities have been searching for. I know Delray has taken the lead in that, because of issues -- you know, they have been heavily involved in that. And the Legislature has finally act -- acted. We need to understand that the area for legislating is limited because the issues that been visited upon the municipalities

largely come from federal legislation, not the State legislation.

The ADA and the FHA, the Fair Housing Act, and the ADA, I think most persons who sit on City Commissions kind of, when I -- when I say these things, they kind of shake their head, groan, and say, oh, my -- you know, they -- they're very familiar with it, not because of the lack of desire to assist in disabled individuals, but because of the legis -- the legal decisions that have interpreted the ADA and FHA in ways that severely restrict the authority of local governments in the area of zoning.

This law is not technically a zoning law, either. But what it does it provides for a certification program for recovery homes. I think most people know what a recovery home is, but it's a -- it's a place where someone who has had an addiction problem goes to live in a -- in a sober environment -- that's why a lot of them are called sober homes. Some are sober homes, some recovery homes -- with other persons similarly situated.

The medical journals and psychiatric journals often claim that there is a higher rate of recovery when a number of these people are living together, providing supporting for each other, because there's now the issue of loneliness and that type of thing, while receiving treatment outside the home. The homes provide no treatment.

They are allowed in residential areas, and what has happened is that, because of the ADA and the FHA, even if your zoning code, and most zoning codes in here -- in the city -- in the County generally limit the amount of unrelated persons that can live in a single family dwelling to three. Generally, the definition is no more than three unrelated individuals keeping -- living as a single housekeeping unit.

Some have -- might be four, some might be different, but you're going to see that three as pretty standard across the country. What the ADA has forced cities to do is to offer reasonable accommodations from their zoning ordinance to allow more than three unrelated individuals to live in these recovery residences in municipalities.

And, depending upon the size of the home, it could be six, eight, ten, twelve, up to fourteen people living in the home who are recovering alcoholics or substance abusers. This obviously causes concerns for the neighborhood, because -- because of just the nature of it, and further because, up until this act, the sober homes -- now, the treatment facilities are heavily regulated. The sober homes are not. At all. This is the first attempt to start that type of regulation.

So what is provided for, and I've underlined it twice, or bolded it twice, a voluntary system of certification of recovery homes with a whole group of regulations, requiring that there be a supervisor, a -- be -- who is certified, who is monitoring the home to assure that they're being true to their purpose, providing for background screening, and providing for another -- other issues.

And, significantly, what it also does is, for certified homes, it restricts the ability of the

provider -- substance abuse provider treatment services. For instance, if someone owns -- and this is not uncommon -- if an individual, a corporation owns both a treatment center and a series of recovery homes, what is often the case is that the treatment center recommends the patients to the recovery homes.

So there is -- there's profits on both -- both ends of the spectrum. And it's clearly, this is a great treatment -- this is a great recovery home for you to live in. Well, we just happen to own it. So it restricts that ability. Unfortunately, it doesn't restrict the other way around, which is interesting. I don't know whether it's an omission or what. So this system would -- would prohibit at least part of that.

Now, I stressed the fact that it is voluntary, so there are limits on it. If someone chooses not to play by these rules and not be certified, then they can do pretty much -- go on business as usual. I think the hope is that there will be some benefit as far as advertising to show that you are certified. And possibly down the line, there are a lot of issues in this being raised with regard to insurance, and maybe insurance companies may then want people to be certified.

I don't know where it's going to go. The market will dictate that. But this is a very significant first step, but it is a voluntary system. So I wanted to focus on that. As I said, it's not a land use matter, but I know this -- this is something that affects every -- everyone, every neighborhood, so it -- it's close to all of us.

CHAIR CASTRO: Now, I'm sorry to interrupt this.

MR. MAURODIS: Yeah.

CHAIR CASTRO: You mention the recovery/sober homes. They aren't taking in any consideration any what we call halfway houses or early release type residential programs, or is that --

MR. MAURODIS: Well --

CHAIR CASTRO: -- included in that?

MR. MAURODIS: -- if it -- if it meets the -- some of those could be. The term halfway houses and, you know, it's kind of -- that's a loose term. Some of them are done for people with criminal records and things of that sort. This is not dealing with those type of situations.

CHAIR CASTRO: Okay. I wanted to make sure, just because --

MR. MAURODIS: Although there may be people with criminal records.

CHAIR CASTRO: -- and they could -- they're not mutually exclusive. So understand --

MR. MAURODIS: Yeah.

CHAIR CASTRO: -- some people who have addictions could have criminal backgrounds or whatever.

MR. MAURODIS: It's overlapping.

CHAIR CASTRO: You know, it's interesting because I -- in my experience of just living in Broward County, I don't think people are always as upset, let's say, about a recovery home as much as maybe a halfway house where there's criminals being released out of, you know, prison. That's the one that probably bothers people more.

However, from a city perspective, and everybody should understand this, the cities, as a whole, the reason they have these prohibitions against -- and it's not against just sober houses, it's any group of adults congregating in one home and living -- is a challenge on resources. You know, all of a sudden you have a two car driveway with ten cars all over the place.

So it's not just about the fact that people are addicted. So I don't want people to think cities are mean. Cities aren't mean. Neighborhoods aren't mean. But there's a way to manage those processes, and it gets a little hard when you start cramming that many people. And ten, fifteen years ago, when the housing market was really crazy, we had a lot of families, two and three families moving into one home, and all the cities were talking about it, because it's a challenge on garbage. It's a challenge on parking. It's a challenge on water -- it's a challenge on everything.

So that's why they try to -- the cities, I think, have a valid reason to regulate it. So -- and I appreciate the fact they're trying to cut the supply chain. It's not a vertical supply chain you're going to let them control, because that is an important process, because people will make mills out of this. And it doesn't help anybody, including the people who have the addiction. So thank you.

MR. MAURODIS: Yeah, they -- they are becoming very, very common. And I guess it also says something about the condition of our society with regard to alcohol and drug abuse, too, that it -- that there's such a big market for it.

CHAIR CASTRO: Today's buzzword is flaka.

MR. MAURODIS: South Florida and the southwest are very big markets for this, because their market is up north to have the recovery come down here. Many of them are by beach areas. It's an issue for us.

CHAIR CASTRO: It's because the weather's nice, but they don't realize the cost of living.

MR. MAURODIS: Yeah.

CHAIR CASTRO: That's what gets them when they finally get down here, yeah.

MR. MAURODIS: The next area –

CHAIR CASTRO: There's a price for that sunshine.

MR. MAURODIS: -- (inaudible) area was the private property rights, Bert Harris Act, has been amended. I think we're all familiar with the Bert Harris Act. It has now -- a new cause of action has been added. Rather than just allow the Supreme Court to set forth one in the Koontz case dealing with unfair or excessive developer exactions, the Legislature has decided, well, why don't we make it a Bert Harris cause of action.

So now, in addition to the inordinate burden of a zoning regulation or a zoning decision, the Bert Harris Act provides a remedy where there is an unjust developer exaction. And what is an unjust developer exaction? Well, they go back to exactly what the Supreme Court says, and it's an exaction that doesn't have an essential nexus to the impact created by the development, and is not roughly proportionate to that impact.

That's kind of classic impact fee law. It pretty much applies to everything, but they have decided to set aside a separate cause of action under the Bert Harris Act for developer exaction issues. A couple of good things indicated came out of it, also. We got a -- we got a small bone in that only the land directly affected by the zoning act can challenge the act under -- can challenge for damages under the Bert Harris Act.

And before, there was kind of an odd situation where there was concern that if a Bert Harris Act had been filed and you had gone your hundred and fifty days and filed your notice and were into the actual litigation, that you couldn't really settle the matter. Something I never subscribed to, but -- but a lot -- a number of attorneys were concerned with it.

That has now been resolved, so you can settle all the way up to the courthouse steps, as it were. So some good, some bad, at least for municipalities and government in the -- in the Bert Harris Act. Again, developers here might disagree with my characterization of that. The Growth Management bill, there -- a master permitting process was also provided for for mass subdivisions to allow an expedited process where they're approving the same home, time and time again.

But the Growth Management Act was significantly revised, and a number of DRIs are being further and further eliminated. And -- but in its place, and we just received some - - Barb just sent me a -- some information from the State, that in place of that there will be at least the requirement of Comprehensive Plan amendment. And that Comprehensive Plan amendment would go through the State coordinator's review process, which is like bringing back an oldie but a goodie. This is the way development Comp Plans were reviewed in 2011 before they simplified the process.

So if you're a DRI, they said, well, you're not going to have to do the DRI, but we're

going to make you go through the old fashioned Comp Plan process where you get state comments and you have all of that. So that's some sort of trade off. People can make their own judgements, good or bad. There's a -- there's a new connected city corridor concept that is being pushed. There's a pilot program in Pasco County. And we'll see how that works. It's supposed to support research marketing and workforce and entrepreneurship, getting into the high tech system, making that a little easier.

So that is a very, very brief summary of the major bills. If anyone would like copies of the bills, or there are some summaries and articles on some, especially on the Growth Management Act, and there are some on the Sober Homes/Recovery Homes Act, we can provide that to you, make it available.

CHAIR CASTRO: I think Mr. Grosso has some questions for you before you move on.

MR. GROSSO: Thank you. Very quick questions. On the Harris Act change, in your opinion, does this Harris Act amendment add any restrictions that didn't already apply to local governments as a result of the Koontz case in the Supreme Court and basic impact fee law?

MR. MAURODIS: I don't -- really don't -- see, and that's -- I never even felt that was the Koontz case when it came out. I was not nearly as excited, well, in a negative way, about the Koontz case as many people were. They were wringing their hands because it's basic impact fee law. You can't make an exaction that's not (inaudible). And so I'm -- I'm glad to hear it.

MR. GROSSO: Yeah.

MR. MAURODIS: You're the, I think, the first person that, at least, partially agreed with me. I don't think the Koontz -- Koontz case was as revolutionary as possible, but it's now been enshrined by the Supreme Court --

MR. GROSSO: Right.

MR. MAURODIS: -- and now you have the Harris Act process and it's looked at as another --

MR. GROSSO: Right.

MR. MAURODIS: -- another tool.

MR. GROSSO: I do agree with you. I think that's basic fairness. You can't ask somebody for more than what their impact is on the public. To me, it wasn't a terrible case at all. On the growth -- Madam Chair, one more. On the -- the DRI issues, just your opinion as a lawyer, as we're going through the Broward Next, would it -- would it be appropriate, would it make sense that as DRIs are being phased out, that the Broward County Comprehensive Plan might bolster its policies relative to intergovernmental

coordination and regional, you know, beyond individual city types of impacts to kind of make up for the loss of the DRI review?

MR. MAURODIS: Well, it -- there may be a role in it in this way, and I -- you raise a good point in that since the DRI process has now kind of defaulted into a Comp Plan amendment process, that we may want to think about the ways in which we might want to adjust our review or create conditions for review to fill that role, because, you know, it is -- it's a different role. So I think it's something that we might want to keep in mind during the Broward Next project. That is an excellent point.

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

CHAIR CASTRO: Just so you know, during the meetings, the series of meetings with all the stakeholders -- and a lot of people showed up, relative to what I would consider, you know, large scale developments and/or land use changes, DRI, whatever -- everything was proposed from the people at the meetings to do away with it completely, let landowners do what landowners want to do, to, no, if they're a certain size, you have to even tighten the process more.

You know, there were some issues raised about, you know, does it also depend where the site is. For instance, if the site shares a border with another city, obviously the cities have to come together at some point, and what process would you employ, because, to your point, there are impacts then to somebody who has nothing to do with the process just by virtue of by-product of the site being developed into what it gets developed into. So all of that is being taken into consideration and looked at.

What the final outcome will be will obviously rely on the Board of County Commissioners and what they decide to do. But every approach was suggested during the gathering sessions from every perspective you can imagine. So you might want to go back and -- and maybe Ms. Blake Boy can get you the notes on that specific meeting, because it was quite fascinating to hear some of the stuff that was coming forward, which is -- it was great.

The whole process so far has been really good, because there was a lot of creativity coming to the table, from, you know, gardens on rooftops to let people build whatever they want wherever they want. So it's -- it was a -- it's been a very interesting process thus far. Anything else from anybody else here? Mr. Maurodis, anything else?

MR. MAURODIS: No, nothing further.

CHAIR CASTRO: You're good? Thank you.

**AGENDA ITEM R-5 - EXECUTIVE DIRECTOR'S REPORT:**

CHAIR CASTRO: Ms. Blake Boy.

MS. BLAKE BOY: Thank you. First, I just want to say congratulations and welcome to our newest members, Mr. DiGiorgio and Mr. Grosso. It's a pleasure to have you here. I look forward to working with you both in the future. Thank you also for the kind comments on our evaluation.

As Ms. Castro mentioned, you know, my evaluation would be nothing without our staff. We have the best planning and administrative staff I think in the state or country. I love them. I adore them. So I would -- you know, I would be remiss if I didn't mention how great they are, and they make me look good all the time. So thank you to our -- to our staff.

I just wanted to mention, there's a couple of additional agenda items that didn't get sent out to you. There were emails from late yesterday afternoon, or first thing this morning on Item PH-2, and there -- one is an email stating its objection to the amendment, and the other email was a follow up for -- from a previous objection. When we just sent out the notification of the meetings, we received it.

So those will be folded into the backup materials before they head to the County Commission for consideration of adoption of those amendments. And then Items PH-5 and PH-6 were heard at the Land Use Trafficways Committee this morning. So Items PH-2, PH-5, and 6 have actually speakers signed in to speak on the items from the public, and I just wanted to alert you to that. And, with that, I would conclude my report.

CHAIR CASTRO: Real quick, Broward Next update. We did have another ad hoc steering committee. Went very, very well. We talked about, again, making sure the word is out there. I've been sending emails to all the cities. I'm usually including the city manager, the mayor, and/or the planning person, if they're so stated and there's an email address for them on the city's website.

We've gotten a lot of responses already from those emails where they, you know, can -- can they show up next week. Well, let's check the calendar. So the enthusiasm is good, so we're hitting the right buttons. We're also going to send the letters, because it was also suggested we send another letter to the city, which I think I'm signing today, and we're going to send those out to the cities, again encouraging them to participate and be involved. There was a good turnout for the ad hoc steering committee. Probably 40 people, 50 people, again, 30 give or take. It was a good crowd. They're embarking on some more messaging. They're going to take us, I guess, now to videotape. And I don't know if somebody wants to just describe that program real quick?

