

**Summary of Discussion
Broward County Charter Review Commission
Land Use Subcommittee
Friday, June 15, 2007- 8:00 am - 10:00 am
115 S. Andrews Avenue, Room 430
Fort Lauderdale, FL 33301**

Members Present:

Commissioner Hayward Benson, Vice Chair
Ms. Patricia Good
Mr. Mark Ketcham
Dr. Irv Rosenbaum

Members Absent:

Mr. Joseph Maus, Esq.
Mr. Robert Penezic, Esq.
Mr. Richard Weiss, Esq., Chair

Others Attending:

Elliot Auerhahn, Broward County Urban Planning
Barbara Blake Boy, Assistant Director, Broward County Planning Council
Chedley Etienne, Administrative Assistant, CRC
Ellen Feld, Water Management Districts
Yolanda Grooms, Administrative Specialist, CRC
Maria Gross, Assistant Director, CRC
Phyllis A. King, Transcriber, PKING Consulting
Commissioner Keith S. London, City of Hallandale Beach
Patricia G. West, Executive Director, CRC

(A copy of the sign-in sheets identifying those present is filed with the supplemental papers to the summary of this Committee Meeting.)

A meeting of the Broward County Charter Review Land Use Subcommittee "Committee, Subcommittee, or LUSC", was held at 8:00 a.m. on Friday, June 15, 2007 at the Broward County Governmental Center – Room 430, Fort Lauderdale, FL.

Scrivener's Note: *Items in this Summary of Discussion have been transcribed and placed in order based upon the actual meeting Agenda (with exception of Appended Agenda Items) therefore transcript might not match actual Audio CD order of conversation.*

[8:06am] Vice Chair, Hayward Benson advised the dais that no quorum was currently present and the meeting would begin as soon as a quorum was present.

I. Call to Order/Roll Call

Vice Chair, Commissioner Hayward Benson called the meeting to order at 8:10 a.m. and requested the roll call by Phyllis King, PKING Consulting, Inc. Upon completion of the roll Vice Chair Benson acknowledged the presence of a quorum with 4 dais members present.

Discussion of Agenda Additions

Appended (A) Agenda items discussed appear in order of A-I, A-II, A-III etc.

Vice Chair Benson opened the floor to discussion of the addition of items to the existing Agenda. After a brief discussion it was decided to add the following items to the LUSC June 15, 2007.

- Next Meeting Protocols in Order to Meet September Deadline
- Recommendations – *deferred until next meeting*
- Discussion of Public Outreach Letters of Interest Results

A.I Next Meeting Protocols in Order to Meet September Deadline

- A dais member inquired as to why no meetings will take place in the month of August.
- A member in attendance at the June 1, 2007 non-meeting meeting explained the suggestion was made in light of no quorum at that meeting with a speaker present and the lack of interest in the issues.
- A member of the dais expressed concern with the LUSC not meeting for two months.

Following a brief discussion of this issue A MOTION was made, SECONDED and passed unanimously that the LUSC will meet sometime in the month of August and the meeting will be coordinated by staff.

A.II Recommendations

- Deferred until next meeting.

II. Discussion of Citizen's Bill of Rights for Clean Air and Clean Water-Inclusion of Right to Environmental Safety-Preservation and Water

- Background was provided explaining that Items II and III had been voted on by the full CRC Board and added to the LUSC for review and comment.
- Staff provided a conceptual overview of Items II and III.
- The dais agreed that there is not enough information to discuss this Item today.
- Dais members requested information on any Clean Air Ordinances from the Environmental Department.
- Staff was asked to request proposed language from Commissioner Jacobs.

Elliot Auerhahn: The County has an Environmental Protection Department, the Director is Richard Wilkins, and he would be the person to request a speaker from.

Discussion tabled until next LUSC meeting.

