

MEETING OF NOVEMBER 27, 2007

(Meeting convened at 10:25 a.m. and recessed at 12:00 p.m.; reconvened at 12:25 p.m. and adjourned at 1:18 p.m.)

PLEDGE OF ALLEGIANCE was led by Broward County Sheriff Al Lamberti.

MOMENT OF SILENCE

In memory of all men and women of the armed forces who are serving in the Middle East and around the world and have given their lives for freedom.

Prayers for the family of Deputy Paul Rein, who was killed in the line of duty.

Prayers for Pompano Beach Vice Mayor Pat Larkins, who is recovering from surgery.

Prayers continue for BSO Deputy Maury Hernandez, who is still recovering from being shot in the line of duty.

Prayers for Sgt. Lisa DiSavino, who is recovering from a stab wound while pursuing a suspect.

In memory of community activist Howard Zimmerman.

CALL TO ORDER: Mayor Eggelletion called the meeting to order and declared a quorum present.

<u>COMMISSIONER</u>	<u>DISTRICT</u>	<u>ATTENDANCE</u>
Josephus Eggelletion, Jr.	9	Present
Sue Gunzburger	6	Present
Kristin D. Jacobs	2	Present
Ken Keechl	4	Present
Ilene Lieberman	1	Present
Stacy Ritter	3	Present
John E. Rodstrom, Jr.	7	Present
Diana Wasserman-Rubin	8	Present
Lois Wexler	5	Present

CONSENT AGENDA

A motion was made by Commissioner Lieberman, seconded by Commissioner Eggelletion and unanimously carried to approve the Consent Agenda consisting of Items 1 through 22. At the request of the Mayor, Regular Agenda Items 25, 27, 28, 31 & 32 were transferred to the Consent Agenda.



Icon indicates that the item is related to an established Commission Goal.

MAYOR’S STATE OF THE COUNTY MESSAGE

COMMISSION ELECTION OF MAYOR

Nomination and election of the Mayor of Broward County for a one-year term.

ACTION: (T-11:43 AM) The Board elected Vice Mayor Lois Wexler as the new Mayor of Broward County.

COMMISSION ELECTION OF VICE MAYOR

Nomination and election of the Vice Mayor of Broward County for a one-year term.

ACTION: (T-11:57 AM) The Board elected Commissioner Stacy Ritter as the new Vice Mayor of Broward County.

CONSENT AGENDA

1. **BOARD APPOINTMENTS**

ACTION: (T-12:26 PM) No Board action taken,

COUNTY COMMISSION

2. **MOTION TO FILE** City of Cooper City, Florida Resolution No.07-9-11; urging the Federal Government and the Legislature of the State of Florida to take any and all action necessary to preserve and protect the Levee System surrounding Lake Okeechobee. (Mayor)

ACTION: (T-12:26 PM) Approved.

3. MOTION TO FILE City of Dania Beach, Florida Resolution No. 2007-140; urging the Governor of the State of Florida to create by Executive Order, a Special Statewide Panel of Interdisciplinary Experts to study the recent rise in vicious dog attacks; requesting that this special panel examine the extent of the vicious dog problem throughout the State of Florida, as well as consider the causes and identify potential solutions to the recent increase in dog attacks; specifically urging the panel of experts to study the extent to which dog owners may be held accountable for injuries and damage caused as a result of dog bites; urging that the special panel be comprised of individuals of various relevant backgrounds and disciplines, and asking the panel hold public hearings to solicit the input of the general public; requesting that the panel make specific recommendations to the Governor, the Legislature of the State of Florida, County Commissions throughout the State as well as City Commissions throughout the State in an effort to protect public safety while ensuring the rights and responsibilities of dog owners throughout the State; offering the City of Dania Beach, Florida, as a test venue to initiate the study by the statewide panel of experts; directing that this Resolution be forwarded to the Governor, Members of the Florida Legislature, the Broward County Legislative Delegation, the Broward County League of Cities, the Florida League of Cities, and the Broward County Commission. (Mayor)

ACTION: (T-12:26 PM) Approved.

4. MOTION TO FILE City of Hallandale Beach Resolution No. 2007-33; opposing the Broward County Planning Council's proposed amendment to the Broward County Charter authorizing Broward County, at the request of an affected Municipality, to approve or deny action deny action by municipalities with regard to road closures; urging all municipalities in Broward County, the Broward County Charter Review Commission, the Broward County Commission, the Broward League of Cities, and the Electors of Broward County to oppose the Planning Council's Proposed Charter Amendment. (Mayor)

ACTION: (T-12:26 PM) Approved.

