

MINUTES

BROWARD COUNTY PLANNING COUNCIL

March 22, 2018

MEMBERS Mayor Daniel J. Stermer, Chair
PRESENT: Thomas H. DiGiorgio, Jr., Vice Chair
School Board Member Patricia Good, Secretary
Brion Blackwelder
Commissioner Richard Blattner
Robert Breslau
Commissioner Felicia Brunson
Vice Mayor Angelo Castillo
Mayor Bill Ganz
Vice Mayor Michelle J. Gomez
Mary D. Graham
Richard Grosso
Commissioner Heather Moraitis
David Rosenof
Richard Rosenzweig
Mayor Michael J. Ryan
Commissioner Michael Udine
Vice Mayor Beverly Williams

Also Present: Barbara Boy, Executive Director
Andy Maurodis, Legal Counsel
Commissioner Chip LaMarca, Broward County Commission
Courtney Crush, Smart Growth Partnership
Nancy Cavender, The Laws Group

A meeting of the Broward County Planning Council, Broward County, Florida, was held in Room 422 of the Government Center, 115 South Andrews Avenue, Fort Lauderdale, Florida at 10:00 a.m., Thursday, March 22, 2018.

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

CALL TO ORDER:

Chair Daniel Stermer called the meeting to order.
CHAIR STERMER: Good morning, everybody. If everyone can please take your seats. Good morning. I'd like to call to order the March 22nd, 2018 meeting of the Broward County Planning Council.

PLEDGE OF ALLEGIANCE:

CHAIR STERMER: If we could all please stand for the Pledge of Allegiance. And I'd ask newly elected Commissioner Heather Moraitis to lead us in the Pledge of Allegiance.

(THE PLEDGE OF ALLEGIANCE WAS LED BY COMMISSIONER HEATHER MORAITIS.)

ROLL CALL:

CHAIR STERMER: Ms. Cavender, can you please call the roll.

THE REPORTER: Mr. Brion Blackwelder.

MR. BLACKWELDER: Here.

THE REPORTER: Commissioner Richard Blattner.

COMMISSIONER BLATTNER: Here.

THE REPORTER: Mr. Robert Breslau.

MR. BRESLAU: Here.

THE REPORTER: Commissioner Felicia Brunson.

COMMISSIONER BRUNSON: Here.

THE REPORTER: Vice Mayor Angelo Castillo.

VICE MAYOR CASTILLO: Here.

THE REPORTER: Mr. Thomas H. DiGiorgio, Jr.

MR. DIGIORGIO: Here.

THE REPORTER: Mayor Bill Ganz.

MAYOR GANZ: Here.

THE REPORTER: Vice Mayor Michelle J. Gomez.

VICE MAYOR GOMEZ: Good morning.

THE REPORTER: School Board Member Patricia Good.

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MS. GOOD: Here.

THE REPORTER: Ms. Mary D. Graham.

MS. GRAHAM: Here.

THE REPORTER: Mr. Richard Grosso.

MR. GROSSO: Here.

THE REPORTER: Commissioner Heather Moraitis.

COMMISSIONER MORAITIS: Here.

THE REPORTER: Mr. David Rosenof.

MR. ROSENOF: Here.

THE REPORTER: Mr. Richard Rosenzweig.

MR. ROSENZWEIG: Here.

THE REPORTER: Mayor Michael J. Ryan.

MAYOR RYAN: Here.

THE REPORTER: Commissioner Michael Udine.

THE REPORTER: Vice Mayor Beverly Williams.

VICE MAYOR WILLIAMS: Here.

THE REPORTER: Mayor Daniel J. Stermer, Chair.

CHAIR STERMER: Here. And good morning, everybody.

UNIDENTIFIED SPEAKER: Good morning.

OATH OF OFFICE:

CHAIR STERMER: Commissioner Moraitis, come join us. We're going to swear you in, now that you're the newest member of the Planning Council. (Applause.)

CHAIR STERMER: You get to raise your right hand a lot this week. Please

repeat after me. I do solemnly swear --

COMMISSIONER MORAITIS: I do solemnly swear --

CHAIR STERMER: -- that I will support, protect, and defend --

COMMISSIONER MORAITIS: -- that I will support, protect, and defend --

CHAIR STERMER: -- the Constitution and government --

COMMISSIONER MORAITIS: -- the Constitution and government --

CHAIR STERMER: -- of the United States --

COMMISSIONER MORAITIS: -- of the United States --

CHAIR STERMER: -- and of the State of Florida --

COMMISSIONER MORAITIS: -- and of the State of Florida --

CHAIR STERMER: -- and that I am duly qualified --

COMMISSIONER MORAITIS: -- and that I am duly qualified --

CHAIR STERMER: -- to hold office --

COMMISSIONER MORAITIS: -- to hold office --

CHAIR STERMER: -- under the Constitution --

COMMISSIONER MORAITIS: -- under the Constitution --

CHAIR STERMER: -- of the state --

COMMISSIONER MORAITIS: -- of the state --

CHAIR STERMER: -- and the Charter of Broward County --

COMMISSIONER MORAITIS: -- and the Charter of Broward County --

CHAIR STERMER: -- and that I will well and faithfully --

COMMISSIONER MORAITIS: -- and that I will well and faithfully --

CHAIR STERMER: -- perform the duties of a member --

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COMMISSIONER MORAITIS: -- perform the duties of a member --

CHAIR STERMER: -- of the Broward County Planning Council --

COMMISSIONER MORAITIS: -- of the Broward County Planning Council --

CHAIR STERMER: -- on which I am now about to enter --

COMMISSIONER MORAITIS: - - on which I am now about to enter --

CHAIR STERMER: -- so help me God.

COMMISSIONER MORAITIS: -- so help me God.

CHAIR STERMER: Congratulations. Welcome. (Applause.)

CHAIR STERMER: Picture time.

UNIDENTIFIED SPEAKERS: (Inaudible.)

(Picture taken.)

CHAIR STERMER: Commissioner Moraitis, welcome. And thank you for joining us on the Planning Council. Commissioner LaMarca, thank you for appointing Commissioner Moraitis. If you'd like to say a few words?

COMMISSIONER LAMARCA: Who would like to speak first?

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER MORAITIS: Chip or me?

COMMISSIONER LAMARCA: You're going to do that next. I will -- I will -- I will just say this. It has -- you know, my most immediate past appointment was Mayor Seiler. And I would tell you that I couldn't be more proud of the people that I've had on this particular board. And Mr. DiGiorgio has, I know, been fantastic for issues in this area, and his experience speaks for itself. This is -- because I live in a small city and know people where I live and where I served prior, it's been very difficult to have two people on the -- on the board, because there are some rules that govern the size of the municipality where you can have two people. So I'm very happy to have a brand new City Commissioner on the board. And I know Heather will do a wonderful job. And this is -- it's important what you -- what you all do on this board. When things come to us and say it was unanimously or almost unanimously approved, that type of thing, it goes a long way in helping us

make our decision. So appreciate your leadership and the board's and good luck.

COMMISSIONER MORAITIS: Thank you.

CHAIR STERMER: Thank you, Commissioner LaMarca. We appreciate it. Commissioner Moraitis.

COMMISSIONER MORAITIS: Thank you. Thank you for this opportunity to serve. It is an honor. I was just sworn in Tuesday, so hopefully I am up to speed. So I have the book. I have gone through it. But I look forward to serving with each and every one of you and thank you for this opportunity.

CHAIR STERMER: And let me just say this on behalf of the Council. One, welcome. And, two, and I understand we all come from the government or the businesses we work in, I don't think you'll find a more enthused and assisting staff than you'll find here at the Planning Council.

COMMISSIONER MORAITIS: Yes.

CHAIR STERMER: We all love the people we work with in our own cities, but I will tell you, the staff here, morning, noon, or night, will help you and answer questions that you have and provide you with guidance. So never feel bashful to ask --

COMMISSIONER MORAITIS: Thank you.

CHAIR STERMER: -- you know, reach out to staff and help you in any way that you may need.

COMMISSIONER MORAITIS: Thank you. I agree with that. I've enjoyed meeting Barbara already. So thank you, Mayor.

CHAIR STERMER: Good. Glad to hear that.

CONSENT AGENDA

AGENDA ITEM C-1 - APPROVAL OF FINAL AGENDA FOR MARCH 22, 2018

AGENDA ITEM C-2 - MARCH 2018 PLAT REVIEWS FOR TRAFFICWAYS PLAN COMPLIANCE

AGENDA ITEM C-3 - APPROVAL OF MINUTES JANUARY 25, 2018

AGENDA ITEM C-4 - EXCUSED ABSENCE REQUESTS

CHAIR STERMER: We are now up to the Consent Agenda. Are there any

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items to be pulled by any member of the Council with regard to the Consent Agenda? Is there a motion –

MS. GOOD: Moved.

CHAIR STERMER: -- with regard to the Consent Agenda? Moved by School Board Member –

MR. DIGIORGIO: Second.

CHAIR STERMER: -- Good, second by Vice Chair DiGiorgio. All those in favor, signify by saying aye. All those opposed? Motion carries unanimously. Consent Agenda's approved.

VOTE PASSES UNANIMOUSLY.

REGULAR AGENDA

AGENDA ITEM R-1 - SMART GROWTH PARTNERSHIP

CHAIR STERMER: We're now up to Item R-1, the Smart Growth Partnership. Madam Executive Director.

