

**MINUTES
BROWARD COUNTY PLANNING COUNCIL**

June 25, 2015

MEMBERS Anne Castro, Chair
PRESENT: Commissioner Michael S. Long, Vice Chair
Commissioner Richard Blattner
Commissioner Angelo Castillo
Michael Friedel
Commissioner Bill Ganz
School Board Member Patricia Good
Mary D. Graham
Richard Grosso
Commissioner Shari L. McCartney
Robert McColgan
Bernard Parness
Nicholas T. Steffens

MEMBERS Neal R. de Jesus
ABSENT: Thomas H. DiGiorgio, Jr.
Commissioner Michelle J. Gomez
Vice Mayor Martin D. Kiar
Vice Mayor Rita Mack
Mayor Michael J. Ryan
Mayor Daniel J. Stermer, Secretary

ALSO Barbara Blake Boy, Planning Council Executive Director
PRESENT: Andy Maurodis, Legal Counsel
Caitlin Haeseker, Real-Time Reporter

A meeting of the Broward County Planning Council was held at 10:02 a.m. on Thursday, June 25, 2015, in Room 422 of the Broward County Governmental Center, Fort Lauderdale, Florida

(The following is a near-verbatim transcript of the meeting.)

CALL TO ORDER: Chair Anne Castro called the meeting to order. Following Roll Call by the Real Time Reporter, the Chair declared a quorum present.

PLEDGE OF ALLEGIANCE:

(THE PLEDGE OF ALLEGIANCE WAS LED BY SCHOOL BOARD MEMBER PATRICIA GOOD.)

Planning Council
6/25/2015
CH

ROLL CALL:

CHAIR CASTRO: We have a new person taking minutes. This is Ms. Caitlin Haeseker. Okay, close enough. So, please identify yourselves for Caitlin because she probably doesn't know who we are even though we have our name plates out front. Thank you.

THE REPORTER: Good afternoon everyone – sorry, good morning. Sorry, my brain.

CHAIR CASTRO: It's all right.

THE REPORTER: Commissioner Richard Blattner.

COMMISSIONER BLATTNER: Here.

THE REPORTER: Commissioner Angelo Castillo.

COMMISSIONER CASTILLO: Here.

THE REPORTER: Mr. Neal R. De Jesus. Mr. Thomas H. DiGiorgio, Jr. Michael Fridel.

MR. FRIEDEL: Here.

THE REPORTER: Commissioner Bill Ganz.

COMMISSIONER GANZ: Here.

THE REPORTER: Commissioner Michelle Gomez. School Board Member Patricia Good.

MS. GOOD: Here.

THE REPORTER: Ms. Mary Graham.

MS. GRAHAM: Here.

THE REPORTER: Mr. Richard Grosso.

MR. GROSSO: Here.

THE REPORTER: Vice Mayor Martin Kiar. Commissioner Michael Long.

COMMISSIONER LONG: Here.

THE REPORTER: Vice Mayor Rita Mack. Commissioner Shari McCartney.

Planning Council

6/25/2015

CH

COMMISSIONER MCCARTNEY: Here.

THE REPORTER: Robert McColgan.

MR. MCCOLGAN: Here.

THE REPORTER: Mr. Bernard Parness.

MR. PARNES: Here.

THE REPORTER: Mayor Michael Ryan. Mr. Nicholas Steffens.

MR. STEFFENS: Here.

THE REPORTER: Mayor Daniel Stermer. And Anne Castro, Chair.

CHAIR CASTRO: Here.

THE REPORTER: Thank you.

CONSENT AGENDA

AGENDA ITEM C1 - APPROVAL OF FINAL AGENDA FOR JUNE 25, 2015

AGENDA ITEM C2 - JUNE 2015 PLAT REVIEWS FOR TRAFFICWAYS PLAN

COMPLIANCE

AGENDA ITEM C3 - APPROVAL OF MINUTES OF MAY 28, 2015

AGENDA ITEM C4 - EXCUSED ABSENCE REQUESTS

CHAIR CASTRO: I know we normally do this later but I just find it easier to do it at attendance time. We have some excused absences requested. I know Vice Mayor Kiar is in a Budget Workshop right now. May I have a motion to excuse all the members who aren't present?

MS. GOOD: Move.

CHAIR CASTRO: Do we have a second?

