

PUBLIC HEARING OF NOVEMBER 24, 1998

(The meeting convened at 2:00 p.m. and adjourned at 3:35 p.m.)

PLEDGE OF ALLEGIANCE was led by Samantha Nox.

CALL TO ORDER

1. A. MOTION TO ADOPT Resolution 1998-1161 to vacate and abandon a right- of-way, turn lane and utility easement, lying and being in Broward County, Florida and located at 1501 NE 62nd Street in the City of Fort Lauderdale. Petitioner: Pine Crest Preparatory School, Inc. (Craig A. Smith & Associates - Agent) 8-V-98.

ACTION: (B-0088) Approved.

B. MOTION TO ACCEPT utility easement dedicated to Broward County as executed by Pine Crest Preparatory School, Inc., a Florida Not-for-Profit corporation, and authorize the Chair and Clerk to execute and record same.

ACTION: (B-0088) Approved.

2. MOTION TO ADOPT Resolution 1998-1162 amending Chapter 39, Broward County Administrative Code, "Fees and Other Charges, Aviation" amending the schedule of rates, fees and charges for Fort Lauderdale-Hollywood International Airport to provide for valet parking charges; providing for severability; providing for inclusion in the Administrative Code; and providing for an effective date.

ACTION: (B-0096) Approved.

3. MOTION TO CONSIDER Amendment to Lease and Operating Agreement between Broward County and King Ocean Service De Venezuela, S.A. (This is the first of two public hearings. The second public hearing will be held on Tuesday, December 8, 1998 at which time a motion for approval will be presented. The resolution setting the public hearing was adopted by the Board on November 10, 1998.)

ACTION: (B-0103) Approved.

4. MOTION TO CONSIDER adoption of a resolution 1998-1163, the title of which is as follows:

ADOPTION OF RESOLUTION PRESCRIBING AN AMENDMENT TO THE SCHEDULE OF RATES FOR TRANSMISSION, TREATMENT, AND DISPOSAL FOR SEWER SERVICE BY LARGE USER OF BROWARD COUNTY'S NORTH REGIONAL WASTEWATER TREATMENT AND TRANSMISSION FACILITY, PROVIDING FOR INCLUSION IN THE SCHEDULE OF RATES, FEES, AND CHARGES, AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (B-0195) Approved.

5. MOTION TO CONSIDER adoption of a resolution 1998-1164, the title of which is as follows:

ADOPTION OF RESOLUTION PRESCRIBING AN AMENDMENT TO THE SCHEDULE OF RATES, FEES, AND CHARGES FOR WATER AND WASTEWATER SERVICES RENDERED BY THE OFFICE OF ENVIRONMENTAL SERVICES OF BROWARD COUNTY, FLORIDA, AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (B-0204) Approved.

6. MOTION TO CONSIDER adoption of a resolution 1998-1165, the title of which is as follows:

ADOPTION OF RESOLUTION PRESCRIBING AN AMENDMENT TO THE SCHEDULE OF RATES FOR REGIONAL RAW WATER BY LARGE USERS OF BROWARD COUNTY'S REGIONAL RAW WATER SYSTEM, AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (B-0396) Approved.

7. 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 THE MONTHLY TRAVEL EXPENSE ALLOWANCE FOR MEMBERS OF THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (B-0409) Filed proof of publication and enacted the Ordinance, as amended, to become effective as provided by law.

8. 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, RELATING TO SUNSET OF BOARDS, AUTHORITIES, AND AGENCIES; SUNSETTING VARIOUS BOARDS AND REVISING THE BROWARD COUNTY CODE OF ORDINANCES AND ADMINISTRATIVE CODE ACCORDINGLY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (B-0480) Filed proof of publication and enacted the Ordinance, as amended, to become

effective December 1, 1998. (County Attorney's Office was directed to take out all references in the ordinance which relate to the elimination of the Motor Vehicle Repair Industry Board. This board continues to serve a public purpose and is needed and necessary.)

9. MOTION TO CONSIDER enactment of an ordinance, the title of which reads as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, RELATING TO THE SALE OF FIREARMS; PROVIDING FOR THE REQUIREMENT OF A FIVE-DAY WAITING PERIOD IN CONNECTION WITH THE SALE OF FIREARMS IN BROWARD COUNTY; PROVIDING FOR A PROHIBITION AGAINST THE TRANSFERRING OR RECEIVING OF A FIREARM FOR FIVE DAYS FROM THE HOUR OF THE SALE, EXCLUDING WEEKENDS AND HOLIDAYS, WHEN THE SALE IS A TRANSFER OF MONEY OR OTHER VALUABLE CONSIDERATION, AND ANY PART OF THE SALE TRANSACTION IS CONDUCTED ON PROPERTY TO WHICH THE PUBLIC HAS THE RIGHT OF ACCESS; PROVIDING FOR THE REQUIREMENT OF A CRIMINAL HISTORY RECORDS CHECK IN CONNECTION WITH THE SALE OF FIREARMS IN BROWARD COUNTY; PROVIDING FOR A PROHIBITION AGAINST THE TRANSFERRING OR RECEIVING OF A FIREARM UNLESS A CRIMINAL HISTORY RECORDS CHECK IS PERFORMED IN CONNECTION WITH A SALE, WHICH IS A TRANSFER OF MONEY OR OTHER VALUABLE CONSIDERATION, AND ANY PART OF THE SALE TRANSACTION IS CONDUCTED ON PROPERTY TO WHICH THE PUBLIC HAS THE RIGHT OF ACCESS; PROVIDING FOR NON- APPLICABILITY OF THE ORDINANCE TO HOLDERS OF FLORIDA CONCEALED WEAPON PERMITS WHEN HOLDERS ARE PURCHASING A FIREARM; PROVIDING FOR PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by Board of County Commissioners)

ACTION: (B-0654) Filed proof of publication and continued the public hearing to Tuesday, December 8, 1998 at 2:00 p.m.