5. MOTION TO FILE City of Hallandale Beach Resolution No. 2007-36; opposing the proposed Constitutional Amendments(s) on the January 08, 2008 Ballot and the HB1B legislation preventing Local Governments' Constitutional prerogative to levy up to (10) mills. (Mayor)

ACTION: (T-12:26 PM) Approved. (Scrivener's error not mentioned in the Monday Night Memo. The Special Election is January 29, 2008, not January 8, 2008.) (Refer to minutes for full discussion.)

6. MOTION TO FILE City of Hallandale Beach Resolution No. 2007-38; opposing Broward County's proposal to Amend its Land Use Plan Effectively Preempting Municipalities in Broward County from Regulating Golf Courses. (Mayor)

ACTION: (T-12:26 PM) Approved.

7. MOTION TO FILE City of Hollywood, Florida Resolution No. R-2007-315; urging the Governor of the State of Florida to create by Executive Order a Special Statewide Panel of Interdisciplinary Experts to study the recent rise in attacks by dogs; requesting that this special panel examine the extent of the vicious dog problem throughout the State of Florida, as well as consider the causes and identify potential solutions to the recent increase in dog attacks; specifically urging the panel of experts to study the extent to which dog owners may be held accountable for injuries and damage caused as a comprised of individuals of various relevant backgrounds and disciplines, and asking the panel hold public hearings to solicit the input of the general public; requesting that the panel make specific recommendations to the Governor, the Legislature of the State of Florida, the Commissions throughout the State as well as City Commissions throughout the State in an effort to protect public safety while ensuring the rights and responsibilities of dog owners throughout the State; offering the City of Hollywood, Florida as a test venue to initiate the study by the statewide panel of experts; directing that this Resolution be forwarded to the Governor, Members of the Florida Legislature, the Broward County Legislative Delegation, the Broward County League of Cities, the Florida League of Cities, and the Broward County Commission. (Mayor)

ACTION: (T-12:26 PM) Approved.

8. MOTION TO FILE City of Lauderdale Lakes, Florida Resolution No. 07-135; expressing the appreciation of the City of Lauderdale Lakes to Boundless Playgrounds in connection with the establishment of a Boundless Playground at Willie L. Webb, Sr. Park. (Mayor)

ACTION: (T-12:26 PM) Approved.

9. MOTION TO FILE City of Lauderdale Lakes, Florida Resolution No. 07-136; expressing the appreciation of the City of Lauderdale Lakes to CVS Charitable Trust for its grant contribution in the amount of \$85,000 toward the construction of a Boundless Playgrounds at Willie L. Webb, Sr. Park. (Mayor)

ACTION: (T-12:26 PM) Approved.

10. MOTION TO FILE City of Lauderhill, Florida Resolution No. 07R-08-197; urging the United States Congress to adopt Legislation creating a Comprehensive, Integrated National Catastrophe Plan to better prepare and protect American homeowners from inevitable, large scale natural catastrophes. (Mayor)

ACTION: (T-12:26 PM) Approved.

11. MOTION TO FILE City of Lauderhill, Florida Resolution No. 07R-09-227; requiring that all future city buildings be designed and constructed to LEED Silver or better, qualified design standards as set forth by the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) Program; clarifying that the actual certification process need not be sought, but requiring the criteria to be met. (Mayor)

ACTION: (T-12:26 PM) Approved.

12. MOTION TO FILE City of Lauderhill, Florida Resolution No. 07R-08-196; urging Governor Crist and the Florida Legislature to support legislation amending the existing Florida Statutes, Chapter 556, entitled 'Underground Facility Damage Prevention and Safety', Section 556.105, entitled "Procedures", to require Excavators and/or Excavating Contractors to remove invalid utility markings from the rights-of-way upon completion of excavations and/or demolition work, further urging Governor Charlie Crist and the Members of the Florida Legislature to support legislation amending Florida Statutes, Chapter 556, Section 556.107, entitled "Violations" to establish violations for Excavators and/or Excavating Contractors that do not remove invalid utility markings. (Mayor)

ACTION: (T-12:26 PM) Approved.

