

**Summary of Discussion
Broward County Charter Review Commission
Land Use Subcommittee
Friday, October 19, 2007- 8:30 AM - 10:30 AM
Broward County Governmental Center
115 S. Andrews Avenue, Room 430
Fort Lauderdale, FL 33301**

Members Present:

Richard Weiss, Esq., Chair
Commissioner Hayward Benson, Vice-Chair
Ms. Maggie Davidson
Mr. Mark Ketcham
Dr. Irv Rosenbaum
Joseph Maus, Esq.

Members Absent:

Ms. Patricia Good

Others Attending:

Maite Azcoitia, Deputy County Attorney
Brandon Biederman, Builders Association of South Florida
Chedley Etienne, Administrative Assistant, CRC
Ellen Feld, Esq., Water Management Districts
Yolanda Grooms, Administrative Specialist, CRC
Maria Gross, Assistant Director, CRC
Bob Harbin, Director, Broward County Parks and Recreation Division
Phyllis A. King, Transcriber PKING Consulting, Inc
Keith London, Commissioner, City of Hallandale Beach
Sue Olson, Aide, County Commissioner Kristen Jacobs,
Commissioner Hazelle Rogers, Vice-Chair CRC
Jacob Horowitz, Esq., Assistant General Counsel
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 subcommittee meeting.)

A meeting of the Broward County Charter Review Land Use Subcommittee "Committee," "Subcommittee," or "LUSC," was held at 8:30 a.m. on Friday, October 19, 2007 at the Broward County Governmental Center – Room 430, Fort Lauderdale, FL.

I. Call to Order/Roll Call

The Chair, Richard Weiss, called the meeting to order at 8:33 a.m. The Chair requested roll call by Phyllis A. King, of PKING Consulting, Inc. Upon completion of the roll call, the Chair recognized the presence of a quorum.

The Chair introduced various Broward County staff who were in attendance to answer any questions from the subcommittee.

- **Bob Harbin, Director, Broward County Parks and Recreation Division**
- **Sue Olson, Commissioner Kristen Jacob's Office**
- **Maite Azcoitia, Assistant County Attorney, Broward County Attorney's Office**

II. Approval of Summaries of Discussion for 8/31/07, 9/7/07, and 10/05/07

Ms. Davidson MOTIONED to approve the Land Use Subcommittee Summaries of Discussion dated August 31st, 2007, September 7th, 2007, and October 5th, 2007. Dr. Rosenbaum SECONDED and the MOTION passed unanimously.

III. Discussion of Revised Proposed Draft Amendment, entitled: Broward County Park Preservation, Resolution 2008-07

A discussion took place between The Chair, Ms. West and Mr. Benson regarding the dissemination of the proposed Resolution to the 400 member mailing list as requested during discussions at the LUSC October 5 meeting. Ms. West advised that the 400 mail-out had not taken place as of yet.

- A subcommittee member advised the subcommittee that they wish to receive input from the 400 member mailing list, and does not feel comfortable moving the Resolution along until this distribution occurs.
- A subcommittee member suggested moving along with the Resolution.
- A subcommittee member stated that they were concerned with the lack of public participation.
- A subcommittee member advised that public participation will come at the full Charter Review Commission and suggested moving forward.

The Chair asked Mr. Harbin, Director of Broward County Parks and Recreation Division for his opinion.

Mr. Harbin: From a parks' perspective, we have three Advisory Boards that are employed by the Board of County Commissioners. They are the Parks and Recreation Advisory Board which has 18 members. They have had the opportunity and responsibility of designating urban wilderness areas over the years, and then the Marine Advisory Board.

- A subcommittee member asked Mr. Harbin for suggestions of how to get other interested parties involved.

Mr. Harbin: The other thing is they meet on a monthly basis, so the earliest I think they would see it would be in November. Hazelle Rogers – for example - is on our Parks and Recreational Advisory Board.

- A subcommittee member asked Mr. Harbin what other organizations might be interested.

Mr. Harbin: Definitely the School Board, because from time to time they are looking at how we can jointly use property.

Ms. West asked Mr. Harbin if he could name someone that he has worked with at the School Board.

Mr. Harbin: Chris Akagbosu.

The Chair recognized a member of the public from the audience.

Mr. Biederman: My name is Brandon Biederman; I am from the Builder's Association of South Florida. I am someone who is following the process closely. I am here today to add to your commentary. I think you bring up a good point, being that obviously folks from the School Board would be interested in this issue, but also the business community. I'm talking about the Broward Alliance, Broward Workshop, folks from the Chambers, and clearly the Broward League of Cities should also be contacted. The language probably does not trouble the folks, who have been contacted in the Parks arena, if you will. I think further outreach to those entities that I just mentioned, and there are others, that would be helpful.