MS. BLAKE BOY: The video, well, we're still working on it. We -- what we presented at the ad hoc committee was a potential script for Broward Next, and it was done really in terms of the generality. We had some discussions at the staff level this week, with Planning Council staff and County staff, that we're really going to, I think, transition that to the kind of regional issues that were highlighted, so we want to transition that script. So County staff's going to work with County Administration to get the approval to be able to proceed with that, and we'll be working on that in the next probably 60 days.

CHAIR CASTRO: And the whole point is to make them short and quick, if we can, like a couple minutes. We could get them out to cities. We could have people put it on Facebook, YouTube, whatever, and just do more to get the message out.

Also, we looked at a draft, a first draft of like one item and what it would look like. And I don't know if you've provided that to the Planning Council. And I'm stressing the word draft. Go ahead.

MS. BLAKE BOY: I did not -- I did not provide that to the Planning Council because we -- the mail-out was the day after the meeting, and I wasn't really sure what we were going to do with it. But what we did, we worked with County staff, and we put together the -- our -- we chose multi-modal as our first highlighted regional issue, and put together basically a three-page document that summarizes what the strategies are for Broward County moving forward.

You know, as we have mentioned to you in the past, the idea behind looking at the Land Use Plan is creating more of a user friendly kind of first section of the plan, so this was the first section of that. So over the next couple of months, we're going to be working on the next six items, and we'll be taking those out to workshops as we go through them.

So they are certainly drafts and will still be changing and evolving. I think at the end of the day, a lot of the strategies are going to stay very similar to what they are at the beginning, because that's based on the input from all of the outreach meetings and the surveys.

But some of the wording and language, you know, will -- will certainly evolve over the next several months. But it was a pretty interesting ad hoc committee meeting because we actually are moving on to the content of what we foresee the plan looking at, and that's starting to take form. And it's a -- it's a really exciting time for the County.

CHAIR CASTRO: And, again, the draft they gave us is one of the first six or seven topics, attainable housing, transportation, whatever, that the plan is trying to articulate what the goals of the County are, or the aspirations, if you will. And if you would, and, again, I'm emphasizing it's in draft, if could send that out to --

MS. BLAKE BOY: Sure.

CHAIR CASTRO: -- the Council members today. It also was nice because it had pictures. I like pictures. I'm very visual. So whatever we do, we ask that they try to include pictures in whatever. If it's going to be an online, which is one mode it would be in, that the pictures be included. Because it kind of solidifies what the -- what the words are saying.

But the language of it was very user friendly. It wasn't technical planning language. So if we could get it out to everybody to get more feedback, I think that would help. And, again, I'll emphasize again, it's a draft. I don't even know if it's complete, but it was

giving us the idea of what they were doing, and it was -- we thought, the ad hoc steering committee thought it was very well done.

So we were very excited about that and -- and to see it come. So we're going to continue the outreach. They're starting to draft, as we said, all the different pieces and, over time, that'll start filtering through, and then the real discussions will start again. So I have also been meeting with the Board of County Commissioners, one at a time, just encouraging them again to be aware of Broward Next, to make sure their staffs are aware of Broward Next, so when we get to the debate part, they go, gee, I didn't know.

I haven't gotten to Vice Mayor Kiar, yet, because he sits here, so I'm saving him for the end. And there's probably a sunshine law thing that'll probably apply to me, anyway, so I probably won't even be able to get to sit with him. But, having said that, just so you know, we're, again, still doing multi communications to multiple stakeholders to try to move this along but make it successful and as inclusive as possible. Does anybody have any questions about Broward Next or anything else? Or any comments?

### **PUBLIC HEARING**

#### **AGENDA ITEM PH-1 - RECERTIFICATION PCR 15-10**

#### **AGENDA ITEM PH-3 - AMENDMENT PC 15-10**

#### **AGENDA ITEM PH-4 - AMENDMENT PC 15-11**

CHAIR CASTRO: Okay. Now we're on to the Public Hearing Agenda, PH-1 through 6. And you mentioned you have speakers for 2, 5, and 6?

MS. BLAKE BOY: Correct.

MAYOR STERMER: Move PH-1, 3, and 4.

CHAIR CASTRO: Do I have a second?

VICE MAYOR KIAR: Second.

COMMISSIONER GOMEZ: Second.

CHAIR CASTRO: Commissioner Gomez or Vice Mayor Kiar, pick one. All in favor. Any opposed? Seeing none --

**VOTE PASSES UNANIMOUSLY.**

#### **AGENDA ITEM PH-5 - AMENDMENT PCT 15-3**

#### **AGENDA ITEM PH-6 - AMENDMENT PCNRM 15-2**

MAYOR STERMER: Madam Chair, I'd ask that you take PH-5 and 6 before PH-2.

CHAIR CASTRO: We could do that.

MS. BLAKE BOY: Items PH-5 and 6, if it's okay with you, I'm just going to talk about quickly both of these items together. We have one speaker from the public. These items were heard by the Land Use Trafficways Committee at this morning's 9:00 o'clock meeting.

And basically one item, the Item 5 is a text amendment and Item 6 is an amendment to an existing natural resource map series for priority planning areas to Adaptation Action Areas. So the text amendment, when the climate change policies were implemented in the plan a couple years back, it was always with the idea that they would change and evolve. As sustainability and resiliency ideas and strategies changed, these policies would also change and evolve.

So what we're seeing with this text amendment is the evolution of that, the addition of the Adaptation Action Area language. And basically, the amendment provides for a procedure to add Adaptation Action Areas to the natural resource map series priority planning area map, and then also if they've kind of fulfilled their life cycle for sustainability planning and for resiliency planning, and also a procedure to de-designate them off of that map. So that's the first piece, is the text amendment.

And then the second piece is the natural resource map series amendment. And the priority planning area map, when it was adopted in 2012, was adopted to show the potential 60 -- 2060 sea level rise for two feet. So those are -- when you look at maps -- Map 1, that's how it was adopted in 2012-2013. And so this amendment does two things. It updates that map to include the likely scenario. So right now it's 75 percent to a hundred percent likeliness scenario, but it adds the 25 percent to 74.9 percent scenario overlay, which adds a few more identifiable areas for priority planning area purposes.

And the second piece of it is to add the Adaptation Action Area at Port Everglades for the sand bypass area. And really, the idea behind adding an adaption action area is to kind of fulfill this idea behind the regional significance of the project, providing for the -- I just want to make sure the wording right. Hang on one second. Sorry. To -- providing for the regional sediment strategy for -- for south of port -- Port Everglades. So it's a -- it's a -- it's a planning tool. And it doesn't prohibit municipalities from doing other -- implementing other strategies that they may have for their areas, but this is the first Adaptation Action Area that's proposed. There were two comments received during the municipal review period, one from the City of Lauderdale Lakes stating no objection to either the text or map amendment, and then a second letter received from the City of Fort Lauderdale that they object to the proposal and they suggested some alternatives.

The County planning staff and resiliency planning staff offered a return comment. And then, when staff was making our recommendation, our recommendation was for approval, because we felt like this was something of regional significance, and a very strong planning tool for collaboration and for the future of the -- of the coastal area. We

have one speaker on the item, Mr. Jim Koeth, from the City of Fort Lauderdale, and then the County staff are available if there's any specific questions that I did not cover.

CHAIR CASTRO: Okay. Speaker. Thank you.

MR. KOETH: Good morning –

CHAIR CASTRO: Good morning.

MR. KOETH: -- Chair, Council. I'm Jim Koeth. I'm a Planner with the City of Fort Lauderdale. And first I'd just to -- like to begin with that we are wholeheartedly in favor of the concept of adaption action areas. And we call them Triple A's. In fact, we just completed a very successful pilot project in collaboration with Broward County in which we were able to incorporate Triple A policies into our Comprehensive Plan -- actually, our coastal management element.

And a great portion of that success is directly related to Broward County staff's participation, specifically Dr. Jurado and Jill Horowitz. With that, and it's in your backup, what we are recommending is that in lieu of Broward County coordinating with local municipalities for designation of Triple A of regional significance, that Broward County gain support from those local municipalities, and specifically something in the form of an official action from the electeds. For example, a resolution of support from the Council or City Commission. Also, with regard to the sand bypass project in your backup –

CHAIR CASTRO: I'm sorry, Mr. Koeth –

MR. KOETH: Yes.

CHAIR CASTRO: -- before you move on that, and I -- and -- for disclosure, I'm a lawyer, so I understand the wording. I get it. But I'm just trying to figure out what Fort Lauderdale's point is, because my understanding is even if the County designates an area of regional impact, it doesn't -- it doesn't do anything. I mean, it doesn't require anything. It doesn't prohibit the city from doing anything. So I'm trying to figure out what's the concern if the County comes in and says this is a regional area, meaning across cities. And it's not they're coming into Fort Lauderdale and saying this acre's a problem. They're talking about in an area across cities. Why is that an issue?

MR. KOETH: Well, the thought process is if it is an official action in support from our electeds, that oftentimes local municipality staff can collaborate with Broward County staff and actually have those relationships with the -- with the neighborhoods and the neighbors -- what we call neighbors, our residents. And we thought that would further that as far as a priority for our Commission and those local municipalities.

CHAIR CASTRO: But let's rephrase a little bit. I'm in Dania Beach. We have a common boundary. And there's a problem there. And Fort Lauderdale decides they don't want to approve it. They don't care. It's not -- you know, it's affecting more Dania

Beach, even though it might even be coming from a Fort Lauderdale side of the house. Who then would resolve that issue?

MR. KOETH: I couldn't speak to that.

CHAIR CASTRO: Okay.

MR. KOETH: I'm just telling you the thought process –

CHAIR CASTRO: And I'm here (inaudible).

MR. KOETH: -- (inaudible) –

CHAIR CASTRO: No, I got you. I got you. No, no, I -- everybody likes to be king. We have 29 cities, and I agree with it. I used to kind of be in charge of one, so I'm with it. But I'm looking at it from a resident standpoint now, and what I don't want to do is necessarily have one city pitted against the other. That's why I think this Planning Council's so relative. And I have this discussion with people every day. And I just wanted to find out if there was something that I was missing that Fort Lauderdale had homed in on. And so that's why I'm pushing a little hard. So, forgive me. I'm just trying to understand it.

MAYOR RYAN: Madam –

CHAIR CASTRO: So thank you. With that (Inaudible) –

MAYOR RYAN: -- Madam Chair, when you have an opportunity, I also have some questions.

CHAIR CASTRO: Thank you.

MR. KOETH: We were thinking in the positive how we were –

CHAIR CASTRO: Okay.

MR. KOETH: -- you know, on the ground. Okay.

CHAIR CASTRO: Yes.

MR. KOETH: With regard to the sand bypass project, also in your backup, you'll find a - an opposition resolution from our City Commission. And so that's why, in the backup, we -- we object to that as a Triple A of regional significance. And I'll be happy to answer any questions.

And I'd just concur that I've worked with Broward County Planning Council staff for many, many years, actually with different hats, and they're just outstanding. And Ms.

Blake Boy is just superb.

CHAIR CASTRO: Thank you. Okay. First, Mayor Ryan, followed by Vice Mayor Kiar.

MAYOR RYAN: First of all, thank you for your support of the regional concept. As a city that is as -- about as far away from you as any other city with the exception of my learned colleague, Mr. Stermer, we take very seriously your views on these issues, not as a matter of deferral, but as a matter of partnership, because we recognize the decisions made along the coastline impact us.

And so I want to first thank you for support of the regional concept and of staff. Second, I want to tell you that I take to heart and did not take lightly the objection from the City of Fort Lauderdale because of your role and your importance in this process. I did have some confusion, though, as to how this would play out in reality, some of which Madam Chair has addressed.

But, as I understood it from your presentation, the idea would be that the County would wait until there was support as demonstrated by the official body of some number of cities; is that right?

MR. KOETH: Those cities that are included within the boundary of the proposed Triple A of regional significance; correct.

MAYOR RYAN: So that it would require a response of a hundred percent of those cities, one way or the other? So they have to get a hundred percent support? Or was that something Fort Lauderdale hadn't -- hadn't really had the opportunity to think through, pragmatically, as to how this would play out?

MR. KOETH: I mean, that -- that was the intention, yes, because you would have -- it would be a collaborative effort, everyone in support.

MAYOR RYAN: Well, let me just change that, because there can be collaboration through consensus, or there could be collaboration with veto. I'm trying to understand pragmatically how this plays out. Does it require a hundred percent support of all of those within the Triple A? Was that the proposal?

MR. KOETH: I think that was the intention, yes.

MAYOR RYAN: All right. And do you see the mischief that can be created from one withholding support, perhaps related to the merits, perhaps not?

MR. KOETH: I don't know if I'd characterize it as mischief if we were practicing what our elected officials had directed us to.

CHAIR CASTRO: That was (inaudible).

MR. KOETH: We'd be following what the constituents in our particular jurisdiction –

MAYOR RYAN: Correct.

MR. KOETH: -- directed us.

MAYOR RYAN: But you would -- you've lived here a long time, I take it.

MR. KOETH: I have.

MAYOR RYAN: And you've worked within the system of both electeds and staff; correct?

MR. KOETH: I have, yes.

MAYOR RYAN: So from time-to-time, a city may, for whatever reason, because it only requires a majority vote, withhold support for some item. You may hope that it is always done on the merits, but there may be other factors that are at play, and it could be very parochial. Do you -- under that scenario, do you see the mischief that could be created by a system that requires a hundred percent support from all electeds?

MR. KOETH: I -- I'd answer it the same way I did previously. It's not really something that I can really weigh in on.

MAYOR RYAN: It would undermine –

MR. KOETH: (Inaudible) those –

MAYOR RYAN: -- it would undermine the –

MR. KOETH: -- (inaudible) those –

MAYOR RYAN: -- it would undermine the regional concept.

MR. KOETH: -- many variables that could occur.

MAYOR RYAN: Right. And it would undermine the regional concept if, for one reason or another, one municipality within the Triple A either withholds support or simply doesn't vote on it. Is that -- you agree with that?

MR. KOETH: Can you restate that?

MAYOR RYAN: Sure. If the idea here is to achieve what Fort Lauderdale and we all support, which is a regional approach to these issues, if one single municipality, no matter how big or small, within the Triple A decides either not to show support, vote against, or do nothing, that would undermine the regional effort.

