

PUBLIC HEARING OF DECEMBER 9, 1997

(The meeting convene at 2:00 p.m., recessed at 3:50 p.m., reconvened at 4:10 p.m., and adjourned at 8:15 p.m.)

PLEDGE OF ALLEGIANCE was led by the Chair.

CALL TO ORDER

NOTE: The Chair opened the public hearing and suspended commencement of consideration for items 1 through 13, until items 65, 56, 66, and 59, tabled from the 10:00 a.m. commission meeting, were addressed.

SUPPLEMENTAL AGENDA

COUNTY COMMISSION

65. MOTION TO DIRECT County Attorney to prepare an interlocal agreement between Broward County and the Town of Davie to perform certain development permit services for the Coquina Flats Property. (Commissioner Parrish)

ACTION: (A-3440 & B-0077) Approved.

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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.

DEPARTMENT OF STRATEGIC PLANNING

& GROWTH MANAGEMENT

DEVELOPMENT MANAGEMENT DIVISION

56. DISCUSSION of plat entitled "Palmaire Marketplace" - District 2, (057-MP-97). (Deferred from

November 25, 1997)

ACTION: (A-1263 & B-0108) Approved the plat subject to staff's verbal recommendation and as outlined in the Development Review Report.

END OF QUASI-JUDICIAL HEARING

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SUPPLEMENTAL AGENDA

COUNTY COMMISSION

66. MOTION TO ADOPT Resolution 1997-1325 adopting the NACo Sustainability Leadership Team's "Proposed Statement of Values for the NACo Platform" for Broward County, Florida; providing for severability; providing for inclusion in the Broward County Administrative Code; and providing for an effective date. (Commissioner Parrish)

ACTION: (A-3455 & B-0165) Approved.

2:00 PUBLIC HEARING

1. MOTION TO ADOPT Resolution 1997-1284 to vacate and abandon an ingress- egress easement, lying and being in Broward County, Florida at 12156 SW 3rd Street in the City of Pembroke Pines. Petitioner: Transeastern Pembroke Villages, Inc. (Keith & Schnars - Agent) 23-V-97.

ACTION: (B-0290) Approved.

2. MOTION TO ADOPT Resolution 1997-1285 to vacate and abandon roadway and utility easements, lying and being in Broward County, Florida at 1750 NW 33rd Street in the City of Pompano Beach. Petitioner: Cigna Investments, Inc. (Richard Dewitt - Agent) 27-V-97.

ACTION: (B-0302) Approved.

3. MOTION TO ADOPT Resolution 1997-1286 to vacate and abandon a utility easement, lying and being in Broward County, Florida, located at 3706 and 3709 Vista Way in the City of Weston. Petitioner: Arvida/JMB Partners (CCL Consultants, Inc. - Agent) 31-V-97.

ACTION: (B-0312) Approved.

4. MOTION TO ADOPT Resolution 1997-1287 to vacate and abandon retention, access, canal and

drainage easements lying and being in Broward County, Florida and located west and adjacent to North Andrews Avenue between Copans Road and Sample Road in the City of Pompano Beach. Petitioner: Park Central Industrial, et al (Consul-Tech Engineering, Inc.-Agent) 28-V-97.

ACTION: (B-0326) Approved.

5. MOTION TO ADOPT Resolution 1997-1288 to vacate and abandon drainage and utility easements, lying and being in Broward County, Florida, and located at 1200 North Commerce Parkway in the City of Weston. Petitioner: Arvida/JMB Partners (David W. Harris, P. E. - Agent) 2-V-98.

ACTION: (B-0355) Approved.

6. A. MOTION TO ADOPT supplemental budget Resolution 1997-1289 within the General Fund in the amount of \$12,912,341 for prior year carryover commitments and other commitments.

ACTION: (B-0364) Approved.

B. MOTION TO ADOPT supplemental budget Resolutions 1997-1290 within the Special Purpose sub-funds of the General Fund in the amount of \$1,813,197 for prior year carryover commitments and other commitments.

ACTION: (B-0364) Approved.

