

PUBLIC HEARING OF JANUARY 14, 2003

(Meeting will convened 2:00 p.m. and adjourned at 4:37 p.m.)

PLEDGE OF ALLEGIANCE was led by Mayor Diana Wasserman-Rubin, Broward County Board of County Commissioners.

CALL TO ORDER

1. A. MOTION TO HOLD drawing to award 31 taxicab permits, 31 taxicab driver permits, and nine wheelchair taxicab permits to eligible applicants (an additional nine permits to be issued as part of the incentive program for the wheelchair-accessible lottery), as authorized by the Board of County Commissioners on October 22, 2002, Item No. 3 of the Public Hearing.

ACTION: (Time-2:36 PM) Approved. See Page*****

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- B. MOTION TO HOLD drawing to award 35 luxury sedan permits to qualified applicants, as authorized by the Board of County Commissioners on October 22, 2002, Item No. 3 of the Public Hearing.

ACTION: (Time-2:36 PM) Approved. See Page*****

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2. MOTION TO ADOPT Resolution 2003-39 to vacate and abandon a road right-of-way, lying and being in Broward County, Florida and located at 1701-1901 S W 196th Avenue, Miramar, Florida. Petitioner: (2002-V-20) Florida Power & Light Company. (Jean Salem - Agent) **(Commission District 8)**

ACTION: (Time-3:03 PM) Approved. See Page*****

ACTION: (Time-4:09 PM) Reconsidered and approved. See Page*****

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3. A. MOTION TO CONSIDER consent to assign and transfer Interest in the restated lease agreement from Continental Cement of Florida, Inc. to and assumption of obligations by Continental Florida Materials, Inc., at Broward County's Port Everglades.

ACTION: (Time-3:04 PM) This is the first of two Public Hearings. The second Public Hearing will be held on Tuesday, January 28, 2003 at 2:00 p.m. See Page*****

- B. MOTION TO CONSIDER approval of a first amendment to the restated lease agreement with Continental Florida Materials, Inc. at Broward County's Port Everglades.

ACTION: (Time-3:04 PM) This is the first of two Public Hearings. The second Public Hearing will be held on Tuesday, January 28, 2003 at 2:00 p.m. See Page*****

4. 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 CHAPTER 27, ARTICLE X, "STORAGE TANKS," BROWARD COUNTY CODE OF ORDINANCES, SECTION 27-307(a), RELATING TO "PERFORMANCE STANDARDS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Sponsored by the Board of County Commissioners)

ACTION: (Time-3:04 PM) Filed proof of publication and continued the Public Hearing to Tuesday, January 28, 2003, at 2:00 p.m. See Page*****

5. 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 SECTION 9-161 OF CHAPTER 9, ARTICLE XI, "REGULATION OF TREE TRIMMERS," OF THE BROWARD COUNTY CODE OF ORDINANCES, RELATING TO LICENSING AND REGULATION OF TREE TRIMMERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (Time-3:09 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law. See Page*****

6. MOTION TO CONSIDER adoption of a Resolution amending the Administrative Code, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, ESTABLISHING A MORATORIUM TO PROHIBIT THE ISSUANCE OF BUILDING PERMITS FOR THE CONSTRUCTION OF NEW RESIDENTIAL DWELLING UNITS WITHIN THE ROOSEVELT GARDENS NEIGHBORHOOD UNTIL THE ADOPTION OF THE ROOSEVELT GARDENS NEIGHBORHOOD ENHANCEMENT PLAN OR JULY 31, 2004, WHICHEVER DATE IS EARLIER; PROVIDING EXCEPTIONS TO THE ISSUANCE OF BUILDING PERMITS FOR THOSE PROPERTIES WHICH MEET INTERIM COMMUNITY AESTHETIC STANDARDS AND PROPERTIES OWNED BY HABITAT OF BROWARD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (Time-3:09 PM) This is the first of two public hearings. The second public hearing is set for Tuesday, January 28, 2003, at 2:00 p.m.