MS. BOY: Mayor Stermer, I'm just going to ask you to come down and Mr. Sniezek to come up. The Smart Growth Partnership is here to present an Honorable Mention that we received for the work on Broward Next, and they agreed to come to the meeting to present it. And I should have -- I should have introduced Courtney Crush, who is here to -- from the Smart Growth Partnership.

CHAIR STERMER: Come on, you and Henry join me, too.

MS. CRUSH: Wonderful. Mayor Stermer, board members, thank you for allowing the Smart Growth Partnership to acknowledge the Honorable Mention awarded by the Smart Growth Partnership, its awards in excellence for the comprehensive work done with Broward Next to update the Comprehensive Plan from the 1970s to reflective of the 21st century. We certainly applaud it, as does the community. And it's our pleasure to be able to formally recognize you.

CHAIR STERMER: We appreciate that. Thank you very much.

MS. CRUSH: Thank you, Mayor Stermer.

CHAIR STERMER: And I'm going to give it to the two people that --
(Applause.)

CHAIR STERMER: -- honestly, you figure out how you share it.

MS. CRUSH: Oh, maybe we can -- we can get another. Two offices.

(Picture taken.)

CHAIR STERMER: And we appreciate the recognition. And, as we know, this is -- was step one in the process. We're now embarking on Part 2. And it has been a significant task that the Planning Council undertook. And, like I said, we're still walking the road, and we continue to ask for the community's involvement as we walk through Phase 2. And we look forward to Henry and Barbara's continued leadership. And we thank the Smart -- Smart Growth Partnership for the recognition.

UNIDENTIFIED SPEAKERS: (Inaudible.)
(Applause.)

AGENDA ITEM R-2 - BROWARD NEXT PRESENTATION

MS. BOY: Item R-2 is moved to the end of the Public Hearing agenda because we have a couple items that have speakers on, so Mayor Stermer and I had spoken earlier this week and checked with the County staff, so that presentation will be made at the conclusion of the Public Hearing items.

AGENDA ITEM R-3 - COUNSEL'S REPORT

MR. MAURODIS: Counsel Report, none this month. Next month, I will have a report on the final review of the legislative session and the activities in Tallahassee.

CHAIR STERMER: All of the good news that came out of Tallahassee, right.

AGENDA ITEM R-4 - EXECUTIVE DIRECTOR'S REPORT

CHAIR STERMER: Madam Executive Director?

MS. BOY: Thank you. Good morning. Congratulations to Commissioner Moraitis on your appointment to the Planning Council. And congratulations to Vice Mayor Castillo on his re-election. He was -- took the oath of office also again this week. And I'm going to actually mention Ms. Good, even though it was her husband that was elected Commissioner, because I know how hard she worked during the campaign. So congratulations.

I just have a couple of items. The first item is kind of a housekeeping item. The July meeting date, we're in a position, I think, at this point, to make a recommendation to cancel the meeting as people are getting closer to the summer months and making their -- their plans as the board.

I would prefer if we canceled it now so that we -- so that we know, as we're working through the schedule, and you know also. And then next month -- I'm sorry -- in May, we'll put forward the calendar for 2019, and I'll state on there that it would only be scheduled if necessary. So that way, you wouldn't have to take the action. So I would ask that the Council consider that today.

CHAIR STERMER: Is there anybody that feels so compelled that we need to have a meeting in July?

COMMISSIONER UDINE: **Motion** to approve staff's recommendation.

CHAIR STERMER: Moved by Commissioner Udine.

VICE MAYOR GOMEZ: Second.

CHAIR STERMER: Second by Vice Mayor Gomez. All those in favor, signify by saying aye. All those opposed? Cancel the July meeting.

VOTE PASSES UNANIMOUSLY.

MS. BOY: Thank you. The other thing I just wanted to quickly mention is that at the Tuesday County Commission meeting, the County set a tentative date for an affordable housing workshop. As you may recall, the Council last year sent a letter to both the Commission and League of Cities asking for some coordination on the affordable housing policy, so I wanted to keep you up to date on that. As more information becomes available for that date, I will certainly forward it to you regarding the workshop.

Hearing items. I'll just quickly take you through.

Item 1, we have four speakers. Two are members of the public, and two are questions only. That's the City of West Park Activity Center. Item 3, which is the City of Pompano Beach Activity Center, we have five speakers signed in, but one is a member of the public and the other four are for questions only. And Item 5, we have 12 speakers signed in to speak. I think that -- it appears that there's two members of the public, and most are like in support, or here from an organization supporting that. On Item 4, I should have said we have two -- two signed in to speak, but they are for questions only. So you have members of the public on 1, 3, and 5.

PUBLIC HEARING

AGENDA ITEM PH-2 - AMENDMENT PC 18-1

AGENDA ITEM PH-4 - AMENDMENT PC 18-6

AGENDA ITEM PH-6 - AMENDMENT PCT-18-4

CHAIR STERMER: Okay. Is there a motion with regard to Items 2, 4, and 6? Presuming the two for PH-4 are for questions only, is there a motion with regard to Items 2, 4, and 6?

MR. DIGIORGIO: I'll **move** 2, 4, and 6.

CHAIR STERMER: Moved by Vice Chair DiGiorgio, seconded by Commissioner Williams -- Vice Mayor -- Vice Mayor Williams. Okay. Just making sure. All those in favor, signify by saying aye. All those opposed? If you're here for Items 2, 4, and 6, those items have been approved. If you'd like to leave, you're more than welcome to do so, just please do so quietly.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM PH-1

A. AMENDMENT PC 18-3

B. AMENDMENT PCT 18-2

CHAIR STERMER: Item Number 1, Madam Executive Director.

MS. BOY: Good morning again. Item Number 1 is a second Public Hearing. This is a proposed expansion of the City of West Park --

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. BOY: -- I'm sorry, can you just put the map up for me? Sorry. Thanks. It's the City of West Park Activity Center. It's the expansion of that. At the first Public Hearing in November, there was an extensive discussion regarding a request to the city to -- to actually expand its public participation process. So included in your backup is the result of that expansion. The resending of courtesy notices, knocking on doors, having a public meeting. So with that information, as well as the city's action regarding reinforcement of its open space policy and how to work those into, Planning Council staff recommends approval of the item. As I mentioned, we have two members of the public signed in to speak, if you'd like me to start calling them.

CHAIR STERMER: Please do.

MS. BOY: The first speaker is Jamal Parms. The second speaker is Katrina

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Touchstone.

CHAIR STERMER: Mr. Parmis. And Ms. Touchstone, you'll speak right after Mr. Parmis is done.

MR. PARMIS: How you doing? Good morning, everyone.

CHAIR STERMER: Good morning. Give us your name -- give us your name and your address, please.

MR. PARMIS: Jamal Parmis, 115 Harvard Road, West Park, Florida. I just have just a quick question. I actually missed the last meeting, but I noticed that there were a lot of questions about eminent domain. And there was talk being said that -- that the residents wouldn't be -- wouldn't fall under that particular category, you know, as being subjected to eminent domain. And they were asking for language to be put in writing. Was that ever done, or what's the update on that?

CHAIR STERMER: Madam Executive Director.

MS. BOY: I would just say at the first Public Hearing, the city confirmed that eminent domain was not going to be utilized as a tool for the redevelopment of this area. There's two speakers from the city, after Ms. Touchstone, that could come up to reconfirm that on the record.

CHAIR STERMER: And we'll do that.

MR. PARMIS: Okay. Thank you very much.

CHAIR STERMER: You're welcome.

MR. PARMIS: I was just curious, because when I looked at the -- the area of the proposed Activity Center, some of it overlapped, you know, residents, so I'm just curious about that. All right.

CHAIR STERMER: Appreciate it. We'll get you --

MR. PARMIS: Thank you so much.

CHAIR STERMER: -- an answer.

MR. PARMIS: All right.

CHAIR STERMER: You're welcome.

MS. BOY: The next -- the next speaker is Katrina Touchstone, followed by Mayor Dorsett, followed by Shelley Eichner.

CHAIR STERMER: Good morning, Ms. Touchstone.

MS. TOUCHSTONE: Good morning. Thank you for allowing me the opportunity to speak. I did miss the first --

CHAIR STERMER: Give us your name, please.

MS. TOUCHSTONE: Oh, sorry. Katrina Touchstone --

CHAIR STERMER: Thank you.

MS. TOUCHSTONE: 4821 Southwest 20th Street --

CHAIR STERMER: Thank you.