MR. KOETH: Just -- just to go back to what was stated earlier with whether -- what kind of weight does a Triple A of regional significance have with that of what that -- what that weight actually is, I think it is a positive if you have a hundred percent buy-in.

And I think that's an important part of the efforts, and especially at the local level, where if -- if we have the buy-in, we can collaborate and actually be out there, like I kind of mentioned a little bit earlier, and have those discussions with the neighbors and -- and be part of the effort.

MAYOR RYAN: What if it's 90 percent buy-in? Under your -- under the proposal from Fort Lauderdale, that would not -- that would not qualify as support of all municipalities.

MR. KOETH: Well, I guess I would defer that to Broward County staff on what the weight is of a Triple A of regional significance.

MAYOR RYAN: All right. Well, I was just relying on the language proposed by Fort Lauderdale. I support your concept of encouraging coordination. I raised this this morning, that I believe that the words that are proposed by staff, in coordination with its local, should be taken to heart, and not as a parenthetical, but as a predicate.

And that coordination should include listening to the voices, both those for and against, and those who have a view. So I'm comfortable with staff's language, and I think it can achieve ultimately what Fort Lauderdale wants. And I appreciate the fact that Fort Lauderdale continues to drive us all towards the idea of collaboration. Thank you.

MR. KOETH: Thank you.

CHAIR CASTRO: And, Mr. Koeth, just on the record, I was born and raised in Fort Lauderdale, so please don't think I'm anti Fort Lauderdale. I'm a native. And Jack Seiler graduated a couple years behind me at Cardinal Gibbons. Great guy. We talk a lot, and he's good.

And I want to say personally, and I mean this sincerely, you're doing a phenomenal job of standing in the well and taking this, because it's a difficult subject, and you've got about half a dozen attorneys, half a dozen environmentalists and other very smart people who are well learned about this issue and these issues, and so you're doing great. And we have Vice Mayor Kiar, followed by Commissioner Castillo, followed by Mr. Grosso.

VICE MAYOR KIAR: Thank you, Madam Chair. And thanks for your testimony. I have -- I have a question. I was looking at the resolution in the back, and it was adopted on the 6th day of January 2009, and signed by Mayor Jim Naugle. So my question is has the City of Fort Lauderdale updated this and had a more current resolution by the -- done by the new Commission with Mayor Seiler as the Mayor?

MR. KOETH: No, we haven't.

VICE MAYOR KIAR: And have they taken an official position that this is still the City of Fort Lauderdale's position? I know when you adopt a resolution it's technically a position, but that changes at times with new Commissions.

MR. KOETH: Based on staff -- my discussions with staff that are more intimate with the sand bypass project, it has not been revisited.

VICE MAYOR KIAR: So the current City Commission, including Mayor Seiler, haven't been fully briefed on this matter?

MR. KOETH: I don't know if they've been fully briefed, but they haven't revisited it in an official capacity.

VICE MAYOR KIAR: And so that's important to me. I mean, I take the City of, you know, Fort Lauderdale, very seriously. And what Mayor Ryan indicated, I -- I agree with, as well. You know, we are a huge County. We have, you know, 1.8 million people. We have more people than 12 states, the District of Columbia, and all U.S. Territories except Puerto Rico. But, at the same time, we're still a small community. You can get from one side to the other in -- in 30 minutes if -- if you want to drive really fast. And --

UNIDENTIFIED SPEAKER: Yeah.

VICE MAYOR KIAR: -- trust me.

CHAIR CASTRO: That's right. The lights are synchronized.

VICE MAYOR KIAR: The lights are synchronized, depending on the roads you're taking. And, you know, what happens in Fort Lauderdale affects the folks in Sunrise and in Weston and in Davie, where I live. And what happens in Sunrise affects Fort Lauderdale. And I just think it -- to me, it's incredibly important that the City of Fort Lauderdale, the current Commission, take a position on this. And I would like to hear their thoughts on it.

And the other thing I have -- and I actually think that -- you know, I appreciate what Fort Lauderdale wants to do. It wants to have buy-in. And I agree. I don't believe in a top down approach, the County telling the cities what they can and what they can't do. I don't like that. I think it needs to be more of a partnership. And so I definitely agree with that. And -- but I think that the proposed language from Fort Lauderdale may have the impact of taking voices away from some municipalities, like, for example, Sunrise or Weston or Plantation, because unless I'm reading this wrong -- please tell me if I'm wrong, Ms. -- Ms. Boy -- the way the County wants to -- to add this is basically that Broward County shall, in coordination with its local municipalities, designate adaption action areas.

It doesn't say affected in there. So basically, all 31 cities, including Lazy Lake, has a say in the matter if they want. The way that Fort Lauderdale has -- indicates is that Fort

Lauderdale recommends that Policy A-3 be revised to read as follows: Broward County shall, with the support of all municipalities included within the proposed Adaptation Action Area of regional significant boundaries -- and it took out, in coordination with its local. And so I believe that I understand what Fort Lauderdale wants to do, but wouldn't Fort Lauderdale want all cities to be able to have a voice in this matter, and not just those affected solely within that -- that area?

MR. KOETH: Sure.

VICE MAYOR KIAR: Excellent.

MR. KOETH: Yes, when -- when that was written, that wasn't the intention.

VICE MAYOR KIAR: Oh, okay. Good. That -- that, to me, is very important.

MR. KOETH: But it was very important, though, that the ones that will be directly affected with the impacts have the buy-in. I think that was the thought process.

VICE MAYOR KIAR: Excellent. Well, I guess, just -- so the last thing's -- and thank you, also, for -- for staying up there and taking this. But I do want to just add, I -- you know, I appreciate Fort Lauderdale's position, and I definitely support the concept. You know, I believe that things work much better in our County when we have a collaborative, collegial process. I don't believe that the County is more powerful than the cities, and I don't think the cities are more powerful than the County.

And I think as we continue to review this, at least for myself, if it's okay, I would like -- I would like -- and I'm just one person -- for the city staff to go back and seek guidance from the current City Commission, including Mayor Seiler, in a formal action. And also, I guess as we continue this as well, I think that -- and I want this to be on the record, that if this does get through, and I'm going to tell this to my colleagues on the County Commission, that I believe, as we undertake this, or as things like this pass, that it must be done in coordination with the local municipalities. It has to be done in a partnership, rather than a top down approach. That's my long-winded answer. Thank you for being here.

CHAIR CASTRO: We have Commissioner Castillo, followed by Mr. Grosso, Mayor Stermer, and Commissioner Blattner.

COMMISSIONER CASTILLO: Thank you very much. Very briefly, you've done a great job, and you've laid out your point of view. I'm open to the possibility, having served a fair number of years, that sometimes the discussion that we're having isn't the discussion we're having. It's really about something else.

And I don't know whether or not, you know, this conversation is -- is getting mixed up with other issues that involve concerns between counties and cities. And, you know, sometimes that gets -- that gets muddled up. And yet what's clear to me is that there are

indeed some regional issues. And while -- while I have great respect for the coastal cities and the ownership that they have with respect to beaches, beaches in Broward County is pretty much near the top of the food chain.

And if the beaches in Broward County are not hopeful and successful, it affects the entire community. That is about as close to a regional asset definition as one can get to. Now, for better or for worse, and I say that with, frankly, a great deal of respect for Broward County, although some think it's for worse, we have a regional government, and there are regional issues that they are supposed to be managing. And while it's true that, you know, sometimes there can be difficulties at the County, sometimes cities are no bargain, either. And I say that as someone who represents a city.

And so I think that we have to cut through all of that and get to what the smarter answer is. And one is that whether you believe -- and we mentioned this during the -- during the -- the pre-meeting, the traffic committee meeting -- whether you believe in the global warming theory or not, the theory doesn't require your belief. It -- either the climate is warming and the seas are rising, or they're not. They don't really ask us to believe in it. They sort of operate independently of that.

And what we have to do is we have to look at the signs to see whether or not it's a -- it's actually true. We have seen the -- the oceans rising around our coastal areas for quite some time. We've spent many millions of dollars on beach renourishment only to have that millions of dollars sort of swept back into the sea.

And I mention that because I think that if we're going to go in the direction of making a designation on a regional level, then you have to ascribe some seriousness to it. It can't just be a designation saying these particular areas are susceptible to this kind of water intrusion.

Now it almost requires you to do something about it. Otherwise, I believe that folks would make property arguments about -- about the suitability or the potentially, heaven forbid, the value of these lands. So what I'm more interested in is leaping over whatever these disagreements -- and I -- and I agree with Vice Mayor that maybe a more contemporary statement from your City Commission is due in an issue of this magnitude.

But I'm -- I'm more interested in what comes after this. I mean, is it -- are we just going to designate it and then go back to this sort of intellectual tennis as to whether or not the issue's even real, or are we going to actually put together an action plan that, you know, ascribes some seriousness to preparing ourselves against what is potentially a catastrophic eventuality for the County?

So I'm going to support the item, hope -- hoping that we can open the door to a larger sort of discussion in that direction. But I'm more interested in an action plan coming out of this, rather than just a designation.

CHAIR CASTRO: Commissioner Castillo, when we're done with Mr. Koeth, I'm going to ask Dr. Jurado, who's here today, to step up and answer that question that you just asked. And then, quickly, just to staff, too, and this is to, you know, everybody, obviously, if we do anything on a map or anything of a regional nature, there's all sorts of notifications that go out to cities and to -- and especially those that are affected, is my understanding that's the way the process has been working. None of that's changing; correct?

MS. BLAKE BOY: Correct.

CHAIR CASTRO: Okay.

MS. BLAKE BOY: (Inaudible) was distributed to all the municipalities in late February, with a reminder in March and --

CHAIR CASTRO: But if you actually went to designate an area, regional area of adaptation or something, you would involve those municipalities --

MS. BLAKE BOY: Yes.

CHAIR CASTRO: -- automatically, because that's the way the processes typically work. You give notice --

MS. BLAKE BOY: Yes.

CHAIR CASTRO: -- you have public meetings, and, basically, that's a CYA. Every government does it, and I expect Broward County does it with the best of them. So, okay. We have Mr. Grosso, followed by Mayor Stermer, followed by Commissioner Blattner.

MR. GROSSO: Thank you, Madam Chair. Mr. Koeth, I -- the work I've done on climate and sea level rise the last few years has given me enormous respect for the City of Fort Lauderdale's expertise and perspectives on this. So I'd like to ask you on the merits, the substance of the sand bypass project, is there some objection, concern on the merits as to why it's a -- not a good project?

MR. KOETH: I can only speak to -- and it's in your backup -- is the resolution. And it goes through the different issues of why there is an opposition resolution. I can't really add anything to what's literally written in there. I apologize.

MR. GROSSO: Perhaps -- Madam Chair, thank you. Perhaps one of our staff people could give us 30 seconds on the substance of it. That would be useful, to me, at least.

CHAIR CASTRO: Well, and Fort Lauderdale knows the Points of America or whatever is in support of this now; correct?

CHAIR CASTRO: Yes. Okay. Because that used to be the big drawback is they would

complain and we'd fold our pup tents and move on. So I just wanted you to know that pillar is standing right now, apparently, on this go-round. Does anybody else, staff, want to answer?

MS. BLAKE BOY: Answer from the prospective of the Adaptation Action Areas?

CHAIR CASTRO: Yes.

MS. BLAKE BOY: So it's my understanding, and we do have County staff here, I would actually –

CHAIR CASTRO: Defer to them?

MS. BLAKE BOY: -- I would defer to them –

CHAIR CASTRO: Okay.

MS. BLAKE BOY: -- just for a more detailed –

CHAIR CASTRO: We'll hold Dr. Jurado to both of those questions, then. So, if you don't mind, Mr. Grosso, we're going to move on, and when she comes up, she'll answer your question, as well. Mayor Stermer, followed by Commissioner Blattner.

MAYOR STERMER: And - thank you for standing there. Not easy sometimes, especially when you're the messenger and you're carrying the city's water. But I think it's important, and I think we had this conversation at the Trafficways plan with the Vice Mayor present, and I -- it follows what Mayor Ryan was saying in that if one were to look at Fort Lauderdale's position as more a Home Rule position, saying it doesn't want the County to tell it, within its jurisdictional boundaries, what certain things should be, I understand that.

Those of us that sit in local governments, including the one building we're sitting in today, because it, too, is a local government, needs to be done in coordination. And the question is we looked at some of the language in the -- in the specific text language about what does Broward County shall, in coordination with its local governments, mean. If Broward County thinks coordination is invite people to a meeting; listen to what they say; and then tell them, figuratively, to go pound sand, that's not coordination.

CHAIR CASTRO: No pun intended.

MAYOR STERMER: That is not what the 31 equal partners in this County believe. And I know Commissioner -- Vice Mayor Kiar believes that. Sometimes it's difficult to figure out what his eight colleagues believe, knowing one of them's sitting in the back of the room. So the question is is coordination true coordination, or is this top down government? And if Fort Lauderdale's concern is that this is top down government, I agree with Fort Lauderdale.

If this is more just a this is in our jurisdictional boundaries and we want to say it, and it's a regional issue, I have more of an issue with that because when we need to look at regional issues like this board does, like the MPO does, we lose, and should lose, where jurisdictional boundaries are and what's the best for the entirety of the community.

I think that's one of the beauties of how this group works. Now, this map series and the text amendment will be part of the Broward Next project, so presuming whatever gets passed here today, and presuming the language of the Broward Next project says what it should say, because I am confident that it will, that we are all equals in government, even though currently it provides for Broward County to have land use authority, I think we're moving in the right direction.

If that's what Fort Lauderdale's objective is, I just want to clearly put out there that if this is a Home Rule and we're not happy, or Fort Lauderdale's not happy being told certain things in their jurisdictional boundaries are getting designated, I got that. I respect that. I think every elected official sitting up here would and does.

But there are times where we need to move past the municipal boundary issue and look at the bigger regional issue. And whether it's the sand bypass issue, whether it's an issue on the beach in Hallandale Beach or an issue in Lighthouse Point, the coast is the coast.

And one of the things we talked about at the Trafficways is -- Trafficways meeting is how do we create a working group, for lack of a better phrase, among all of the coastal cities to say, hey, let's, as a group, instead of one city fighting over another city for a project, come up with a strategy that works for everybody, and include the County.

