

**PUBLIC HEARING OF DECEMBER 13, 1994**

(The meeting convened at 2 p.m. and adjourned at 3:40 p.m.)

CALL TO ORDER

1. MOTION TO ADOPT Resolutions 94-1439 through 94-1560 to assess land clearance liens.

ACTION: (B-669) Approved with addendum to withdraw Folio 936-01-024, Invoice 940426.

2. MOTION TO CONSIDER enactment of an ordinance, the substance of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, RELATING TO PERSONNEL; AMENDING SECTION 26-14 OF THE BROWARD COUNTY CODE; DELETING THE 31-DAY EMPLOYMENT REQUIREMENT FOR ELIGIBILITY FOR GROUP HEALTH INSURANCE BENEFITS; DELETING REFERENCE TO PARTICULAR GROUP HEALTH PLANS BEING OFFERED; PROVIDING THAT DIRECTOR OF HUMAN RESOURCES SHALL ESTABLISH RELATED PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (B-676) The Board filed proof of publications and enacted the ordinance to become effective as provided by law.

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

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING CHAPTER 10½ OF THE BROWARD COUNTY CODE OF ORDINANCES, ENTITLED "DRUG, PROSTITUTION AND YOUTH AND STREET GANG-RELATED NUISANCES", PROVIDING ADDITIONAL CIRCUMSTANCES WHICH MAY CONSTITUTE A NUISANCE SUBJECT TO LOCAL ADMINISTRATIVE ACTION; PROVIDING FOR ADDITIONAL ACTION WHICH MAY BE TAKEN BY THE BOARD; PROVIDING ADDITIONAL DEFINITIONS;

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

(Sponsored by the Board of County Commissioners)

ACTION: (B-685) The Board filed proof of publications and enacted the ordinance to become effective as provided by law.

4. MOTION TO CONSIDER enactment of an ordinance, the substance 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; PROVIDING FOR PENALTIES 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; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by Commissioner John E. Rodstrom, Jr.)

ACTION: (B-690) The Board filed proof of publications and enacted the ordinance to become effective as provided by law.

5. MOTION TO CONSIDER enactment of an ordinance, the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, RELATING TO COSTS FOR SOCIAL INVESTIGATIONS AND PSYCHOLOGICAL EVALUATIONS WHERE CUSTODY OF MINOR CHILDREN IS IN ISSUE IN COURT PROCEEDINGS; ESTABLISHING A FEE OR SCHEDULE OF FEES FOR THE COSTS OF COURT-ORDERED SOCIAL INVESTIGATIONS AND PSYCHOLOGICAL EVALUATIONS PERFORMED BY COUNTY-FUNDED COURT STAFF; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (B-699) The Board filed proof of publications and enacted the ordinance to become effective as provided by law.

6. MOTION TO CONSIDER the award or denial of a Certificate of Public Convenience and Necessity, Class 3 - ALS Transfer to Medics Emergency Services, Inc.

ACTION: (B-700) Approved.

7. MOTION TO APPROVE the award of a license (renewal) to provide Nonemergency Medical Transportation Services (NEMTS) to B & L Service, Inc.

ACTION: (B-709) Approved.

8. MOTION TO APPROVE the award of a license (new) to provide Nonemergency Medical Transportation Services (NEMTS) to Amedic Systems of Broward, Inc.

ACTION: (B-716) Approved.

9. MOTION TO ADOPT Resolution 94-1561 of the Board of County Commissioners of Broward County, Florida, relating to the cable television franchise granted to Selkirk Communications, Inc., awarded on December 19, 1979, by Ordinance No. 79-123; approving and extending the term of the franchise to April 2, 1995, pending completion of the renewal process; providing for severability; and providing for an effective date.

ACTION: (B-977) Approved.

10. MOTION TO ADOPT Resolution 94-1562 of the Board of County Commissioners of Broward County, Florida, to the cable television franchise granted to Selkirk Communications, Inc., awarded on December 19, 1979, by Ordinance No. 79-123; consenting to investment of the California Public

Employees' retirement system in Comcast MH Holdings, Inc., indirect parent-designee of Selkirk Communications, Inc.; providing for severability; and providing for an effective date.

ACTION: (B-987) Approved.

11. MOTION TO ADOPT Resolution 94-1563 of the Board of County Commissioners of Broward County, Florida, to the cable television franchise granted to Selkirk Communications, Inc., awarded on October 15, 1981, by Ordinance No. 81-103; consenting to investment of the California Public Employees' retirement system in Comcast MH Holdings, Inc., indirect parent-designee of Selkirk Communications, Inc.; providing for severability; and providing for an effective date.

