

PUBLIC HEARING OF JULY 8, 1997

(The meeting convened at 2:00 p.m. and adjourned at 7:40 p.m.)

CONTINUED ITEMS FROM JUNE 24, 1997, 2 P.M. PUBLIC HEARING

1. MOTION TO CONSIDER transmittal of a proposed amendment to the Broward County Comprehensive Plan to the State of Florida Department of Community Affairs pursuant to Chapter 163, Section 163.3184(15), Florida Statutes, the substance of which is as follows:

AMENDMENT PC 97-4

AMENDMENT TO THE BROWARD COUNTY LAND USE PLAN - CITY OF PEMBROKE PINES

FROM: Agricultural

TO: Low (2) Residential

SIZE: Approximately 72.7 acres

LOCATION: in Section 14, Township 51, Range 39; located east of Southwest 202 Avenue, bound on the north by Pines Boulevard and on the east by Southwest 196 Avenue; located north of Pembroke Road.

ACTION: *(B-140) Approved the Planning Council's recommendation of denial.*

2. MOTION TO CONSIDER transmittal of a proposed amendment to the Broward County Comprehensive Plan to the State of Florida Department of Community Affairs pursuant to Chapter 163, Section 163.3184(15), Florida Statutes, the substance of which is as follows:

AMENDMENT PC 97-5

AMENDMENT TO THE BROWARD COUNTY LAND USE PLAN - CITY OF PEMBROKE PINES

FROM: Estate (1) Residential

TO: Low (2) Residential

SIZE: Approximately 80.1 acres

LOCATION: in Section 5, Township 51, Range 40; bound on the west by Southwest 172 Avenue; located south of Stirling Road, west of Southwest 160 Avenue and bound on the south by Sheridan Street.

ACTION: *(B-1362) Approved the Planning Council's recommendation of denial.*

3. AMENDMENT TO THE TRAFFIC CIRCULATION ELEMENT MAP NO. 4-6, YEAR 2010 HIGHWAY NETWORK MAP AND THE CAPITAL IMPROVEMENT ELEMENT

A. MOTION TO APPROVE transmittal of an amendment to the Florida Department of Community Affairs providing for the addition of an interchange on the Sawgrass Expressway between Sunrise Boulevard and Oakland Park Boulevard to provide direct access to the Broward County Civic Arena. Final approval of the amendment shall be subject to the County's prior receipt of a binding letter of agreement from the Team agreeing and obligating the Team to: 1) guarantee and reimburse the County for any shortfalls that may occur from the construction of the Sawgrass Expressway Interchange and related road improvements; 2) recognize this agreement to be part of the maximum guaranteed price identified in the original agreement between Broward County

and the Arena Development Corporation, Inc.; and, 3) limit the use of the \$3.5 million, originally budgeted solely for the construction of the Sawgrass Expressway Interchange and related road improvements, to the construction of the Sawgrass Expressway Interchange and related road improvements. (Continued from June 24, 1997)

ACTION: (B-1369) Approved with the provision that Broward County receives written acknowledgement by July 18, 1997 from the Arena Development Corporation (ADC) or an entity suitable to DCA; that ADC will guarantee any shortfall between the debt service and the toll revenues for the construction of the Sawgrass Expressway Interchange and related road improvements, and that the \$3.5 million, originally increased and included in the second agreement with ADC for traffic improvements, is to be used solely for construction costs, design costs, or related traffic improvements around the arena including the cost of the guarantee of the shortfall.

4. MOTION TO ADOPT Resolution 1997-822 transmitting additional second proposed 1997 amendments to the Broward County Comprehensive Plan to the State of Florida Department of Community Affairs pursuant to Chapter 163, Section 163.3184(15), Florida Statutes, the substance of which is as follows:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY TRANSMITTING THE SECOND PROPOSED 1997 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN TO THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING AN EFFECTIVE DATE.

ACTION: (B-5310) Approved as amended deleting Amendments PC 97-4 and PC 97-5 to the 1989 Broward County Land Use Plan Map and amending the amendment to the Traffic Circulation Element Map No. 4-6, Year 2010 Highway Network Map to add a new interchange on the Sawgrass Expressway between Oakland Park Boulevard and Sunrise Boulevard for the Broward County Civic Arena contingent upon Broward County receiving the necessary documents from the Arena Development Corporation by July 18, 1997; otherwise, a letter would be sent to DCA withdrawing same.