Ms. Sue Olson – Commissioner Jacobs' aid

Ms. Olson: In the interest of balance – you have to contact the Sierra Club, but there is also the Audubon Society and Friends of the Everglades. There is an active group that has a task force – there really are a lot of folks who are advocates for various, for example, Naturescape, Broward Task Force. I have contact information and those are just a few I can think of. There are a variety of other activist groups. I would agree you have to have a balanced discussion that involves all the stakeholders, including the folks out there. Most of these groups only meet on a monthly basis or perhaps a quarterly basis. I don't know what was sent out, but just providing a copy of the resolution, that would point out exactly what it is going to be done. Asking for input by a time certain might be important as well.

Dr. Rosenbaum MOTIONED that the subcommittee put an ad in the newspaper with the proposed ballot language, SECONDED by Mr. Benson.

Ms. West inquired about the subcommittee's preference of what the language should include.

- A subcommittee member advised that there is a Community Section in the Sun Sentinel.

A discussion took place regarding the different newspapers that the subcommittee might wish to have the ad run in.

- Sun Sentinel Community Section
 - The Herald
 - Daily Business Review
 - Weekly
 - The Hi-Riser – Part of the Forum Publications
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- A subcommittee member suggested defining a date for the meeting that coordinates to the February 13th deadline to avoid ads coming out after the CRC meeting date.

The Chair suggested conducting a Summit Meeting; he asked that staff look at publication schedules, etc. to coordinate the efforts. He advised that the LUSC Report will not be ready for the full Charter Review Commission next week.

Ms. West advised that the LUSC could give a progress report at the full CRC meeting.

- A subcommittee member suggested that the subcommittee look at the proposed language for the newspaper and agreed to extract language from the proposed resolution.

- It was suggested that the subcommittee send information to the individuals on the School Board in addition to School Board staff.
- Ms. West suggested a letter to the Editor advising of the matter and requesting the public weigh in on the changes being proposed. Subcommittee members agreed that this should be done in addition to the newspaper ads.
- A subcommittee member suggested creating a Box Ad with just the resolution's actual ballot question that the public would actually vote on.

The Chair called the MOTION, I's were stated and the MOTION passed unanimously to place the newspaper advertisements.

- A subcommittee member referred to Page 3 of the proposed resolution and asked for the inclusion of a phrase. He referred to the 5th line after the phrase 'Natural Area Parks' and asked if the words "or Regional parks" be added?
- The Chair explained that there is an entire discussion as to the mechanics of what is presently in the ordinance and whether that language should be added or not, will depend upon the current discussion. He tabled this question to later in the meeting.
- A subcommittee member asked for whoever is responsible for the construction to look at the proposed resolution to see if the phrase should be added.

Mr. Horowitz: If I can just add one point on that. We're talking about the Natural Area Parks vs. Regional Parks in the ballot question. The Regional parks actually are at the end of that question, because the Regional Parks require a unanimous vote of the County Commission. The Natural parks are going to require an approval of the voters; a 2/3 majority vote of voters voting at a referendum election. There is a distinction in what we are trying to convey there.

- The subcommittee member advised that this is part of his issue, because one requires action of the County Commission and the other is saying the electorate. He explained that his suggestion is that the electorate could be involved in both.

The Chair requested Mr. Horowitz provide an overview of Exhibit A for the subcommittee.

Mr. Horowitz: Just to walk you through a part of what we did here. This resolution more than I think, just about any other resolution that we've prepared thus far, we have worked very closely

with the County, Mr. Harbin's office, and Ms. Maite Azcoitia of the County Attorney's office to make sure that what we put together is actually workable from their perspective since they are obviously the ones that are going to really need to utilize the function of the resolution.

Going through it, they have provided us with a complete list of all the Natural Area Parks in the County and that is listed in *Subsection 1*. At the end, here in V and W, we have all land future acquired and all land currently owned.

The Chair interjected and asked if any of the subcommittee members should have questions or comments; he wishes to go through the resolution slowly to ensure that the subcommittee understands exactly what is happening.

Mr. Horowitz: Going back to V and W for Natural Area Parks, we have all land acquired in the future, as well as all land currently owned and subsequently re-designated as a Natural area park that would be subject to the provision of this section. Essentially with Natural Area Parks, any changes that the County wants to make to any of the parks listed here, would need to be approved by a 2/3 voter majority voting at a referendum election. The Natural Area Parks you see in *Subsection 2* can only be used for what we call passive recreation park uses. You will see it says, "No private commercial advertising may be erected. It may not be sold, transferred, or used for commercial purposes or have their use otherwise changed without the approval of the voters of Broward County."

- A subcommittee member referred to section W and asked if the language should read "re-designated **as** Natural Area Parks."

Mr. Horowitz: This whole section pertains to Natural Area Parks and coming down the road, we will have the Regional Parks and it is similarly re-designated.

The Chair recognized Ms. Olson.

Ms. Olson: You have a memo in front of you from Commissioner Jacobs, and my name is Sue Olson with Commissioner Jacobs's office. She is not available to be here today but provided a memo. She has concerns regarding paragraph 5.

The Chair advised Ms. Olson that the subcommittee has not reached paragraph 5 as they have just completed paragraph A.1.

Ms. Olson: I will hold my comments, and when we get there, I will talk about them.