COMMISSIONER LONG: Second.

CHAIR CASTRO: All in favor. Any apposed? Hearing none we'll move on.

VOTE PASSES UNANIMOUSLY.

CHAIR CASTRO: Any items pulled from the Consent Agenda? May I have a motion to approve the Consent Agenda?

Planning Council

6/25/2015

CH

MS. GOOD: So moved.

MR. PARNES: Second.

CHAIR CASTRO: Raise your hand if you moved it. Thank you. Second. Thank you.

VOTE PASSES UNANIMOUSLY.

REGULAR AGENDA

AGENDA ITEM R-1 - COUNSEL'S REPORT:

CHAIR CASTRO: Okay, we're on to the Regular Agenda. And we'll start R-1 Counsel's Report.

MR. MAURODIS: No specific report other than to advise that last Thursday a Supreme Court case came down that will really affect -- those of you representing municipalities will be interested in. That could have radical consequences for sign regulations in cities across the country.

The opinion was authored on a case of *Reed v. Town of Gilbert*. The majority of the opinion was written by Justice Thomas there were three concurring opinions. The affect -- the case seems to imply that any type of content distinction made in a sign code will be subject to strict scrutiny. And it seems in the majority opinion of Justice Thomas that that concept seems to be taking -- we understand that we can't regulate context -- content of signs generally, especially when you get into political and issues. But it was taken to the point that in the same category; putting a regulation of a political sign, a free expression sign, and a sign that a church is having a bazaar on Sunday or a picnic on Saturday in the same category. And that a regulation on one is -- on any one of those is content based, therefore, putting at risk -- more sign codes they regulate; a for sale sign, you could put up certain times; a political sign, you can put up two weeks before the election and take it down -- whatever, that type of regulation. Now all of that is being called into question. And all your municipal attorneys are running around trying to figure out what this means for their sign ordinance. But I'm just letting you know. Especially those representing cities, your city attorneys are going to be -- probably communicating with you on that and attempting to deal with it.

It is a major, major opinion that we're still trying to pass through because of the amount of concurring opinions on it. But I just wanted to make you aware of it. It's *Reed v. Town of Gilbert*.

CHAIR CASTRO: And I don't mean to get into legal discussion here, but we can later. So, is it your feeling that all signs would have to be -- let's say for instance the same physical size regardless of content?

MR. MAURODIS: No, no, no. They specifically indicate you can regulate the size of the signs, regulate signs in commercial verses zoning districts, you can regulate off-premise signs, which are basically billboards. And -- but those statements came in concurring opinions. But yes, I think size is subject to regulation, off-premise is subject to regulation, zoning and residential -- signs in residential verses commercial. But when you -- where you start getting into the difficult issues is if you're regulating an election sign verses a free expression sign.

Most cities have a -- because of a case that happened twenty years ago with the first Iraq War allow free expression sign of a certain size. They're saying well why are you treating that different than a political sign. Why are you treating that different than a sign for a church that says we're having services Sunday at 10:00. Those type of things. And we're still trying to -- everyone is trying to determine it. But it's going to have some consequences for sign ordinances.

CHAIR CASTRO: Well, they're heading toward some deregulation of some kind. That's what I'm trying to pinpoint. So timing, for instance, if you're having campaign cycles that you would still be able to have a regulation that says candidates can't put their signs out until they qualify as a candidate.

MR. MAURODIS: That is -- by looking at all the concurring opinions I think that it will probably still be true. But I don't say that with the same amount of -- anywhere near the amount of confidence that I would have had that a week ago.

CHAIR CASTRO: Got you.

MR. MAURODIS: And we're looking at all of these issues. And all city attorneys are talking to each other and attempting to ---

CHAIR CASTRO: Commissioner Castillo did you --

COMMISSIONER CASTILLO: But cities are still free to say -- I'm sorry. Cities are still free to say -- because the only thing that a city can regulate is -- well for the most part, is those kinds of signs on public property.

MR. MAURODIS: But you still have -- you have --

COMMISSIONER CASTILLO: On residential property the owner always had the ability to put that sign up.

MR. MAURODIS: Yeah. But location, size, those are still all in play.

COMMISSIONER CASTILLO: So, municipalities are free to say we'll have no signs on public property.

MR. MAURODIS: It did not address that. But it seemed to indicate that you can -- you had full --

COMMISSIONER CASTILLO: -- I would imagine that's coming.