END OF CONTINUED ITEMS

5. MOTION TO ADOPT Resolutions 1997-823 through 1997-828 to assess land clearance liens.

ACTION: (B-5373) Approved.

6. A. MOTION TO ADOPT Resolution 1997-829 to vacate and abandon a utility easement lying in Broward County, Florida and located at 10000 Griffin Road in the City of Cooper City. Petitioner: Robert Williamson (Corporate Property Services, Inc. - Agent) 16-V-97.

ACTION: (B-5379) Approved.

B. MOTION TO ADOPT Resolution 1997-830 accepting a utility easement conveyed to Broward County by Robert Williamson, and authorize the Chair and Clerk to execute and record same.

ACTION: (B-5379) Approved.

7. A. MOTION TO ADOPT Resolution 1997-833 of the Board of County Commissioners of Broward County, Florida providing that good cause exists for the waiver of the Broward County Procurement Code and other applicable regulations regarding an agreement among Broward County, the City of Dania and Sportsman Park Development Company regarding the design and construction of certain roadway improvements located in the City of Dania to serve the Tri-Rail System and the Bass Pro Development and utilizing a total of \$2,139,754 in county road impact and mass transit impact fees toward the total estimated \$2,364,822.39, cost for the project; providing for findings and conclusions by a two-thirds vote of the Board of County Commissioners as required by section 255.20, Florida Statutes; providing for severability; providing for an effective date.

ACTION: (B-5429 & C-2425) Approved with addendum.

B. MOTION TO APPROVE an agreement among Broward County and City of Dania and Sportsman Park Development Company relating to the use of Broward County roadway impact fees for road improvements, and grant of drainage easement.

ACTION: (B-5429 & C-2425) Approved with addendum.

8. MOTION TO ADOPT Resolution 1997-831 of the Board of County Commissioners of Broward County, Florida consenting to the assignment of a vessel bunkering franchise at Port Everglades from Anchor Petroleum, Inc. to DLS Petroleum, Inc. d/b/a Anchor Petroleum, and authorize the Chair and Clerk to execute same.

ACTION: (B-5468) Approved.

9. MOTION TO CONSIDER the award of renewal licenses for Nonemergency Medical Transportation Service (NEMTS) to AAA Wheelchair & Stretcher Service, Inc.; City of Margate Fire Rescue; and Village Car Service, Inc.

ACTION: (B-5484) Approved.

10. A. MOTION TO ADOPT Resolution 1997-832 of the Board of County Commissioners of Broward County, Florida approving Broward County's Annual Action Plan for Fiscal Year 1998 for the U.S. Department of Housing and Urban Development 23rd Year Community Development Block Grant Program in the amount of \$7,561,000; the Emergency Shelter Grants Program in the amount of \$192,000; the HOME Investment Partnerships Program in the amount of \$1,671,000 and \$300,000 of

Program Income; and providing for an effective date.

ACTION: (B-5484) Approved.

B. MOTION TO APPROVE the contingency list of project(s) to be funded, should funds become available from completed or canceled projects approved in the previous program year.

ACTION: (B-5484) Approved with addendum adding the City of Dania's Southwest Improvements, Phase III project requested for \$100,000 to the end of the Committee for Community Development Contingency List. The Board requested that the Committee for Community Development rerank the funded and unfunded projects on the contingency list and directed staff to provide the matrix on what the points were per category and submit the criteria used to score the projects with a recommendation to the Board.

The Board approved, subject to staff's verbal addendum, the placement of The Carlisle Group's Prospect Park Project changing the recommended amount of \$150,000 to \$700,000 under the 23rd Year HOME Investment Partnership Program (affordable housing category) at the top of the recommended Contingency List. Further, the Board directed staff to recommend that an attorney be assigned from the County Attorney's Office to attend the Committee for Community Development meetings.