Mr. Biederman: I just had a question because your attorney did go into paragraph 2 in terms of how the referendum would work. I just think some dialogue on this issue might be helpful. The way I understand it, currently to amend the Florida constitution would require a vote now of 60% of the voters. It was at a 50% threshold, now it is a 60% threshold. What this amendment, if approved by the voters would now require would be a 66% threshold to pass from the voters in Broward County; is that correct?

Mr. Horowitz: That is correct.

Mr. Biederman: Are you aware if anywhere else, around the State that requires such a high threshold for passage?

Mr. Horowitz: Of something of this nature, or of any referendum in general?

Mr. Biederman: Any referendum in general?

Mr. Horowitz: Nothing specifically comes to mind, but in doing our research we did come up with 2/3 as a voter approval. I can't think of the specific issues, but I know we did see it else where. Again, I don't have a definitive example for you.

Mr. Biederman: That is one of the reasons that I am here today because I think it is an important issue for the subcommittee's discussion. I think if you are talking about amending the Florida Constitution at a 60% threshold – it would be my opinion that talking about a 2/3 threshold for something of this nature is fairly high.

- A subcommittee member asked Mr. Biederman - explaining that the question is not meant to be facetious. If he thinks that it should be easier to sell, transfer, or use a Natural park for commercial purposes; that it should be easier than currently drafted.

Mr. Biederman: Well it is currently now, because it is within the authority of the County Commission to do that. I think it is too high of a threshold, and I am not even sure that it belongs in the Charter, but we can have that conversation at a later time.

- A subcommittee member expressed concern that a discussion regarding the 2/3 vote never took place between the subcommittee members; yet it is included in the draft.

- The Chair advised the subcommittee that they should feel free to suggest changes.
- A subcommittee member agreed with the concerns and suggested if 2/3rd is good, bad or indifferent the subcommittee has to decide.
- The concerned subcommittee member advised that he thought the referendum would be 50% plus 1.
- A subcommittee member reminded everyone that the goal was to make the resolution stricter.

Ms. Olson: Commissioner Jacobs brought forward the idea of bringing these parks to – If they were to be sold or change to some commercial use, to be brought to the voters. She did not speak to the issue of whether it was 2/3 vote or a majority vote.

[Commissioner Rogers entered at this time 9:05 a.m.]

- A subcommittee member referred to the last sentence of Commissioner Jacobs' memo advising that it addresses a 2/3 vote.

Ms. Olson: I think she was just mirroring what was currently in your resolution because she was speaking to issues that are currently there that she had concerns about. Frankly, we have not had a discussion about the 2/3rds in the office. What she was asking for there is, she thinks you need to consolidate – A subcommittee member commented that there is a need to be consistent whether it is a Regional Park or Natural Park. They should both be treated the same.

- A subcommittee member stated that they agree with Commissioner Jacobs' position 100%.

Ms. Olson: I think she was just mirroring the language that currently exists.

- A subcommittee member advised that from their perspective of the memo they believe that it clearly states that Commissioner Jacob would like to include a 2/3 vote of the electorate for Regional and Natural Park areas.

The Chair asked the subcommittee what they believe the percent should be regarding the 2/3 vote.

- A subcommittee member confirmed that the 2/3 vote is strictly for Natural Area Parks not Regional Parks.
- A subcommittee member advised that he wishes to have both the Natural Area Parks and Regional parks in the same grouping.
- A subcommittee member advised that as it is now, he has no problem with the 2/3 because it is addressing wetlands, sensitive Natural areas, not just a general park.

Mr. Horowitz: If I can just add one point that may help a little bit. In Section 3, we have a definition of *passive recreation park uses*, which essentially sets out the specific uses that these Natural Area Parks can be used for. That may offer us a little clarification on the point. The section sets out the specific uses that would be subject to the 2/3 vote of referendum.

The Chair asked Mr. Harbin if he could give the subcommittee a brief description of the type of land that is currently being discussed pertaining to Natural Area Parks.

Mr. Harbin: A Wetland can be what people refer to commonly as a swamp, most of the time it is in water. It would vary some depending on our weather. Just the complete opposite would be a scrub site, which you normally would look at as very undernourished pines and sugar sand that is developed a lot here in South Florida. We just opened one a couple of weeks ago, Highlands Scrub Site in Pompano Beach right there on Dixie Highway. It was to protect and refurbish and put it back in its original state, because it had a lot of destruction.

A subcommittee member asked Mr. Harbin what kind of development is in the parks now.

Mr. Harbin: This would help you understand a little bit better. The majority of our Natural area sites are highly sensitive environmental plants and protection of animals, birds, fish everything. However, in some of these sites they have disturbed areas which gives us an opportunity to provide a building or a parking lot or other features to enhance the public's use out of it. Does that help answer it? In other words, we are not going to go into a Natural area site and wipe out Mangroves or wipe out any other sensitive material just to put a building or restaurant there.

A subcommittee member asked if you could walk on a Natural area site.

Mr. Harbin: All of them you can. There are some that you go in under supervision only – yes. The reason for that is to control where the public goes. For example, Fern Forrest has some of the most sensitive ferns anywhere in the County; that is why it is called Fern Forrest. It has very rare ferns that the public does not even know about.