10. MOTION TO ENACT an ordinance amending the Broward County Comprehensive Plan to adopt an amendment as part of the second annual 1998 amendment to the Broward County Comprehensive Plan, the substance of which is as follows: (Deferred from November 10, 1998, Item 17)

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 1998 AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP IN THE

CITY OF PEMBROKE PINES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (B-1536) Filed proof of publication and deferred the amendment to the next round of Land Use Plan Amendment adoptions to allow the applicant to provide an Economic Viability Study. Following completion of the study, the amendment will go through the Planning Council transmittal hearing process.

NON AGENDA

11. **DISCUSSION - DRY MARINAS, INC.** Commissioner Parrish referred to the update the Board received from Interim County Attorney Sharon L. Cruz regarding the lease agreement between the County and Dry Marinas, Inc. The memorandum explained that Dry Marinas has until December 31, 1998 to resolve its economic issues with the County. Commissioner Parrish conveyed that after her staff contacted the parties representing Dry Marinas, Inc. (Mitch Caesar and Russ Klenet) and Ms. Cruz, Ms. Cruz advised that there would be a meeting of interested parties on November 23, 1998. She asked Ms. Cruz for the results of the meeting. Ms. Cruz reported that Assistant County Attorney Pamela Kane met with the Dry Marinas representatives and is following up with another memorandum to the firm. As of this date, Dry Marinas, Inc. has not signed its lease agreement with the County. Commissioner Parrish commented that Dry Marinas, Inc. has been given adequate time to sign its new lease. If they do not sign the lease by the specified date, the lease offer should be withdrawn. There was no objection by the Board.

ACTION: (B-1649) By a consensus of the Board, if Dry Marinas, Inc. does not sign its lease agreement with Broward County by December 31, 1998, the lease offer will be withdrawn.

12. **DISCUSSION - DRAFT BILLBOARD ORDINANCE** Commissioner Parrish referred to the Commission Suspense List, dated November 20, 1998, and indicated that the Draft Billboard Ordinance was placed on the agenda on August 25, 1998. She asked staff when the ordinance will be ready for consideration by the Board. Interim County Attorney Sharon L. Cruz advised that the Board will receive a copy of the draft ordinance within two weeks or sooner. The proposed ordinance must then go through the entire zoning process which includes review by the Zoning Board, LPA and then consideration by the County Commission. The ordinance may not appear on the agenda for consideration until the end January 1999. Commissioner Parrish commented that she knew of a large billboard company who has numerous billboard contracts which will be renewed in January 1999 and would like to be able to inform responsible property owners not to renew said contracts.

ACTION: (B-1709) Staff will provide a better time frame as to when the draft Billboard Ordinance will appear before the County Commission for consideration.

13. **DISCUSSION - SPECIAL COUNSEL FOR CLOSED ATTORNEY/CLIENT SESSIONS (SHADE MEETING)** Interim County Attorney Sharon L. Cruz advised that if the County Commission, as a whole, determines that they would like Special Counsel for an Attorney/Client Session, then the Special Counsel could be present at any Shade meeting.

Discussion ensued regarding whether an individual county commissioner could have his or her own Special Counsel attend Shade meetings if the Special Counsel's time is donated. Commissioner Parrish suggested paying a professional litigator to hear all sides of the issue regarding the City of Hollywood and make a professional recommendation to the Board.

ACTION: (B-1738) The County Attorney's Office was directed to recommend three (3) attorneys/law firms to enable the Board to choose Special Counsel to represent the County Commission as a whole.

14. **DISCUSSION - URBAN WILDERNESS ADVISORY BOARD** Commissioner Gunzburger referred to a memorandum dated November 23, 1998, from the Urban Wilderness Advisory Board (UWAB), which cited reasons why the UWAB should not be merged with the Natural Resources Protection Advisory Board (NRPAB). Commissioner Gunzburger commented that after reviewing the memorandum, it may make sense to combine the UWAB with the Parks and Recreation Advisory

Board. Brief discussion followed.

ACTION: (B-1923) Staff was directed to place a revised item on the agenda regarding recommendations with respect to the merging of the UWAB with another advisory board.

15. DISCUSSION - REVIEW OF ATTORNEY/CLIENT SESSION TRANSCRIPT BY A COUNTY COMMISSIONER Interim County Attorney Sharon L. Cruz advised that staff contacted Pat Gleason from the Attorney General's office and was informed that a county commissioner would have the ability to review the transcript of an Attorney/Client Session. A commissioner's review of the transcript would not make the transcript open to inspection by the general public; it would retain its confidential character until the conclusion of the litigation.

Discussion ensued regarding the settlement offer received from the City of Hollywood and the Attorney/Client Session (Shade meeting). Ms. Cruz explained that there were comments made at the Shade meeting; however, no direction or action was taken due to a lack of a quorum. Memorandums followed the Shade meeting apprising the Board of the ongoing litigation.

ACTION: (B-2125) By way of a motion, the County Commission instituted a policy relating to the litigation involving the City of Hollywood v. Broward County whereby if a county commissioner wishes to review an Attorney/Client Session transcript, it must only be viewed in the County Attorney's Office.

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