C. MOTION TO APPROVE the first amendment to an agreement between Broward County and Temple Messianique Child Care Center and Kindergarten requesting a line item change to the budget for the Healthy Children Project and extending the term of agreement from October 31, 1997 to January 30, 1998, with no change to the original funding allocation of \$202,800, and authorize the Chair and Clerk to execute same. (Deferred from the 10:00 a.m. July 8, 1997 meeting.)

ACTION: (C-445 , C-890, & C-2226) Deferred to August 12, 1997 for the Commission Auditor to review.

11. MOTION TO CONSIDER the enactment of a proposed ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING CHAPTER 20 OF THE BROWARD COUNTY CODE; PROVIDING THAT TOWING MOTOR VEHICLES, OPERATING A MOTOR VEHICLE REPAIR, BODY REPAIR OR PAINTING SHOP, MOVING HOUSEHOLD GOODS, OR PROVIDING TAXICAB OR LIMOUSINE SERVICES WITHOUT THE APPLICABLE BROWARD COUNTY CERTIFICATES OR LICENSES SHALL BE UNFAIR OR DECEPTIVE TRADE ACTS OR PRACTICES WHICH VIOLATE THE BROWARD COUNTY CONSUMER PROTECTION CODE; PROVIDING FOR REFUNDS TO CONSUMERS FROM WHOM SUCH UNCERTIFIED OR UNLICENSED BUSINESSES HAVE COLLECTED MONEY; INCLUDING CENTRAL AIR CONDITIONING SYSTEMS WITHIN THE DEFINITION OF "APPLIANCE"; AUTHORIZING THE CONSUMER PROTECTION BOARD TO TAKE TESTIMONY UNDER OATH AND TO SUBPOENA WITNESSES AND EVIDENCE FOR DISCOVERY PURPOSES AND TO ITS HEARINGS, AND

PROVIDING SUBPOENA ENFORCEMENT PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (C-2268) The Board filed proof of publications and enacted Ordinance 1997-28 to be effective as provided by law.

12. MOTION TO CONSIDER the enactment of a proposed ordinance, the substance of which is as follows:

(This is the first of two public hearings, the second will be held on Tuesday, August 12, 1997 at 2:00 p.m.)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING CHAPTER 39, ARTICLE XVIII, "SIGN REGULATIONS," OF THE BROWARD COUNTY ZONING

CODE PROHIBITING GRAFFITI; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (C-2276) The second public hearing will be held on Tuesday, August 12, 1997 at 2:00 p.m.

13. MOTION TO CONSIDER the enactment of a proposed ordinance, the substance of which is as follows:

(This is the first of two public hearings, the second will be held on Tuesday, August 12, 1997 at 2:00 p.m.)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, CREATING CHAPTER 21, ARTICLE IV, "GRAFFITI," OF THE BROWARD COUNTY CODE OF ORDINANCES; PROVIDING FOR APPLICATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROHIBITION OF GRAFFITI; PROVIDING FOR PENALTIES FOR VIOLATIONS; PROVIDING THAT PARENTS AND LEGAL GUARDIANS BE JOINTLY AND SEVERABLY LIABLE FOR FINES AND RESTITUTION ASSESSED AGAINST THEIR MINORS; PROVIDING FOR GRAFFITI REMOVAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (C-2286) The second public hearing will be held on Tuesday, August 12, 1997 at 2:00 p.m. Commissioner Parrish requested that the County Attorney's Office ensure that the language on the responsibility of a foster parent(s) or legal guardian(s) does not deter families from becoming foster parent(s) or legal guardian(s) of special needs children.

14. MOTION TO CONSIDER the enactment of an ordinance amending Chapter 39, Broward County Zoning Code, the substance of which is as follows:

(This is the second of two public hearings, the first was held on Tuesday, June 24, 1997 at 2:00 p.m.)