Ms. Olson: I have not been in all of them, but I have been in a few and all of them -- within the designated acres assigned for the Natural area. Yes, you have parking; yes, generally you have boardwalks, and you would have restroom facilities which require a structure. In Hillsboro Pinelands – Fern Forrest, I guess an observation tower exists and in others some are planned so that you can get an aerial view of the area. There are amenities in a sense that within that designated 50 acres, 25 acres whatever it happens to be, you have to provide for the public. Those areas are put in the most disturbed portion of the area that was acquired under the bond – in almost all of the areas. I am going to say probably 100% have some portion that has been disturbed. I doubt there is very little that's pristine any longer.

- A subcommittee member asked Mr. Harbin if there is a lot of construction going on in the parks.

Mr. Harbin: It depends on the site and whether it avails itself to that. Here is one I am sure most of you could relate to Old Kapok Tree Restaurant. We bought that property in there and we are putting in a nature center where the restaurant use to be and where the parking lot was – we've come in and redone it, but everything else stayed intact. It's like a big Oak Ridge, it's called Long Key and it will open after the first of the year.

Ms. Olson: It brings the question to bear. There is a site here in the Natural area site called the Helwig Site; that site has yet to be developed. It has been fenced off, and it is roughly a 10-acre site in Deerfield Beach that is adjacent to Public Housing and that public housing is owned by the Broward County Housing Authority. It has been demolished in favor of newer public housing, that site while it is a nature area is a pine scrub site. There is an area that will be developed because that is the area that is most degraded. The site has been configured in a way so that the park has become something of an amenity if not an asset. The roadways have even been reconfigured so that the community feels like that park is a part of them and has access to the neighborhood as well. So in my mind the question is when is a park a Natural area and when is a Natural area a park? Sometimes they have similar aspects.

- A subcommittee member suggested limitations such as if a park is sold, transferred, or used for commercial purposes it should require a 2/3 vote.
- A subcommittee member advised that they are uncomfortable with tying the hands of future government, and that a simple majority vote would protect the parks.
- Another subcommittee member stated that they agree with the 2/3 vote based on what was discussed; they added that these are the most sensitive lands in Broward County.

- A subcommittee member advised that they have a conflict because in his working life, he was the director of Public Service Department in County Government, and one of the divisions in his department was Parks and Recreation. He advised that he is in favor of the 2/3 vote.

Ms. Rogers advised that she currently sit on the Parks Advisory Board and the Land Preservation Board that was involved in the \$400 million bond issue. She added that after being on those Boards for more than 10 years, she is for preserving and for the language to be as strict as possible to make sure that the County preserves the parks.

The Chair recognized Commissioner Keith London from Hallandale.

Mr. Benson MOTIONED to keep paragraph 2 as is including the 2/3 vote, SECONDED by Ms. Davidson.

Ms. Olson: Can I speak to another issue in that paragraph. The second sentence, “there shall be no private commercial advertising erected in a Natural Area Park.” I am sure that there is a consensus, and I think what the thought would be – would be billboards or something of that nature. I guess my concern is a little bit different; it is not uncommon for people to want to donate and have a kiosk or something in someone’s memory, name, or death. I am just wondering how that fits into this.

A subcommittee member advised that he would view that as commercial advertising.

Mr. Harbin: If I may a few months ago, the Commission passed a resolution ordinance on the issue of naming rights and advertising Natural areas are excluded from that.

The Chair stated for the record that Mr. Biederman believes that the language is too restrictive.

Mr. Biederman: I just wanted to actually have the conversation here, on this issue in front of the group. I think we’re more concerned with some of the language regarding the Regional parks.

The MOTION PASSED by a vote of 7:1.

The Chair read paragraph 3 of the resolution, and asked if the subcommittee had any questions or comments.

- A subcommittee member asked that if this section passed, would the Deerfield field not be able to go though.
- Another subcommittee member replied no.

Ms. West advised that she does not see the issue as being prohibited by the city not having a playground; she added that there still would be somewhere for the children to play.

Ms. Olson: The point of this was to have a focal point for kids, as opposed to running through the nature.

Mr. Harbin: I just wanted to reiterate. Under no circumstances in any park or Natural area are we going to put a playground, a restroom, or anything on sensitive fauna. That is not going to happen. Period. I want you to understand that. The only reason we would do that – and what Sue was talking about, was this was part of a highly disturbed area. For example, the one I just told you about the highland scrub, it was a concrete dumping ground with the industry next door to us. We had to go and clean up all of that, but it did leave the opportunity to go put in a parking lot and a road to get to it, to meet ADA requirements for example. Each park site is going to have a set of circumstances that we are going to deal with, but under no circumstances would we go in and rip out native fauna to put in anything. It is protected at least from our responsibility.

