

# PUBLIC HEARING OF OCTOBER 14, 1997

(Meeting convened at 2:00 p.m. and adjourned at 4:20 p.m.)

PLEDGE OF ALLEGIANCE - Led by Commissioner Scott I. Cowan, Chair.

CALL TO ORDER

1. MOTION TO ADOPT Resolution(s) 1997-1091 through 1997-1114 to assess land clearance liens.

**ACTION: (B-755) Approved.**

2. MOTION TO ADOPT Resolution 1997-1115 to vacate and abandon right-of-way, lying and being in Broward County, Florida and located at NW 1st Street between NW 91st Avenue and NW 90th Avenue in the City of Pembroke Pines. Petitioner: DCA Homes, Inc., et al. (Gerald Knight, Esquire - Agent) 20-V-97.

*ACTION: (B-758& B-4972) Approved.*

3. MOTION TO ADOPT Resolution 1997-1116 to vacate and abandon a lake maintenance easement, lying in Broward County, Florida and located at 9420 Sea Turtle Manor in the City of Plantation. Petitioner: Lawrence P. Hudson and Doris L. Hudson (Robert H. Ascheim, Esquire - Agent) 22-V-97.

**ACTION: (B-781) Approved.**

4. MOTION TO ADOPT Resolution 1997-1117 to vacate and abandon a bridle easement, lying in Broward County, Florida and located west of and adjacent to Hiatus Road between Griffin Road and Stirling Road in unincorporated Broward County, except for Lot 42, which is in Cooper City. Petitioner: Jon M. Henning, Esq. et al (Gustafson, Tilton, Henning & Metzger, P.A. - Agent) 21-V-97.

**ACTION: (B-788) Approved.**

5. MOTION TO APPROVE holding a drawing to award 15 new taxicab permits and 5 limousine permits to eligible applicants.

*ACTION: (B-3588) Approved the awarding the following permits:*

TAXI:

Shafiq Ahmed Butt, Talia Elkin (2), Burton J. Hallman, Mohammad H. Kahn, Ami Kleinman, David H. Kramer, M & M Taxi Inc., New Gate Company, Haschbaddana Pinchinat, Shimony Corp. Annette Trojecki, Mark Weintrub, Y & Y Taxi Inc., and Shulamit Zaila

LIMOUSINE:

Lucy Litmanowicz, Morris Litmanowicz (2), Ydhuda Shechter, and Owen L. Wyman

6. A. MOTION TO ADOPT Resolution 1997-1118 of the Board of County Commissioners of Broward County, Florida, renewing the franchise of South Stevedoring, Inc., for time period certain, to conduct stevedoring operations at Port Everglades; providing for severability; providing for an effective date; and authorize the Chair and Clerk to execute the franchise.

**ACTION: (B-3745) Approved.**

B. MOTION TO ADOPT Resolution 1997-1119 of the Board of County Commissioners of Broward County, Florida, renewing the franchise of South Stevedoring, Inc., for time period certain, to conduct cargo handling operations at Port Everglades; providing for severability; providing for an effective date; and authorize the Chair and Clerk to execute the franchise.

**ACTION: (B-3745) Approved.**

7. MOTION TO ADOPT Resolution 1997-1120 of the Board of County Commissioners of Broward County, Florida, granting a franchise to B.V. Oil Company, Inc., for time period certain, to provide vessel bunkering services at Port Everglades; providing for severability; providing for an effective date; and authorize the Chair and Clerk to execute the franchise.

**ACTION: (B-4087) Approved.**

8. MOTION TO ADOPT Resolution 1997-1121 of the Board of County Commissioners of Broward County, Florida, granting a franchise to Perma-Fix of Fort Lauderdale, Inc., for time period certain, to provide vessel oily waste removal services at Port Everglades; providing for severability; providing for an effective date; and authorize the Chair and Clerk to execute the franchise.

*ACTION: (B-4093) Approved.*

9. MOTION TO ADOPT Resolution 1997-1122 of the Board of County Commissioners of Broward County, Florida, renewing the franchise of Coleary Transport Company, Inc., for time period certain, to conduct business as a steamship agent at Port Everglades; providing for severability; providing for an effective date; and authorize the Chair and Clerk to execute the franchise.

**ACTION: (B-4147) Approved.**

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

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA; AMENDING CHAPTER 27, ARTICLE V, "WATER RESOURCE MANAGEMENT," OF THE BROWARD COUNTY CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

*ACTION: (B-4154) Filed proof of publication and enacted Ordinance 1997-42 to be effective as provided by law.*

11. MOTION TO ENACT ordinance, the substance of which is as follows:

(This is the second of two public hearings. The first public hearing was held on Tuesday, September 23, 1997 at 2:00 p.m.)

TEXT CHANGE 9-T-97

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA; AMENDING ARTICLE XIII, CONDITIONAL USES, OF CHAPTER 39, BROWARD COUNTY ZONING CODE, BY ADDING SECTION 39-245, "TEMPORARY PROMOTIONAL SIGNS," TO PROVIDE FOR TEMPORARY SIGN PERMITS FOR CERTAIN TYPES OF COMMERCIAL ADVERTISING FOR CERTAIN COMMERCIAL PROMOTIONAL EVENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Code and Zoning Enforcement Division)

***ACTION: (B-4160) Filed proof of publication and enacted Ordinance 1997-43 to be effective as provided by law.***

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## 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.

12. MOTION TO ENACT ordinance changing the Zoning District of certain lands within the Unincorporated Area of Broward County, Florida.

(This is the second of two public hearings. The first public hearing was held on Tuesday, September 23, 1997 at 2:00 p.m.)