C. MOTION TO ADOPT supplemental budget Resolutions 1997-1302 within the Special Revenue Fund in the amount of \$6,192,057 for prior year carryover commitments and other miscellaneous commitments.

ACTION: (B-0364) Approved.

D. MOTION TO ADOPT supplemental budget Resolution 1997-1307 within the Arena Debt Service Fund in the net amount of \$0 to transfer interest earnings to the Arena Capital Fund and to transfer capitalized interest from the Arena Capital Fund per the bond Resolutions.

ACTION: (B-0364) Approved.

E. MOTION TO ADOPT supplemental budget Resolutions 1997-1308 thru 1997- 1310 within Capital Funds in the amount of \$8,509,301 to adjust budgeted revenues and to appropriate funds for prior year commitments.

ACTION: (B-0364) Approved.

F. MOTION TO ADOPT budget Resolution 1997-1311 transferring \$73,670 within the Unincorporated Area Capital Fund to provide funds for public art and design in compliance with the public art and

design ordinance.

ACTION: (B-0364) Approved.

G. MOTION TO ADOPT supplemental budget Resolutions 1997-1312 thru 1997- 1318 within Enterprise Funds in the amount of \$9,230,089 for prior year carryover commitments and other commitments.

ACTION: (B-0364) Approved.

H. MOTION TO ADOPT supplemental budget Resolutions 1997-1319 thru 1997- 1321 within Internal Service Funds in the amount of \$700,248 to adjust budgeted revenues and to appropriate funds for prior commitments.

ACTION: (B-0364) Approved.

I. MOTION TO ADOPT budget Resolution 1997-1322 transferring \$422,798 within the Fleet Services Fund to rebudget funds for energy equipment in the Capital Fund.

ACTION: (B-0364) Approved.

J. MOTION TO ADOPT supplemental budget Resolutions 1997-1323 and 1997- 1324 within Trust and Agency Funds in the amount of \$814,225 for prior year carryover commitments.

ACTION: (B-0364) Approved.

7. MOTION TO APPROVE ten-year lease agreement between Broward County, Florida and Worldwide Shore Services, Inc. for 2041 square feet of office space in Terminal 26 at Port Everglades; and authorize the Chair and Clerk to execute same. (This is the second of two required public hearings; the first was held on November 25, 1997 at 2:00 p.m.)

ACTION: (B-0387) Approved.

8. A. MOTION TO FILE proof of publication of a public hearing to receive public input on a proposed increase in paratransit fares.

ACTION: (B-0401) Approved.

B. MOTION TO ADOPT Resolution 1997-1326 of the Board of County Commissioners of Broward County, Florida, amending the Broward County Administrative Code, Volume 3, Chapter 37, Part III, Section 37.25, addressing the paratransit fare structure; providing for exclusivity of revisions; providing for severability; providing for inclusion in the Broward County Administrative Code; and providing for an effective date.

ACTION: (B-0416) Approved.

9. MOTION TO CONSIDER enactment of a proposed ordinance amending Article IX, 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 SUBSECTION 5-182(m) RELATING TO THE PAYMENT OF SCHOOL IMPACT FEES; PROVIDING FOR EXEMPTIONS

FOR ASSISTED LIVING FACILITIES AS DEFINED BY STATE LAW; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by Board of County Commissioners)

ACTION: (B-0174) Filed proof of publication and continued the public hearing to be held on Tuesday, December 16, 1997 at 10:00 a.m.

10. MOTION TO ENACT an ordinance amending the outdoor event definition and permit provisions and allowing not-for-profit organizations which hold outdoor events on their own property to be exempt from certain provisions. (This is the second of two public hearings. The first public hearing was held on Tuesday, November 25, 1997, at 5:15 p.m.)

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)

ACTION: (B-2557) Filed proof of publication, and enacted the ordinance to become effective as provided by law.

NOTE: County Attorney's Office was directed to draft another ordinance amending Section 39-238. Outdoor event permits., paragraph (6).