ACTION: (B-1002) Approved.

12. A. MOTION TO ADOPT supplemental budget resolution 94-1564 within the General Fund in the amount of \$6,708,188 for prior year carryover commitments and other miscellaneous commitments.

ACTION: (B-1012) Approved.

B. MOTION TO ADOPT supplemental budget resolution 94-1565 within Special Purpose sub-funds of the General Fund in the amount of \$1,577,107 for prior year carryover commitments and other miscellaneous commitments.

ACTION: (B-1012) Approved.

C. MOTION TO ADOPT supplemental budget resolution 94-1566 within the Debt Service Fund in the amount of \$1,008,837 to amend revenues and reappropriate funds to fulfill debt service requirements.

ACTION: (B-1012) Approved.

D. MOTION TO ADOPT supplemental budget resolution 94-1567 within the Special Revenue Fund in the amount of \$14,730,446 for prior year carryover commitments.

ACTION: (B-1012) Approved.

E. MOTION TO ADOPT supplemental budget resolution 94-1568 within Capital Funds in the amount of \$2,036,230 to amend revenues and reappropriate funds for various commitments.

ACTION: (B-1012) Approved.

F. MOTION TO ADOPT supplemental budget resolution 94-1569 within Enterprise Funds in the amount of \$5,204,712 for prior year carryover commitments and other miscellaneous commitments.

ACTION: (B-1012) Approved.

G. MOTION TO ADOPT supplemental budget resolution 94-1570 within the Internal Service Fund in the amount of \$1,326,126 for prior year carryover commitments and other miscellaneous commitments.

ACTION: (B-1012) Approved.

H. MOTION TO ADOPT supplemental budget resolution 94-1571 within Trust and Agency Funds in

the amount of \$743,162 for prior year carryover commitments and other miscellaneous commitments.

ACTION: (B-1012) 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. You must be sworn before addressing the Commission, and if you wish to address the Commission, you may be subject to cross-examination. If you refuse to submit to cross-examination, the Commission will not consider what you have said in its final deliberations.

13. MOTION TO ENACT an ordinance changing the zoning district of certain lands within the unincorporated area of Broward County, subject to restrictive covenants (Rezoning Petition 6-Z-94).

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTION 18, TOWNSHIP 49 SOUTH, RANGE 42 EAST; FROM B-3, GENERAL BUSINESS DISTRICT TO C-1, COMMERCIAL 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-1023) The Board adopted the Hearing Examiner's recommendation, considered the criteria set forth in Section 2.01(a) of the ordinance, approved with the amended language (which will be outlined in the minutes), approved the addendum, filed proof of publications and enacted the rezoning ordinance to become effective as provided by law.

14. MOTION TO ENACT an ordinance changing the zoning district of certain lands within the unincorporated area of Broward County (Rezoning Petition 7-Z-94).

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTION 5, TOWNSHIP 51 SOUTH, RANGE 41 EAST; FROM E-2, AGRICULTURAL ESTATE DISTRICT TO E-1, ESTATE 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-1082) The Board adopted the Hearing Examiner's recommendation, considered the criteria set forth in Section 2.01(a) of the ordinance, filed proof of publications and enacted the rezoning

ordinance to become effective as provided by law.

15. MOTION TO ENACT an ordinance changing the zoning district of certain lands within the unincorporated area of Broward County (Rezoning Petition 8-Z-94).

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF TRACT 56, BONAVENTURE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 82, PAGE 43 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED IN EXHIBIT "1"; FROM RM-18, RESIDENTIAL MULTIPLE-FAMILY DWELLING DISTRICT TO PLANNED DEVELOPMENT DISTRICT, P.D.D., PLANNED RESIDENTIAL COMMUNITIES, PURSUANT TO CHAPTER 39, ARTICLE LXXXI, PLANNED DEVELOPMENT DISTRICT, OF THE BROWARD COUNTY ZONING CODE; PROVIDING FOR LIMITATIONS, CONDITIONS AND QUALIFICATIONS; PROVIDING THAT THE CONCEPTUAL SITE PLAN FOR THE FALLS AT BONAVENTURE WHICH IS ATTACHED AS EXHIBIT "2" IS INCORPORATED INTO THIS ORDINANCE; PROVIDING THAT ALL DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE APPROVED MASTER DEVELOPMENT PLAN FOR THE FALLS AT BONAVENTURE AND BE SUBJECT TO THE LIMITATIONS, CONDITIONS AND QUALIFICATIONS SET FORTH IN THIS ORDINANCE; PROVIDING CRITERIA FOR DETERMINING MINOR CHANGES AND DEVIATIONS TO THE MASTER DEVELOPMENT PLAN; 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-1023) The Board adopted the Hearing Examiner's recommendation, considered the criteria set forth in Section 2.01(a) of the ordinance, approved the addendum, filed proof of publications and enacted the rezoning ordinance to become effective as provided by law.