REZONING PETITION 6-Z-97

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTIONS 10, 11, 12, 13, 14, AND 15, TOWNSHIP 48 SOUTH, RANGE 42 EAST; FROM R-1B (ONE-FAMILY DWELLING DISTRICT), R-1C (ONE-FAMILY DWELLING DISTRICT), R-2 (TWO-FAMILY DWELLING DISTRICT), R-2 (TWO-FAMILY DWELLING DISTRICT), ALLOCATING ONE RESERVE UNIT PER LOT, R-3 (LOW-DENSITY MULTIPLE DISTRICT), R-3U (ROW HOUSE DISTRICT), R-4A (PLANNED APARTMENT DISTRICT), R-4B (PLANNED APARTMENT DISTRICT), R-5 (MOTEL DISTRICT), R-6 (HOTEL DISTRICT), RM-10 (MULTIPLE-FAMILY DWELLING DISTRICT), D-1 (SPECIAL ONE-FAMILY DISTRICT), A-1 (LIMITED AGRICULTURAL DISTRICT), B-3

(GENERAL BUSINESS DISTRICT) AND RSO (RESIDENTIAL SINGLE-FAMILY DETACHED AND OFFICE DISTRICT), TO RS-2 (ONE- FAMILY DETACHED DWELLING DISTRICT), RS-4 (ONE- FAMILY DETACHED DWELLING DISTRICT), RS-5 (ONE- FAMILY DETACHED DWELLING DISTRICT), RM-5 (MULTIPLE-FAMILY DWELLING DISTRICT), RM-10 (MULTIPLE-FAMILY DWELLING DISTRICT), RM-10 (MULTIPLE-FAMILY DWELLING DISTRICT), ALLOCATING ONE RESERVE UNIT PER LOT, RM-12 (MULTIPLE-FAMILY DWELLING DISTRICT), RM-13 (MULTIPLE-FAMILY DWELLING DISTRICT), RM-14 (MULTIPLE-FAMILY DWELLING DISTRICT), RM-15 (MULTIPLE-FAMILY DWELLING DISTRICT), RM-25 (MULTIPLE-FAMILY DWELLING DISTRICT), T-1 (TRAVEL TRAILER PARK DISTRICT), CONSERVATION-2 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: (B-4235) Filed proof of publication and enacted Ordinance 1997-11Z to be effective as provided by law.***

13. MOTION TO ENACT ordinance changing the Zoning District of certain lands within the Unincorporated Area of Broward County, Florida.

(This is the second of two public hearings. The first public hearing was held on Tuesday, September 23, 1997 at 2:00 p.m.)

REZONING PETITION 7-Z-97

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTIONS 23, 24, AND 25, TOWNSHIP 48 SOUTH, RANGE 42 EAST, AND SECTIONS 19 AND 30, TOWNSHIP 48 SOUTH, RANGE 43 EAST; FROM R-1B, ONE-FAMILY DWELLING DISTRICT, R-1C, ONE-FAMILY DWELLING DISTRICT, R-2, TWO-FAMILY DWELLING DISTRICT, R-2P, TWO-FAMILY DWELLING-PARKING DISTRICT, R-3, LOW-DENSITY MULTIPLE DISTRICT, R-4, APARTMENT DISTRICT, A-1, LIMITED AGRICULTURAL DISTRICT, B-2, COMMUNITY BUSINESS DISTRICT, AND B-2A, PLANNED BUSINESS CENTER DISTRICT TO RS-3, ONE-FAMILY DETACHED DWELLING DISTRICT, RS-4, ONE-FAMILY DETACHED DWELLING DISTRICT, RS-5, ONE-FAMILY DETACHED DWELLING DISTRICT, RS-6, ONE-FAMILY DETACHED DWELLING DISTRICT, RM-10, MULTIPLE-FAMILY DWELLING DISTRICT, RM-16, MULTIPLE-FAMILY DWELLING DISTRICT, RM-25, MULTIPLE-FAMILY DWELLING DISTRICT, S-1, RECREATIONAL DISTRICT, B-2, COMMUNITY BUSINESS DISTRICT, AND CONSERVATION-2 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: (B-4279) Filed proof of publication and enacted Ordinance 1997-12Z to be effective as provided by law.***

## **END OF QUASI-JUDICIAL HEARING**

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## **NON AGENDA**

14. MOTION TO ACCEPT nominations for a Broward County Commission designee and alternate to represent Broward County on the Florida Association of Counties (FAC) Urban Caucus.

***ACTION: (B-4459) The Board appointed Commissioner Lieberman as primary and Commissioner Gunzburger as secondary alternate.***

15. DISCUSSION: Commissioner Lieberman commented on the Board's approval of item 1 on the morning agenda on an agreement with Airport Recycling Specialists to take airline terminal trash, separate it and dispose of recyclables. Commissioner Lieberman remarked that the Material Recovery Facility (MRF) contract will be renegotiated. Since the contract provides that the greater the tonnage delivered to the MRF the lower the processing fee, Commissioner Parrish stated that the county would benefit if it would take a different position on recycling at county owned facilities, such as parks and airline terminals.

## **ACTION: (B-4504) No action taken.**

16. DISCUSSION: Commissioner Lieberman asked about county policy on the subpoena check she and several others received.

***ACTION: (A-4656) The commissioners were advised that there is no policy; they can keep the money or give it to any charity.***

17. DISCUSSION: Commissioner Parrish commented on a letter she received from Charles Clarke and John Cooney from the South Beach Civic Association relative to annexation, and she reviewed staff's response to this issue.

***ACTION: (A-4700) The Board approved advising the Legislative Delegation that the county wishes to support the requests of the various groups to delay action on those municipal annexation proposals which negate an association's opportunity to consider all available options. This approach would allow voluntary annexations, and those annexations where only one option exists, to proceed. While some associations have difficulty supporting any annexations, it may be a reasonable compromise.***

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