MS. TOUCHSTONE: -- West Park. I missed the first opportunity to be here back in November. One of my concerns was that for this meeting that we are at today that there were no notices provided to the residents that the meeting was going to occur. I found out late last night that it was going to occur, so that's why I'm here today. Some of the information that was presented previously by the city is somewhat inaccurate. The map that you guys have up on the screen right now is a map that was created after our April the 22nd, 2017 charrette that was by invitation only for selected residents to participate in. The original map that was created back in 2016 only included the properties along Pembroke Road, 18 Street, and 19 Street, and a portion that was from 441 approximately to 58 Avenue. Upon us doing a charrette back in April the 22nd, it was decided by the residents there that we wanted to increase the TOC to the map that you're seeing right now. However, the residents along the extension of the corridor from 2017 were not provided any notice that the TOC was coming to fruition. So the solution for that for the city was to have one more additional public meeting, in which they did follow the guidelines of mimicking the mailing list that you all did back in October. So we did have a significant turnout at that meeting. However, there was not enough time allotted for residents to provide comments or to get questions answered. The meeting was only a hour long. It lasted from 6:00 to basically 6:53. They kind of cut the meeting short to go to the next meeting, which was the regular scheduled Commissioners' meeting. Some of the things that I don't think that the city is considering is the fact that the increase of the TOC and the idea of a lot of the residential property being utilized or being potentially sold to developers can offset the -- the market as it stands right now. A lot of the residents were advised that potentially they can receive two to three times the value of their homes, which, like I

indicated, would offset the market. They are telling the residents that, oh, this is going to be a good thing. Your property value's going to increase and so forth, but they're negating to indicate that in correlation to your property value increasing, your property taxes increases, and you also have to do an adjustment on your home insurance to ensure that the -- the market value of your dwelling is covered. So, in essence, you know, yeah, we need businesses and a tax base within the city, but I don't think that the officials are going about it the right way. They're trying to push this through as something that's going to happen ten, 15, 20 years down the line, and I feel like it would be more appropriate for them to try to go after the tax base that is already within our city boundaries. And I just feel as though there is too much residential real estate at stake, particularly in the subdivision of Carver Ranches, which is a historically black neighborhood, and that would lead to mass gentrification. Right now, as it stands, there's people in the residence that cannot afford their property taxes right now. People are getting their homes taken away from them because the taxes supersede your mortgage. So if you're unable to pay the taxes, there's anybody that could come and pay your taxes for you for a number of years and then come and take your home right from underneath you. Right now, we're currently the second or third highest millage rate assessed community in Broward County, yet we are one of the lowest median incomes, which what I believe is like around \$45,000 is the median income for our residents. So I think that this plan, although we need business tax -- tax base, I think that it is going to incorporate too much of our residential property, and I don't think that majority of the residents were included in the process.

CHAIR STERMER: We'll get answers to your questions about that.

MS. TOUCHSTONE: Thank you.

CHAIR STERMER: You're welcome. Mayor Dorsett, followed by Ms. Eichner.

MAYOR DORSETT: (Inaudible.)

CHAIR STERMER: Huh?

MS. BOY: He's deferring.

MAYOR DORSETT: I defer to Ms. Eichner.

CHAIR STERMER: Okay. Ms. Eichner.

MS. EICHNER: Good morning.

CHAIR STERMER: Good morning.

MS. EICHNER: Shelley Eichner with Calvin Giordano and Associates representing the City of West Park for this TOC amendment. In your backup, and briefly, the first talk about the TOC was back as early as November of 2015, and there have been multiple workshops, meetings, charrettes, more workshops, and one as most recently as a few weeks ago per the request and direction of the Planning Council for yet another workshop.

As far as the boundaries of the TOC, those were adopted by the City of West Park by resolution back in February of 2017 at an advertised public meeting.

As far as eminent domain, we've stated over and over again that the purpose of the TOC is a long-term planning tool to allow the city, should the will be there of residents, existing business owners, future developers, the flexibility to -- to move the land uses around within the overall TOC, or -- or as the -- the Activity Center, in the County's lingo. There's no net increase in any residential units nor permitted development, so all of this development within the TOC is the same level of development that would be permitted today. It just gives that flexibility for potential in this future long-range plan. As far as eminent domain, the city and the staff have never indicated that eminent domain was a tool in this toolbox for this. This is totally going to be driven by the developers, if -- if any even come in. And, of course, as far as any of the residents selling their homes, it's -- it's a two-way street. There might be a buyer, but there's got to be a willing seller, and nobody's being forced out of their homes at all.

In all of the presentations that I've been involved in, I certainly never -- we never got into, really, the subject, at the staff level, as to property values, or make that evaluations of whether property values would go up or would go down. Again, this is the first step in a very long-range planning redevelopment opportunity for the City of West Park. The goal is, upon approval of the Land Use Plan amendment here at the County and then back at the city level, then we go into the whole zoning criteria and creating new zoning codes to implement the TOC. And certainly it's been represented and will continue to be done so that, through the Zoning Code, protections will be built in to ensure the -- the mix and the co-existence of residential and non-residential development in terms of buffer yards, setbacks, landscape requirements and so on. But, again, there is no specific plan in place. This is just the beginning of the process.

CHAIR STERMER: Thank you, Ms. Eichner. Mr. Grosso.

MR. GROSSO: Hi.

MS. EICHNER: Hi.

CHAIR STERMER: Turn on your mic.

MR. GROSSO: What do we know -- yeah, how do -- what do we know about how the Property Appraiser is going to treat these properties? Because theoretically, then, the potential allowance of the greatest amount of use allowed here reflects a fair market value that then would immediately go up.

MS. EICHNER: None of the uses are changing. Today's -- the person's single-family house -- home is going to be a single family house.

MR. GROSSO: I understand that.

MS. EICHNER: Nothing is changing.

MR. GROSSO: But yet -- but yet value is also based upon reasonably anticipated future uses, not just what's on the ground today.

MS. EICHNER: I can't speak for how the Property Appraiser does their analysis of market value.

MR. GROSSO: Right, but I think that is a concern that these folks have, and it's potentially a really meaningful, immediate, real world concern. And I would wonder why that hasn't been part of the analysis today.

MS. EICHNER: I mean, I think any Land Use Plan amendment that comes before you when properties, residential properties change to commercial, you would have that same discussion item, or any of the Activity Centers that have been going on in the County for years and years.

MR. GROSSO: Agreed. Agreed.

MS. EICHNER: And I don't know that there's been a groundswell of property values increasing dramatically in value when something goes from the traditional single-family neighborhood, commercial, office, and then it becomes some type of mixed use Activity Center, that it's thrown property values totally out of whack.

MR. GROSSO: I mean, have you studied that, or you just don't know one way or the other?

MS. EICHNER: I don't know if -- I can't tell you for sure one way or another, but in the years, there hasn't been a groundswell of residents or business owners coming to this body or that I've heard in other cities that I work in that

this has become an issue when land use has changed from the old fashioned single use designation to more of a mixed-use designation.

MR. GROSSO: I guess that typically happens, though, when the change was made at the request of the land owner. When the change is made by somebody other than the landowner, I would assume that's kind of a different dynamic then; right?

MS. EICHNER: I think a lot of -- you've been on the Planning Council and been to a lot more meetings than I have, but I think a lot of the Activity Center types of designations that you have seen in the past several years have been initiated by the cities.

MR. GROSSO: What can you tell us about the -- the spatial extent of the new designation compared to what the projections are for what might sort of reasonably, or even optimistically, be anticipated to happen?

MS. EICHNER: What do you mean --

MR. GROSSO: How --

MS. EICHNER: -- what do you mean by the spatial extent?

MR. GROSSO: The size of the area covered by the -- the designation.

MS. EICHNER: When -- when the -- when the area was expanded, it -- it was really determined that the original TOC was a very small strip along the major corridors, and that, as a tool to further expand and encourage redevelopment, that it was really necessary to expand a little bit more further to the east from State Road 7 or further to the south, particularly along Pembroke Road.

MR. GROSSO: But is there -- is there some sort of analysis of what the projection is for what would realistically be expected to occur? Is that -- is the size of this based on some sort of analysis of what we reasonably expect to happen?

MS. EICHNER: Yeah, we -- we did some lot-fit analysis, and, clearly, the deeper lots certainly allow for a more -- greater opportunity for redevelopment. On the original plan, it was too -- the lots were just too narrow along the major corridors, and, as a result, there was not a tremendous amount of redevelopment happening. And what was happening was very limited because of those narrow lots.

MR. GROSSO: Right. But in terms of how much you would expect to

happen, was that kind of analysis done that then told us we need this amount of acreage, this number of lots of this size, to meet what we anticipate based on data to be the projected demand?

MS. EICHNER: No. We didn't do any type of demand analysis. What we did was we realized that the original TOC was very narrow, and so, therefore, we felt a need, it was reasonable to expand to create more depth to those lots along the -- the corridors to create more depth off the corridor to potentially allow for some property aggregation, maybe, in the future, or more reasonable development that had the depth. We -- like I said, we are not changing the amount of development that could happen in the TOC. It's no net increase in density or intensity. So all the uses that are there today are going to be there tomorrow. The difference is where they can go. And that was the purpose of the expansion of the TOC boundaries.

MR. GROSSO: Thank you. Mr. Chair --

CHAIR STERMER: School Board Member --

MR. GROSSO: -- thank you --

CHAIR STERMER: -- Good.

MR. GROSSO: -- thank you.

CHAIR STERMER: You're welcome.

MS. GOOD: Thank you, Mr. Chair. Ms. Blake BOY (inaudible), can you just quickly, once this -- should this be approved today, the process moving forward?

MS. BOY: Sure. This is the second Planning Council Public Hearing, so you're -- you know that you're the local planning agency to the County Commission. So at the point that a recommendation is made today, the item would be scheduled for the setting of a Public Hearing at the County Commission and then, ultimately, the Public Hearing either two or three or four weeks later, depending on their schedule, for consideration of adoption. So we've already had your -- you've had your first Public Hearing in November. The County Commission considered this in January for transmittal, positively, unanimously transmitted it to the state. And then it's back to you for the second Public Hearing. There were no comments received during the state review process, either.