11. MOTION TO CONSIDER lease agreement between Broward County and Peebles Atlantic Development Company for the development and construction of a Convention Center hotel. (This is the first of three public hearings. The second public hearing will be held on Tuesday, December 16, 1997 at 10:00 a.m., or as soon thereafter as possible, and the third on Monday, December 22, 1997 at 2:00 p.m.)

ACTION: (D-0066) Amended the lease agreement and continued the item to the second public hearing to be held on Tuesday, December 16, 1997 at 10:00 a.m. (First item after the consent agenda.)

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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 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 an ordinance changing the Zoning District classification of certain lands within the Unincorporated Area of Broward County, Florida. (This is the first of two public hearings. The second public hearing will be held on Tuesday, January 13, 1998 at 2:00 p.m.)

REZONING PETITION 11-Z-97

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTIONS 6 AND 7, TOWNSHIP 49 SOUTH, RANGE 43 EAST; FROM R-1B, ONE-FAMILY DWELLING DISTRICT; R-5, MOTEL DISTRICT; AND R-6, HOTEL DISTRICT; TO RS-4, ONE-FAMILY DETACHED DWELLING DISTRICT; RM-15, MULTIPLE-FAMILY DWELLING DISTRICT; RM-16, MULTIPLE-FAMILY DWELLING DISTRICT; RM-18, MULTIPLE-FAMILY DWELLING DISTRICT; AND RM-25, MULTIPLE-FAMILY 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-2784) Filed proof of publication and continued the item to the second public hearing to be held on Tuesday, January 13, 1998 at 2:00 p.m.

13. MOTION TO ENACT an ordinance changing the Zoning District classification of certain lands within the Unincorporated Area of Broward County, Florida. (This is the first of two public hearings. The second public hearing will be held on Tuesday, January 13, 1998 at 2:00 p.m.)

REZONING PETITION 13-Z-97

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT

BOUNDARIES BY REZONING A PORTION OF SECTION 6, TOWNSHIP 50 SOUTH, RANGE 42 EAST; FROM R-1B, ONE-FAMILY DWELLING DISTRICT; R-1C, ONE-FAMILY DWELLING DISTRICT; R-2, TWO-FAMILY DWELLING DISTRICT; R- 3, LOW-DENSITY MULTIPLE DISTRICT; AND B-2A, PLANNED BUSINESS CENTER DISTRICT; TO RS-4, ONE- FAMILY DETACHED DWELLING DISTRICT; RS-5, ONE- FAMILY DETACHED DWELLING DISTRICT; RM-10, MULTIPLE-FAMILY DWELLING DISTRICT; AND B-2, COMMUNITY BUSINESS 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-2829) Filed proof of publication and continued to the second public hearing to be held on Tuesday, January 13, 1998 at 2:00 p.m.

END OF QUASI-JUDICIAL HEARING

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(It now being 4:10 p.m., at which the Board considered item 59, which was tabled from the 10:00 p.m.)

FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT

PURCHASING DIVISION

59. MOTION TO APPROVE selection and ranking of firms being considered for Prime Contractor Services for Phase III of the Broward County Integrated Justice Information System (IJIS) Project.

ACTION: (A-3373 & C-0068) The Board took the following action as recommended by The Warner Group and in Option #4, as presented by the County Attorney: 1) rejected all responses to the RLI for Integrated Justice Information System (IJIS) Project, 2) waived the Procurement Code, 3) selected Unisys as the prime contractor with SCT as subsconsultant, and 4) authorized the Selection/Negotiation Committee, staff and The Warner Group to negotiate an agreement.

NOTE: Staff will put forth its best effort to have a copy of the proposed agreement circulated to each member of the Selection/Negotiation Committee and Technical Committee for the member's review by Friday, December 19, 1997.

NON AGENDA

14. ART IN PUBLIC PLACES - ARENA ART: Commissioner Gunzburger referred to a recent news article in the Local Section of The Herald relating to opposition from City of Sunrise officials regarding

the artwork at the Civic Arena. Acting County Administrator Phillip C. Allen explained that the issue is a development issue relative to the developer and the City. Mr. Allen described the process the county utilizes when selecting artwork for Art In Public Places projects. Mr. Allen stated that there are areas which can be compromised; however, County Attorney staff will be writing a legal opinion to the effect that the approval of architectural plans does not go to the approval of art.

