

PUBLIC HEARING OF OCTOBER 28, 1997

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

PLEDGE OF ALLEGIANCE

CALL TO ORDER

(Prior to opening the public hearing, the Chair advised that the agenda items that were tabled from the 10:00 a.m. morning meeting will now be heard, those being items 51, 52, 54, 55, 56, 58, 59 and 50. Those items are shown in the morning meeting agenda, as well.)

51. A. MOTION TO WAIVE timely submittal of complete information requirement of the Trench Safety Act form as specified in the Step II addendum

instructions for Design/Build No. Q-04-97-11-CF, T.Y. Park Water Playground, by Recreational Design & Construction Inc.

ACTION: (B-16) Approved.

B. MOTION TO AWARD fixed contract to Recreational Design and construction, Inc. For the design and construction of a water playground at T.Y Park in the

amount of \$1,600,000 for Parks and Recreation Division, subject to receipt and acceptance of performance and payment guaranty, and authorize the Chair and Clerk to execute same.

ACTION: (B-16) Approved.

OFFICE OF BUDGET AND MANAGEMENT POLICY

52.MOTION TO APPROVE travel for County employees on the attached list in accordance with Administrative Order 105.

ACTION: (B-30) Approved, as amended.

COUNTY ATTORNEY

54. MOTION TO AUTHORIZE County Attorney's Office to commence action against any entities that have failed to enter into a Payment Plan agreement and those tenants who have not paid and were not eligible to enter into a Payment Plan Agreement to collect taxes for the years 1990, 1991, 1992, 1993 and 1994 pursuant to their leases.

ACTION: (B-34) Approved, as amended.

55. MOTION TO APPROVE Payment Plans with revised amounts for Rinker Materials Corp., Techmarine Liens, Inc., and Northport Marketplace Ltd.

ACTION: (B-41) Approved, with the understanding that a report be received before any other agreements are signed showing what each tenant's liability is and how many years are remaining on their lease.

COUNTY ADMINISTRATOR

56. MOTION TO ADOPT Resolution 97-1168 approving the assignment of court reporting service agreements between Broward County and Associates/Certified Reporting; County Reporting.; Justice Reporting, Inc.; Merit Reporting, Inc. and Lauderdale Reporting Services, Inc. To Esquire Communications, Ltd.

ACTION: (A-4984 & B-687) Approved.

COUNTY COMMISSION

57. MOTION TO ADOPT Resolution 97-1169 supporting federal legislation to prohibit employment discrimination based on sexual orientation; encouraging members of the

Congressional Delegation to support such legislation; authorizing the County Administrator to provide copies to certain officials; and providing effective date.

ACTION: (B-812) Approved.

REQUEST TO SET FOR PUBLIC HEARING

58. A. MOTION TO WAIVE by a majority plus one vote, the public hearing after 5:00 p.m. for an ordinance changing the permitted uses within a zoning

category.

ACTION: (B-822) Approved.

B. MOTION TO ADOPT Resolution 97-1170 setting two public hearings on Tuesday, November 25, 1997 at 2:00 p.m. and Tuesday, December 9, 1997 at 2:00 p.m. in Room 422 of the Governmental Center to enact an ordinance relating to Outdoor Events in designated zoning categories. This is required by Section 125.66(4), Florida Statutes. In order to schedule the public hearings at 2:00 p.m., the Board of County Commissioners must approve this proposed resolution by a majority plus one vote.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA; AMENDING SECTION 39-4 TO ADD THE DEFINITION OF OUTDOOR EVENT; AMENDING SECTION 39-238, "OUTDOOR EVENT PERMITS", PROVIDING THAT APPLICANTS FOR OUTDOOR EVENTS PERMITS SHALL POST NOTICE OF EVENT; PROVIDING THAT NOT-FOR- PROFIT ORGANIZATIONS WHICH HOLD OUTDOOR EVENTS ON THEIR OWN PROPERTY SHALL NOT BE SUBJECT TO CERTAIN PROVISIONS OF SECTION 39-238; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by Commissioner Sylvia Poitier

and Commissioner Lori Nance Parrish).

The November 25, 1997, and December 9, 1997 Public Hearings are to be Quasi- Judicial Public Hearings.

ACTION: (A-203) *Approved, as amended, setting the November 25, 1997 public hearing at 5:15 p.m.*

COMMISSION AUDITOR

59. A. DISCUSSION: County Administrator selection.

ACTION: (B-902) *Accepted the following three applicants as finalists for the position of County Administrator: Alice Amhrein; Roger J. Desjarlais; and*

Kathy C. Harris.