MS. GOOD: So I can see, as a resident, I mean, the -- the land use process in itself is somewhat complicated, and quite different than -- than even a

zoning change. But is there any mechanism moving forward, especially as it relates to when it goes back through the city, for them to include some provision in any type of document -- I don't know if there's any form of agreement of sorts related to the Activity Center -- as it relates to the eminent domain question? Because I can certainly understand if you're a property owner and your property's located within the Activity Center, it -- it causes you some anxiety. And, clearly, it's been stated on the record that eminent domain is not something that the city's going to be utilizing in this. It's a long-range planning effort. So my question is is there any provision that you know of that the city can utilize to put that statement in a recordable format so at least the property owners that live within the Activity Center who -- who have some concerns about it feel that it's documented somewhere?

MR. MAURODIS: Certainly not in the land use context. And I'm trying to think. I don't -- I don't think the city would have the ability to record anything, because when you record it, you generally -- it relates to a parcel of property --

MS. GOOD: Right.

MR. MAURODIS: -- and not at the owner of the property. I don't think recording a general Declaration of Restrictive Covenant, frankly, they can't do that because they don't own it.

MS. GOOD: Right.

MR. MAURODIS: I'm struggling with the -- with a -- obviously, they could -- not obviously, but --

MS. GOOD: They could probably pass a resolution of some sort.

MR. MAURODIS: They could pass a resolution.

MS. GOOD: Right.

MR. MAURODIS: They could pass an ordinance with regard to that area --

MS. GOOD: Okay. Okay.

MR. MAURODIS: -- with the understanding that an ordinance could be amended to do that.

MS. GOOD: I -- I understand. And I appreciate it.

MR. MAURODIS: But you want -- but you're looking at some sort of

representation. And they certainly could pass a resolution if that would be something that at least would offer some comfort to them, yes.

MS. GOOD: And certainly that's not something that we -- we can --

MR. MAURODIS: We --

MS. GOOD: -- recommend here. But of those residents that are here or maybe watching, I just wanted to make sure that they were aware that that may be a mechanism that they could solicit before the city in regard to something like that to make -- give them a greater comfort level. So I -- I don't know if Ms. Eichner has any comments on that.

MS. EICHNER: I just spoke to the city manager and -- and the city's certainly prepared that, along with the adoption of the Land Use Plan amendment at the city level, at the same time the city, we would, as staff, request that the City Commission adopt a resolution to the effect that eminent domain would not be a part of any of -- related to the Land Use Plan amendment.

MS. GOOD: Thank you, Ms. Eichner.

CHAIR STERMER: Vice Mayor Williams.

VICE MAYOR WILLIAMS: Thank you. One of my concerns -- and I have a question -- the statement was made that the residents were not contacted about the meetings. I would like to know how many meetings you all had. How were they contacted? Thank you.

MS. BOY: So just Attachments 15 and 17 in your backup talk about that. I'm going to defer to Ms. Eichner about how they notified their residents. Your rules require, for our notification purposes, that for the first Planning Council Public Hearing, the notices are sent to residents within the boundaries and within 300 feet. And then again for the County Commission adoption hearing, we send to that same group of notices. So those were the two notifications they received during the County process, and that's via U.S. mail. And I'll defer to Ms. Eichner regarding how they notified of their meetings.

MS. EICHNER: Generally, the city -- and it's in Attachment 17, but the city staff did phone calls. They did door hangers. They went door-to-door in the neighborhoods. The notices were posted on the city's website. It was in the local community newspaper.

MS. GOOD: Okay. Thank you.

CHAIR STERMER: Commissioner Brunson.

COMMISSIONER BRUNSON: Thank you. I just wanted to just speak of behalf of the City of West Park that we have done our due diligence here in communicating to the residents. The residents were fully aware of the process for several years now. And even most recently, at a previous meeting, we mentioned that the agenda -- the -- that the item would be on this agenda to the residents. So, again, we have done our due diligence. We've included all of the residents numerous times. And I believe this goes back several years, this process, and meetings after meetings, public was involved. A large percentage of the public was involved. And, again, we have done our due diligence here, and we, as the Commission, are in full support of this project.

CHAIR STERMER: Thank you, Commissioner. Vice Mayor Gomez.

VICE MAYOR GOMEZ: Thank you. I just wanted to make one -- touch -- touch base on the homestead item that was asked about or -- excuse me, whether their taxes are going to go up. If the people have their homestead protections in place, then they're going to be capped as the rules of homestead allow. And I would think that if -- more detailed questions can be asked of the Property Appraiser's Office, downstairs, so the lady who was speaking on -- sorry --

CHAIR STERMER: Ms. Touchstone.

VICE MAYOR GOMEZ: -- may want to speak to the Property Appraiser's Office and see what happens when there's development in the neighborhood, because, yes, property values may go up around you, and your property values may go up, as well, but there will be a leveling out for the whole community as you also have other people come on your tax bases. So for more specifics and better explanation, I would -- I would recommend going down to the tax appraiser's office -- Property Appraiser's Office downstairs.

MS. TOUCHSTONE: Thank you. I'll -- I'll consult with Marty about it.

VICE MAYOR GOMEZ: Okay.

CHAIR STERMER: Mr. DiGiorgio.

MR. DIGIORGIO: I do not have a question for the nice woman from Calvin Giordano's office. Thank you for being here. But I do have a comment, and I think it's important that the -- that, Commissioner, you spoke up on this in the position you've taken and the outreach you've done. Transportation Oriented Corridors are a redevelopment tool. This is an Activity Center we

considered, but it's a redevelopment tool that cities must -- must use to look forward to the future. You know, it's -- it gives the opportunity -- one thing that Ms. Touchstone said was -- that really concerns me is that the millage rate you talked about was very high right now. And I will tell you that's -- the reason the Commission is doing what they're doing is to try to help that situation by increasing your tax base and encouraging redevelopment for the area. So there's two ways you get tax dollars. It's either just continue to raise your millage rate from the existing residents and businesses that are there, or attract new businesses into a community. So this is not going to happen overnight, as you've heard discussed. It's going to take a long period of time. But it's the first step in a journey. So I encourage you to stay active. Make sure that you -- what's going to happen, you have some say in every bit of development over the next ten, 15, 20 years. But I will tell you, it's a good step. I know it seems daunting and it seems a little bit scary, and it's -- for anyone who's living there, you're not sure what's going to happen, and you're concerned about the gentrification. And those are real concerns, and I appreciate that. But the facts are you've got to grow your tax base, and to do that, you've got to encourage good, new, clean development, sustainable development. And, again, take a responsibility during that whole path, get involved, stay active, but I applaud the Commission taking this first step.

CHAIR STERMER: Anybody else? Is there a motion with regard to the item? Moved by Commissioner Brunson --
COMMISSIONER UDINE: Second.

CHAIR STERMER: -- seconded by Commissioner Udine. All those in favor, signify by saying aye. All those opposed?

MR. GROSSO: No.

CHAIR STERMER: Show the motion passes with one negative vote by Mr. Grosso.

VOTE PASSES 17 TO 1 WITH RICHARD GROSSO VOTING NO.

AGENDA ITEM PH-3

A. AMENDMENT PC 18-5

B. AMENDMENT PCT 18-3

CHAIR STERMER: We're on to PH-3.

MS. BOY: Item PH-3 is a proposed land use change in the City of Pompano Beach -- it's approximately 9.6 acres -- from a mix of commerce uses and residential to an Activity Center. So you'll see on the aerial before you, the proposed uses are a mix of residential, commercial, and maintaining the

existing marina uses. As the application was reviewed, Planning Council staff found sufficient public facilities and services to serve the proposed land use, with the exception of transportation. We identified adverse impacts to four links near -- on Federal Highway and nearby the amendment site. To address that concern, the applicant has proposed to restrict all of the total development, including any existing and new development, to no more than 1377 net new -- sorry -- total trips. And that's what's permitted by the land uses now, so it would be no net impact to the regional transportation network. So that is included in the -- and represented in the text amendment to represent that commitment. Really, the -- this was subject to Policy 2.16.2 regarding affordable housing. The City of Pompano Beach has a robust affordable housing policy where they require 15 percent set aside or a payment in lieu of of 2333 per dwelling unit, so that's been committed to also. The site is in close proximity to Pompano Air Park, so the application was sent to the Pompano Air Park staff. They commented that an FAA checklist needs to be completed when they get to the site plan level.

In addition, staff made an additional -- and that future residents, whether rental or ownership, should be notified of the proximity to the airport for any potential noise, dust concerns, that sort of thing that may -- that may occur. The interesting thing about this site, and I think probably how our recommendation is structured, really revolves around a policy in the County plan that says that any amendment -- that strongly discourage that causes a negative impact to hurricane evacuation times or to shelter capacities. That is a new policy that was adopted as part of the Broward Next last year. So Planning Council staff is not supporting the amendment at this time. We have some correspondence in your backup from the County staff regarding hurricane shelter capacity.

I would also note that, since we're not supporting it, we always like to give the Council what their options are in the backup materials, and include if you do support the amendment, what we believe it should be subject to, and that's recognizing the commitment about transportation, the commitment about the FAA checklist, the commitment about notifying future rental or ownership residents of the proximity to the airport.

And also there's another part of the recommendation, which is as staff was examining the site for an Activity Center proposal -- we just saw West Park, you know, over 300 acres, kind of a linear transportation corridor -- I believe the time is right and ripe to examine the commercial, the commerce category and residential category to see what sort of development tools and redevelopment tools we can further identify. Because I think as we see applications come in, these tools may not be an exact fit for what's proposed. So we need to really capitalize on we're going to see a lot of shopping centers and commerce areas proposed for kind of these mixed use type

developments, so I would ask the Planning Council as part of whatever recommendation is made to initiate that review.