ACTION: (D-1870) No board action was taken.

15. VACANT BUILDINGS AND VAGRANTS: Commissioner Lieberman asked staff to research the issue of untimely responses by the County to board up vacant buildings with respect to vagrants occupying them. Staff must review the county processes to limit access to these buildings. Further, Commissioner Rodstrom requested that staff research, legally, whether the County has the right to demolish a building if it remains vacant for a twenty-four month period. The Chair cautioned the Board to not subject a private homeowner to a different standard than what Broward County government, the School Board, and the municipalities are subject to.

Additionally, Commissioner Lieberman commented that the County may be able to deal with the issue thru Chapter 162 "Fix-it Ability" of the County Code. The Chair requested that staff visit the following vacant locations: East Side and South Side Elementary Schools, vacant County facilities, the Florida Department of Transportation (FDOT) building on SR-84, and the white two-story house on Broward Boulevard near NW 7th Avenue.

ACTION: (D-1941) Appropriate staff will research the issues and requests brought forward by the Board.

16. DISPATCH RESPONSE TIMES AND RECENT TRAGEDIES: The Chair referred to dispatch response times regarding the recent boating accident, in addition to the deaths of two children as a result of a fire in the City of Fort Lauderdale. The Chair suggested retaining the services of an independent consultant and make the City of Fort Lauderdale sign off.

Acting County Administrator Phillip C. Allen apprised the Board of the dispatch response times for the subject accidents and what steps are being taken to rectify critical issues. Further, Mr. Allen advised the Board that under the MSBU agreement, both the City of Fort Lauderdale and the County, created an EMS Advisory Committee to address issues of concern. The County and City have made its respective appointments to the Committee. A seventh committee member must be appointed. The EMS Advisory Committee should be charged with studying issues of cooperation between the City and the County.

ACTION: (D-2060) Staff will continue to meet with the City of Fort Lauderdale staff to rectify critical issues and provide the best service possible to the citizens of Broward County.

17. NATIONAL ASSOCIATION OF COUNTIES (NACo) - TELECOMMUNICATIONS ACT OF 1996: The Chair referred to a letter dated November 24, 1997, from NACo, requesting the County's financial support to develop a coordinated legal campaign to resist efforts by various interests in the telecommunications industry to preempt local government authority.

ACTION: (D-2251) An item will be placed on the December 16, 1997 agenda for consideration relating to NACo's request for financial support from the County to develop a coordinated legal campaign regarding the subject telecommunications issue.

18. PROPOSED - SDBE DISPARITY STUDY WORKSHOP: The Chair relayed that she has

received calls from constituents in her District requesting that the County conduct a workshop on the results of the SDBE Disparity Study after its publication and before the County officially approves the study.

ACTION: (D-2274) By a consensus of the Board, the County will conduct a workshop on the results of the SDBE Disparity Study at the appropriate time.

19. SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD): The Chair stated that she received a telephone communication and it was her understanding that the attorneys representing the SFWMD have stated they will accept the County's decision relative to land use. The Chair referred to a letter from Sam Poole, Director SFWMD, regarding the Chambers property. The Chair commented that the Department of Interior's interpretation of the letter sent to Planning Council Administrator Susan Tramer is very different, and requested that the County Attorney's Office draft a letter, from the Chair, on behalf of the County Commission, responding to the U.S. Department of Interior's response.

ACTION: (D-2307) By a consensus of the Board, the County Attorney's Office will draft a letter, from the Chair, on behalf of the County Commission, responding to the U.S. Department of Interior's response.

20. BLUE RIBBON COMMITTEE: The Chair asked the Board what its intent was with respect to the Blue Ribbon Committee. Commissioner Lieberman commented that not all recommendations to the Blue Ribbon were passed. The Board passed what it intended to pass.

ACTION: (D-2339) No board action was taken.

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