13. MOTION TO FILE City of Lauderhill, Florida Resolution No. 07R-09-242; opposing Florida Hometown Democracy's proposed amendment to the Florida Constitution that would force voters to decide all changes to a city or county's comprehensive plan; urging municipalities throughout Broward County and the State of Florida, as well as Florida Electors, to oppose Florida Hometown Democracy's proposed amendment to the Florida Constitution. (Mayor)

ACTION: (T-12:26 PM) Approved.

14. MOTION TO FILE City of Lauderdale Lakes, Florida Resolution No. 07-122; authorizing the use of the City's Name and Official Logo in connection with the Celebration in honor of Barrington Irving. (Mayor)

ACTION: (T-12:26 PM) Approved.

15. MOTION TO FILE City of Miami Beach Resolution No. 2007-26635; recognizing Hialeah Park Race Track as a valuable local and National Historic Resource of great importance and urging the Owner John Brunetti and responsible Governmental agencies such as the City of Hialeah and the South Florida Regional Planning Council, to take such steps as are necessary and appropriate to preserve to the greatest extent possible this National Historic Landmark. (Mayor)

ACTION: (T-12:26 PM) Approved.

16. MOTION TO FILE City of North Lauderdale, Florida Resolution No. 07-10-5265; opposing Florida Hometown Democracy's proposed amendment to the Florida Constitution that would force voters to decide all changes to a city or county's comprehensive plan; Urging municipalities throughout Broward County and the State of Florida, as well as Florida Electors, to oppose Florida Hometown Democracy's proposed amendment to the Florida Constitution. (Mayor)

ACTION: (T-12:26 PM) Approved.

17. MOTION TO FILE City of Parkland, Florida Resolution No. 2007-97; supporting Senate Bill 1115 before the United State Congress know as the "Energy Efficiency Promotion Act", authorizing in Section 605 of Improved Initiatives aimed at Improving Energy Efficiency and Reducing Greenhouse Gas Emissions, as well as implementing Legislation on a National Level. (Mayor)

ACTION: (T-12:26 PM) Approved.

18. MOTION TO FILE City of Pompano Beach, Florida Resolution No. 2007-285; encouraging Members of the Florida Legislature to adopt legislation which would regulate the Parasailing Industry. (Mayor)

ACTION: (T-12:26 PM) Approved.

19. MOTION TO FILE City of Tamarac Resolution No. R-2007-152; opposing Florida Hometown Democracy's proposed amendment to the Florida Constitution that would force voters to decide all changes to a city or county's comprehensive plan; urging municipalities throughout Broward County and the State of Florida, as well as Florida Electors, to oppose Florida Hometown Democracy's proposed amendment to the Florida Constitution. (Mayor)

ACTION: (T-12:26 PM) Approved.

20. MOTION TO FILE Town of Davie, Florida Resolution No. R-2007-268; requesting the Broward County Commission continue to appropriate funding for the Nova Southeastern University Alvin Sherman Library, Research and Information Technology Center. (Mayor)

ACTION: (T-12:26 PM) Approved.

21. MOTION TO FILE Town of Southwest Ranches, FL Resolution No. 2007-97; recognizing the Gladesman Culture of Florida and its relationship to Everglades Holiday Park; opposing any rules or regulations that will change the current access and traditional uses of Everglades Holiday Park; requesting that Broward County also recognize and support the preservation of the Gladesman Culture. (Mayor)

ACTION: (T-12:26 PM) Approved.

REQUEST TO SET FOR PUBLIC HEARING

22. MOTION TO ADOPT Resolution 2007-772 directing the County Administrator to publish a Notice of Public Hearing to be held December 11, 2007 at 2:00 PM in the County Commissioners' Meeting Room (Room 422), Governmental Center, to consider the assignment of a non-exclusive restricted franchise to provide steamship agent services at Port Everglades from Royal Caribbean Cruises, Ltd., to General Steamship Agencies, Inc. d/b/a Quay Cruise Agencies, USA; for the remainder of the franchise term which expires November 9, 2010.

ACTION: (T-12:26 PM) Approved.