That way, Planning Council staff can start reaching out to the municipalities and have a workshop and hopefully get back to you with a proposal for an alternative kind of mixed use category to accommodate those sorts of development and redevelopment. So, as I said -- oh, and I would be remiss if I didn't mention, they're -- on your -- on the dais, we received a letter from the City of Pompano Beach yesterday evening, so I printed it and have it on there, about they're committed to resolving the hurricane shelter capacity issue, working with the County to resolve that.

We also received some additional letters just this morning which are not printed and distributed, but will be folded into the report. There were two letters of support for the amendment and one letter -- I wouldn't say in opposition, but a lot of questions about site planning. So that will also be in the report the next time that you see it. With that, like I said, staff is not supporting the amendment at this time based on the policy. If you do choose to make an alternate recommendation, it would be -- I would ask that it be subject to the conditions laid out in your report.

CHAIR STERMER: Thank you. Before we have discussion, can we hear from the member of the public separate and apart from the four who signed in --

MS. BOY: Yes, and we'll just make sure that there are no members of the --

CHAIR STERMER: Yeah.

MS. BOY: -- other members of the public.

CHAIR STERMER: Yeah.

MS. BOY: But the first member of the public is Nick Damasceno.

CHAIR STERMER: Mr. Damasceno, good morning.

MR. DAMASCENO: Good morning. Thank you for the opportunity to speak. Nick Damasceno, 2381 Northeast 14th Street. President of 14th Street Townhomes Condominium, which is just southeast of the -- the site. I've been a resident there 17 years. We were the pilot project for water conservation. So we happily contribute our unused portion of water into the millions of gallons annually as part of one of Broward County's first pilot projects for multi-families. We're about nine years into it now.

We very much support this project. This area has been an area that we've all wanted, locally, to see expanded upon and developed. It's -- it's perfect for Pompano's long-term vision and where we want to go. I -- I've been very supportive of the transitions that we've gone through with the developer. This particular applicant is very generous in their willingness to participate, and also the goals of the community and the County of water conservation, energy efficiency and improvements, and design creativity to make sure it's beneficial to the area and the communities surrounding us. So, again, I just wanted to stress our support for this project. Thank you.

CHAIR STERMER: Thank you, sir. Appreciate it.

MS. BOY: The other speakers are all for questions only, I believe, unless they have a presentation. Graham Penn, George Platt, Joaquin Vargas, and Maggie Barszewski from the city. So those are all either applicants or --

CHAIR STERMER: Mr. Platt, what's your --

MS. BOY: -- for the city.

CHAIR STERMER: -- pleasure?

MR. PLATT: Thank you. George Platt for Hidden Harbor. On this amendment, just I -- I want to just bring to your attention a few comments relative to some of the issues that have come up. But if -- if you read the backup, you know, starting in 2013, the City of Pompano Beach did some corridor studies on how to encourage redevelopment in some of these old, tired, worn areas along Federal Highway, Dixie Highway, and Atlantic Boulevard. Subsequently, you adopted transportation -- Transit Oriented Development amendments in the US-1 corridor, as we moved forward. We filed this Land Use Plan application in 2000 -- early 2016. We've been in this process a long time for this exciting mixed-use development. The dry storage marina's going to stay there. We'll have a mix of housing and commercial fronting on Federal Highway -- Highway -- on property that, for the most part, is vacant today. And it's in a great location with the water on one side and the park and the golf course on the other, so we think it's going to be an exciting starter for the redevelopment in that corridor. Along the way, this issue of -- very recently, I might add, hurricane preparedness, the staffing of the shelters came up through a letter from Henry Sniezek, the Director of Planning and Environmental for Broward County. And when it came up, we immediately contacted the city. Mayor Lamar Fisher stepped forward, encouraged a meeting. We had a meeting with the city manager, Greg Harrison, and their emergency management personnel, led by Kim Spill-Cristiano. Subsequent to that meeting, Greg Harrison sent a -- a letter detailing how the city is working with the County and detailing that they would

work with the County collaboratively to ensure that they could supply the needed staff and volunteers for the shelters.

The issue that emerged is that Hurricane Irma obviously caught everybody by surprise, and we did a really great job of evacuating, but they needed more staff on -- in these shelters, and they probably need more shelters eventually, as well. Along the way, we -- we met with -- the meeting that we had was a very, very positive meeting, and, subsequent to that, the city has sent this last letter that came in yesterday, that you have, short letter from Greg Harrison, again committing that they will put the plan together. It's my expectation that no -- nobody will live here for at least three years. We've got to go through rezoning, site planning, construction. And, obviously, we're committed. You have a letter in your backup from the -- from Graham Penn, our land use counsel, on behalf of the developer, committing that we will work on a contingency plan for emergency preparedness and evacuation, as well, including, if necessary, supplying volunteers.

Lastly, I just ask that you please keep this moving forward. It has been slow. It was approved by the City of Pompano Beach early last year, and -- that's early 2017, so it's taken us a while to get here. The Land Use Plan category we signed up for got changed by Broward Next, so we had to amend the application. So we are anxious to keep moving forward. We're fine with being subject to resolving this particular issue, relative to the -- the supplemental staffing of the hurricane shelters and working on the evacuation plan. But, again, I urge you to please keep this moving forward. We think it's important for the City of Pompano Beach, and it's something that we would really appreciate. And we're here to answer questions if you have any. Thank you.

CHAIR STERMER: Thank you, Mr. Platt. Appreciate it. Madam Executive Director.

MS. BOY: I just wanted to mention that this amendment is a small-scale amendment, it's less than ten acres. So that means there's no request for a transmittal to the state review agencies that goes through the County Commission. It's two Public Hearings before the Planning Council, and then goes to the County Commission for setting of a Public Hearing in consideration of adoption. So I just wanted to alert you to that, that time frame.

CHAIR STERMER: Commissioner Udine.

MS. BOY: Thank you.

COMMISSIONER UDINE: Thank you. I happen to like this project. I think

it's an important part of what Pompano's trying to do to redevelop it. And I would like to support this project, but I won't support it unless there is a specific item on the record that Pompano -- and this is extremely unfair to Pompano Beach. It's just that they happen to be the first one that's coming in here now with this new policy. I can't support something when I have something from staff that says there's not a proper hurricane evacuation plan. We just saw what happened with Hurricane Irma.

I understand meetings can take place in the future. We've been working on this for years. I know the County's working with the School Board. We still don't even have an interlocal agreement as to what schools can be used. We just use them, but we don't have an interlocal agreement. So a letter that something's going to be done in the future, while nice, really isn't enough to satisfy me for my vote.

If the applicant will just say that they'll staff a shelter if the County says they need to staff a shelter, if they make that a condition, I'm voting to support it. If they don't, I'm voting against it. Not because it's not a great project, just because I'm not going on record when there's a hurricane next year and saying that this Planning Council voted for something when staff said there's not adequate hurricane escape routes or sheltering routes.

CHAIR STERMER: Mr. Platt. Madam Executive Director?

MS. BOY: I have one additional speaker, member of the public that signed in to speak on the item whenever you are ready.

CHAIR STERMER: Thank you. Mr. Platt.

MR. PLATT: Yeah. There is a letter in the backup that indicates that we will, in fact, put a plan in place. And that contingency plan, in the event the City of Pompano Beach does not step forward with a staffing plan -- and, by the way, just so everybody here knows, because many of you are from municipalities, Bertha Henry last month sent out a letter to all 31 municipalities, the Red Cross, the School Board, the Humane Society, and a number of other agencies, I'm sure, saying, help. We need help staffing these shelters. If each city does its part, it'll be adequate, because, you know, when you go into the schools, there has to be somebody in every classroom, an adult, to supervise. Very legitimate request. I don't know a public official in Broward County that wouldn't support working on that. You get a hundred percent reimbursement, 75 percent from FEMA, 25 percent -- excuse me -- 12 and a half percent from the state, and the County's committed 12 and a half percent. So it doesn't cost the city anything to do this staffing. It's just that this popped up at the last minute. Everybody is actively working on it, some cities faster than others. The City of Pompano

Beach was the first to call a meeting with Henry Sniezek to say, we're here to help. So we're committed to providing volunteers and support in the event for some reason the City of Pompano Beach doesn't put a plan together. But rest assured, we -- we commit to work with you on this project.

CHAIR STERMER: Just so you're aware, the people that volunteer are subject to no less than a Level 2 background check. Just so everyone's aware. So just so everybody understands, volunteers are wonderful. You have to understand that it's just not somebody volunteering. It is somebody that is subject to a Level 2 background check. I just want to put it out there.

MR. PLATT: But if it is County staff -- I mean city staff, they will be paid for -- for -- they're not --

CHAIR STERMER: Understood. But --

MR. PLATT: -- strictly volunteers.

CHAIR STERMER: -- there are a host of issues more than just where people are coming from, because in my city, we said we were going to use CERT personnel, and then the CERT personnel, who are trained and everything, are not -- haven't been subject to a Level 2 background check, so you know what? They can't qualify. So I'm not sure everybody's thought through exactly what volunteers mean, that we all received -- or the city managers received this lovely letter, and it's now been put on a land use amendment that staffing, which I don't think we ever contemplated as part of Broward Next; we contemplate land use changes and facilities, not necessarily the staffing of them, considering we've changed how we staff our evacuation centers in the past year. But that's a separate conversation. We'll get to that.