B. MOTION TO ADOPT a resolution of the Board of County Commissioners of Broward County, Florida, authorizing the expenditure of funds for a reception for the three finalists for the position of County Administrator.

ACTION: (B-902) No action taken.

SUPPLEMENTAL AGENDA

OFFICE OF PUBLIC AND EXTERNAL AFFAIRS

62. MOTION TO APPROVE Legislative Package for the November 3-7, 1997 Special Session on Education, and direct the Chair to send letters to the Governor, the President of the Senate, the Speaker of the House, and the Broward County Legislative Delegation.

ACTION: (B-1226) Approved.

(It now being 3:00 p.m., the Chair opened the Public Hearing, and began the 2:00 p.m. agenda.)

1. MOTION TO CONSIDER lease agreement between Broward County and Princess Cruises, Inc. (This is the first of two public hearings. The second public hearing will be held on Tuesday, November 25, 1997 at 2:00 p.m. at which time a motion for approval will be presented.)

ACTION: (B-1266) No action taken.

2. MOTION TO ADOPT Resolution 1997-1171 of the Board of County Commissioners of Broward County, Florida, granting renewal of a non-exclusive franchise to Hvide Marine Incorporated d/b/a Port Everglades Towing for time period certain; to conduct tugboat and towing services at Port Everglades; providing for severability; providing for an effective date; and authorize the Chair and Clerk to execute the franchise.

ACTION: (B-1276) Approved.

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

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, ESTABLISHING PENALTIES AND ENFORCEMENT PROVISIONS APPLICABLE TO ALL VIOLATIONS OF COUNTY ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (B-1286) Approved.

4. MOTION TO CONSIDER 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 SECTION 23-20.13 OF THE BROWARD COUNTY CODE, WHICH RELATES TO DISABLED PARKING SPACES; REMOVING THE \$25.00 PENALTY FOR PERSONS WHO ARE ISSUED DISABLED PARKING PERMITS AND WHO NEVERTHELESS VIOLATE THE PROHIBITION OF SECTION 23-20.12 OF THE BROWARD COUNTY CODE BY FAILING TO DISPLAY THE PARKING PERMIT; INSTITUTING A PROCESS AS PROVIDED BY STATE LAW, WHICH IS A \$5.00 CLERK DISMISSAL OF CITATION FEE UPON SUBMISSION OF APPROPRIATE AFFIDAVIT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (B-1295) Approved.

5. A. MOTION TO CONSIDER enactment of ordinance 1997-44, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, RELATING TO COUNTY BOARDS; ESTABLISHING A VOTING CONFLICTS

POLICY APPLICABLE TO CERTAIN COUNTY BOARD MEMBERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE BROWARD COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by Commissioner Suzanne N. Gunzburger)

ACTION: (B-1450) Approved, as amended.

B. MOTION TO ADOPT Resolution 1997-1172 establishing procedures to implement the voting conflicts policy of the Board of County Commissioners.

ACTION: (B-1450) Approved.

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.

6. MOTION TO ENACT ordinance 1997-13(Z) changing the Zoning District of certain lands within the Unincorporated Area of Broward County, Florida, the title of which is as follows:

REZONING PETITION 9-Z-97

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTION 13, TOWNSHIP 48 SOUTH, RANGE 42 EAST; FROM B-2, COMMUNITY BUSINESS DISTRICT, TO M-1, LIGHT INDUSTRIAL 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-2011) Approved.

7. MOTION TO ENACT ordinance 1997-14(Z) changing the Zoning District of certain lands within the Unincorporated Area of Broward County, Florida, the title of which is as follows:

REZONING PETITION 10-Z-97

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTION 31, TOWNSHIP 50 SOUTH, RANGE 42 EAST; FROM A-1, LIMITED AGRICULTURAL DISTRICT, AND R-1A, ONE-FAMILY DWELLING DISTRICT, TO RS-3, ONE-FAMILY DETACHED DWELLING 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-2093) Approved.

8. MOTION TO ENACT ordinance changing the Zoning District of certain lands within the Unincorporated Area of Broward County, Florida, the title of which is as follows:

REZONING PETITION 8-Z-97

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTION 16, TOWNSHIP 49 SOUTH, RANGE 42 EAST; FROM R-1B, ONE-FAMILY DWELLING DISTRICT, TO B-1, NEIGHBORHOOD BUSINESS DISTRICT, UTILIZING THE 5% FLEXIBILITY RULE; 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-2142) Withdrawn.

END OF QUASI-JUDICIAL HEARING