Because my belief is together we are stronger. Together we can go pull down the money. Together we can enlist all of our State Legislators, our federal Legislators for pots of money when they see a coordinated effort being done as compared to one city fighting against another city or fighting against the County over who controls something. So I think if we look at it on that basis -- and I know Mayor Seiler well, and we've done a lot of things together, and all of the cities have. I think we are entering a new dawn and a new day of collaboration between the cities and the County. It's a function of actually 31 of us do it really well right now. The question is whether 32 of us do.

And it's my belief, knowing on some of the people who sit on this dais on -- every Tuesday, or almost every Tuesday, there's a desire to do so. The proof will be in the pudding. But I think -- I understand Fort Lauderdale's objective, but I think sometimes we need to look past the municipal boundary and look at the bigger regional issue. Thank you, Madam Chair.

CHAIR CASTRO: Commissioner Stermer -- excuse me, Commissioner Blattner. Thank you, Mayor Stermer.

COMMISSIONER BLATTNER: Well, I -- I'm not as articulate as Mayor Stermer or -- or Mayor Ryan, or many of the others of you here today, so I won't attempt to be. But this is a case where size doesn't matter. And just because Fort Lauderdale is the biggest city in Broward County, to me, doesn't give it the right to try and impose its will on the other 30-some cities in the County. I met with -- our Mayor and I met with the Fort Lauderdale Commission when Mayor Naugle was here, and we were humiliated by the - - by the City Commission of Fort Lauderdale and the residents who opposed the sand bypass because it wasn't in their parochial best interest to do that. And I'm still stunned when, as the Chair pointed out, the biggest stakeholder, in a sense, Point of Americas, has now said, we don't object to this project, that the City Commission hasn't said, well, neither do we.

Actually, they did say that, and then they said, but we're not sure. So I join in commending you for standing there and delivering the message, but you have to deliver the message back to the City of Fort Lauderdale that we want you to be a partner, willingly, and not be dragged into this because you -- for whatever reason, you think that you're being forced into something that you're not comfortable with. And maybe it does go back to the point that the County -- the City Commission needs to make -- to update its thinking by way of resolution for support of this concept. So, in conclusion, I'm -- I am disappointed. I think that we don't need to get into a place where, for example, Hollywood, Dania Beach, Hallandale, and Fort Lauderdale have to 100 percent or more approve sand bypass, when everybody recognizes that the coastal communities are the economic engine of Broward County, and we each -- we have an equal stake in it. So those are my comments. But, again, size does not matter.

CHAIR CASTRO: Anybody else? Oh, Ms. Graham.

MS. GRAHAM: Thank you. Thank you, Madam Chair. Just real quick, and I'm going to ask a question. I just want it on the record. And I'm looking at the graphics that they've attached, and I'm reading the resolution, and back in 2009, when we had the prior Mayor, I don't know what the decision was on the port channel being dredged and the deepening of the port, but I'm going to presume someone's looking at that, as well, and how that's going to affect the sand bypass if, in fact, we have those Army Corps of Engineer permits or approvals or whatever, because moving stuff around when there's ocean currents and tides, I mean, I think we've seen what's happened when Mother Nature takes her course.

So this could all get approved today and fly through, but when they start dredging that channel going east/west to get out to wherever they've got to get to deepen it and bring it in and they're moving all that on the seabed in Port Everglades, I mean, I'm not a structure -- or a civil engineer, but I hope someone's looking at that. Thank you.

CHAIR CASTRO: In the Trafficways plan, that was discussed. They are reviewing it. We had both Planning Council and we had the coastal engineer present at the time, and some of the members even recommended, you know, should the product that is taken out of the port dredge fill be determined beach worthy, that it also obviously be reverted

back to the beaches, so that you don't have to go buy sand elsewhere and truck it in, which is typically what Broward County's done. And, as they'll tell you, those -- those suppliers are drying up, no pun intended. So that's becoming more of a challenge. So that is being done, and it -- and they discussed that. And staff could probably address that, too. When Dr. Jurado comes up, we'll just have them hit everything.

MS. GRAHAM: Again, it's just the best laid plans.

CHAIR CASTRO: Absolutely. No, no. And to your point, and it's valid, that was brought up. They are looking at the whole system, which is good. And so thank you for bringing that up. Mr. Parness.

MR. PARNNESS: I come from the north, Deerfield Beach. I want to know how my city would be affected. Are we going to be a part of the decisions here? We rely on the beach and tourism. We have a great beach. Are we just going to fix the Fort Lauderdale area, or are we going to do the whole coastline of the -- Broward County? And do we get a say in it?

CHAIR CASTRO: Do you want -- no. I'll address it if --

UNIDENTIFIED SPEAKER: (Inaudible.)

CHAIR CASTRO: Okay. The way the text amendment and the proposed language is, all cities would be able to participate in any hearings, discussions, whatever, number one. Number two, this is just a project. There would obviously be -- other projects will be coming down the pike.

And it -- this doesn't prohibit cities from doing their own thing. I know, as he mentioned when he came up, Fort Lauderdale's being very aggressive in the whole sea level -- I mean, A-1-A washed away. They don't have a lot of choice. They've got to get in the game.

Dania Beach has been very aggressive with sea oats and things like that. So none of that is prohibited. And the goal is, again, as everybody was addressing, is try to bring the coastal cities together, but include all the cities in Broward County, because the beach is, to Commissioner Castillo's, a County treasure. It affects all of us. Does that answer your question?

MR. PARNNESS: Yes, thank you.

CHAIR CASTRO: Perfect. Okay. Mr. de Jesus.

MR. DE JESUS: Thank you, Madam Chair. A point and then a question -- or two points and a question. I would be in support of Fort Lauderdale's position if it wasn't for two points that have come up, both in Trafficways and here on this dais. One, the hundred percent buy-in. Maybe because I'm a realist, but that doesn't happen in government.

Rarely does it happen –

CHAIR CASTRO: Doesn't happen in life.

MR. DE JESUS: -- in government. So I think that kind of bogs down the whole process for us in subscribing to that theory. The second part -- and, Mayor Kiar, I appreciate you bringing that to our attention, because -- Vice Mayor Kiar -- because I missed it.

VICE MAYOR KIAR: I like the promotion.

CHAIR CASTRO: Yeah, take it.

MR. DE JESUS: I could have called you Property Appraiser, but –

CHAIR CASTRO: Oh.

MR. DE JESUS: -- soon. Anyway, that dated resolution is concerning, because I don't know that -- where the current Commission stands, and things change over time. And I would be much more comfortable knowing where the current body of elected officials stand on the issue from a municipal standpoint.

With that being said, I've heard several of my colleagues ask where they are and what their position is, and if there's any compromise to the city's position based on some of these discussions. So, with that being said, is this a timely issue, or is it something, dare I say defer until we get those responses back from the City of Fort Lauderdale?

MS. BLAKE BOY: I would actually defer to the County staff as far as the timeliness issue. I can let you know from Planning Council's perspective, if a recommendation is made here today, then it would proceed to the County Commission for consideration of transmittal to the state review agencies in late June, and then come back to you for a second Public Hearing in August.

So that's the kind of timeframe, then adoption by the County Commission in September. So if the Planning Council chooses to defer its recommendation today to a later date, pending the receipt of some information, I'm not sure of the -- that we can assure what timeframe that that would actually occur in and how it would affect the end of the -- the cycle.

CHAIR CASTRO: It's coming back to us, though, for a second reading, you said, so we could –

MS. BLAKE BOY: In August.

CHAIR CASTRO: -- move it forward now, and then –

MR. DE JESUS: But –

CHAIR CASTRO: -- take up more between now and then.

MR. DE JESUS: I got you, yeah.

MAYOR RYAN: And –

MR. DE JESUS: Yes.

MAYOR RYAN: -- but the bigger issue is if we don't move it forward, then the timeline could get –

CHAIR CASTRO: Yes.

MAYOR RYAN: -- extended.

MR. DE JESUS: Yeah, I –

CHAIR CASTRO: Right.

MR. DE JESUS: -- I understand –

CHAIR CASTRO: Out of control.

MR. DE JESUS: -- that. And if -- it's coming back for a -- for a second reading anyway, so I'll -- I'll withdraw that suggestion.

MAYOR RYAN: Although, if I may, Madam Chair, I think the point raised by my colleague is important in that between now and when it comes back, if the City of Fort Lauderdale's position has changed since the 2009 resolution, it would be incredibly helpful to have that for our consideration. So the ball's really in -- in the court of Fort Lauderdale on that one.

CHAIR CASTRO: And, furthermore, I would to County staff that we maybe look at the language again to make sure that the cities that are directly impacted by the regional get specific notice and/or participation. You can't go a hundred percent, but there's probably some language in there to make all the cities feel a little bit better that they will be in -- somewhat involved directly with the process. So maybe there's something that could be worked out. Mr. Grosso, did you have a question before I bring staff up again? No? You're good?

MR. GROSSO: I had -- I did have one question, Madam Chair. Have we heard any input from environmental scientists or environmental advocates about the ecological impact of this, one way or the other?

CHAIR CASTRO: I don't know. I'll let Dr. Jurado handle that. Mr. DiGiorgio. We'll hold that one, too.

MR. DIGIORGIO: Thank you, Madam Chair. The one concern I had -- and an excellent discussion by the members, and I appreciate that. The one concern I have is really the wording in here where it talks about coordination with the local governments, and I really think there needs to be some meat there, what that really means.

So I think the points that were made about the top down government, it could -- if it's implied that way that we'll have your input, but we're going to do what we're doing, here's how we're mandating to you folks, I think that's a problem. So really put some meat around what that local coordination means. I'd like to see that on the second reading, if there's something that we can do there with that language specifically.

CHAIR CASTRO: Yes.

MAYOR STERMER: And what I would -- since we know this is going to come back for a second time, and I think the City of Fort Lauderdale hears loud and clear the desire of this body to at least hear from that body, and County staff hears that, as well, that I think they could reach out to their counterparts, as well, so it's not all on your shoulders.

But I think it's also incumbent upon County staff to hear the comments, because the same comments were raised at the Trafficways of exactly what does, in coordination with -- in coordination with, mean. And I don't think it's incumbent upon Mr. Maurodis and Ms. Blake Boy, nor will -- I did ask, but I don't think it's the wisest thing that could have happened was to, on-the-fly, start suggesting language, but that, you know, alternative language be brought back, should it pass today on exactly what in coordination with means, such that everybody has a voice and seat at the table, and it's more than just thank you for coming.

CHAIR CASTRO: Mr. Koeth, I want to leave you with a few comments, and so you understand, position wise, at least where I'm coming from personally. You know, a few months ago, Fort Lauderdale came in to add 5,000 units to the ground in downtown, and I supported that. Why? Because it's not really a regional thing. Some will argue that it is. You're going to have a whole lot more traffic. But here's my deal. I don't live in Fort Lauderdale. I have a choice. I can avoid the area.

And then that's Fort Lauderdale's long term result. If people start moving away because it's too congested, too crowded, if businesses move away because their customers can't get to them, Fort Lauderdale has every right to make that decision, and I support it, even though it is a huge, huge project or undertaking to put 5,000 more units in the downtown area when at night you can't get through the tunnel as it is at 5:00 o'clock.

Having said that, when you're talking about the beach or things that are real regional, meaning if you change the wave action or sand in your beach and it affects three beaches downwind from you, or two beaches upwind from you, that's when it gets a little more serious.

And I don't want to use the word, parochial, because I went to parochial school and I

keep getting confused about that. I think that's when Fort Lauderdale has to be a little bit more of a team player and not just view it as Fort Lauderdale versus the County, but how does Fort Lauderdale manage that relationship with the other cities that it may actually be impacting. And that, unfortunately, is where the County does have a role, like it or not, specifically through this Planning Council.

But it's important that somebody is stepping in there to say, okay, we hear you. We hear you. We hear you. And we're not going to get a hundred percent, but at some point, somebody has to make a decision. So that's where I'm coming from, as far as the whole, you know, sea level rise, beach, the whole, you know, thing, because it is an important issue for the entire County. As some of the western cities said, it -- they rely on that, and they rely on us taking care of it.

And, unfortunately, a burden does fall on the eastern cities, because they're our beaches. So financially, we're usually on the hook. They may come and enjoy them, but, you know, we're the ones who have to kind of care-take them. So please, carry that back to your Commission and your staff, and, hopefully, for the second reading, we can work things out, and make it a little bit clearer and a little bit better for everybody involved. Okay?

MR. KOETH: And if I could just add --

CHAIR CASTRO: Absolutely.

MR. KOETH: -- one quick -- it was mentioned about the Point of Americas, that they had changed their position, county staff met with them and alleviated their concerns. We still do have a -- some -- a group called the South Beach Alliance that still has an outstanding opposition to that project, just as a matter of clarification. And they represent, I believe, three neighborhoods.

CHAIR CASTRO: Okay.

MR. KOETH: That's all. Thank you very much --

CHAIR CASTRO: And --

MR. KOETH: -- for everyone's time.

CHAIR CASTRO: -- to my point, I can bring Dania Beach and Hollywood neighborhoods that would be in favor for it, because they're -- they're not getting their sand. So that's where --

MR. KOETH: No. I was just --

CHAIR CASTRO: Yeah --

MR. KOETH: -- making a clarification --

CHAIR CASTRO: -- I got you. No, I got you.

MR. KOETH: -- of the points where we --

CHAIR CASTRO: But that's kind of where the regional thing comes in. So I would like Dr. Jurado, if she has a few moments, we appreciate her being here. This is one of those top-down things that I found very annoying. When I was an elected official, I got to be on the Water Resource Task Board, I got to be on the Climate Change Task Force, I got to be on the Planning Council.

But as soon as you're not an elected official, and I don't know how many of you know this, and you're just a regular voter, like me now, you're only allowed to serve on one board, which, to me, was the opposite. I thought elected officials should be maybe limited to one board, and the residents of Broward County should be able to serve wherever they want to serve. But it's -- ironically, it's the opposite. So, you know, if you want to talk top-down, it's electeds, residents. I'm not in favor of that, and I've been both. So I'm just bringing that out because it's one of my pet peeves, and I'll bring that up because I miss going to see Dr. Jurado and her team with their incredible information and science and everything else. So, please, if you would address some of the questions that were --

MAYOR RYAN: Madam Chair, just as a matter -- a point of information, do we have any indication when we'll get to PH-2? Because I'm going to need to leave soon. I know that we've been going on, so --

CHAIR CASTRO: As soon as she's finished, we'll call the vote --

MAYOR RYAN: Okay. Fair enough.

CHAIR CASTRO: -- on 5 and 6 and we'll move on.