MR. PLATT: Well, I -- I -- I understand your concern, and I know -- Commissioner Udine and I did speak about this. This is a real issue --

CHAIR STERMER: Uh-huh.

MR. PLATT: -- but you're going to see this comment probably on every Land Use Plan amendment that comes, because while east of Federal is one thing, you know, emergency evacuation and shelters is an issue for every city in Broward County. So it's to everybody's advantage, every municipality and the County, to work together to resolve this.

CHAIR STERMER: We're going to try. Commissioner Castillo, and then, Mr. Grosso, you're in the -- in the queue.

VICE MAYOR CASTILLO: I'm trying to find some middle ground between the obvious reality that in the event of a -- of a hurricane, we have to have the ability to shelter people who may seek and may need that need as a matter of -- of saving lives and not fully understanding whose responsibility that is, to begin with. And the impression that I've had growing over time, though, we have a new County Commission and many new members who come from cities and all that, but there's -- there's been a history of the County imposing on cities rules, sort of out of nowhere, that we need you to do X, or we won't approve this or that or the other. And, look, I don't know where all that is, but what I know is the community's coming forward and saying, we need this project. It's good -- it's good for our area. It's good for Pompano Beach, and it's good for everything else. And it does sort of bother me that a thing that on the surface of it should be able to be worked out could potentially hold a project like this hostage at first reading. First reading.

UNIDENTIFIED SPEAKER: Uh-huh.

VICE MAYOR CASTILLO: Now, we have -- we have -- we had a letter from the City of Pompano Beach. We have testimony now that this came up sort of last minute. I have -- I have every expectation that -- that the rules that we're working with, which -- which are common sense rules, are shared by rational people on all sides, and that we can come up with an answer by second reading. But while -- you know, I'm just struck by this dynamic. We're going to -- we're -- we're potentially looking at this with every -- with every amendment that we -- that we face. And, at the end of the day, I can't imagine a county as forward as Broward not having the necessary centers open, in the event of a storm, that would be properly handled anyway. I -- there are -- there are emergency provisions that could be told and called upon to make sure that that happens, even in the case, which we don't have here, of a reluctant city to participate. So I don't know -- I don't know that we do this application justice in any other way than to ask if the -- is there a representative here from Pompano Beach? I know that you're represented by counsel. I don't want to overstep my bounds.

MS. BARSZEWSKI: Yes. For the record, my name is Maggie Barszewski. I represent the City of Pompano Beach.

VICE MAYOR CASTILLO: Thank you for being here, Maggie. You need to fix this.

MS. BARSZEWSKI: We are inclined to. And, as you have seen in your backup, I believe you've got a letter from our city manager, most recently yesterday, in addition to the ones previous, where the city manager has directed the city's Emergency Manager, Kimberly Spill-Christiano, and myself to work to build a temporary evacuation shelter workforce. So we do intend

to address this.

VICE MAYOR CASTILLO: And I understand that. And I -- and, you know, for my vote, not only do you need to fix this, but I also know the County's no bargain, either. So for first vote, I'm prepared to do this, but by second vote, this has to be resolved. There has to be nodding heads on both sides. That's it.

CHAIR STERMER: School Board Member Good, followed by Mr. Grosso, followed by Mayor Ryan, followed by Mr. DiGiorgio, followed by Commissioner Blattner.

MS. GOOD: Yes, thank you, Mr. Chair. I guess just some quick points. Some comments have been made that aren't entirely accurate. Just a little history. Prior to 2017, the district had -- and, as we all know, public schools are utilized as hurricane shelters, and it's a critical component of public safety. And we have numerous hurricane shelters throughout the County. Prior to 2017, there were two contracts related to them. One was with the Red Cross, and one was with Broward County. You know, both of those contracts required the district to have certain support personnel at these shelters, personnel such as cafeteria workers, custodial workers, maintenance workers, those that could help maintain the operations of the shelter, but not manage the shelters. Both contracts also required that the district be directly reimbursed for those respective -- by those respective organizations in opening those shelters. Subsequent to that, I believe the Red Cross chose to no longer continue with the contractual relationship to provide support for the various hurricane shelters. The district, I want to assure everyone here, has been working through our counsel, superintendent, and others, with Broward County in an effort to develop a new contract to manage the shelters. However, in the meantime of all this, there is an existing contract that is in place with Broward County. I will tell you that since I think it was December of 2017, again, the district's been working with staff here at the County to try to deal with the issue. The issue is the staffing of these shelters and the costs associated with staffing these shelters. We are still waiting to be reimbursed by the County for Irma. It's an issue. It's an issue that, you know, we cannot handle as far as we can provide the facilities, we can provide certain support personnel, but without direct reimbursement to Broward County Public Schools to fund and manage these shelters, it's an issue. And it's a County issue. And it's a problem. And it's a problem that everybody's going to have to come to the table and have a conversation about. But funding is an issue in general. And so, unfortunately, this does need to be dealt with in a manner that is respectful to all parties involved. Public safety I think is an important element to all of us, and so I would hope that conversations continue to occur between the County Administrator and Broward County Public Schools. But to just say

that we want Broward County Public Schools to staff these shelters with no direct reimbursement is of a concern, great concern to us, when we're constantly facing funding shortfalls. And so I needed to put that on the record. Thank you.

CHAIR STERMER: Mr. Grosso.

MR. GROSSO: Thank you. You know, I think when we talk about the challenges we face as a County, I mean, this is -- this is that. This is -- I support my colleagues' comments wholeheartedly. This looks like a good project, and yet the new realities we face about public safety and lives potentially at stake during hurricanes, I think that's the highest level of government responsibility. And I think that what I'd like to hear a little bit more, I assume that our staff is sort of aware of the conversations and the commitments. Can you explain a little bit more the depth of the concerns that lead you to -- to not be recommending approval at this point?

MS. BOY: Sure. The --

MR. GROSSO: If I may.

MS. BOY: -- the recommendation of the -- of Planning Council staff not supporting, you know, when we review Land Use Plan amendments, the application goes out, it's just widely distributed for comments from other agencies. Often time that -- times that does include County staff for environmental protection comments. This comment comes out of Emergency Management as a County agency. And, as I mentioned, this is a -- a new policy in the plan. While the -- while amendments in the evacuation zones -- so just for clarification, this is an evacuation area for 3, 4, and 5, not for Categories 1 and 2, because that would be the barrier island, primarily. So previously, review of Land Use Plan amendments has really been about the hurricane evacuation times and impacts -- impacts to that, which there's - - there's never been indicated that there's going to be an impact to that. When this amendment, being in the Evacuation Zone 3, 4, or 5 came up, and review of the new policies, you know, we received the comments from the County staff. And, of course, that raises a concern with the Planning Council staff whenever there's an indication that there's something that's not meeting a -- a County policy and that that's the interpretation of that policy. So that's where Planning Council staff is coming from. The reason that we structured it really as not supporting the amendment is because of all -- the complexity of all of the issues that we're talking about here today, you know, the position of the School Board, the position of the County staff, the position of the municipalities, the position of -- of everyone, taking that into consideration. So that's where staff is coming from, is from there is, I think, the policy. It's not demonstrated that it's being met. That's one of the criteria, strongly

discouraging Land Use Plan amendments. So that's where we're coming from on our recommendation.

MR. GROSSO: Thank you. Thank you.

CHAIR STERMER: And I don't mean to interrupt, but I want to be clear on something. I don't -- and I think everyone needs to understand this based on where some further questions may go.

I think it's fair to say that when we moved through the Broward Next process, we weren't looking at staffing levels of evacuation centers. We were looking at were there sufficient centers available that if we approved a land use, would there be capacity. So I don't think anybody sitting on this dais or who used to sit on this dais when we went through the Broward Next process contemplated this conversation we're having because of staffing levels because of the letter sent out by the County Administrator. I think we all looked at were there sufficient facilities available, because up until last year, they were staffed. We didn't have an issue until last hurricane season when the vendor, for lack of a better phrase, changed, and now it's trying to be put down to the cities and holding up LUBAs (phonetic) based on staffing issues. That was never -- and I think it's a fair read, Madam Executive Director, correct me if I'm wrong -- I don't think the contemplation when we brought forth this policy, we looked at capacity and availability of space, not staffing. Is that a fair statement? From your perspective.

MS. BOY: Well, from my perspective, staffing creates capacity. So when -- but also I would also say during the review of Broward Next, when we were talking about these policies, I don't ever think that it was imagined that there was going to be a capacity issue. So the review of that policy -- so, you know, I -- I can, you know, kind of agree with you.

CHAIR STERMER: Fine.

MS. BOY: Kind of.

CHAIR STERMER: Mayor Ryan.

MAYOR RYAN: First of all, we must recognize the grand steps forward that were made with Broward Next to actually consider these issues of evacuation and shelters. It was long overdue, and it is not something we can ever give short shrift to ever again. And we recognize that as a Council and as a community. It is that type of forward-looking development and redevelopment analysis that should have occurred years ago, and we now have it here. It is serious. This is just not something we can pass by and hope that it will be complied with in the future. I share, Madam Executive Director, your view that unstaffed shelter equals no shelter, unstaffed facility

equals no facility. Whether contemplated or not, we know the reality of it. And we cannot give that short shrift, either. I share all of the comments that were made here, Commissioner Udine, Commissioner Castillo, School Board Member, the frustration and the challenge we have as a community. And it's perhaps unfortunate for this applicant that they are the first to have to initiate a high-level discussion and a collaborative effort. But there's got to be a first, and that's the reality. I see staff's recommendation tied up not just in shelters but also in trips and evacuation. So we cannot ignore, even if there is shelter to be had, and I'm not sure where that exists. How far from the coast does it need to be? Is it even outside of the city boundaries to provide that? We can't ignore, as well, the impact on evacuation routes that are the reality for neighbors and neighboring municipalities.