III. Discussion of Open Space Requirements to Allow Open Space to Remain Open in Perpetuity

- A member of the dais requested an inventory of the current "Broward County" open-space including only space controlled by the County, lands purchased with bond funds.
- A copy of the Dade County Ordinance will be provided at the next meeting.
- A dais member pointed out that Dade County's Ordinance does not allow the selling of County Park Land unless via Referendum which has drawbacks, in that a government agency cannot sell land to the local public school system unless it goes out in Referendum and suggested possibly allowing this without Referendum in the interest of public service.
- The dais will review and discuss keeping in mind any possible home-rule infringements.
- Staff will go back and get clarification that only "County" lands purchased with bond monies will be affected.
- Suggested keeping the phrase "if certain conditions are met" which would be inclusive of if purchased with Bond money and not for private purpose or for public purpose.

Following a brief discussion with comments made by Ms. Good, Vice Chair Benson, Ms. West, Dr. Rosenbaum and Mr. Ketcham regarding Public vs. Private Use and the need for Referendum. It was determined that the dais has no problem with the concept. Staff will

provide the requested data for dais review and comment. If certain TBD conditions are met the dais decided to agree with this item.

A discussion ensued regarding County Owned Parks and Green Space which should be included whether purchased 30 years ago or in Bond. Comments were made by Mr. Ketcham, Ms. Good, Vice Chair Benson, Ms West and Dr. Rosenbaum.

- The question was posed to Mr. Auerhahn regarding the Bond Program in the 80's.

Elliot Auerhahn: That was a 1976 Bond Issue I believe and then one in the 80's. There were three Bond Issues.

- Staff will research the 80's Bond Issue and provide a copy of the Dade Ordinance.
- Language will also be obtained from the Fort Lauderdale Beach Parking Lot Ordinance where nothing can be done there without a Referendum.
- A dais member suggested leaving the door open for the County Government to function well, example with road Right of Way (ROWs).
- A member of the dais also suggested reviewing the Bond Issue for covenants because the use and value of the lands will be restricted.
- Staff will provide information to General Counsel for review and dissemination to the dais.

Elliot Auerhahn: Something to clarify because your staff is going to find this out. A good bit of the money from the County's Bond Program was used to purchase land that was given to the Cities for open space. So you need to work out what you are talking about – County purchased land or land that the County is still maintaining. There is a difference there. The dais asked for further clarification.

Elliot Auerhahn: There's a big portion of the County Bond Issue that was used to buy land that was given to the Cities to maintain (park land). So that's kind of in between and falls in the cracks of what you are talking about.

- A dais member clarified further that the *City owns the land, but it is purchased with County money and it was deeded to the Cities.*

Elliot Auerhahn: They will end up being City Parks, so that's a wrinkle.

Scrivener's Question: You said that it was given to the Cities and the County maintains it. Does that mean just to maintain it or they purchased it?

Elliot Auerhahn: The Cities own the land and they are maintaining the parks. There are agreements as part of the transfer of the property from the County to the Cities that the Cities agree to maintain them.

- A dais member advised that there are two choices for the LUSC:
 - Just deal with the County Owned land; or
 - Base its decision on lands purchased with the Bond Issue as well, then the intergovernmental issue will have to be addressed.
- The dais requested staff obtain a copy of the Bond Program Implementation.

[Public Comments were made by Commissioner Keith London, City of Hallandale on this Issue which can be found in the Public Comment section of this Summary of Discussion]

IV. Discussion of Proposed Draft Revision to the Broward County Charter Addressing Road Closings

- Letter written by the Executive Director of the Broward County Planning Council dated May 29, 2007 re: *Proposed Draft Revision to the Broward County Charter Addressing Road Closings*.

A discussion was held with comments made by Ms. Good, Dr. Rosenbaum, Ms. Blake Boy, Vice Chair Benson.

- Proposed language is acceptable and recommendation is supported by members of the dais.
- The question was asked if the proposed draft revision would pertain to any "public road" right of way (ROW).