MAYOR RYAN: Thank you.

DR. JURADO: Okay. Thank you, Chair, members of the commission -- the Board. There was a extensive dialogue, of course, on various aspects of the proposal, I think one relating to the Adaptation Action Area designation process, and then as well to the specific merits of the sand bypass project and the designation of that project itself. I guess I'm going to start with just a little bit of the project history.

We've been, as a County, trying to advance sand bypass -- sand bypass at Port Everglades for decades. We've gone through numerous iterations of project planning. The merits of the project are that we have a jetty on the north side of the channel that disrupts the flow of sand to the south.

As a result, what we refer to as Segment 3, the south reach of our beaches, is severely sediment starved, and it's the most chronic area for needed sand nourishment. And those projects, we're -- you know, we're looking at projects upwards of \$50,000,000 in order to keep sand on beaches as part of these large massive scale projects.

Sand bypass provides a mechanism for reducing, to some degree, the magnitude of these renourishment projects in the future. In fact, we see that sand bypass will reduce the total -- provide cost benefits and reduce future project cost and size by about ten to fifteen percent. It is not going to resolve all of Segment 3, but it will provide significant savings, moving forward, as projects become increasingly challenging. Why do they become challenging? Because we have less sand in the system in order to provide nourishment, and we have sensitive coastal resources that do not respond well to massive scale projects.

So to the question about the environmental component, sand bypass has been embraced by environmental interests as a preferential strategy for helping to mitigate for sand starvation in the south, because we can reduce the future size and footprint of projects, and the overall movement of sand within that system.

So it is a project that's gone through a series of evolutions. And in this process, and particularly during the last ten years, we've had intense workshops with community interests, extensive workshops with stakeholders in the community to try to arrive at a project proposal that would be embraced.

And at one point in time, we were talking about blasting as a methodology to create a sand pit on the north side of the jetty in order to serve as a sand trap, and that seemed to be the primary sticking point for why this project was not -- is being met with some community opposition.

We have responded to that, redesigned the project, agreed to dredge in order to create the sand trap, and, with that, we were able to achieve the support of Points of America. So the system, the project was redesigned in response to community sensitivities. Since we received the support from this critical stakeholder group, we did ask that the city would reconsider its position on the project, either with a letter of support or recension of the -- the previous resolution.

And, despite making the request for several years, we have not been able to see formal action taken. In the meantime, we're trying to advance this project, and we have subsequently -- we have submitted the project to the Army Corps of Engineers for permitting. There is an extensive review process that occurs with respect to the existing channel and the compatibility of this project as it relates to the navigation and sand management within -- and navigation within the channel.

Part of that process is called the Section 408 Review. And so that analysis that -- you know, the question about project compatibility is a focus part of that analysis. And we've also reviewed this project relative to the port element of the Comprehensive Plan in

order to ensure compatibility. So in the Section 408 Review, though, it is really critical that the Army Corps of Engineers make a determination in favor of this project. Otherwise, it does not get -- it doesn't get advanced.

And we, again, deem this a critical project to the sustainability of our beaches as an appropriate environmental efficient sand management strategy -- environmentally sensitive. The conversation with the Army Corps of Engineers is one in which we have been able to make significant headway in recognizing that this project is part of our regional shoreline resiliency strategy, that it has been raised as a priority strategy for our community, that it directly relates to recommendations of the recent Presidential Task Force Report on Climate Resiliency and Preparedness.

And the merging of this designation with the Presidential recommendations with the Corps' obligation to consider those is what is allowing this project to move for -- through a very critical review process. And I think that this designation is vital to being able to advance sand bypass -- sand bypass, overall. With respect to the designation as an adaption action area and that process, I will readily admit that we did not go through the same community process as it related to making this designation.

We're not claiming that any of the communities are vulnerable. We're not making a designation that this is vulnerable real estate. What we're saying is that the project is critical, and the project footprint is what is designated as the Adaptation Action Area in order to be able to capture and move sand. And so the process to date has been very inclusive as it relates to sand bypass.

The Adaptation Action Area designation and that verbiage has really been limited to communications with the city staff. And I acknowledge, too, that the collaboration with the city on Adaptation Action Area planning and resiliency initiatives has been incredibly collaborative. It's been very positive. But there has not been a common perspective as it relates to the sand bypass project itself. And our intent would be, as County staff, in any effort to move forward with projects that relate to Adaptation Action Areas and those potential designations to, yes, have conversations about why these projects are important, and how it serves to meet the communities' interest.

But there are a lot of critical resources within the County. It could be the airport. It could be the port. It could be transit facilities, any number of facilities where we might need to organize this designation in order to achieve federal support for projects because they are vital community resiliency strategies where, you know, there -- where there may not be, you know, a common or shared perspective. But this is an area of immense financial liability. We have great exposures of infrastructure in the absence of being able to move forward with beach nourishment, shoreline protection and resilience, and sand bypass is one that has been -- a project that allows for a diversified approach as it relates to a more coordinated process for regional sand management.

And that's how we've arrived at the process that we are today. With regards to the timing, this project is currently in the Section 408 Review process. We're expecting a

determination by the end of the year, and ideally would want to move forward with construction of the project within that same time frame. So the only urgency is that we are moving through the review process with the federal government. The designation and the regional treatment of this project as a critical shoreline resiliency strategy, I think has been vital to the process moving -- to moving this project process forward.

CHAIR CASTRO: Thank you so much. And I think you covered all the questions in that. Does anybody have any other quick questions for Dr. Jurado? If not, I'd like a motion to move PH-5 and 6, please.

VICE MAYOR KIAR: So moved.

MR. PARNES: Second.

CHAIR CASTRO: So moved by the Vice Mayor. Mr. Parnes second.  
Roll call.

THE REPORTER: Commissioner Richard Blattner.

COMMISSIONER BLATTNER: Yes.

THE REPORTER: Commissioner Angelo Castillo.

COMMISSIONER CASTILLO: Yes.

THE REPORTER: Mr. Neal de Jesus.

MR. DE JESUS: Yes.

THE REPORTER: Mr. Thomas DiGiorgio.

MR. DIGIORGIO: Yes.

THE REPORTER: Mr. Michael Friedel.

MR. FRIEDEL: Yes.

THE REPORTER: Commissioner Bill Ganz. Commissioner Michelle J. Gomez.

COMMISSIONER GOMEZ: Yes.

THE REPORTER: School Board Member Patricia Good.

CHAIR CASTRO: She had to step out.

THE REPORTER: Okay. Ms. Mary D. Graham.

MS. GRAHAM: Yes.

THE REPORTER: Mr. Richard Grosso.

MR. GROSSO: Yes.

THE REPORTER: Vice Mayor Martin Kiar.

VICE MAYOR KIAR: Yes.

THE REPORTER: Commissioner Michael S. Long.

COMMISSIONER LONG: Yes.

THE REPORTER: Vice Mayor Rita Mack.

VICE MAYOR MACK: Yes.

THE REPORTER: Commissioner Shari L. McCartney. Mr. Robert McGolgan.

MR. MCCOLGAN: Yes.

THE REPORTER: Mr. Bernard Parness

MR. PARNES: Yes.

THE REPORTER: Mayor Michael J. Ryan.

MAYOR RYAN: Yes.

THE REPORTER: Mr. Nicholas T. Steffens. Mayor Daniel J. Stermer.

MAYOR STERMER: Yes.

THE REPORTER: Anne Castro, Chair.

CHAIR CASTRO: Yes. And both Fort Lauderdale and the staff understand where we want to try to get to before the second reading comes back; yes?

MS. BLAKE BOY: Yes.

CHAIR CASTRO: Okay. Cool. Thank you.

**VOTE PASSES UNANIMOUSLY WITH SCHOOL BOARD MEMBER PATRICIA GOOD OFF THE DAIS.**

**AGENDA ITEM PH-2 - AMENDMENT PC 15-9:**

CHAIR CASTRO: Back to PH-2.

MS. BLAKE BOY: Item PH-2, in the interest of time, I'm just going to note that the proposed amendment is from Estate 1 Residential to Low 5 Residential to allow five dwelling units per acre. It's a four acre parcel located in the City of Coconut Creek.

This is the second Public Hearing back-to-back, because it's a small scale amendment, less than ten acres. The Planning Council took an action last month in favor of the Low 5 Residential designation. Staff did recommend denial of the proposal. And, with that, we have two speakers, Mr. Dennis Mele and Mr. Robert Annenberg.

CHAIR CASTRO: Is Mr. Mele a speaker or just in case there's questions or?

MR. MELE: Dennis Mele on behalf of the applicant. I did make a presentation last time, although I know you do have some new members here today. So I'll proceed in whatever manner you would like, or maybe Mr. Annenberg would like to go first.

CHAIR CASTRO: Okay. Mr. Annenberg, you want to come up first, and then we'll go back to Mr. Mele, who will present.

MR. ANNENBERG: Hello.

CHAIR CASTRO: Hi.

MR. ANNENBERG: Robert Annenberg, 4100 Northwest 74th Street.

MS. BLAKE BOY: (Inaudible.) Oh, are you just –

MR. ANNENBERG: Oh, I was just in favor of the amendment. That's really it.

CHAIR CASTRO: Okay. Thank you.

MR. ANNENBERG: Okay.

CHAIR CASTRO: That was fast and simple and to the point. You should run for office.

COMMISSIONER BLATTNER: Then he'll become like the rest of us.

CHAIR CASTRO: Long-winded and whatever. Sorry, Vice Mayor, you have a question?

VICE MAYOR KIAR: I do. Thank you, Madam Chair. And just for clarification purposes, the City of Coconut Creek is still in support of this amendment; isn't that correct?

MR. MELE: That's correct. Coconut Creek approved the land use amendment ordinance on first reading. They will hold the second reading after the County Commission takes action. That's the way they usually do it.

VICE MAYOR KIAR: Thank you.

CHAIR CASTRO: Mr. Grosso, you have a question?

MR. GROSSO: Thank you, Madam Chair. I did review extensively the materials from -- from last month on this. I did have, with the permission of the Chair, a number of questions for staff. Some of the comments that I saw raised by various members of the Board I think seemed to be valid issues. One was the -- someone raised the issue of property rights. Is our discretion here, do we not have discretion to turn this down? Is there a property right on this parcel of land to receive the requested up --upgrade of land use?

MR. MAURODIS: There is not. I don't believe there's a vested right. I don't believe there's a vested property right to -- to the higher density. I believe you do have discretion with the legislative action, and I do believe this Board has discretion to deny it as well as to approve it. But there is no vested property rights. There are property rights that were (inaudible), but not a vested right to the higher density.

MR. GROSSO: Thank you. Madam Chair, if I -- if I may, there was another issue about a big part of staff's recommendation of denial related to compatibility, and there was some consideration that compatibility was not an issue among different types of residential uses, and compatibility was only an issue, say, residential versus commercial. I wanted staff's opinion on that. Is compatibility of different types of residential a valid planning concern under our Comprehensive Plan?

MS. BLAKE BOY: In staff's opinion, in our analysis, this really came down to the compatibility and the developed characteristic of the area. So you have an Estate 1 established area, and this higher density -- sorry about the video difficulties -- this higher density of Low 5, you know, oftentimes different densities can be buffered by streets or different things that -- that cross the ways, a canal. But in this case, the land is directly -- the parcels are directly adjacent. So that was where staff came -- was coming from for its recommendation of denial.

MR. GROSSO: Madam Chair, there was another consideration about whether we might be over reaching because the city wanted this. Is there anything -- I would ask the counsel or our planning staff, is there any -- are we not allowed to say no to this because the city wants it?

MR. MAURODIS: This Board clearly, and I -- and I'm going to be emphatic on this, this Board has the discretion to either approve or deny this development. Certainly, any city action could be a consideration, and various members weigh the city input in different fashions. But the discretion is yours --

CHAIR CASTRO: Just –

MR. MAURODIS: -- as the recommending body on land use.

CHAIR CASTRO: -- further to that process, we can disagree with staff and vote either way, and then the Board of County Commissioners can disagree with us and vote any other way. So that's kind of how it works. So, yeah, we're -- we're at liberty to do either.

MR. GROSSO: Then I had just two quick final questions. Are we bound to approve today because the vote last time was for -- was for –

CHAIR CASTRO: No.

MR. GROSSO: -- approval? And then my final question was, there was some talk about a septic tank issue and that this approval might lead to central sewer. Is there some sort of documented septic tank problem with the ground water or the water in this area?

CHAIR CASTRO: No. I know there's an aspiration of the County, and has been for many years, to remove septic tanks throughout Broward County because of the leaching and everything it does into the water tables.

But I think what was happening is I think the city, as I recall, has put some dollars into some infrastructure with the understanding that they were in favor, and that this thing was moving -- not this thing, but the whole area was changing, and they were working with -- and I think Mr. Mele can probably answer that better than me. I think that's where the whole sewer/septic thing came in.

MR. GROSSO: Thank you, Madam Chair. I might have –

CHAIR CASTRO: Because –

MR. GROSSO: -- some more –

CHAIR CASTRO: -- the -- the area's unincorporated Broward, but it's shifting over to the city, and, by virtue of the city, I think, putting infrastructure, as I recall the discussion, demonstrates that that's happening, even though it -- I don't think it's quite done yet.

MS. BLAKE BOY: This site is in Coconut Creek –

CHAIR CASTRO: Right.

MS. BLAKE BOY: And then it's surrounded by –

CHAIR CASTRO: By unincorporated –

MS. BLAKE BOY: -- unincorporated.

CHAIR CASTRO: -- right. But that's all shifting in. So there -- because the other thing Broward County wants to do is get rid of most of their property and let the cities absorb it. But I can let Mr. Mele address that. Yes, sir.

MR. DIGIORGIO: If I could -- oh, I'm sorry.

CHAIR CASTRO: Oh, are you -- are you going to ask Mr. Mele?

MR. DIGIORGIO: Question for staff.

CHAIR CASTRO: Okay. Well, let's do staff first, and then I'm going to have Mr. Mele come up and do his brief presentation, and then we'll have him answer questions. Go ahead.

MR. DIGIORGIO: Actually, thank you, Madam Chair. I have a question of staff. In the backup and summary you provided for us, it talks about the Council chooses to recommend approval of the proposed Low 5 Residential and suggested that the applicant's commitment regarding -- regarding the site plan and conditions be recognized. However, the Council should recognize that there is concern that such an approach might involve the County too deeply in the site development process. Could you add some color of what we're actually saying right there?