QUASI-JUDICIAL HEARING

Please be advised that the following items on the Commission's agenda are quasi-judicial in nature. If you wish to object or comment upon these items, please indicate the item number you would like to address when the announcement regarding the quasi-judicial item is made. All witnesses who will testify on any quasi-judicial item will be sworn. Participants who are members of the general public need not be sworn and will not be subject to cross examination if they are not sworn. The Commission shall not assign unsworn testimony the same weight or credibility as sworn testimony in its deliberations.

7. MOTION TO ENACT an Ordinance changing the zoning district classification of certain lands within the Unincorporated Area of Broward County, Florida. (This is a Quasi-Judicial Public Hearing) **(Commission District 5)**

REZONING 2-Z-02

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF TRACT 27, "NEWMANS SURVEY" OF SECTION 30, TOWNSHIP 50 SOUTH, RANGE 41 EAST, BROWARD COUNTY, FLORIDA; FROM A-1, AGRICULTURAL ESTATE DISTRICT TO I-1, INSTITUTIONAL AND EDUCATIONAL DISTRICT; PROVIDING FOR AMENDMENT OF THE ZONING DISTRICT MAPS; PROVIDING FOR THE REPEAL OF ALL REZONING ORDINANCES AND ZONING RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING THAT THIS REZONING SHALL NOT BE CONSTRUED TO CREATE A RIGHT TO DEVELOPMENT THAT FAILS TO MEET THE REQUIREMENTS OF OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (Time-3:10 PM) Filed proof of publication; accepted the recommendations of staff and denied the Ordinance. See Page*****

8. MOTION TO ENACT an Ordinance changing the zoning district classification of certain lands within the Unincorporated Area of Broward County, Florida. (This is a Quasi-Judicial Public Hearing) (**Commission District 2**) (Deferred from December 10, 2002 - Item No. 14)

REZONING 3-Z-02

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTION 7, TOWNSHIP 48 SOUTH, RANGE 43 EAST, BROWARD COUNTY, FLORIDA, FROM RRS-5, ONE-FAMILY DETACHED DWELLING DISTRICT (5 DWELLING UNITS PER ACRE) , TO B-3, INTENSE COMMERCIAL BUSINESS DISTRICT UTILIZING THE 5% FLEXIBILITY RULE; PROVIDING FOR AMENDMENT OF THE ZONING DISTRICT MAPS; PROVIDING FOR THE REPEAL OF ALL ZONING ORDINANCES AND ZONING RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING THAT THIS REZONING SHALL NOT BE CONSTRUED TO CREATE A RIGHT TO DEVELOPMENT THAT FAILS TO MEET THE REQUIREMENTS OF OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (Time-3:39 PM) Filed proof of publication; accepted the recommendations of the Broward County Zoning Board and enacted the Ordinance to become effective as provided by law. See Page*****

9. MOTION TO ENACT an Ordinance changing the zoning district classification of certain lands within the Unincorporated Area of Broward County, Florida. (This is a Quasi-Judicial Public Hearing) (**Commission District 2**)

REZONING 4-Z-02

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTION 24, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, FROM RM-10, MULTIPLE-FAMILY DWELLING DISTRICT (10 DWELLING UNITS PER ACRE) AND B-2, GENERAL COMMERCIAL BUSINESS DISTRICT, TO B-3, INTENSE COMMERCIAL BUSINESS DISTRICT UTILIZING THE 5% FLEXIBILITY RULE; PROVIDING FOR AMENDMENT OF THE ZONING DISTRICT MAPS; PROVIDING FOR THE REPEAL OF ALL ZONING ORDINANCES AND ZONING RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING THAT THIS REZONING SHALL NOT BE CONSTRUED TO CREATE A RIGHT TO DEVELOPMENT THAT FAILS TO MEET THE REQUIREMENTS OF OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (Time-3:44 PM) Tabled to later in the meeting. See Page*****

ACTION: (Time-4:13 PM) No Board action was taken. See Page*****

10. MOTION TO ENACT an Ordinance changing the zoning district classification of certain lands within the Unincorporated Area of Broward County, Florida. (This is a Quasi-Judicial Public Hearing) (**Commission District 4**) (Deferred from December 10, 2002 - Item No. 15)