So there are two components there that we haven't talked much about, the trip side of this. And I also feel that while we all will be facing this throughout the County, depending on the storm, it does seem that for our colleagues on the east side who are dealing with older communities that are seeking redevelopment and trying to ensure the most robust and diverse economic support for their services, they will be on the front line of this and bear the biggest burden. But there's reasons for that. And even those of us on the Sawgrass need to recognize the need to collaborate and cooperate and find a countywide solution to this. So, as I understand, staff's recommendation is to not go forward with this. And I share Commissioner Castillo's point that I hesitate to vote no here today because I'm afraid that the discussion stops. And the intensity of that discussion seems to be -- or the fulcrum for that intensity seems to be this project. But I admit that I cannot support this on second reading without some very significant clear solutions to this, and I'm not sure it can be done. I know that staff had indicated that if there was a positive recommendation, that there would need to be a cap on trips. Was the applicant in support of doing that entirely?

MS. BOY: Yes, sir. Attachment 1 of Item B lays -- outlines the commitment to no more trips than are already permitted by the land uses that are there today. That's 1377 total. So that would include any existing development and then future development. So we put a kind of potential development scenario in your backup of what could occur.

COMMISSIONER RYAN: And I want to make that clear on the record that it's not just the commitment in a general sense, but that, as I understand it, there would be a recorded effort to make sure that that rides with the property.

MS. BOY: Yes, it would be adopted with the -- with the ordinance, whatever - - if this moves forward -- when this moves forward to the County Commission to be voted up or down, it would be included in the text of the plan, so that

limitation would be adopted and could only be changed if another amendment was filed.

MAYOR RYAN: And with respect to the shelters, I share School Board Member Good's concern. I think we all have seen the difficulty. And I don't want to put it all on the County, in terms of the slow nature of reimbursement, because we know that our state and federal partners play a role in that. And so we are bearing the burden here locally, and there's certainly enough finger pointing as to when do we get paid, in which budget season, and how far into the future, and it has impacts on our services, but we can't ignore the fact that some of this is defined by our state and federal partners, and we need to figure out as a community how do we inspire a more meaningful response to this budgetary problem. And, lastly, while this seems to be a municipal problem, I think what we see from this is it's also a developer community problem. And they play as big a role in this. If they wish to invest and they want to make money and they want to find new ways of development, they're going to have to come to the table to help drive solutions in this, because, at the end of the day, with Broward Next, if that is not done, these projects will be voted down, or certainly will be controversial enough, because there's no way anybody up here generally will want to vote for a project only to see an evacuation problem in a serious storm, or a lack of shelter, or loss of life, and it was because we said yes to a development that obviously had -- had not been able to meet Broward Next's vision. So I thank staff for their resolute view on this and not giving this short shrift. And I thank my colleagues for taking this seriously throughout this. So I would be prepared to move this forward only so that the discussion continues, but I will share the views of my colleagues that I will look very, very closely as to whether or not this gets approved by me on a positive vote on second reading.

CHAIR STERMER: Mr. DiGiorgio, followed by Commissioner Blattner, Vice Mayor Gomez, and Mayor Ganz.

MR. DIGIORGIO: Thank you, Mayor Stermer. I have a question first for Ms. Blake BOY. When we did the East TOC --

MS. BOY: Uh-huh.

MR. DIGIORGIO: -- when the City of Pompano Beach presented the East TOC that we supported overwhelmingly here, there was backup in that report that talked about the trips, because that was a land use amendment we had to look at. So I know Ms. Dolan did a full report on that, and it was adequate services, I believe, in that report. Do you -- do you recall that -- the specifics of that?

MS. BOY: Well, I would say the time frame for that, I believe that came to

first Public Hearing to you January 2017, and that was before the adoption of Broward Next. So it wasn't subject to this policy. At that time, the review was limited to emergency evacuation times along emergency routes. And I don't recall how much of it is east of Federal Highway, how much of the amendment is east of Federal Highway.

MR. DIGIORGIO: About a third of it.

MS. BOY: So that would be impacted. And I believe there's a limitation. Traditionally, what we've seen for any Activity Centers that have property east of Federal Highway, the evacuation 3, 4 or 5 zone, is that the total number of units that are permitted by the Land Use Plan at that time is the total number that's permitted in the future. So any unbuilt density can still be built there, but that's the limitation. So there was nothing in the comments that were received during that review that it would negatively impact the evacuation time.

MR. DIGIORGIO: Okay. So it was specifically to the evacuation time, not necessarily --

MS. BOY: That was --

MR. DIGIORGIO: -- capacity?

MS. BOY: Right. That was then, so that was before -- that was prior to the adoption of Broward Next. So --

MR. DIGIORGIO: Okay.

MS. BOY: -- Broward Next was effective June 2nd, 2017, so any amendments moved -- that moved forward from then would have been subject -- would be subject to this policy.

MR. DIGIORGIO: Okay. Thank you. The second part, when I was looking at the -- the actual numbers and how they calculated, and I may be off here, because I was working with Ms. Dolan, again, just looking at the backup, actually what would this create, how much would this add to capacity? What is the numbers we would actually expect out of a development of this size? Has there been -- go ahead.

MS. BOY: No, no. I --

MR. DIGIORGIO: No, but you want to -- you jump in there.

MS. BOY: It's okay. Sorry. 343 dwelling units --

MR. DIGIORGIO: Yes.

MS. BOY: -- is the maximum total. And like that's going to be tied to the trips, also, but that's the maximum number of units. So let's say 800 new residents in there.

MR. DIGIORGIO: That's correct. And --

MS. BOY: Okay.

MR. DIGIORGIO: -- no, I understand that part.

MS. BOY: Okay.

MR. DIGIORGIO: But what does that actually add, based on historical empirical data that they have, what does that actually add to the --

MS. BOY: I don't -- I don't know that answer, what that would actually add to a hurricane shelter --

MR. DIGIORGIO: The number I got --

MS. BOY: Uh-huh.

MR. DIGIORGIO: -- back from staff was about one to five --

MS. BOY: Uh-huh.

MR. DIGIORGIO: -- to an actual hurricane. Somewhere between one and five in the hurricane shelter. I don't know how accurate that is. I don't know how to do that math. So I was just asking --

MS. BOY: Right.

MR. DIGIORGIO: -- the questions. So I just want to go on the record. There's -- this is part of a bigger redevelopment plan. I talked about the Transportation Oriented Corridors. This started before 2013. This started from a mayor stimulus task force that Mayor Fisher and I co-chaired, talking about how we look at redevelopment in our city. This is one of the areas of development that we looked at, and we were fortunate enough to, you know, get a developer interested in this property, so -- and I think everyone's said it's a -- it's a good project. I think we believe in this project. I'm prepared to move forward with this, at least to the second reading, with your recommendations in place, and subject to responding to those adequately, but I don't want to hold up the developer any longer.

I'd like to -- I'd like to see us move forward with this, because it's something that the City of Pompano Beach needs. We're on the right trajectory there of what's happening in the city, and this is just another great project, so.

CHAIR STERMER: Mr. Maurodis.

MR. MAURODIS: Yeah, just I think this may inform kind of the way you move forward on this. Not affect your concerns, but the way you move forward with it. Because of the nature of this, as a small-scale amendment, there are required two hearings. There is a requirement of one recommendation. So because you've kind of -- it's kind of an odd situation, you have two hearings in a row, or in a short period of time -- would it be next -- it would be --

MS. BOY: (Inaudible.)

MR. MAURODIS: -- whenever they are. But the two hearings in a row before the County takes final action. So, really, it's the second hearing where you make the recommendation. This is the way it reads in the Charter, so we have these. So this is obviously an opportunity for you to express the concerns of what are important to you so that the developer, if they're -- you know, which they are on their game, will be aware of what they need at the second reading. But, technically, what you can just do is have the first hearing, express your concerns, indicate that you expect they'll be addressed at the second reading, and then the second reading has to happen, and that's the point where you make your official recommendation. Just -- because this is unique. This is different than you normally follow.

MR. DIGIORGIO: Understood.

CHAIR STERMER: Commissioner Blattner.

COMMISSIONER BLATTNER: Well, I think even if we pass this, based on the fact that the City of Pompano Beach has said we'll -- we'll do what we need to do, we don't know if that's going to be acceptable to the County. We don't know what the County's response is going to be. I kind of feel -- and I know this will seem like a very unfair statement -- I kind of feel like we're being blackmailed here on something that the city started a long time ago, needs to move forward with. Everybody likes the project, and they're being held up because of a very important issue, which is we have -- which is -- which is everybody in the County has to address this, including the School Board. And right now, the city's going to be held up because none of the other players have come to the table yet. Seems to me that the County may have chosen a better venue than holding up Land Use Plan amendments to enforce its desire to be able to provide shelters that are staffed appropriately

in the event of a Category 3, 4, or 5 storm. I guess that's -- those are the numbers. But it just -- you know, this letter from Mr. Sniezek was sent to every mayor. I don't know what every mayor's response was. My mayor wasn't thrilled. But you know what? We don't have a Land Use Plan amendment in. Does that mean that I don't have a responsibility for providing shelter staffed appropriately in my city? It's kind of like if you don't have a -- if you don't have a Land Use Plan amendment in, you're free. That's not right. I just -- I'm -- I think this is -- I think we should pass this. I think we should ask the County to get its act together, and give people, give the cities and the School Board an opportunity to respond in a more holistic manner than we're being asked for now.