16. MOTION TO ENACT an ordinance changing the zoning district of certain lands within the unincorporated area of Broward County (Rezoning Petition 9-Z-94).

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTION 5, TOWNSHIP 50 SOUTH, RANGE 40 EAST; FROM PDD, PLANNED DEVELOPMENT DISTRICT TO RM-18, RESIDENTIAL 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-1110) The Board adopted the Hearing Examiner's recommendation, considered the criteria set forth in Section 2.01(a) of the ordinance, filed proof of publications and enacted the rezoning

ordinance to become effective as provided by law.

17. MOTION TO ENACT an ordinance changing the zoning district of certain lands within the unincorporated area of Broward County (Rezoning Petition 10-Z-94).

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTION 14, TOWNSHIP 48 SOUTH, RANGE 42 EAST; FROM RM-10, RESIDENTIAL MULTIPLE-FAMILY DWELLING DISTRICT TO R-3U, ROW HOUSE 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-1127) The Board adopted the Hearing Examiner's recommendation, considered the criteria set forth in Section 2.01(a) of the ordinance, filed proof of publications and enacted the rezoning ordinance to become effective as provided by law.

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

### **NON AGENDA**

#### **FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT**

18. MOTION TO REVIEW a special lot clearing charge imposed by Code and Zoning Enforcement Division. (Continued from 10 a.m. meeting Item #37.)

ACTION: (B-121) Approved staff's recommended settlement of 50 percent for \$2,328.26 with the condition that the applicant submit the amount in question within 30 days; otherwise, a lien would be placed on the property and the total lot clearing charges of \$4,656.51 would be enforced after January 15, 1994.

19. A. DISCUSSION: The Board discussed Judge W. Herbert Moriarty's ruling when he granted the temporary injunction prohibiting Mr. Wayne M. Thrasher from serving on the Board of Rules and Appeals pending the final determination of the case and noted the resignation of Mr. Harry Jones from the Board of Rules and Appeals. County Attorney John J. Copelan Jr. noted that Mr. Thrasher is currently enjoined from serving as a member of the Board of Rules and Appeals pending further dispositions in the court. (CA. DISCUSSION: The Board discussed Ju

ACTION: (A-4261 and B-1242) The Board approved the County Attorney's request to authorize filing an appeal to dismiss and decided not to negotiate a settlement with the Board of Rules and Appeals.

B. MOTION TO DIRECT The County Attorney's Office to draft an ordinance to allow the Board of County Commissioners to allow post-employment restriction to officers on appointed boards for two years, as defined under Chapter 112.313(13) of the Florida Statutes which was amended in 1993 and write a letter to the Board of Rules and Appeals Administrative Director with a copy to its members, bringing this matter to his attention. (Comm. Rodstrom)

ACTION: (A-2374) Approved.

C.MOTION TO DIRECT the Chair to write a letter to the President of the League of Cities unanimously recommending that Mr. Wayne M. Thrasher be appointed in the general contractor category which expires on December 31, 1994. (Comm. Parrish)

ACTION: (2631) Approved.

20. DISCUSSION: The Chair addressed previous Board discussion on its preference that the Greater Fort Lauderdale Convention and Visitors Bureau vacate its current office at the Sun Sentinel building on Las Olas Boulevard and questioned whether the bureau would consider moving into the vacant office space at the Port Everglades Authority Administration Building at Eller Drive as it would be near the convention center.

The Board discussed its advice to the County Administrator to review the office space at Eller Drive as a possibility; noted an existing space in the Convention Center where some of the bureau's staff could move in to; conveyed the Community Health Purchasing Alliance's (CHPA's) willingness to take the county's portion of the leased space at the convention center as CHPA is relocating and suggested that the county wait until the lease expires in December 1996.

ACTION: (2679) The Board directed Administration to report back on this issue.

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