- A subcommittee member asked how paragraph 3, page 2 relates to page 4 where it says, *“The following land shall not be subject to the provisions of this Article.”*

Mr. Horowitz: The parks listed in section 4, that are set out as an exemption would not fall under this resolution. These were provided by the County and I believe it is a cumulative list of the neighborhood parks. The intent was to not provide any overbearing restrictions on amending the use of parks that are within neighborhoods, for instance, if they wanted to erect a playground or something to that extent. The neighborhood and the County would have the ability to do that, to provide services to the neighborhood.

- A subcommittee member asked Mr. Harbin for the record, to define a neighborhood park.

Mr. Harbin: Generally neighborhood parks, when we went back in doing our overall Comp Plan, the definition basically was it is a property that would serve the radius of 2.5 miles or within a neighborhood itself. We’ve got hundreds of neighborhoods all over the County, and when we had opportunities to either purchase a piece of property, in some cases it was given to

us. If the term under the ordinance where you have to give land for development and so forth; (Transfer Development Rights), that would be another opportunity of where we would put in a neighborhood park and, in general, they were less than 40 acres.

Mr. Horowitz: One prior draft had actually a definition stating, less than 40 acres located within a residential district. There was some discussion and ultimately it was decided to include specific parks that were set out, rather than leave a general definition.

- A subcommittee member explained that he is trying to have language that would protect the neighborhood parks if they fall within a certain size. He explained that in looking at the nine (9) parks listed, he does not know one that is not in a minority-oriented neighborhood.

Mr. Harbin: The only one there would be Mills Pond and that should be removed. That was a piece of property that we leased to the City of Fort Lauderdale, and they combined their property to do Mills Pond Park.

- A subcommittee member explained that his point is, if the size of the park is less than 40 acres but greater than 10 acres for example, he does not think contractors or builders would want to come in to work with anything that is less than 10 acres, but they may want to, from 10 to 40. He advised that he would want to protect the conduct of the parks listed if they are within that size range.

Mr. Harbin: I think in our discussions with Mr. Horowitz when we were talking about that, it came up. It is planned at this point, when annexation occurs in an unincorporated area; we are passing these properties on to the municipalities. When it is passed on to the municipality in the deed restriction, it must be used for park and recreation purposes in perpetuity or it reverts back to the County.

- The subcommittee member explained if this is the case, he has no problem with it.

Ms. West advised that it was also discussed that they did not want to tie the County or the municipality's hand in the negotiation of the Interlocal Agreement when they do the annexations. She explained that Larry Lymas-Johnson, Esq. honestly stated that these are problem areas in terms of the areas that people don't want to take.

- A subcommittee member stated that they are fine with the protection of the parks that was clarified by Mr. Harbin.

- A subcommittee member referred to paragraph 3 with regard to Helwig Park and asked if the County could define what the Helwig Natural area is versus the disturbed park where the playground is going, so that the proposed resolution will not affect what is taking place with Helwig.
- A subcommittee member expressed concern with doing this because once you make exception for one you might have others coming forward with additional exceptions.
- Another subcommittee member asked Mr. Harbin if there is way to redefine Helwig Park.
- A subcommittee member also asked Mr. Harbin if there are other areas where the County is negotiating for something similar to Helwig.

Mr. Harbin: Yes there are. I think the two distinctions here is environmental sensitivity of the property and property that we have that is a Natural area that also has some disturbed area in it previous to buying. Does that make sense? That is how you would distinguish where that opportunity would exist; if the entire piece of property is environmentally sensitive, then the answer is no – you cannot put anything on it. If you have an opportunity because of it being disturbed before you purchased it, you need those things. For example, if the public is going to come to a Natural area, a restroom is needed.

- A subcommittee member asked Mr. Harbin if he is suggesting that there should be an exemption to the restriction on Natural Area Parks.

Mr. Harbin: I think that each site has a different set of circumstances about what is around it, how big it is, how small it is, whether it has very sensitive material on it – that has a small portion on it that is disturbed. Take Fern Forrest for example which is almost 250 acres; the parking lot and the building alone might take up 2 acres.

- A subcommittee member clarified that they are talking about non-ancillary, and things that are not part of the park activities.
- A subcommittee member expressed concern that right away an exception is being made.

Mr. Harbin: Let me say something that maybe you all can just think about. One size does not fit all in our park system. Every park we have is different. There are no two even closely alike and one statement does not fit every park or every situation. What you would be doing is tying the hands of people trying to give the public opportunity to go in and see these facilities, not something that is going to desecrate it.

- A subcommittee member asked how prohibiting colorful children's playgrounds would restrict the Park Department's ability to have people come in to see the facilities.

Ms. Olson: The property is just west of Dixie Highway between Sample and 10th Street, east of I-95; it is a residential community and the property is land locked. In the County's original list of possible sites to be purchased under the 2000 bond, it wasn't there. It was discovered following a neighborhood tour by Commissioner Jacobs. It was just like, what's that is over there. There was no access to the property. It is a Pine Scrub site. It happened to be adjacent to public housing; public housing that was set to be raised, individual four unit town houses that was deplorable and embarrassing to be truthful. However, the Housing Authority is creating a new facility, the site is demolished now, with all new housing, and it's much denser housing. The residential surrounding neighborhood was concerned. The City of Deerfield was concerned that this land locked property was going to become a hazard as opposed to an amenity. The Developer involved with the project with the Housing Authority actually totally reconfigured their design of the project so that nobody's back is to the park. Additionally our plans for the park were modified any number of times, to accommodate access, to make sure that we weren't creating a dangerous situation. Part of that was with Deerfield's point of view. They wanted a focus point for not only the low-income housing that was going up, but also for the middle income residential neighborhood that surrounded there. It was quite a controversy in the City of Deerfield, the City of Deerfield had to amend their zoning to approve the denser configuration of affordable housing, and it was part of that negotiation. As far as the actual construction of the site, it has been cleared, and it has been fenced.

