

PUBLIC HEARING OF APRIL 13, 1999

(Meeting convened at 2:00 p.m. and adjourned at 4:45 p.m.)

PLEDGE OF ALLEGIANCE

CALL TO ORDER

1. MOTION TO ADOPT Resolution 1999-601 to vacate and abandon access and utility easement, lying and being in Broward County, Florida and located at 2900 Weston Road in the City of Weston. Petitioner: RAE-MEL Building Corporation (CCL Consultants, Inc. - Agent) 22-V-98.

ACTION: (B-33) Approved.

2. MOTION TO ADOPT Resolution 1999-602 to vacate and abandon right-of-way and a utility easement, lying and being in Broward County, Florida and located at 100 SW 18th Court in the City of Dania. Petitioner: Oakridge Hotel 1, Ltd., et al (CCL Consultants, Inc. - Agent) 25-V-98.

ACTION: (B-60) Approved.

3. MOTION TO CONSIDER enactment of ordinance 1999-15 amending the Broward County Land Development Code, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING CHAPTER 5, ARTICLE IX OF THE BROWARD COUNTY CODE OF ORDINANCES, THE "LAND DEVELOPMENT CODE"; AMENDING SECTION 5-181, DEVELOPMENT REVIEW PROCEDURES; AMENDING SECTION 5-182, DEVELOPMENT REVIEW REQUIREMENTS; AMENDING SECTION 5-185, PRESUMPTIONS, LIMITATIONS, AGREEMENTS AND SECURITY FOR DEVELOPMENT REVIEW REQUIREMENTS; AMENDING SECTION 5-190, FINAL PLAT APPROVAL; AMENDING SECTION 5-191, MANDATORY SITE PLAN APPROVAL; AMENDING SECTION 5-193, APPLICATION FOR FINAL SITE PLAN APPROVAL; AMENDING SECTION 5-195, SITE PLAN REQUIREMENTS; AMENDING SECTION 5-201, DEFINITIONS; AND AMENDING TABLES VII THROUGH XI; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (B-67) Approved.

4. MOTION TO CONSIDER Third Amendment to Agreement of Lease between Broward County and BCCC Hotel Limited Partnership, and authorize the Chair and Clerk to execute same. (This is the second of two public hearings. The first public hearing was held on Tuesday, March 23, 1999. The resolution setting the public hearing was adopted by the Board on March 9, 1999.)

ACTION: (B-196) Approved.

5. MOTION TO CONSIDER enactment of ordinance 1999-16, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, REPEALING CHAPTER 27, ARTICLE VI, SECTIONS 27-211 TO 27-217, "SOLID WASTE"; CREATING CHAPTER 27, ARTICLE VI, SECTIONS 27-211 THROUGH 27-219, "SOLID WASTE"; PROVIDING FOR A DECLARATION OF INTENT; PROVIDING FOR APPLICABILITY; PROVIDING FOR DOCUMENTS INCORPORATED BY REFERENCE; PROVIDING FOR DEFINITIONS; PROVIDING FOR GENERAL PROHIBITIONS; PROVIDING FOR SOLID WASTE MANAGEMENT LICENSE REQUIREMENTS AND STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (B-208) Approved, as amended

6. A. MOTION TO CONSIDER enactment of ordinance 1999-14 , the title of which is as follows:

AN ORDINANCE CREATING A SECTION IN THE CODE OF ORDINANCES OF BROWARD COUNTY, FLORIDA, REGULATING OPEN VIDEO SYSTEM SERVICE; PROVIDING FOR APPLICABILITY AND DEFINITIONS; APPLICATION FOR USE AGREEMENT; APPLICATION FEES; COMPENSATION FEE FOR USE OF PUBLIC RIGHTS-OF-WAY; REQUIRED REPORTS; CUSTOMER SERVICE STANDARDS AND RESOLUTION OF COMPLAINTS; PUBLIC, EDUCATIONAL AND GOVERNMENTAL ACCESS; INDEMNIFICATION; INSURANCE; PERFORMANCE BONDS; TERMINATION OF AGREEMENT; AMENDING SECTION 8½-16, BROWARD

COUNTY CODE OF ORDINANCES, RELATING TO PENALTIES; PROVIDING FOR SEVERABILITY, INCLUSION

IN CODE, AND EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (B-428) Approved.

B. MOTION TO ADOPT Resolution of the Board of County Commissioners of Broward County, Florida, creating a new section in the Broward County Administrative Code relating to use of the County's rights-of-way by providers or operators of cable television, open video, and telecommunications systems; providing for a fee to be established for the privilege of using the public rights-of-way for construction, maintenance, repair, installation and operation of cable television, open video, or telecommunications systems.