Barbara Blake Boy: Actually, Henry and our Attorney, Andy Maurodis would like to have been here but we just found out about it, unfortunately, yesterday afternoon so they can't be here. But they would be happy to come at a future meeting. But I'll just give you a brief background of how this language came to light and the proposal, how it became forwarded by the Planning Council. How the concept came forward. This language obviously is not in final form. This is just a recommendation that came from the Subcommittee. So I will speak conceptually about what came about. Some discussion at the Planning Council is initiated and the Council

formulated a Charter Review Subcommittee of their own, just an ad hoc Committee to consider this, and maybe any other items that they thought would be related to the Charter Review Commission. This concept was the first one that came up. There is a lot of discussion about where it should be strictly traffic ways, or any public ROW, and they formulated this language based on – it's really, it's an optional tool that an adjacent municipality would have if they thought there was an issue with essential services upon the closure of a roadway. So that Committee formulated some conceptual language. Andy and Henry really worked directly with them and brought it to the full Planning Council at the May meeting, and they asked that it be forwarded to the Charter Review Commission. Really they philosophically thought that a municipality should have the opportunity to have another agency to go to, if there was some disagreement about a road closure. Kind of like an appeal – kind of like a mediation in a way, because conceptually what they would want, is that the Planning Council staff do an analysis of the impacts of the road closures on these essential services, that are kind of listed in this language, and make a recommendation about whether or not the road closure is appropriate.

- Ms. Blake Boy was asked if the Planning Council currently reviews road closures.

Barbara Blake Boy: The Planning Council does not currently review road closures and would. The only way the Planning Council reviews a road closure or gets involved is if someone was coming in for a Traffic Ways Amendment to maybe remove it from a plan, and maybe ultimately their idea was to close off access to the road. So we really don't review road closures unless it's in a format of a Traffic Ways Plan Amendment to remove it from the Traffic Ways Planner.

- Ms. Blake Boy was asked if everything would remain the same with regard to individual municipalities vacating a specific ROW.

Barbara Blake Boy: Yes.

- Ms. Blake Boy was asked by a member of the dais if the draft revision covered any roadways that transverses from City to City.

Barbara Blake Boy: Right. Anything where there is an adjacent municipality where they feel that their social services are being impacted. And it's only at their request. It wouldn't just be that oh this City X is closing a road and we're going to review it. It would be if an adjacent City said can you please review this for us.

- Ms. Blake Boy was asked hypothetically if this was brought up because of Southwest Ranches and their neighbor.

Barbara Blake Boy: I would agree, probably so.

- Ms. Blake Boy was asked by a member of the dais if in her knowledge and experience there were any other situations like this.

Barbara Blake Boy: Not to probably the degree of that, but I did read in the paper a couple months ago and this was just reading the Sun Sentinel or the Herald that there was an issue between Lauderdale Lakes and Oakland Park. 44th Street in Oakland Park had some proposal. They were able to work it out, it worked out fine. The road never got closed. The Cities were able to work together so it never became an issue. So it doesn't really come up too often, and the example that you gave is probably the one that most people think of.

A discussion ensued regarding other similar municipal Traffic Way situations including Coral Springs which was determined to be a Transit Way issue, not so much a Traffic Ways issue unrelated to road closure. Comments were made by Mr. Ketcham, Vice Chair Benson, Ms. Blakeboy and Dr. Rosenbaum.

BCPC Proposed Charter Language Discussion

- A member of the dais advised that a key thing in the recommended language provided by the Planning Council is the **last line** of Paragraph H of "*Attachment 1 – Potential Broward County Charter Amendment*". "...based upon the effect such action has upon the provision of, or access to, essential services." – Which indicates that this is all based upon the effect of such an action to close or vacate a road would have upon the provision or access to essential services.

A discussion ensued with comments and suggestions made by Ms. Good, Dr. Rosenbaum.

- The determination was made that the term "*essential services*" is somewhat broad and maybe should be more specific as to include *Critical Services "such as" Police, Fire Rescue, etc. and Essential Services "such as" Bus Transportation, Public Schools, Waste Management /Solid Waste, etc.)*

Barbara Blake Boy: I would be happy to ask Andy and Henry (Andrew Maurodis, Esq. and Henry Sniezek, Executive Director BCPC) to come to your August meeting except for the first Friday in August, because I think they are both on vacation. But I'd be happy to ask them to come to another meeting and we can go through these issues in a little bit more detail.