Mr. Harbin: Right now it's just been fenced at this point. Our plans would be for staff to go through and do a Resource Management Plan. That is the first step we take and then the next step would be to develop a Master Plan.

- A subcommittee member inquired about the timing that it would take.

Mr. Harbin: Timing, I would say probably at least a year. I think we would rather want to coincide with what is going on with the housing development next to us.

- A subcommittee member suggested taking the passive recreational park uses clause out of the proposed resolution. He explained that by doing so, it will take care of the problem and leave it to the discretion of the County.

Ms. Rogers stated that because Broward County is so land locked, she does not wish to restrict uses of the Natural Area Parks.

- A subcommittee member asked if there is a definition for disturbed areas.

Mr. Harbin: You would know if you saw it.

- A subcommittee member asked if there is a definition for passive recreation areas.

Mr. Harbin: We have tried to stay away from that because you can debate passive and active. It depends on the thought of the person, as to what's active and what's passive; that is very difficult.

- A subcommittee member referring to the future advised that the subcommittee cannot take away power from people you elect and give it to the staff.
- A subcommittee member suggested adding the language, "***Undisturbed Areas of Helwig Park***" to the definition of Natural Area Parks. He asked Mr. Harbin if this solves the problem.

Mr. Harbin: Yes.

- A subcommittee member asked Mr. Harbin if there are other disturbed areas in Helwig Park.

Mr. Harbin: Yes – just so you know, it is not our plans to do that; we are going to have to go in and do some replanting. For example, it had a lot of these little motor cross 4 wheelers that ran on it for years; some of it they were not able to ride on.

- A subcommittee member then suggested the language states, "*Helwig Park less the disturbed area on the east side*", or somehow define it. He then asked for consensus if this makes sense of how to settle the issue.

Consensus was that it makes sense.

- A subcommittee member advised that the first thing would be is to get the park built by County referendum and asked Mr. Harbin if he thinks this will come up in other negotiations on the parks.

Mr. Harbin: I feel what you have listed here is pretty much 98% of what we have in our Natural Area Parks right now.

- A subcommittee member pointed out that looking at the way paragraph 1 is currently written, it means that the County could always purchase land and say this ,2/3 of it is going to be a Natural park and this is going to be a Regional park.

[Dr. Rosenbaum exited at this time 9:53 a.m.]

Mr. Harbin: Really, you are going to hear that later on when you get to the Regional parks. We have some of that – take Tree Tops Park in Davie, for example, it is probably 90% sensitive property.

The Chair stated FOR THE RECORD: *Commissioner Jacobs came up with a general idea of this, I don't want anything in this record, anything in this ordinance – she has not recommended anything in this ordinance. She is in the process of reviewing it. This is purely a product of staff, my in- put and the County staff. I don't want any particular thing, for the record, to come back to Commissioner Jacobs and say, well you are advocating this or that. At some point she may, but until yesterday, she had not even seen it.*

The Chair asked the subcommittee if anyone had a problem with having Legal Counsel draft language to address Helwig Park.

- Consensus was attained to have language crafted for Helwig Park and leave the rest where it is.

Mr. Horowitz: Okay, no problem.

- A subcommittee member referred to paragraph 5, page 2, adding that they believe that Item 5 is very restrictive and he now believes based on today's conversation, that it is now too restrictive.
- The Chair suggested that paragraph 5 should be re-written adding something that allows facilities that enable access to the uses of the Natural Area Parks, can be constructed (or language similar). He advised that the County should be able to build parking lots, ramps, tasteful restrooms, shelters, boardwalks, observations decks as long as they are consistent with the Natural area park use.
- A subcommittee member suggested the phrase, except for the purpose of non-commercial ease, comfort, and appropriate access. Consensus was to allow Legal Counsel to determine the appropriate language.
- A subcommittee member asked the subcommittee, should things outside the ease and comfort items require voter approval.

- A subcommittee member asked if this might be the concern of Commissioner Jacobs in her memo.

The Chair asked Ms. Olson if she knew what Commissioner Jacobs' concern was.

Ms. Olson: Just what you are talking about. It would prohibit the County from providing any amenity without going to a vote. It is cumbersome enough to get anything built without having to wait for an election cycle. It is an expensive thing to do.

- A subcommittee member asked if the current Ease and Comfort language includes a concession stand.
- Another subcommittee member asked if concessions exist in any of Broward County's Natural parks now.