REZONING 5-Z-02

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTION 15, TOWNSHIP 49 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, FROM RS-6, ONE-FAMILY DETACHED DWELLING DISTRICT (6 DWELLING UNITS PER ACRE), TO B-2, GENERAL COMMERCIAL BUSINESS DISTRICT UTILIZING THE 5% FLEXIBILITY RULE; PROVIDING FOR AMENDMENT OF THE ZONING DISTRICT MAPS; PROVIDING FOR THE REPEAL OF ALL ZONING ORDINANCES AND ZONING RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING THAT THIS REZONING SHALL NOT BE CONSTRUED TO CREATE A RIGHT TO DEVELOPMENT THAT FAILS TO MEET THE REQUIREMENTS OF OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (Time-4:04 PM) Filed proof of publication; accepted the recommendations of staff and the Broward County Zoning Board and denied the Ordinance. See Page*****

END OF QUASI-JUDICIAL HEARING

CONTINUED FROM THE 10:00 A.M. MEETING

35. MOTION TO FILE Resolution adopted by the Broward County Human Rights Board presenting a model Resolution to be adopted by the Board of County Commissioners affirming the civil rights of all Broward County citizens. (Mayor)

ACTION: (Time-2:10 PM) Deferred to Tuesday, January 21, 2003, time certain. See Page*****

36. MOTION TO DIRECT County Attorney to draft an Ordinance that complies with new legislation allowing local governments to obtain state and national criminal history information about certain employees/vendors from the Florida Department of Law Enforcement. (Commissioner Parrish)

ACTION: (Time-4:10 PM) Approved. See Page*****

38. COUNTY COMMISSION LIAISON REPORTS

ACTION:(Time-4:19 PM) Commissioner Scott informed the Board of a meeting that took place in Tallahassee concerning State budget cuts and their effect upon Broward County. See Page*****

County Administrator Roger J. Desjarlais informed the Board that the County's principle lobbyist, Tony Carvalho, will be visiting the County and will meet with staff to discuss the State budget cuts and issues.

In addition, on Friday, January 10, 2003, Mr. Desjarlais traveled to Orlando and met with the Charter county managers throughout the State of Florida. The group identified the top three (3) issues for the Charter Counties in the state that are of legislative concern by using a matrix. The top three issues identified are 1) Article V costs. 2) Medicaid cost shifting. 3) Other cost shifting relative to revenue sharing with the state. Each Charter manager will report back to their respective county commissions to adopt a common philosophy of what are the Charter counties' common issues so the counties can apply their collective resources to those issues. Mr. Desjarlais will continue to participate with the group and keep the Board apprised as necessary. See Page*****

NON AGENDA

39. HOMES FOR TREES - COMMISSIONER JACOBS

ACTION: (Time-4:28 PM) Commissioner Jacobs informed the Board that the Water Management District, through land purchases, just acquired some nurseries with approximately 80,000 trees that need new homes. See Page*****

40. FIRST RESPONDER MONEY - COMMISSIONER GUNZBURGER

ACTION:(Time-4:31 PM) Commissioner Gunzburger informed the Board about a letter received from the Florida League of Cities concerning First Responder Money. Commissioner Gunzburger felt the Commission should be involved, so if another disaster strikes, Broward County will be reimbursed by the Federal Government. See Page*****

41. NORTH PARTNERSHIP COMMITTEES - VICE MAYOR LIEBERMAN

ACTION: (Time-4:32 PM) Vice Mayor Lieberman brought up the lack of interest in attracting attention for participation in the Partnership Committee. See Page*****

42. PERMISSION BY THE PROPERTY APPRAISER TO SUE THE BROWARD COUNTY VALUE ADJUSTMENT BOARD (VAB) - VICE MAYOR LIEBERMAN

ACTION: (Time-4:34 PM) Vice Mayor Lieberman informed the Board about a letter received from the Property Appraiser's Office requesting permission to petition the Department of Revenue for permission to sue the Broward VAB with respect to decisions on Agricultural Exemptions. The Board directed the County Attorney to review the matter and send a letter showing the County Commission's support for the VAB. See Page*****