REGULAR AGENDA

PUBLIC HEARING

- 23. **MOTION TO CONSIDER** enactment of an Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING ARTICLE XI, AQUATIC AND WETLAND RESOURCE PROTECTION, SECTIONS 27-332, 27-334, AND 27-337 OF THE BROWARD COUNTY CODE OF ORDINANCES, RELATING TO ADOPTION OF MANATEE PROTECTION PLAN FEES; AMENDING THE DEFINITION OF THE ENVIRONMENTAL PROTECTION DEPARTMENT; PROVIDING FOR A NEW-SLIP FEE AND MANATEE MITIGATION FEE; PROVIDING FOR A MANATEE PROTECTION PLAN FUND; AMENDING TABLE REFERENCES; CREATING SECTION 27-342, RELATING TO MARINE FACILITY OPERATING LICENSES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-12:29 PM) Approved, as amended. Referencing Page 2, Line 20, residents will now pay a non-refundable application fee at the time of application submission in the amount of \$100.00 as opposed to a percentage of the new-slip fee. Language will be inserted to clarify that the remaining portion of the new-slip fee is calculated after deduction of any \$100.00 application fee already paid. Additionally, Page 2, referencing Line 19, strike therein and insert Manatee Protection Plan, clarifying the definition of "single-family." (Refer to minutes for full discussion.)

VOTE: 9-0.

END PUBLIC HEARING

COUNTY ATTORNEY

24. MOTION TO DISCUSS proposed Resolution amending the Broward County Administrative Code relating to conflicts of interest for outside legal counsel. (Deferred from November 13, 2007 – Item No. 45)

ACTION: (T-12:45 PM) Deferred.

OFFICE OF PUBLIC AND GOVERNMENTAL RELATIONS

25. MOTION TO NOMINATE Leah Kelly for reappointment to the Children's Services Board as the representative of the School Board of Broward County.

ACTION: (T-12:26 PM) Approved. (Transferred to the Consent Agenda.)

COUNTY COMMISSION

26. MOTION TO APPOINT Selection Committee (SC) to recommend the most qualified firm to provide Executive Search services for the position of County Administrator and approve RLI No. 20071102-0-HRB-01. (Deferred from November 13, 2007 – Item No. 47) (Vice Mayor Wexler)

ACTION: (T-12:48 PM) Approved, as amended. The Executive Search firm selected must furnish additional information concerning similar contracts for the past three years. For example, how large the pool of applicants was; how diverse the pool was; who was ultimately hired and why; how long this process will take. Additionally, as opposed to 24 hours, the Executive Search firm must be available from 6:00 a.m. to midnight, EST. The Executive Search firm needs to have their proposals in by January 18, 2008. Also included are the recommendations made by the County Auditor, as cited in his memorandum dated November 26, 2007. The Selection Committee shall consist of: The Board of County Commissioners. Administrative support will be provided to the Selection Committee by the offices of County Attorney, County Auditor, Equal Opportunity, Risk Management, Purchasing and Human Resources. (Scrivener's error – See County Administrator's Report: Yellow Sheet distributed 11/26/07 noting changes in the RLI re: CDBE...Should read...Page 9 of 15...Not 8 of 15.) (Refer to minutes for full discussion.)

VOTE: 9-0.

27. MOTION TO NOMINATE Thomas G. O'Loughlin to the Enterprise Zone Development Agency. (Commissioner Keechl)

ACTION: (T-12:26 PM) Approved. (Transferred to the Consent Agenda.)

28. MOTION TO NOMINATE Laurie J. Sallarulo to the Broward County Childrens Services Board. (Commissioner Lieberman)

ACTION: (T-12:26 PM) Approved. (Transferred to the Consent Agenda.) (Scrivener's error – See County Administrator's Report: Should read Motion to Appoint and should be placed on the Consent Agenda.)

29. COUNTY ADMINISTRATOR'S REPORT

ACTION: (T-12:26 PM) No Report was given.

30. MAYOR'S REPORT

ACTION: (T-12:26 PM) No Report was given.

SUPPLEMENTAL AGENDA

COUNTY COMMISSION

31. MOTION TO ADOPT Resolution 2007-773 of the Board of County Commissioners of Broward County, Florida, urging Congress to pass the United States-Colombia Trade Promotion Agreement, and transmit this Resolution to the Speaker of the United States House of Representatives and Members of the Florida Congressional Delegation; providing for severability; and providing for an effective date. (Commissioner Wasserman-Rubin)

ACTION: (T-12:26 PM) Approved. (Transferred to the Consent Agenda.)

32. MOTION TO DIRECT County Attorney to draft an Ordinance amending Broward County Code, to waive the annual filing requirement for the veteran's discount. (Commissioner Lieberman)

ACTION: (T-12:26 PM) Approved. (Transferred to the Consent Agenda.)