MS. BLAKE BOY: Yeah. When we were developing the staff recommendation, I talked to Mr. Maurodis about how it should be structured. Because oftentimes when we have a voluntary commitment that's made for -- to resolve an issue related to a Land Use Plan amendment, such as impacting the regional transportation network, that gets tied into a voluntary commitment. And if that voluntary commitment ever changes, it has to go back through the County Commission process.

And in my discussion with Mr. Maurodis, it was how deeply should we make this recommendation, because when you're talking about actual site plan issues, I think that's something that the County and the Planning Council doesn't really want to get into that, because, you know, if it's down to the color of what a building is and they change their color palette, does that need to come back through the County Commission?

So that was partly why the recommendation was just when the Board made the recommendation in favor of the Low 5, it was just the Low 5 recommendation, and then those issues, we felt, would be handled at the city -- the municipal level.

MR. DIGIORGIO: Okay. So there's no further thought to this saying that we should take that and add something onto it. It should stay at the --

MS. BLAKE BOY: Yeah, I -- that was just (inaudible) statement so you would kind of understand our position.

MR. DIGIORGIO: Thank you.

CHAIR CASTRO: Now, Mr. Mele, brief presentation.

MR. MELE: I will make it brief.

CHAIR CASTRO: Thank you.

MR. MELE: Thank you. Dennis Mele on behalf of the applicant. First, as to the question Mr. DiGiorgio just asked, I think the thinking was that the restrictions will come about at the city level. And I don't think that's unusual. We've had land use amendments here before where you're relying on the city to handle certain restrictions, conditions, qualifications.

And so that's what would be done here. We have outlined these conditions in Attachment Number 8. That's been previously provided to the city. We would be rezoning this property to PUD, Planned Unit Development, which is the city district that allows them to attach conditions and restrictions, and we would incorporate the items that were in Attachment 8.

As for the discussion earlier about compatibility, I want you to keep in mind that there are hundreds of goals, policies, and objectives in the Broward County Comprehensive Plan. There is one we are said that we don't meet. All the other ones, we do. Now, even the one that's suggested that we don't meet, that's Policy 14.02.03, which is in your backup. And it says, in order to prevent future incompatible land uses, the established character of predominantly development -- the developed area shall be a primary consideration when amendments to the Broward County Land Use Plan are proposed.

Could you put the aerial photo back up again, please? This area has a lot of undeveloped property, a lot of vacant property. And you can see that just from looking at the aerial photograph. And then would you go to the map you had a moment ago that had the different colors? The one that you have (inaudible). If you'll look at this map, you'll see that most of this area has been annexed into Coconut Creek. There are small pockets that are identified with the little arrows on your screen. All the land that doesn't have those little arrows pointing to it is already in Coconut Creek.

There are numerous policies in our Comprehensive Plan encouraging unincorporated areas to be annexed into cities so that the County doesn't have to provide local level services to those areas, but, rather, the regional services they provide throughout the County. There are also numerous policies in the Comprehensive Plan encouraging conversion of septic tanks and wells to municipal water and sewer. And the environmental reasons for that are well established. I don't think I have to go into them here.

And so what we've found is in these unincorporated areas there isn't an ability to provide that type of service. The only way that water and sewer will come to these areas is if they come into Coconut Creek. This has been going since 1984 when

Coconut Creek expanded the water and sewer system north of Sample Road. Most of that area north of Sample Road between the Turnpike and 441 was, at one point, unincorporated.

Now the only unincorporated properties left are the ones you see on the screen, and then there's a couple of areas also west of Lyons Road and east of 441, right up against the Palm Beach County line, that are still unincorporated. We talked last time about how, if you're going to have these extensions to the water and sewer systems, they're going to be paid for by property owners like this who are developing their property. And so there has to be an ability to pay for those improvements.

The neighbors nearby will probably end up getting those improvements at little cost, because they won't have to be putting in all the pipes and everything. They'll just have to pay the connection fees and connect. And so there -- that's a consideration that I think we have to recognize, as well. If you have any other questions, I'll be happy to answer them. Thank you very much.

CHAIR CASTRO: Commissioner Castillo, followed by Ms. Graham.

COMMISSIONER CASTILLO: Thank you. When we -- when we talk about compatibility, it is -- it is difficult, because it is not as scientifically defined as -- or as clearly defined as other areas in the -- in the Land Use Plan. And yet, going back to before Broward County was a Charter County in '74, and this -- and this committee got its start, we had communities in which multi-family, high-end residential, and single family were co-located. And these uses of residential together were never incompatible, because that's the way Broward County was.

The reason -- the reason the Land Use Plan was put together was because -- because there were mixes of uses in given areas that began to change the character of communities. Industrial areas were plopped into the middle of residential communities, changing -- changing how they would operate as a community. And so when we talk about compatibility, I really think that we need to, and we owe an urban county a sort of respectful and sort of restrained look, rather than one of these elastic sort of endless sort of discussions about what compatibility is.

Right use/right place is typically the best example of a good smart growth policy in terms of where you put things. In this particular -- in this particular community, there is nothing at all that the city, or, frankly, I, in my review and at the first hearing we had this discussion at length, even with residents, found objectionable in terms of, you know, what it is that they wanted to do. And as a practical matter, it's a necessity to use the land in a different way than it's currently being used in order to be able to annex it, which is the established policy and has been the established policy in Broward County for a long time, that all unincorporated area would join a city. So I see absolutely no reason why we shouldn't proceed with this, and, you know -- and, you know, it -- it's my intent to vote in favor of the -- of the application.

CHAIR CASTRO: Thank you. I have Ms. Graham, Mr. Grosso, and then Mr. Parness.

MS. GRAHAM: Just real quick, since I had the call-in difficulties last month, but it also affected me hearing the meeting, as well, and you can't watch it concurrent on the Comcast Channel 12 like you do the County Commission -- Commission meetings. For the annexation from the County into the municipalities, isn't that decided by the voters?

MS. BLAKE BOY: It -- this parcel is in Coconut Creek.

MS. GRAHAM: Right. But we're --

MS. BLAKE BOY: -- so --

MS. GRAHAM: -- talking --

MS. BLAKE BOY: -- we're just talking about the --

MS. GRAHAM: -- about those --

MS. BLAKE BOY: -- surrounding --

MS. GRAHAM: -- we're talking about those other areas --

MS. BLAKE BOY: And some of them --

MS. GRAHAM: -- that are --

MS. BLAKE BOY: -- are voluntary.

MS. GRAHAM: -- on this map that are in unincorporated, and, unless I misunderstood how all this works, it's the people who live in those unincorporated areas that will vote to go into Coconut Creek. Did I misunder- -- or Deerfield or wherever they area.

MR. MAURODIS: There are several different ways that annexation can be done. Annexation can be done by --

CHAIR CASTRO: Right.

MR. MAURODIS: -- dual referendum. It can be done by a voluntary annexation petition by the property owner, or it can be done by legislative act. It does not need the permission of the affected owners.

MS. GRAHAM: Okay. So maybe those just haven't been fully explored yet. Okay. And then as far as the PUD that you mentioned they want the go-ahead for, once they establish the PUD, they'll have different relief from setbacks and densities and things like that that would be separate from the zoning that would be applied, simply because

that's what a PUD gives you. Am I misunderstanding that?

MR. MELE: In Coconut Creek, PUD is a zoning district, and it does have set standards for many of the things you're talking about, like setbacks. But it does give the ability to design something different than just the standard block layout. But it's -- PUD in Coconut Creek is not done solely because the land owner benefits. It's also done because the city benefits. Because with standard zoning, the city cannot attach conditions. With PUD zoning, they can.

One point on the annexation. As Mr. Maurodis says, there's three ways to do annexations. There's a dual referendum method, where you have a vote with the city residents and the unincorporated area residents. That procedure has never been used in Coconut Creek annexations going back to the early '80s. I used to work there many years ago. The second method is legislative act. There were annexations done in Coconut Creek through legislative act many years ago.

All the annexations that have been done over the last ten years or so have been by voluntary petition of the property owner, which means if the property owner doesn't sign up to annex, you can't annex them. And, to some degree, unincorporated property owners are getting a free ride, because if emergency services can't be provided efficiently by the County agency, the cities find themselves out there doing it. And we've already talked about the utilities and those sorts of things that are not being done unless the city does them. So it's -- it's the kind of veto thing that I heard you talking about earlier on a much smaller scale.

MS. GRAHAM: So to vote for this and support your office's denial recommendation, we would vote no?

MS. BLAKE BOY: It depends on what the motion (inaudible) --

MS. GRAHAM: Okay. Well, right, we haven't done that yet.

MS. BLAKE BOY: -- (inaudible).

MS. GRAHAM: But because of last month when I didn't know how -- and I saw how the votes were for last month, and however many approved it or voted yes versus voting no.

MS. BLAKE BOY: Last month, the motion was made to approve the Low 5 Residential as proposed by the applicant. So --

MS. GRAHAM: Okay.

MS. BLAKE BOY: -- that was the motion.

MS. GRAHAM: Okay. Thank you.

CHAIR CASTRO: Okay. I have Mr. Grosso, Mr. Parness, and Commissioner Gomez.

MR. GROSSO: Thank you, Madam Chair. I -- you know, on something like this, I try to put myself in the -- in the shoes of the affected people. And the -- for the land owner, this is planned and zone designated what it is now, what it was I assume when -- when they bought it. There's no guarantee to change that to increase that.

For the people who live here, they're the people that this policy is written to protect. Compatibility is a primary issue. And I don't know that I'm comfortable just saying we're Broward County, we're an urban county. This is for them a mega issue for their lives. This is their neighborhood. This is where they're raising their families. This is the place you come to every day, and it has a feel. It has a character. This is why you invested. This is why you live here.

And to say that's not important and we're going to make a huge, monumental change to what your neighborhood is and what you look like every day -- what you look at every day out -- out your back yard, and the whole feel and aesthetic and feel of your -- your neighborhood, I'm not comfortable with us doing that based on some speculation that somehow it might improve the chances to be annexed, on the speculation that there's some potential environmental water problem that hasn't been documented, that doesn't exist, that might be fixed if we do this.

I don't -- I don't know how we do this to people who've -- who've made their life in this neighborhood. This is a drastic change, and this seems to be a very unique kind of neighborhood with a diminishing style of life in Broward County that I'm not comfortable wiping away with this.

If we approve this, it's pretty predictable what happens to the remaining parcels, then, that are like this. The argument for them is even stronger because we've done this one. So I feel strongly, as I've considered this one, that this is one that our -- our plan suggests strongly we ought to -- to vote no. And that's -- that's where I'm going to be on this one.

CHAIR CASTRO: Thank you.

MR. GROSSO: Thank you.

CHAIR CASTRO: I have Mr. Parness, followed by Commissioner Gomez, Commissioner Long.

MR. PARNES: Four people are being affected against the city. Nobody asked me if Walmart could move into my neighborhood and cheapen the rest of the smaller stores that were chic, nice, comfortable for our town. It became part of progress. I ask you to look at the homes in these pictures, the four of them. To me, it doesn't seem to change the neighborhood.

I wish I could afford any one of those homes. I can't. But that doesn't mean that progress stops. When these people bought their land -- I'll ask a question -- what did they get in writing that the town cannot build anything in their neighborhood? They can't put sewers in. They can't put water in. They can't grow because it would disturb the four of us. I said last time and I'll say it again, don't put electric wind tunnels in the ocean. It'll spoil my view.

So the heck with the public, the heck with the rest of the residents. It'll spoil my view, so you can't do it. No, I don't believe that's what we're about. I don't think this is changing it to an industrial area. I don't think you're putting up a 40-story condo to change the neighborhood. You're putting up four houses, one on each acre. I look at these pictures and say what beautiful homes.

Who's being hurt here? Who's really being hurt? Four people that have nothing in writing when they bought their home. They own five acres of land and mansions. They could have bought the vacant property and put it into a horse farm, but they chose not to. They choose to come here and say, stop progress because we think it changes our neighborhood. I'm sorry. I'm voting to approve this project because I think it's for the good of the town. It's for the good of the County and how we're growing. This is not, again, putting 150 apartments in a huge building to change the neighborhood. This is putting four houses, one on an acre. And I don't see that as a change in the area at all.

CHAIR CASTRO: Thank you. Commissioner Gomez.

COMMISSIONER GOMEZ: Thank you. I'm going to ask for clarification. From the documents that we received regarding annexation, there is no scheduled annexation for the properties around that are in unincorporated Broward --

MS. BLAKE BOY: Correct.

COMMISSIONER GOMEZ: -- to go into Coconut Creek; correct?

MS. BLAKE BOY: Correct.

COMMISSIONER GOMEZ: Okay.

MS. BLAKE BOY: At this time.

COMMISSIONER GOMEZ: So there -- there's nothing of record saying that people are looking to be annexed. There's nothing saying that this is -- we have to consider it in -- that in the picture at this time. So in trying to look at this from -- we've looked at it from Coconut Creek's point of view, which I still have my opinion that it was sent up with red flags, but that's my opinion. And so looking at it from Broward County's point of view, the County, in their recommendations, the Broward County Regulation Development has stated that they also find that this could be -- is an incompatible use.

So now looking at it from the governmental agencies from both sides, there's a -- there's conflict. I respectfully disagree with you, Mr. Parness. There is something in writing when you buy your home. It's the deed restrictions. It's the County restrictions. It's all the rules and regulations that are currently of record. And when you buy your property, you get a title policy usually containing all these things that will tell you what you expect. I would say that if my house is looking across at a vacant commercial property, or even a regular property that's vacant for so long that's not owned by somebody, yes, I can't say anything about the development going across that way because I bought that property knowing that something's going to change across the street.

But it is my opinion that these people who have bought in this community -- and these properties are not vacant, if I understand correctly -- they are bought by people who, when they went looking for their homestead property, bought their property knowing that they were going to have a nice rural place in the midst of an urban type community. And so I think that it drastically changes the air of the community to have a single home -- and there is a horse farm, if I read that correctly, that somebody did purchase their property for -- it drastically changes the neighborhood.

It's not just four small buildings. It is four beautiful looking drawings, beautiful buildings that will contain, ideally, I guess, for the applicant or the new developer, four people per home, or two adults and a couple of kids or whatever it may be, or animals. So I disagree. I think that when this -- this property is meant to be kept in that genre of which it is. It doesn't mean we have to build it out. As I mentioned before, just because we can doesn't mean -- doesn't mean that we should.