ACTION: (B-428) Deferred to April 27, 1999.

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 quasi-judicial items 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 ordinance 1999-08 amending the Broward County Comprehensive Plan to adopt a "Small-Scale" amendment in the City of Fort Lauderdale, PC 99-12, the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING A SMALL SCALE AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP IN THE CITY OF FORT LAUDERDALE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

AMENDMENT PC 99-12

AMENDMENT TO THE BROWARD COUNTY LAND USE PLAN - CITY OF FORT LAUDERDALE

FROM: Industrial

TO: Community Facilities

SIZE: Approximately 6.1 acres

LOCATION: in Section 11, Township 49, Range 42; bound on the south by Cypress Creek Road; located east of the Florida East Coast Rail Road tracks, south of the Cypress Creek/C-14 Canal, west of NE 14th Avenue.

ACTION: (B-599) Approved.

8. MOTION TO ENACT ordinance 1999-09 amending the Broward County Comprehensive Plan to adopt a "Small-Scale" amendment in the City of Fort Lauderdale, PC 99-15, the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING A SMALL SCALE AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP IN THE CITY OF FORT LAUDERDALE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

AMENDMENT PC 99-15

AMENDMENT TO THE BROWARD COUNTY LAND USE PLAN - CITY OF FORT LAUDERDALE

FROM: Approximately 0.57 acres Commercial and 1.13 acres Recreation and Open Space

TO: Medium High (25) Residential

SIZE: Approximately 1.7 acres

LOCATION: in Section 10, Township 50, Range 42; located east of SW 7th Avenue, south of Las Olas Boulevard, west of the SW 4th/7th Avenue Bridge and north of the New River.

ACTION: (B-633) Approved Planning Council's amended recommendation.

9. MOTION TO ENACT an ordinance amending the Broward County Comprehensive Plan to adopt a "Small-Scale" amendment in the City of Fort Lauderdale, PC 99-17, the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING A SMALL SCALE AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP IN THE CITY OF FORT LAUDERDALE; PROVIDING FOR SEVERABILITY; PROVIDING

FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

AMENDMENT PC 99-17

AMENDMENT TO THE BROWARD COUNTY LAND USE PLAN - CITY OF FORT LAUDERDALE

FROM: Medium High (25) Residential

TO: Industrial

SIZE: Approximately 1.6 acres

LOCATION: in Section 18, Township 50, Range 42; located east of State Road 7, south of SW 12th Street, west of SW 39th Avenue and north of SW 12th Court.

ACTION: (B-691) Deferred to May 11, 1999.

10. MOTION TO ENACT ordinance 1999-10 amending the Broward County Comprehensive Plan to adopt a "Small-Scale" amendment in the City of Fort Lauderdale, PC 99-18, the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING A SMALL SCALE

AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP IN THE CITY OF FORT LAUDERDALE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

AMENDMENT PC 99-18

AMENDMENT TO THE BROWARD COUNTY LAND USE PLAN - CITY OF FORT LAUDERDALE

FROM: Community Facilities

TO: High (50) Residential

SIZE: Approximately 1.9 acres

LOCATION: in Section 14, Township 50, Range 42; located east of Miami Road, south of SE 15th Street, west of SE 10th Avenue and north of SE 16th Court.

ACTION: (B-2307) Approved.

11. MOTION TO ENACT ordinance 1999-11 amending the Broward County Comprehensive Plan to adopt a “Small-Scale” amendment in the City of Fort Lauderdale, PC 99-19, the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING A SMALL SCALE AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP IN THE CITY OF FORT LAUDERDALE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

AMENDMENT PC 99-19

AMENDMENT TO THE BROWARD COUNTY LAND USE PLAN - CITY OF FORT LAUDERDALE

FROM: Utilities

TO: Commercial

SIZE: Approximately 1.8 acres

LOCATION: in Section 18, Township 50, Range 42; located east of State Road 7, south of Davie Boulevard, west of SW 38th Avenue and north of SW 16th Street.

ACTION: (B-2390) Approved.

12. MOTION TO ENACT an ordinance amending the Broward County Comprehensive Plan to adopt a “Small-Scale” amendment in the City of Fort Lauderdale, PC 99-20, the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING A SMALL SCALE AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP IN THE CITY OF FORT LAUDERDALE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

AMENDMENT PC 99-20

AMENDMENT TO THE BROWARD COUNTY LAND USE PLAN - CITY OF FORT LAUDERDALE

FROM: Recreation and Open Space

TO: Medium High (25) Residential

SIZE: Approximately 2.0 acres

LOCATION: in Section 22, Township 50, Range 42; located east of SW 9th Avenue, south of SW 30th Street, west of SW 8th Avenue and north of SW 34th Street.