CHAIR CASTRO: Or empty lots.

MR. MAURODIS: It's just something for you to be aware of; as I say we're still trying to -- it's a week old. The amount of opinions that were issued on the one case makes it difficult. Thank you.

CHAIR CASTRO: Executive Director's Report.

AGENDA ITEM R-2 - EXECUTIVE DIRECTOR'S REPORT:

MS. BOY: Good morning. The July meeting -- I just have a couple items. The July meeting is subject to cancellation for a couple of reasons. Right now there are no items scheduled for hearing on that agenda, so that's a good reason. So, as long as you dispense of all of the items before you today they'll be no requirement for that. The second reason is that the County is upgrading Rooms 422, this room, and Room 430 for media. So we won't be able to use these rooms anyway. So, if there had to be a meeting we would not have a location. So I just wanted to pass that on, we'd have to look for an alternate location. But like I said it looks like it should be clear.

I just wanted to tell you quickly Broward Next, we are still moving forward, there's no new documents since last month, since the e-mail that I sent out. But we've been continuing to go out to different municipalities and by the end of August we'll have been to at least twenty or twenty-one different municipalities, unique municipalities, and we're already starting to get invitations back for a second run. So we're trying to time that as our new materials and information come in. So, we'll be working hard on that over the summer and scheduling more public outreach meetings and workshops as we have the drafts to go through. The third item is --

CHAIR CASTRO: -- before you move on to that I want to let you all know. First of all, those of you I copied on my e-mail. I sent an e-mail to every city manager and mayor, and if one of you was in the mix but as an elected official I copied you as well so you didn't get blindsided by anybody, and if I could find a community development or planning and zoning person or building person I put them into the mix as well. I want to thank all of you for jumping on some of my e-mails and making sure it got, you know, actioned.

I also know we sent out a letter from the Planning Council last month, our goal last month when Barb and I discussed it was to try to hit about twenty-five to twenty-six of the thirty-one cities knowing some cities just aren't going to participate. We are having

trouble reaching Lazy Lakes and Sea Ranch Lakes, apparently they don't do e-mail. They don't do anything.

I will tell you, as a personal note, going through your websites at the city level, those of you that are municipals officials, some of these websites in the County are really incredible. Good information, good structure, easy for the public to follow and it was really nice to see all that in this tech savvy age that the cities are really responding in a way that's making it easy for their residents to find what they need. I have to really commend Hollywood, they have a one button that says: "E-mail the Commission" and you get them all. You don't have to pick one, you get the whole Board. And it's a wonderful button, I wish all the cities -- and I'm asking Dania Beach to put it on and let it go. And I think it's a brilliant thing.

So that was one little nugget I picked up. But, you know, again, we're going to hit the goal probably of getting the number of cities we were hoping. We'd love 100 percent so I'll probably pick up the phone next and call Sea Ranch Lakes and Lazy Lakes and grab who I need to talk to, to see if they would like something. But some of them we've actually done twice or three times because we did a PNZ, and then we did a Commissioner, whatever. So we're trying to make sure it's out there as much as possible. And I want to commend the staff again for doing all that. Because they go after hours to take care of most of these visits. Sorry, go ahead.

MS. BOY: It's okay. Thank you. I was just going to mention the August meeting length the Fort Lauderdale Regional Activities Center application may be coming back for the second Public Hearing. And I don't -- some of you may recall that were on the Board in January, it was a rather complex discussion, about an hour and a half. So, I just want to give you the heads up that we could be looking at a longer than normal meeting for the August Public Hearing. Just want to get you on your calendars.

And the final item I just want to mention the Public Hearing items, we have nine of them today. There are no members of the public signed in to speak the sign -- the people that are signed in to speak are for questions only. And that concludes my report.

CHAIR CASTRO: Okay. Thank you.

MR. GROSSO: Ma'am Chair, I don't know that I have the August date.

MS. BOY: Sorry, it's August 27. I had that in my note.

CHAIR CASTRO: Its fourth Thursday?

MS. BOY: The fourth Thursday.

CHAIR CASTRO: Fourth Thursday. Okay. I thought something moved on me and I didn't even know about it yet, which is okay. We're about to head into the Public Hearings and the Quasi-Judicial Hearings. Does anybody have any contact from

applicants or other members or the public about any of the items that they have to disclose? No, okay.