TEXT CHANGE 5-T-97

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY,

FLORIDA; AMENDING CHAPTER 39, BROWARD COUNTY ZONING CODE, BY AMENDING, RENUMBERING AND RENAMING ARTICLE XVI, "LIMITED AGRICULTURAL A-1 AND GENERAL AGRICULTURAL A-2 DISTRICTS"; ADDING SECTION 39-245, "GENERAL PROVISIONS"; AMENDING AND RENUMBERING SECTION 39-401, "PURPOSE OF DISTRICTS"; AMENDING AND RENUMBERING SECTION 39-402, "USES PERMITTED"; ADDING SECTION 39-247, "AGRICULTURAL ZONING DISTRICTS"; ADDING SECTION 39-248, "DENSITY"; AMENDING AND RENUMBERING SECTION 39-403, "USES PROHIBITED"; AMENDING AND RENUMBERING SECTION 39-405, "MINIMUM PLOT SIZE"; ADDING SECTION 39-252, "MAXIMUM PLOT SIZE FOR NONRESIDENTIAL AND NONAGRICULTURAL USES"; AMENDING AND RENUMBERING SECTION 39-406, "PLOT COVERAGE"; AMENDING AND RENUMBERING SECTION 39-404, "HEIGHT"; AMENDING AND RENUMBERING SECTION 39-407, "FRONT YARD" BY AMENDING REQUIRED FRONT, SIDE AND REAR YARDS; AMENDING AND RENUMBERING SECTION 39-412, "MINIMUM FLOOR AREA FOR DWELLINGS"; REPEALING SECTION 39-408, "SIDE YARD"; REPEALING SECTION 39-409, "REAR YARD"; REPEALING SECTION 39-410, "YARD MODIFICATIONS"; REPEALING SECTION

39-411, "LIMITATIONS OF USES"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Code and Zoning Enforcement Division)

ACTION: (C-2320) The Board filed proof of publication and enacted the ordinance to become effective as provided by law.

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.

15. MOTION TO CONSIDER the enactment of a proposed ordinance regarding a development order for the Fort Lauderdale-Hollywood International Airport Development of Regional Impact, the substance of which is as follows: (Continued from May 27, 1997)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING AND RESTATING THE DEVELOPMENT ORDERS FOR THE FORT LAUDERDALE-HOLLYWOOD INTERNATIONAL AIRPORT DEVELOPMENT OF REGIONAL IMPACT LOCATED ON PROPERTY IN SECTIONS 20-22, 26-29 and 34, TOWNSHIP 50 SOUTH, RANGE 42 EAST, ALL AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR DEVELOPMENT IDENTIFICATION; PROVIDING DEVELOPMENT APPROVAL FOR AN EXPANSION OF THE FORT LAUDERDALE- HOLLYWOOD INTERNATIONAL AIRPORT SUBJECT TO CONDITIONS; PROVIDING FOR GENERAL CONDITIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (C-2590) The Board filed proof of publication and enacted Ordinance 1997-27 to become effective upon the City of Fort Lauderdale's approval of an Interlocal Agreement (ILA) and adoption of a Development Order (DO) containing the same terms and conditions as the ILA and DO adopted by the county and transmittal of the DO to the Department of Community Affairs (DCA) provided that if the DO is appealed, the effectiveness of the DO shall be stayed until such time as all appeals have been withdrawn or finally resolved pursuant to Section 380.07(2) of the Florida Statutes.

END OF QUASI-JUDICIAL HEARING

16. DISCUSSION: Interlocal agreement with the City of Fort Lauderdale.

ACTION: (C-5051) Approved the ILA with conditions as outlined by staff.

SUPPLEMENTAL AGENDA

AVIATION DEPARTMENT

17. A. MOTION TO AUTHORIZE a payment of up to One Million Six Hundred Thousand Dollars (\$1,600,000) to the City of Dania for acquisition of certain infrastructure pursuant to the Interlocal Agreement between Broward County and the City of Dania pertaining to the Expansion and Jurisdiction of the Fort Lauderdale-Hollywood International Airport, upon receipt of a Bill of Sale and Quit Claim Deed from the City of Dania, properly executed and in a form acceptable to the County Attorney's Office.

ACTION: (C-5102) Approved.

B. MOTION TO ACCEPT BILL OF SALE AND QUIT CLAIM DEED from the City of Dania, upon proper execution and in a form acceptable to the County Attorney's Office, and authorize recordation of same.

REASON FOR SUPPLEMENTAL: Staff is seeking authorization to close transaction during break. It is being placed on this agenda because it is related to the airport.

ACTION: (C-5102) Approved.

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