ACTION: (B-2449) Deferred to May 11, 1999 at 5:30 p.m.

13. MOTION TO ENACT an ordinance amending the Broward County Comprehensive Plan to adopt a “Small-Scale” amendment in the City of Fort Lauderdale, PC 99-21, the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING A SMALL SCALE AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP IN THE CITY OF FORT LAUDERDALE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

AMENDMENT PC 99-21

AMENDMENT TO THE BROWARD COUNTY LAND USE PLAN - CITY OF FORT LAUDERDALE

FROM: Recreation and Open Space

TO: Community Facilities

SIZE: Approximately 5.1 acres

LOCATION: in Section 22, Township 50, Range 42; located east of SW 9th Avenue, south of SW 30th

Street, west of SW 8th Avenue and north of SW 34th Street.

ACTION: (B-3313) Deferred to May 11, 1999 at 5:30 p.m.

14. MOTION TO ENACT ordinance 1999-12 amending the Broward County Comprehensive Plan to adopt a “Small-Scale” amendment in the City of Fort Lauderdale, PC 99-22, the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING A SMALL SCALE AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP IN THE CITY OF FORT LAUDERDALE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

AMENDMENT PC 99-22

AMENDMENT TO THE BROWARD COUNTY LAND USE PLAN - CITY OF FORT LAUDERDALE

FROM: Transportation

TO: Commercial or Industrial

SIZE: Approximately 2.2 acres

LOCATION: In Section 21, Township 50, Range 42; located east of SW 15th Avenue, south of SW 33rd Court, west of SW 12th Avenue and north of Interstate 595.

ACTION: (A-3394) Approved Planning Council’s amended recommendation of denial of the Commercial category and approval of Industrial category.

15. MOTION TO ENACT ordinance 1999-13 amending the Broward County Comprehensive Plan to adopt a “Small-Scale” amendment in the City of Oakland Park, PC 99-24, the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING A SMALL SCALE AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP IN THE CITY OF FORT LAUDERDALE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

AMENDMENT PC 99-24

AMENDMENT TO THE BROWARD COUNTY LAND USE PLAN - CITY OF OAKLAND PARK

FROM: Medium (16) Residential

TO: Commercial

SIZE: Approximately 5.5 acres

LOCATION: In Section 26, Township 49, Range 42; bound on the west by NE 9th Avenue; located south of Oakland Park Boulevard; bound on the east by North Dixie Highway and on the south by NE 30th Street.

ACTION: (B-3537) Approved.

END OF QUASI-JUDICIAL HEARING

NON-AGENDA ITEMS

16. PROTEST OF CONTRACT AWARD: Commissioner Rodstrom brought up the issue of the Protest of Contract Award by MWI Corporation in regard to the purchase of hydraulic pumps by the County and MWI's request that they be given an opportunity to bid competitively for the pumps.

ACTION: (B-3553) County Attorney authorized to take whatever actions are necessary, in view of the situation, to remediate or ameliorate any potential problems that he identifies.

17. EXECUTIVE SUMMARY ON FUTURE ORDINANCES: Commissioner Jacobs asked that executive summaries be included for all future ordinance that are to be enacted.

ACTION: (5254) No action required by Board.

18. JOINT MEETING WITH CITY OF FORT LAUDERDALE CITY COMMISSION: Commissioner Lieberman advised that a request has been received from Mayor Jim Naugle of Fort Lauderdale that the Broward County Commission have a joint meeting with the Fort Lauderdale City Commission on some issues of mutual concern.

ACTION: (B-5359) A meeting will be set with a formal agenda.

19. P2000 SUCCESSOR PROGRAM AND EVERGLADES RESTORATION: Commissioner Lieberman advised that a memorandum was distributed by Pam Madison, Director, Office of Legislative & Intergovernmental Management, this morning, referring to several amendments concerning the P2000 successor program; and a request made by Patti Webster in Tallahassee asking that the Commission adopt a resolution urging the Governor to allocate funding for the restudy in the P2000 program.

ACTION: (B-5387) Board adopted the resolution urging the Governor to allocate funding for the restudy in the P2000 successor program.

20. PROCLAMATION: On behalf of the County Commission, Commissioner Lieberman read into the record a Proclamation extending its appreciation to Noel M. Pfeffer for his months of dedicated service to Broward County as Interim County Attorney and designated today, April 13, 1999 as NOEL M. PFEFFER APPRECIATION DAY in Broward County, Florida. Additionally, the Board of County Commissioners voted to give Mr. Pfeffer a cash bonus of \$15,000, with the County paying the taxes.

ACTION: (B-5367) No action necessary.

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