AGENDA ITEM R-3 - CORRESPONDENCE:

(None.)

PUBLIC HEARING AGENDA

AGENDA ITEM PH 1 - RECERTIFICATION PCR 15-11

AGENDA ITEM PH 2 - RECERTIFICATION PCR 15-12

AGENDA ITEM PH 3 - RECERTIFICATION PCR 15-14

AGENDA ITEM PH 4 - RECERTIFICATION FOR PCR15-13

AGENDA ITEM PH 5 - AMENDMENT PC 15-12

AGENDA ITEM PH 6 - AMENDMENT PC 15-2

AGENDA ITEM PH 7 - AMENDMENT PC 15-6

AGENDA ITEM PH 8 - AMENDMENT PC 15-10

AGENDA ITEM PH 9 - AMENDMENT PC 15-11

COMMISSIONER LONG: Ma'am Chair, if I can move PH1 to PH9.

CHAIR CASTRO: You want to move all nine items, are there any pulls? We can move all nine? Okay. Seeing no pulls --

MS. BOY: The quasi-judicial hearings are waived.

CHAIR CASTRO: Okay. I have a motion by Commissioner Long.

MS. GOOD: Second.

CHAIR CASTRO: Second by School Board Member Good. Would you call the roll please?

THE REPORTER: Commissioner Richard Blattner.

COMMISSIONER BLATTNER: Yes.

THE REPORTER: Commissioner Angelo Castillo.

COMMISSIONER CASTILLO: Yes.

THE REPORTER: Mr. Michael Friedel.

MR. FRIEDEL: Yes.

THE REPORTER: Commissioner Bill Ganz.

Planning Council

6/25/2015

CH

COMMISSIONER GANZ: Yes.

THE REPORTER: School Board Member Patricia Good.

MS. GOOD: Me, here. Yes.

THE REPORTER: Mary Graham.

MS. GRAHAM: Yes.

THE REPORTER: Commissioner Michael Long.

COMMISSIONER LONG: I'm still here and yes.

THE REPORTER: We're doing a roll call vote, right.

CHAIR CASTRO: It's a roll call for the vote. So we're going on yes.

THE REPORTER: Commissioner Shari McCartney.

COMMISSIONER MCCARTNEY: Yes.

THE REPORTER: Robert McColgan.

MR. MCCOLGAN: Yes.

THE REPORTER: Mr. Bernard Parness.

MR. PARNES: Yes.

THE REPORTER: Mr. Nicholas Steffens.

MR. STEFFENS: Yes.

THE REPORTER: And then Chair, Anne Castro.

CHAIR CASTRO: Yes.

THE REPORTER: Have I missed anyone? Mr. Richard Grosso.

MR. GROSSO: Yes. Thank you.

VOTE PASSES UNANIMOUSLY.

CHAIR CASTRO: Okay. I thought she called you. That's all right. We'll get used to it. It's good. It gets us on our toes.

OTHER BUSINESS

PLANNING COUNCIL MEMBER COMMENTS:

CHAIR CASTRO: Everyone please remember your Form 1's. I understand one form takes care of it all, allegedly. But please make sure you turn in your Form 1's.

NEXT SCHEDULED PLANNING COUNCIL MEETING - JULY 23, 2015

CHAIR CASTRO: Okay. So I want to go back to the July meetings. I think I need a motion to -- Mr. Steffens?

MR. STEFFENS: Motion to dispense with the July meeting.

COMMISSIONER LONG: Second.

CHAIR CASTRO: All in favor. Anybody opposed? Is there any other business ma'am?

MS. BOY: No, thank you.

CHAIR CASTRO: We're good. Mr. Maurodis we're good?

MR. MAURODIS: We're good.

VOTE PASSES UNANIMOUSLY.

The next Planning Council meeting is scheduled for August 27, 2015, at 10:00 a.m., in Room 422 of the Broward County Governmental Center.

ADJOURNMENT

CHAIR CASTRO: Thank you everybody, we'll see you in August. Have a great summer. Have a Happy Fourth of July.

There being no further business to come before the Planning Council at this time, the meeting was adjourned at 10:17 a.m.

(A copy of the audio recording of this meeting is available upon request by calling Document Control in Room 336U, at (954) 357-7297.)