NON AGENDA

33. CONGRATULATIONS TO MAYOR EGELLETON – COMMISSIONER KEECHL

ACTION: (T-1:04 PM) Commissioner Keechl commended Mayor Eggleton for the fine job he had done this past year. (Refer to minutes for full discussion.)

34. DANGEROUS DOG ORDINANCE – COMMISSIONER KEECHL

ACTION: (T-1:04 PM) Commissioner Keechl referenced the Dangerous Dog Ordinance that will be coming before the Board in the near future and commented that Commissioner Boisvenue of Oakland Park is in favor of the amended ordinance. (Refer to minutes for full discussion.)

35. HUMAN RIGHTS ORDINANCE – COMMISSIONER KEECHL

ACTION: (T-1:05 PM) Commissioner Keechl mentioned that on November 19, 2007, the Board had received a proposed revision to the Human Rights Act, which includes transgender individuals, pregnancy as well as some procedural changes determining whether a valid discrimination has occurred. Commissioner Keechl stated that this document had not been approved by the Human Rights Board and felt this was sent to the Board of County Commissioners in error, and **asked the County Attorney's Office to make changes to the proposed ordinance to reflect what the Human Rights Board asked of the Commission. (Refer to minutes for full discussion.)**

36. CITIES CHARGING HOMELESS INDIVIDUALS WITH MUNICIPAL VIOLATIONS – COMMISSIONER KEECHL

ACTION: (T-1:07 PM) Commissioner Keechl stated that he believed Broward County is not required to pay for incarcerated individuals while they are awaiting trial if they are being charged by a city for a municipal ordinance violation, and will **ask the County Attorney's office to look into this. (Refer to minutes for full discussion.)**

37. BROWARD COUNTY GOLF COURSE CONVERSION – COMMISSIONER KEECHL

ACTION: (T-1:08 PM) Commissioner Keechl stated that those who own golf courses in Broward County and wish to convert them to residential and commercial uses are hiring powerful lobbyists to speak to city and county officials.

Commissioner Gunzburger added that if a conversion goes through with the Diplomat Golf Course, there will be heavy traffic on residential streets in the area. (Refer to minutes for full discussion.)

38. CONGRATULATIONS TO MAYOR WEXLER AND VICE MAYOR RITTER – COMMISSIONERS GUNZBURGER, JACOBS, LIEBERMAN, AND WASSERMAN-RUBIN

ACTION: (T-1:10 PM) Commissioners Gunzburger, Jacobs, Lieberman and Wasserman-Rubin congratulated the new Mayor and Vice Mayor and commented they are looking forward to working under them.

Commissioners Wasserman-Rubin and Lieberman also commended Mayor Eggelletion on the fine job he had done this past year. (Refer to minutes for full discussion.)

39. VISION BROWARD TOY DRIVE – COMMISSIONER LIEBERMAN

ACTION: (T-1:15 PM) Commissioner Lieberman briefly discussed the Vision Broward Toy Drive being held on Wednesday, November 28, 2007 at the Museum of Art in Fort Lauderdale. (Refer to minutes for full discussion.)

40. THANK YOU – COMMISSIONER EGGELLETON

ACTION: (T-1:15 PM) Commissioner Eggelletion thanked his colleagues for all the support they gave him during his tenure as Mayor. (Refer to minutes for full discussion.)

41. THANK YOU TO COMMISSIONER EGGELLETON – VICE MAYOR RITTER

ACTION: (T-1:15 PM) Vice Mayor Ritter thanked Commissioner Eggelletion for appointing her to the Airport Liaison while he was Mayor. (Refer to minutes for full discussion.)

42. STIRLING PROCESS – VICE MAYOR RITTER

ACTION: (T-1:17 PM) Vice Mayor Ritter commented that when she was the Chair of the Management and Efficiency Committee, she made a recommendation that Broward County take on the Stirling process and was glad to see that this will be made a priority. (Refer to minutes for full discussion.)

43. UPCOMING YEAR – INTERIM COUNTY ADMINISTRATOR BERTHA HENRY

ACTION: (T-1:17 PM) Interim County Administrator Bertha Henry commented that staff is looking forward to working with the new Mayor and Vice Mayor in the upcoming year. (Refer to minutes for full discussion.)