And I think this particular development, it's nestled, this property is nestled in the middle of unincorporated Broward, and I think it should remain that way. And if the communities as a whole get together and decide in the future they want to invest and do a development, that's fine, but they are all buying in, saying that they wanted a specific residential community for themselves where they bought. And I respect the applicant. I am an acquaintance of the applicant. And this is not a personal thing. So it's just I don't think that this was meant to be this way, and I think the statement of use of -- right of use and right place, I don't think four mini-mansions in this location of ruralism is the best place for it.

CHAIR CASTRO: Commissioner Long, and then Mr. DiGiorgio.

COMMISSIONER LONG: Yes, I -- when I look at this, too, I look at the incompatibility factor. And when you're buying a -- an estate property that is three, four, five acres, you did that for a reason. It wasn't that you just said, well, this piece is available, I can build my house on it. You did it because you kind of want that more rural effect. And I think when people do that, there's a reason for it, and they're -- they've done that here because of the way it was zoned and what it allowed at that time.

I think by changing, you know, this particular property to go to, you know, a total of 20 dwelling units, which it could be, the way it's -- you know, looking forward, the proposed

designation of five per acre. It's four acres, that's 20 units. That does change the fact that you have one house on five acres or 20 units on these four acres. Does it change traffic? Absolutely. Does it change your way of life if you're living out there? And you see the same thing in different areas. Parkland has very large estate homes. You see that in, some in Weston, Southwest Ranches, Davie. You know, they move in that neighborhood for a reason.

And I think that just because somebody says this could be the best use for the -- his property doesn't necessarily make it right and it's going to affect everybody else. I mean, there's different places if you wanted these four units that it would be more compatible for. But I'll stand by my original dissent -- not dissent, but denial on this, and support our planning staff, who's done a good job on this. And, yeah, it is tricky, but the fact is it is incompatible with the surrounding neighborhood, and I believe that's one of the primary focuses that we have to look at.

CHAIR CASTRO: Mr. DiGiorgio.

MR. DIGIORGIO: Thank you, Madam Chair. It's an interesting discussion we're having regarding low density. A lot of the times we have these discussion we're talking about medium density and high density compared to others. So it is an interesting discussion. But it -- it does affect the neighbor -- the neighbors immensely. I have a question -- two questions. One for staff, one for Mr. Mele.

Mr. Mele, I know we're not looking at site plan here, and that's not our charge, but you put it in our backup and we have five residential homes. Is this the intent right now for the four acres, to put these five homes?

MR. MELE: That's correct.

MR. DIGIORGIO: So if that is the intent, and staff made a recommendation here that says staff finds the compatibility issue and then staff recommends -- let's see where we talk about that -- that you might, staff, and I want you to clarify this for me, would entertain a lesser density, such as two units per acre. This is still far less than the two units per acre that they're proposing, if that's the case.

MR. MELE: There -- there's four units -- in each of those --

CHAIR CASTRO: Each building.

MR. MELE: -- buildings.

MR. DIGIORGIO: Four -- four units in each building. That's the way that --

MR. MELE: Commissioner Long was correct when he said 20.

UNIDENTIFIED SPEAKER: Uh-huh. Uh-huh. Yes.

MR. MELE: There's four units in each of those buildings. That's the same thing we had last month.

MR. DIGIORGIO: Okay.

CHAIR CASTRO: He wasn't here last month.

MR. MELE: Oh, that's right. I'm sorry.

CHAIR CASTRO: I didn't want to jump in.

MR. DIGIORGIO: But that's okay. I did –

CHAIR CASTRO: He wasn't here last month.

MR. DIGIORGIO: -- I did read that, so I was confused about the -- the units itself in each one of these. So thank you for that.

CHAIR CASTRO: (Inaudible) Mr. Grosso.

MR. DIGIORGIO: So then I -- I –

CHAIR CASTRO: You want to go last.

MR. DIGIORGIO: -- you go back to that becomes 20 units for this four acres, so not the -- not the lesser recommendation that you can live with. Thank you.

CHAIR CASTRO: Mayor Ryan, back to Mr. Grosso, and then Mayor Stermer.

MAYOR RYAN: Thank you. I won't restate my reasoning from the last meeting. I still stand, having looked at all the materials and looked at the additional letters, that, again, I don't take lightly our job here. We do tend to try to support the communities. But, as my colleagues, Mr. Grosso and Commissioner Gomez, said, I concur with their -- each of your points raised. And I continue to maintain my objection to this, particularly where, as Commissioner Gomez pointed out, we're talking about unincorporated Broward County properties. And the political system doesn't fully protect them in this process, because, by their nature, they're not part of Coconut Creek.

So when it comes time to who are you going to worry about, the property owners who are not part of your community or those that are, maybe their voices don't always resonate as loud as they should. And so, for that reason, and the other reasons that I've spoken on, the reasons raised by my colleagues, including Commissioner Long, I will not be in support of this.

CHAIR CASTRO: Okay. Mr. Grosso –

MR. GROSSO: Thank you –

CHAIR CASTRO: -- you have another question?

MR. GROSSO: -- thank you, Madam Chair. I wanted to make sure that I understood. If we approve this, it would approve the maximum units. It would be multi-family units, those four units would be multi-family units?

MS. BLAKE BOY: So the Broward County Land Use Plan does not specify the unit type, but from what Mr. Mele has presented, these would be five multi-family units consisting of four units in each -- in each building, so –

MR. GROSSO: So our decision has to be based on the maximum use allowed –

MS. BLAKE BOY: Right. You're just –

MR. GROSSO: -- by the new category.

MS. BLAKE BOY: -- we're just basing our recommendation based on 20 units, maximum, not on the unit type.

MR. GROSSO: Okay. And then, Madam Chair, my -- I mean, my sense is that -- and certainly there's no guarantee that the zoning around you is going to change, but you do have a right to rely on the Land Use Plan. It makes compatibility a primary issue. Certainly, land use changes can be made when a more compelling overall communitywide goal requires that individual people take a hit, but I don't know that I'm seeing that overriding community goal here that is so much more important that it justifies doing that to these people. So if this is the appropriate time, I -- I would make a motion to approve staff recommendation of denial.

MS. GRAHAM: Second.

UNIDENTIFIED SPEAKER: Second.

CHAIR CASTRO: Okay. We have a motion and a second. Before we vote on it, I'm going to make a comment, and I still have to recognize -- I think Mayor Stermer wants to make a comment. This has been a fascinating discussion, as it was last month, as -- and, again, I hark back to this, and you all have heard it who've been with me for a while now.

You know, I didn't ask, and not only did I not ask, I object -- objected strenuously to the extension of the South Runway, which not only robbed my community, but two communities to the west. And I would have loved to see all this support back then from all the rest of the County to say, hey, you can't do that to those people. It's not compatible. And it's not.

We didn't hear anything from anybody. And not that I'm bringing that up because I have sour grapes, here's my issue. Because of that, I have a very strong sense of property rights. So you have somebody who owns a property. I heard all of you say you buy your property, you have an expectation. Anybody who has an expectation of Broward County relative to the use of their property or their neighbors' property that's any longer than two to three years out to the future, they're mistaken.

My parents built their house in Coral Ridge in 1952. There was nothing but sandlots around them. I'm sure they didn't expect to happen what happened today to Coral Ridge. On top of that, in that neighborhood, when houses are now sold, they're being torn down to the bearing walls and we're approving McMansions (phonetic) next door. So your -- your lot lines, which used to be 30, 40 feet, are now down to zero. And we have very little choice.

Is it changing the neighborhood? To a degree. That's the problem. That's the problem I see here. How incompatible is it? I think Commissioner Castillo brought up a very valuable point. Originally, compatibility was you don't want residential mixed in with industrial and vice versa, for obvious safety reasons. Could you go back to the map that has the houses and stuff in it?

Right across from this parcel, across I think either a street or a waterway, are apparently homes, single family homes with zero lot line. Are those compatible? How did that get there? It's already changed the neighborhood. On top of that, to your point, Mr. Grosso, some of the other local home -- land owners have already come in and said, hey, if you do this guy, I want to do it, too, because there's money to be had.

So there's a balancing act here. Now, I'm all for the favor of the one over the many, because I'm a Trekker, but that's typically not what we do in Broward County. And on top of that, I'm not sure how incompatible, if it is incompatible, it is. The other one across the street is every incompatible. This one, you're talking still four units to one acre; correct?

MS. BLAKE BOY: Five units.

CHAIR CASTRO: Five units to one acre.

MS. BLAKE BOY: Or if it's four acres, 20 (inaudible).

CHAIR CASTRO: Okay. I got the five and the four backwards. I thought it was five acres. It's four acres. Okay. Got it. And compared to what's across the street with single family homes and a zero lot line, I -- I'm finding that's not as tacky or as aggressive. Now, I have to balance that with somebody who owns a piece of land. And, yes, should they foresee what's going to happen? Sure. But why shouldn't they have the right to make a change? We do it every day.

If you look at mixed use in our cities, you have residential areas now -- and Fort

Lauderdale's another prime example. Poor Fort Lauderdale today is going to get pounded on, I guess. But I think it's a good use. They're putting townhouses and multi-families on the US-1 corridor. What does that do? It blocks the single family homes behind them from all the noise and the crap that's going on on the corridor. It's a good planning tool. It is. It's like building a moat around a neighborhood. It's not a bad thing. It's a good thing. It's a good use.

So I'm going to have to say -- and this has been a tough one for me, because it's property rights of an individual versus the community, but I'm not seeing the differential as widely as some of my colleagues have pointed out that oppose this. If it were something a little bit bigger, like they were going to put a hundred and fifty units on there, I get it. No, go away. Got it.

But even if they wanted to do what was across the street, with the single family homes with the zero lot line, would we be having this discussion? How is that incompatible when it's across the street? It's not. And you want to go jurisdiction? Okay, but that's what we're here for. We're here to solve the jurisdictional issues.

And the fact is unincorporated Broward County, to me, is non-existent. You already heard -- I know from where we have parcels, including the Fort Lauderdale-Hollywood International Airport, and the Port Everglades, our fire reports over there when there's an emergency. We don't get reimbursed for that. We don't get paid for that. It's just what we do. We're providing services. That's where the regional concept comes in. So I had to say that before I go ahead and, I think, recognize Mayor Stermer, who is on my list. Is there anybody else after that before we do the vote?

COMMISSIONER LONG: Just a point of clarification.

CHAIR CASTRO: Sure.

COMMISSIONER LONG: You do not have a street behind there. That is a buffered --

CHAIR CASTRO: Canal or --

COMMISSIONER LONG: -- green area.

CHAIR CASTRO: -- greenway. Yeah.

COMMISSIONER LONG: Yes. So there --

CHAIR CASTRO: I couldn't tell from --

COMMISSIONER LONG: -- there's no --

CHAIR CASTRO: -- the map.

COMMISSIONER LONG: -- yeah, there's no roadway there.

CHAIR CASTRO: Yeah, but it's right to the backside. It -- it's worse. It would be better if there was --

COMMISSIONER LONG: And it is buffered by --

CHAIR CASTRO: -- a street.

COMMISSIONER LONG: -- it's buffered by heavy landscaping.

CHAIR CASTRO: Yeah. It would be --

COMMISSIONER LONG: So you don't have the traffic issue.

CHAIR CASTRO: Right. It would be better if it was a street. That would have been worse, then. So that's even better, actually.

COMMISSIONER LONG: But the traffic would be coming off of --

CHAIR CASTRO: Yeah.

COMMISSIONER LONG: -- 74th, which would be the increased traffic to these residents.

CHAIR CASTRO: Commissioner Blattner.

COMMISSIONER BLATTNER: Yes, the only point that hasn't come up today that came up extensively at our last meeting was that the city -- the City Commission of Coconut Creek and its Planning and Development Board approved this concept. And the discussion last time was so relevant about local control --

CHAIR CASTRO: Right.

COMMISSIONER BLATTNER: -- and over -- overturning the de facto government of an unincorporated area.

CHAIR CASTRO: Right. Was there somebody else who had their hand up?

MR. FRIEDEL: Yes, I just had a --

CHAIR CASTRO: Mr. Friedel.

MR. FRIEDEL: -- procedural question. We moved to vote on --

CHAIR CASTRO: To support staff's --

MR. FRIEDEL: -- on --

CHAIR CASTRO: -- denial.

MR. FRIEDEL: -- to support staff's denial. Last month, we voted to -- in favor of the applicant. Should we make the same vote this time as --

MR. MAURODIS: The motion --

CHAIR CASTRO: It doesn't matter. We'll take --

MR. FRIEDEL: Okay. Fair enough.

CHAIR CASTRO: -- the motion.

MR. MAURODIS: (Inaudible) the motion is a motion to approve the staff recommendation.

CHAIR CASTRO: That is correct. His --

MS. BLAKE BOY: So (inaudible).

CHAIR CASTRO: -- his concern was last month it was the opposite -- well, not the opposite, but it was to approve the applicant's position, deny staff's. So he wanted to know if it made a difference, the second vote was different. It is what it is.

MR. MAURODIS: As long as you realize that a vote yes on a motion is a vote against the application.

CHAIR CASTRO: But, more importantly, the last vote is the most important vote. It doesn't matter what happened on the first vote.

MR. FRIEDEL: Thank you.

CHAIR CASTRO: Whatever happens on the second one is the rule. Okay. Mr. de Jesus.

MR. DE JESUS: Thank you, Madam Chair. I echo many of the same sentiments, actually, on both sides of the argument. That's why --

CHAIR CASTRO: Yeah.

MR. DE JESUS: -- this has been --

CHAIR CASTRO: Tough.

MR. DE JESUS: -- a difficult decision for me. But I do see some differences. You know, typically, if you follow my voting, I lean towards supporting municipalities in -- in these -- in these issues. But I have to weigh heavily on the municipality that's in favor of this is not representing those in the unincorporated area. So their vested interest is in their residents.

Secondly, when you look at compatibility, I, too, looked at that like I did recently in the Monterra vote, or that issue, the property by Monterra. I looked at the -- the compatibility and I looked at that residential complex that's -- as you pointed out, Madam Chair.

And I think the difference is is while they're a zero lot line, they're single family homes. It's a residential community. And this community, well, they keep saying it's four units, it's -- it's -- basically, I look at it as an apartment complex. And when you look at the overview, the aerial shot of it, it takes on that appearance.