Mr. Harbin: Do we have concession areas in Natural areas now? Not in the true sense. We might have a soda machine or a cracker machine. We do not encourage people to take food out on our boardwalks, because they are tempted to feed animals, which we don't want them to do.

- A subcommittee member inquired about Deerfield Island. He asked if it is considered a concession provided to cross the canal to get over to the Island.

Mr. Harbin: No. Our staff operates the boat.

Ms. Olson: Just as a point, Deerfield Island isn't on either of your lists. It's not owned by the County; it is leased.

Mr. Harbin: Remember, Deerfield Island is owned by Florida Inland Navigational District (F.I.N.D) and leased to the County. We do not own it.

The Chair asked the subcommittee how they feel about concessions.

Consensus of the subcommittee was not to allow concessions.

Mr. Harbin: Just so you all know, at some of our nature centers we have kitchens for groups where they can do warming like a birthday parties or a wedding reception or something like that, but there is no full time concessionaire sitting there, no.

A brief general discussion ensued regarding rental of the nature center for parties. It was agreed to be careful and aware, so as not to tie the County's hands on this as a revenue source that does not hurt anything.

The Chair read through paragraph 6, and asked the subcommittee if there were any questions or comments.

- A subcommittee member suggested making the restrictions broader in paragraph 6; so that it is bound.
A subcommittee member suggested language stating that "this paragraph shall not prohibit... The property remains bound by whatever restrictions in this section".

The Chair gave Mr. Horowitz the floor to discuss Regional Parks.

Mr. Horowitz: We essentially set out the parks for Regional designation, the same as we did for Natural area. They have the same two provisions S and T; providing for future acquired and currently owned but subsequently re-designated lands. Again Regional parks shall only be used for park purposes which are subsequently defined; and again transferred, sold or otherwise have the uses; here we provided for a unanimous vote of the County Commission.

Going back to something Commissioner Benson said earlier. Here we had the Commission having the final say vs. Natural Area Parks; the voters having the final say. I just wanted to make that this is still the intention. We are going to bifurcate the designations so that there is a listing of one and another, and that there is a different process for each as far as changing the use.

- A subcommittee member advised that the original idea of the subcommittee was to be more restrictive on Natural Area Parks and less restrictive on Regional parks.
- Another subcommittee member asked if the less restriction on the Regional parks would give rise to the probability of Regional parks being on the market for a reconfiguration that will cause for private developers. He expressed that he does not want this to happen.
- A subcommittee member replied yes, explaining that it requires a unanimous vote of the County Commission.
- The subcommittee member advised that he wants the people to be involved in this because the people voted for the bond issue.

- A subcommittee member disagreed and pointed out that the proposed resolution reflects that it has to be replaced acre for acre.
- Several subcommittee members advised that they do not care that it states to be replaced acre for acre.
- A debate ensued between multiple subcommittee members as to the language and whether the people should vote on the issue.
- A subcommittee member asked what type of vote should be required and by whom in order to sell, transfer, otherwise have the park use changed.

Ms. Rogers advised that the Land Preservation Board prepared a letter and she wished it was available; it includes the Community providing their position on the issue. She does not wish to say exactly what was said; however, she believes Regional parks were included in the language, wherein you need to go to the voters.

The Chair advised the letter will be provided at the next meeting. And pointed out that this would mean they wanted to be more restrictive than what is drafted.

Ms. Olson: I have an email from the Executive Director of the Land Preservation Board, in which he is summarizing. I would pass it around, except I wrote all over it. But I can provide you the email. He says that they believe that a 2/3 vote of the electorate should be required for all County parks not Natural areas only.

- A subcommittee member asked if that is Commissioner Jacobs' position as well.

Ms. Olson: She believes that for simplicity purposes as much as anything else and for the large concern, she has forgone pressure on elected bodies, whether it is a unanimous vote or not it may seem very difficult. But as time goes on, we are bound in our boundaries on our developable land. While we are 2/3 of the Everglades, we can only build on 1/3 of the County and we are already essentially built out. As we continue to grow even though we are in down cycle right now, in the future; we've seen it already in a little glimpse in this real estate cycle that we've had, property that people never thought would developed was developed. We've had burrow pits built where developers went in and bought land and took out gravel, morrow or whatever, sold it, it became a lake that people built around, and now because it is still privately owned. Nobody would have thought it was affordable to refill that burrow area to make it developable, but it is going on today, because it is a valuable commodity. We have what was a lake that is privately owned by a developer that was dry land to begin with, becoming dry land again. So the pressure to build is going to be constant and Mr. Biederman is here to present his

side of that story, but if we are going to do something to a park that takes away from its capacity and we have more people, we're going to need more land in our park. Then we're not going to be able to buy 100 acre tracts anymore.

- A subcommittee member advised that taking a 100 acre park and diminishing it by 4 to 6 acres and moving it to a different location to him, it isn't the same.
- A subcommittee member asked how many Regional parks are in Broward County.

Mr. Harbin: Seventeen (17).

- The subcommittee member pointed out if you were to take 5 acres from each of the 17 parks – it would be over 50+ acres (85 acres) of land you would take from the parks. He asked why someone would want to do this. He advised it does not make sense and every acre is important for park activities.