- A member of the dais inquired as to what the League of Cities thinks of the Planning Council's proposed Charter language.

Barbara Blake Boy: We did have one Planning Council member that didn't support it at the full meeting which is with 19 members that were present. Who wanted it to go to the League of Cities before it got forwarded. But I think they kind of – She voted against it but the general feeling at the meeting was that this is a conceptual language and they just wanted to get the idea to the CRC at this point.

- Ms. Blake Boy was then asked if it was sent to the League of Cities for Review and Comment.

Barbara Blake Boy: You know, I'm not sure and I can check with Henry on that. But I don't see them copied on the memo.

- Following a brief dialogue the dais asked Ms. Blake Boy if she could find out if the memo was sent to the League of Cities and if it was not forwarded for their review and comment, if she could try to get it there and advise them that it is *time sensitive*.

Barbara Blake Boy: Absolutely, we can send it to them next week.

The discussion continued regarding whether the dais should be pro-active or re-active when considering the proposed language for something that has only occurred once. Comments made by Mr. Ketcham, Ms. Good and Vice Chair Benson.

The dais agreed to proceed with the above-referenced suggestion.

There being no further discussion on this item, the dais returned to Item II on the Agenda.

V. Public Comment

Commissioner Keith London, City of Hallandale

I'd just like to comment on the green space also, before you close this item. I'm sorry I didn't get up before. I think we're at a dearth of green space as it is and I can appreciate what you have to do for public schools and stuff like that. But you are trading one public use for another public use and I don't think that is solving the problem of making less green space by prioritizing and saying the schools are more important or less important. Children, residents, everybody else still need the green space; and I'm not saying that schools are more important or less

important; I'm just saying that it's something that needs to be used. So when you consider this – we don't have enough as it is, and I don't think we're meeting our requirements as the 3 acres per thousand residences as it is in a lot of places, and I would like – I'm firm on the green space and we need to acquire more. At that last meeting when I was here, I mentioned the fact that in Hallandale our waterway is considered open green space. I'll say it again, I challenge anybody to go out there and put a picnic basket out in the middle of the waterway. We use 60 acres of waterways as open green space. I just find that appalling, and finding alternative uses, I just have a hard time with that and I'd like to see us require more. Wisconsin requires 11 acres per thousand residents. I realize that this community doesn't have that but, that's my piece and I just wanted to make sure it got on the record.

- A member of the dais clarified for the records that she is not present on behalf of the School District but just wanted the dais to be aware that when language is written, it will impose certain restrictions on the various entities. She wanted to ensure that everyone understood that there are times when the public's best interest may need to be waived and that could be public schools which was an example, just to provide additional information as one is not more important than the other.

Commissioner London: I'm not trying to debate, but I understand Public Schools. You'll have a lot of people show up at a meeting and it becomes something where you have a lot of passion, and people will be saying about a need and there are very few people who will stand up and say we need open green space, because the trees don't really say – you're not going to get a lot of trees walking into a meeting saying, "Well we need to be here, you know? We're providing oxygen, we're providing habitat". There are not a lot of people that are going to come out and say that, so you're always going to have that cry, and I think you just need to look at the big picture also. Vice Chair Benson, thanked Commission London for his comments.

A.III Discussion of Public Outreach Letters of Interest Results

Vice Chair Benson called for the report on the efforts of the Outreach Letters audit trails. Ms. West advised that there have been 3 responses to the letters:

- Vice-Mayor Wexler – Memo dated June 12, 2007
- Commissioner London attended in person
- Smart Growth Partnership – Letter provided in last meeting dais packets

Vice Chair Benson asked Commissioner London if the response from the dais has been adequate or if there is something else he wished to say.

Commissioner London: I appreciate the time everyone is spending and the good work that you're trying to do, and it's always hard to get input from the public. So I understand your frustration.

VI. Adjournment

There being no further discussion or comments the meeting was adjourned at 9:03 am. The minutes of this meeting are recorded on CRC-LUSC CD # 6.15.07 (BCGV CTR)