It's four -- looks like four big homes. And I commend them for designing it to look like a mansion, but the fact of the matter is it has a lot of asphalt around it for parking, and clearly, to me, resembles an apartment complex. And it's because of that that I find that compatibility -- that I find it incompatible. And I'll be voting against it, as well.

CHAIR CASTRO: Okay. Just so I'm clear, too, the parcel in question is in Coconut Creek.

MS. BLAKE BOY: The parcel in question is in the City of Coconut Creek.

CHAIR CASTRO: It's in Coconut Creek.

MS. BLAKE BOY: And the City of Coconut Creek transmitted --

CHAIR CASTRO: So their obligation -- is to listen to that property owner. That's their constituent, if we want to separate constituents right now. I just wanted you to understand that.

MR. DE JESUS: Got you.

CHAIR CASTRO: It wasn't like that we're voting on Broward constituents --

MR. DE JESUS: Yeah.

CHAIR CASTRO: -- one against --

MR. DE JESUS: Absolutely.

CHAIR CASTRO: -- the other five Browards.

MR. DE JESUS: Got you.

CHAIR CASTRO: This guy lives in -- girl, guy, whoever it is. Sorry, I don't know your client -- lives in Coconut Creek.

MR. DE JESUS: I understand.

CHAIR CASTRO: (Inaudible.) Sorry. Mayor Stermer.

MAYOR STERMER: Mr. Mele, the picture that's up on the screen currently, I just want everybody to understand the picture that sits there. The word, Coconut Creek, is on top of the golf course, and then there is a canal. Is everything that's north of Hillsborough Boulevard, but for --

UNIDENTIFIED SPEAKER: Yeah.

MAYOR STERMER: -- the six parcels, within the City of Coconut Creek?

MR. MELE: Yes, between Lyons Road and the Turnpike, between Hillsborough Boulevard and the Palm Beach County line, all of that property is in Coconut Creek except for those parcels that are specifically delineated on this map.

MAYOR STERMER: I just wanted to do that because, if you go to the next map, if we could have staff go to the next map, this map, to some may be confusing, because Coconut Creek is in the green side, when all of it, but for the six parcels, is within the jurisdictional boundaries of Coconut Creek.

So the outliers here are actually the six pieces of property, not this one piece of property who wants -- who's in Coconut Creek surrounded by unincorporated Broward County. Members need to understand -- the maps, without the explanation, could be confusing, and, I understand, to some, were confusing last time -- that everything within the -- this picture, but for those six parcels, is within the jurisdictional boundaries of Coconut Creek. And I think it's important to note that the city, at the end, will deal with the site plan issues.

And, Mr. de Jesus to your point of asphalt and things of that nature those are going to end up being site plan issues. Our job is not to look at the site plan but to look at the density --

UNIDENTIFIED SPEAKER: Right.

MAYOR STERMER: -- that would be permitted. How much asphalt, what pervious and impervious, what these buildings would look like is not an issue for us. That is not our issue. That is Coconut Creek's issue. So let's not put the cart before the horse. The issue is should the density be permitted. That density then would be subject to the local control of the dais of Coconut Creek.

And how they decide with the property owner what that would look like, how that would be laid out, how that would appear to the rest of the world, is up to them. That is not our concern, and I don't want members to get locked onto the, well, there's going to be this much asphalt. We don't know the answer to that, and that is not our issue. This comes back to the issue of does a property owner have a right to seek, subject to the discretion of this Board, an increase in their density, and that's what this is, understanding that everything, but for the six parcels, is within that community. And the local advisory board and the City Commission voted yes. My recollection is is one or two of the property owners that were here last time said they intend to follow suit and do the same. So what is currently six will become five will become four will become three, because at some point, those folks, as they age out or for whatever reason, are going to say I, too, can cash in on this.

So the issue is, when does that domino start to fall? And, as we've seen, everything in this picture, but for those six, is within the boundaries of Coconut Creek, and Coconut Creek is providing these properties and wants to provide these properties with all of the utilities and services necessary. And if Coconut Creek responds to those people in the unincorporated, who's paying for that but the City of Coconut Creek? So at some point, my belief is this will happen. It's a function of when.

MR. MELE: At one point, everything on this screen was unincorporated Broward, and it wasn't that many years ago. And also, when you look at this map, you see a color that relates to the one unit per acre, but a lot of what you see up there is not one unit per acre.

North Broward Prep is a very large school, kindergarten through twelfth grade, and it occupies the entire upper left quadrant of that map. You -- you see it just north of -- of that -- not 74th, but the next street to the north. I can't read it from here.

MAYOR STERMER: So the reason I raise all of this is so members don't get caught up on the what does the site plan look like? What does the specific look like? What does the outside of the property look like? What's the pervious and impervious?

That will go back to the Commission at the end of the day. Our job is, do we believe it's within the discretion of this Board to recommend to the County Commission, because regardless of what we recommend, it's going to show up in this dais, and nine other people are going to vote on it, and we could say, no, and they could turn around and say, yes.

CHAIR CASTRO: And they represent Broward County.

MAYOR STERMER: Okay. And they represent all of Broward County, but I would venture to say some of them are going to say, we want to hear and we value what the local government, where this property's located, said. So I just leave you with that to contemplate, looking at the map, if there is any confusion, to now have the clarity of exactly what that means.

CHAIR CASTRO: We have a motion to adopt Amendment PC-15-9 with staff's denial.

MR. MAURODIS: What –

MS. BLAKE BOY: No. Wait.

CHAIR CASTRO: As with -- as staff denied. So we're -- we're -- we're motioning to deny it—

MS. BLAKE BOY: We would recommend denial.

CHAIR CASTRO: -- based on staff's denial. We're adopting staff's recommendation of denial.

MAYOR STERMER: So –

CHAIR CASTRO: That's what the motion is.

MAYOR STERMER: -- so a vote yes is to approve the denial. A vote no is to not approve the denial.

MR. MAURODIS: Yes is to deny.

MAYOR STERMER: Yes.

CHAIR CASTRO: Correct. That's where I was going.

MR. GROSSO: Madam Chair, may I take 40 seconds to close on my motion? The property -- the property owner has a right to apply, but that's not a guarantee of a –

CHAIR CASTRO: Understood.

MR. GROSSO: -- of approval. The site plan, I agree, we have to consider not a specific plan. If they showed us a plan we loved, they'd still have the right to change their mind and apply for whatever this allows. So we have to assume the maximum allowed, the maximum pavement, the maximum units is what we'd be saying yes to. And I think that's pretty important.

Site planning is window dressing stuff. It's all about how many units are you going to be able to build. That's the decision that we're making. You don't get around an inappropriate land use by a few more bushes, site planning details. That doesn't really make up or that sort of thing.

I think we've got an inter-jurisdictional thing. Some's in the city, some's in the County. That makes it more appropriate for us, as the Broward County Planning Commission, I think, to exercise our jurisdiction to enforce on behalf of unincorporated County

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residents –

CHAIR CASTRO: I'm going to –

MR. GROSSO: -- our County Comprehensive –

CHAIR CASTRO: -- I'm going to respectfully disagree –

MR. GROSSO: -- Plan.

CHAIR CASTRO: -- with that point because our job is actually to settle the differences.

UNIDENTIFIED SPEAKER: That's not –

CHAIR CASTRO: So I just want to make clear. That -- we'll talk (inaudible).

MR. GROSSO: Our -- our -- our job is to treat everybody fairly.

CHAIR CASTRO: Including the people that are in cities as opposed to Broward County (inaudible).

MR. GROSSO: No question about that.

CHAIR CASTRO: Okay. Mr. Mele, you popped up. Are you good?

UNIDENTIFIED SPEAKER: Can we call the question, first?

CHAIR CASTRO: Yeah, that's what I want to do. I -- that's where I'm heading.

UNIDENTIFIED SPEAKER: Call the question.

CHAIR CASTRO: Let's call the question. Can we have a roll call, please? Again, if you vote yes, you're denying it. If you vote no, you're not denying it.

UNIDENTIFIED SPEAKER: Was there a second on the motion?

UNIDENTIFIED SPEAKER: Yes.

CHAIR CASTRO: Yes.

UNIDENTIFIED SPEAKER: (Inaudible) seconded it.

CHAIR CASTRO: There were multiple seconds, yeah. Call the roll.

THE REPORTER: Commissioner Richard Blattner.

COMMISSIONER BLATTNER: No.

THE REPORTER: Commissioner Angelo Castillo.

COMMISSIONER CASTILLO: No.

THE REPORTER: Mr. Neal de Jesus.

MR. DE JESUS: Yes.

THE REPORTER: Mr. Thomas DiGiorgio.

MR. DIGIORGIO: No.

THE REPORTER: Michael Friedel.

MR. FRIEDEL: No.

THE REPORTER: Commissioner Bill Ganz. Commissioner Michelle J. Gomez.

COMMISSIONER GOMEZ: Yes.

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

MS. GRAHAM: Yes.

THE REPORTER: Mr. Richard Grosso.

MR. GROSSO: Yes.

THE REPORTER: Vice Mayor Martin Kiar.

VICE MAYOR KIAR: No.

THE REPORTER: Commissioner Michael S. Long.

COMMISSIONER LONG: Yes.

THE REPORTER: Vice Mayor Rita Mack.

VICE MAYOR MACK: Yes.

THE REPORTER: Commissioner Shari L. McCartney. Mr. Robert McColgan.

MR. MCCOLGAN: No.

THE REPORTER: Mr. Bernard Parness.

MR. PARNES: No.

THE REPORTER: Mayor Michael J. Ryan.

MAYOR RYAN: Yes.

THE REPORTER: Nicholas Steffens. Mayor Daniel J. Stermer.

MAYOR STERMER: No.

THE REPORTER: Ms. Anne Castro, Chair.

CHAIR CASTRO: No. The motion fails. I think it was 9 to 7 or 10 to seven.

COMMISSIONER BLATTNER: 9-7.

UNIDENTIFIED SPEAKER: Madam Chair?

UNIDENTIFIED SPEAKER: No.

MS. BLAKE BOY: Motion for denial passed.

MAYOR STERMER: No, it did not.

CHAIR CASTRO: No.

MAYOR STERMER: No, it did not.

CHAIR CASTRO: No.

MAYOR STERMER: It's just the opposite.

CHAIR CASTRO: Don't start with me. No, no, no. Voting no means we voted down your recommendation of denial.

**VOTE DOES NOT PASS.**

CHAIR CASTRO: So now I'll entertain a motion to –

MAYOR STERMER: Motion to approve the –

CHAIR CASTRO: -- approve the item –

MAYOR STERMER: -- the application as submitted by the applicant.

COMMISSIONER BLATTNER: Second.

MR. DE JESUS: Madam Chair, point of order? I'm looking at some faces. Maybe I'm wrong, but –

UNIDENTIFIED SPEAKER: Let's take a roll call.

MR. DE JESUS: -- I'm not sure that the members all understood what -- which way they were voting. I -- I could be wrong, but I just want to make sure before we move on.  
VICE MAYOR KIAR: Do we -- do we -- I mean, I'll gladly do a motion for reconsideration to do it again if folks were not –

CHAIR CASTRO: Go ahead.

MR. DE JESUS: Does every member understand that when we vote yes in this, we're voting to -- to deny the application?

MR. FRIEDEL: Can we just move forward and can we –

MR. PARNES: Why not ask everybody who -- does anybody not understand that? Raise your hand.

CHAIR CASTRO: And want to change your vote.

MR. FRIEDEL: -- can we simply move to accept the applicant's application as –

UNIDENTIFIED SPEAKER: Second.

CHAIR CASTRO: Yes. We're going to go the alternative now. We're going to move the item, ignoring staff's recommendation for denial, and approve the application's -- applicant's stand on the item. Are we all clear?

UNIDENTIFIED SPEAKER: Yes.

CHAIR CASTRO: So if you vote yes this time, it means you're saying the applicant can go forward. If you're saying, no, we're saying we're -- we're denying the applicant based on staff's recommendation of denial. Yes, applicant goes forward. No, they don't. Does that break it down?

UNIDENTIFIED SPEAKER: Yes.

CHAIR CASTRO: Roll call, please. I think we had a first and a second across the board.

THE REPORTER: Commissioner Richard Blattner.

COMMISSIONER BLATTNER: Yes.

THE REPORTER: Commissioner Angelo Castillo.

COMMISSIONER CASTILLO: Yes.

THE REPORTER: Mr. Neal de Jesus.

MR. DE JESUS: No.

THE REPORTER: Mr. Thomas DiGiorgio.

MR. DIGIORGIO: Yes.

THE REPORTER: Mr. Michael Friedel.

MR. FRIEDEL: Yes.

THE REPORTER: Commissioner Bill Ganz. Commissioner Michelle J. Gomez.

COMMISSIONER GOMEZ: No.

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

MS. GRAHAM: No.

THE REPORTER: Mr. Richard Grosso.

MR. GROSSO: No.

THE REPORTER: Vice Mayor Martin Kiar.

VICE MAYOR KIAR: Yes.

THE REPORTER: Commissioner Michael S. Long.

COMMISSIONER LONG: No.

THE REPORTER: Vice Mayor Rita Mack.

VICE MAYOR MACK: Yes.

THE REPORTER: Commissioner Shari L. McCartney. Mr. Robert McColgan.

MR. MCCOLGAN: Yes.

THE REPORTER: Mr. Bernard Parness.

MR. PARNESS: Yes.

THE REPORTER: Mayor Michael J. Ryan.

MAYOR RYAN: No.

THE REPORTER: Mr. Nicholas Steffens. Mayor Daniel J. Stermer.

MAYOR STERMER: Yes.

THE REPORTER: Ms. Anne Castro, Chair.

CHAIR CASTRO: Yes. Okay. Motion carries. Just so -- the votes are almost identical. Only one person switched positions. Not a problem. It's okay.

**VOTE PASSES 10 TO 6 WITH MR. NEAL DE JESUS, COMMISSIONER MICHELLE GOMEZ, MS. MARY GRAHAM, MR. RICHARD GROSSO, COMMISSIONER MICHAEL LONG, AND MAYOR MICHAEL RYAN VOTING NO.**

#### **OTHER BUSINESS**

CHAIR CASTRO: Is there any other business before we adjourn?

COMMISSIONER LONG: Move to adjourn.

CHAIR CASTRO: Thank you so much, everybody. Be safe out there. Have a great day. Happy 4th of July unless we meet before then, which I think we do. Thank you, ma'am.

(The meeting concluded at 12:20 p.m.)