Ms. Rogers stated if there was a natural disaster such as a Hurricane and the park blew away and nothing was left, how would this affect the proposed resolution? She asked if the subcommittee is saying if something should come in and the landscape is no longer pristine, is that 100 acres to go back to its original state?

- A subcommittee member responded that if there is a big issue like that, the land could be changed or sold by going back to the voters or by a unanimous County Commission vote.
- Ms. Rogers responded that she would want it to go back to her voters.

Mr. Biederman: Two thoughts also on a previous measures: first of all I think what the committee did on the first item with the requirement of 2/3 on the Natural parks is a good thing. I also think it's worth noting that developers like building near parks because the value of those properties can be significantly increased based on that. Having said that, and to build on Commissioners Rogers' point, I think the dialogue should be had by the subcommittee – what if you have a Scripps situation like they had in Palm Beach County? What if the CDC wants to come down here and they are doing cancer research, and they want to build a facility and there is really no other available parcels other than using a piece of some of these parks? I just think it is a dialogue worth having. Again, I think the unanimous vote by the County Commission on this might be a high threshold to meet. I know there has been some debate whether it should

go to voters or the County Commission, but again if you throw in the hurricane example, I throw in that example as well to say you know, maybe the threshold could be too high.

- A subcommittee member thanked Mr. Biederman for his analogy and suggested taking that same situation to the vote of the people and if 2/3 vote of the people would agree with that position, they would vote to say yes, that's okay. He stated that he is suggesting that the lobbying effect would be different with the voters juxtaposed to the 9 people sitting on the County Commission. It would appear to him that if the people who are aware of the ravages that cancer can cause on families, would agree that park land should be given up to allow for Cancer Research to move into the area; then they will vote to do that.

Mr. Biederman: Just to respond and listening to the debate today, I think that the voters have elected the County Commission to make those types of decisions, so I think it's a good thing that it has been bifurcated and it probably still on an issue like this needs to stay in front of the County Commission.

- The subcommittee member responded that the people have paid the money to pay for the property to cause it to become land. He stated while he has given the County Commission the right to act on his behalf, in this instance he does not want them to.
- A subcommittee member asked if a government could invoke eminent domain. He explained that if the proposed resolution is passed and a quarter of the park is needed to put a monorail leg on, can the courts invoke eminent domain on the State's behalf?
- Another subcommittee member replied yes.
- The Chair recognized that many of the subcommittee members are leaning toward a same voter requirement for Regional parks as with Natural Area Parks.
- A subcommittee member responded that he feels it will be harder for the Regional parks because of the acre per acre exchange requirement which is not currently on the passive area.
- A subcommittee member asked if you were to put the acre per acre exchange on the Natural areas, would that exchange be of similarly situated lands?

Mr. Horowitz: That may not be possible.

- The subcommittee advised that this is his point. So, you can't add the requirement to Regional parks.

The Chair asked if there is a motion to change the provision of the unanimous vote of the County Commission.

Mr. Benson MOTIONED to change the language from the unanimous vote of the County Commission, to the 2/3 majority vote of the electorate, SECONDED by Ms. Davidson. The MOTION passed 5:1.

Ms. Davidson MOTIONED that there be no acre per acre replacement requirement, SECONDED by Mr. Ketcham and the MOTION passed unanimously 6:0.

Ms. West advised the Chair that another meeting is scheduled for the room.

The Chair tabled the remaining Agenda Items until the next meeting.

The Chair requested Legal Counsel provide a redline re-draft based upon today's mockups.

Next Meeting

The next LUSC meeting will be held on November 2, 2007 at 8:30 a.m.

IV. Public Comment

Commissioner Keith London: Good morning, I am Commissioner Keith London, City of Hallandale Beach. First I would just like to comment – I have come to maybe 3 or 4 these meetings and I compliment the Chair and the Board for their thoughtful deliberations and the time and consideration they take. This conversation is very well thought out and also the way everybody communicates with each other; it is very nice to see this.

Food for thought and I know if this has been brought up, because I know you were going with the voters a 2/3 referendum. The consideration of the subcommittee that the Charter may be to change the size of the County Commission, or possibly go to a Strong Mayor. relative to this issue, you might want to consider that when you are talking about how you are going to put the language in there for a unanimous vote of the County Commission.

The Chair informed Mr. London that the LUSC has just voted to remove that and the County Commission would not be involved.

Commission London: I understand that, just for food or thought in case it does come back somewhere along the line. ***Two of the local newspapers down in our City would be the Sun***

Times and the Hallandale Digest. I would like for you to consider advertising there and potentially maybe also do an evening meeting. I know how hard it is to get some of your Board members here at 8:30, so possibly consider an evening meeting when it gets down to the nitty-gritty in order to have more of the general public. Thank you for your time.

V. Adjournment

There being no further discussion or comments the meeting was adjourned at 10:25 a.m. The minutes of this meeting are recorded on CRC-LUSC CD #10.19.07 (BCGV CTR).