CHAIR STERMER: Vice Mayor Gomez, followed by Mayor Ganz, followed by Commissioner Castillo, followed by Ms. Graham.

VICE MAYOR GOMEZ: Thank you. Sometimes, by the time we get called on, many things have already been said, and I echo most of the sentiments. But I do want to touch base on the traffic. I have a lot of problems with having three at D and one at F on the roadways and then being told that 1377 will be allowable. Is that my --

MS. BOY: Not -- total. There's 1377 permitted right now by the Land Use Plan. If there was no change to the land use today, there are 1377 trips permitted. So they're proposing that they're not going to exceed that total number of trips. So their development scenario, they're not going to be adding any new trips to the regional transportation network.

VICE MAYOR GOMEZ: All right.

MS. BOY: So that's what the commitment is, is to restrict it to only what is permitted on the map today, the number of trips. So that's what's already included in the long-range transportation plan.

VICE MAYOR GOMEZ: Okay. What about -- maybe I also didn't hear a comment right. Is this, the 1377 already permitted, for the rest of the whole area or only which would be in this specific area?

MS. BOY: So Attachment 2, the traffic --

VICE MAYOR GOMEZ: Uh-huh.

MS. BOY: -- analysis, you can see there the current designations of commerce, medium-high 25 residential, low-medium ten residential. That development scenario would permit 1,377 p.m. peak hour trips. The proposed land use as the application was reviewed would permit 2,055 total

trips, with a net impact of 678 trips. Those were modeled on the regional transportation network. It was identified that there were four links that there were adverse impacts. So the restriction to the 1377 says we're not permitting anything more than is already included in the regional transportation long-range 2040 model. So they're not going to be permitting any additional trips. That doesn't mean that the development scenario won't -- you know, what the development scenario is, but the -- it's limited by that total number of trips.

VICE MAYOR GOMEZ: So there's a possibility, through the development, to make it better, to make the corridors better, or is there no way to do that through this?

MS. BOY: There's no net impact. At 1377, there's no --
VICE MAYOR GOMEZ: Right.

MS. BOY: -- net impact. That would be like pretend that the bottom number, instead of 2055, said 1377, and --

VICE MAYOR GOMEZ: Right.

MS. BOY: -- and there would be a zero at the end, and then there would be no discussion about the impact to the long-range transportation model.

VICE MAYOR GOMEZ: Understood. But is there a way to, through this process, to get some kind of commitment to try to make that area better? So we're not making it worse.

MS. BOY: Sure. I --

VICE MAYOR GOMEZ: We're net impact zero.

MS. BOY: -- I mean, part of what -- what they've included in the plan and is included in your backup is that this is the transportation corridor that they've identified, and they're, you know, trying to strategize for how to improve that area also.

VICE MAYOR GOMEZ: Okay.

MS. BOY: But as far as the actual land use and the policy --

VICE MAYOR GOMEZ: That's --

MS. BOY: -- it's no net impact to -- to the network.

VICE MAYOR GOMEZ: Okay. Thank you.

CHAIR STERMER: Mayor Ganz.

MAYOR GANZ: Thank you. As Commissioner Gomez said, by the time you get around, everybody gets a chance to talk, all bases are covered. But I do want to go on record, I do agree with my colleagues in the fact that I am willing to move this forward today, but without significant changes on the second reading, I would not be able to support it. And it is a good project. And I am concerned, much like Commissioner Gomez is, with the transportation aspect of it. I do want to applaud the developer for putting that in place and saying that what is currently allowed in the current zoning, this new designation would not change the maximum amount of trips allowed. That being said, for the public to understand that, that does not mean that the existing parcel of property is generating the maximum allowable. 1377 is probably not the amount of trips that are being generated out of that property right now. Should this be fully developed, whether it's under the new proposal or the -- or where it currently stands now, I am sure that it will have an impact on traffic in that area. I think when people hear that, they say, well, it's going to be neutral. It's not going to be neutral, because we're not at the maximum amount of trips right now. You will see an impact, but it will not change the current grade, and we are currently planned for it being maxed out at some point in time; is that what I'm understanding?

MS. BOY: Yes, it would not have an impact to the projected level of service with that restriction to 1377. And you're correct, and that's why I said it includes the uses that are there now, and it will include a redevelopment scenario that will, you know, possibly demolish some uses that are there, that's where trips come from. And then there are such -- there are so many things permitted there already, it'll just --

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. BOY: -- that's the -- that's the impact.

MAYOR GANZ: No problem. Thank you.

CHAIR STERMER: Ms. Graham.

MS. GRAHAM: Thank you, Chair Stermer. I was not aware that the volunteers had to be Level 2 cleared. So maybe everyone else knew except myself, because I'm not an elected official.

CHAIR STERMER: I only found that out last night when I said --

MS. GRAHAM: Okay.

CHAIR STERMER: -- we have volunteers, and they went, we thought we did, and the Fire Chief --

MS. GRAHAM: Sure.

CHAIR STERMER: -- said we're using CERT personnel and they're not qualified because they're not subject --

MS. GRAHAM: Right.

CHAIR STERMER: -- to Level 2 background checks.

MS. GRAHAM: And especially in light of some recent events, tragically, that happened in Parkland and whatever else, maybe these requirements are going to be upped even more, because, Barbara, as you had stated, you did the review in tandem. In other words, not just facilities for the shelters, but then the staffing for the shelters. So when we review things and want to make sure there are evacuation shelters for them, sure, staffing is important. Absolutely. But I just never realized Level 2. So, that being said, as far as the D and F roads, after all my years up here, I've never seen development once not go through when there's a D and an F road. And, just as a refresher, it wasn't mixed use, but it was a water park west of I-95 between Cypress Creek, which is an F road now, and Commercial Boulevard, which is an F road. And even though I was a no vote back in 2012 or '13, whenever that came before us, Henry was the Executive Director, I believe, or maybe he had just recently been promoted, but we went ahead, the rest of the board, and approved that development. It hasn't gone forward yet. There was a deal made with the city for three or \$400,000 to be paid, but that was the extent of mitigating traffic on these F roads. So if the roads now, as has been mentioned, are D or F, it -- it's never stopped traffic. Pompano's working on their transit oriented, and I'm willing to vote in the affirmative for this today, knowing that they'll -- they'll have to get it together with the County and anyone else before it can come back and get a positive second vote. Thank you.

CHAIR STERMER: Before we continue here, Mr. Klahr? We have another member of the public who wanted to speak. And then we're going to recognize Mr. Sniezek. If he -- if he would like to. Mr. Klahr, good morning.

MR. KLAHR: Thank you. I appreciate the opportunity to address the Commission. My name again is Howard Klahr. I reside at 2509 Northeast 15th Street. To put that into perspective for you, my townhouse backs up to this development; okay? Did not have the opportunity to deal with this at the

city level because they kept changing the dates without adequately announcing when things were coming through. So I'm here to speak today with regard to the -- to the change in the land use, with regard to the density. You're looking at increasing just the residential component alone by 75 percent. And now here you're talking about transportation at -- at D levels on the roads. I live with that D level daily; okay? And whether or not you're continuing to approve projects, okay, as a real estate practitioner, I still have issues with that; okay? You've got development that's going on on the beach, okay, where the main road, A-1-A, going up and down, you're reducing travel lanes; okay? So that doesn't make it acceptable. That just means that that's what you're doing; okay? So I'm speaking against this project because the mass of this project in relation to everything around it is absurd. There is nothing in the area that is anywhere near this size. And to call this a transit oriented development off of two bus routes is ridiculous; okay? The people who ride those buses do not live in that area, nor will they; okay? It's for people to come into the area to serve that area.

So with all due respect, I'm sorry, I -- I have problems with a development of this size and where it's being proposed.

CHAIR STERMER: Thank you, sir. Appreciate it.

MR. KLAHR: Thank you.

CHAIR STERMER: Only if you want to, Henry. You don't have to if you don't want to. You're -- there's been a letter bandied about with your name on it, so I figured you may want to respond.

MR. SNIEZEK: Good morning. Henry Sniezek, Environmental Protection and Growth Management Department of the County. The only thing I'll add is that I appreciate the letter that we received from the city this morning. I think we're close. Look forward to working with them. It is a call for help from the municipalities. And I've heard all the comments and suggestions here this morning, and I will take them to heart, and I will report back. And I look forward to the second hearing.

CHAIR STERMER: Thank you, sir.

MAYOR RYAN: I just have a question for staff.

CHAIR STERMER: Sure.

MAYOR RYAN: Just a quick question for staff. To the point that was raised by Mayor Ganz and the resident, please explain to us whether or not, in a development application like this, we could actually reduce the permitted

number of trips that are existing for the property. To the point that was made that it doesn't have that capacity now, and simply saying we won't exceed what our limits are for trips that was developed at a time when we weren't even considering evacuation, we weren't considering the impact on traffic is not much of a concession, and the question is is there any way to -- for this body, does it have the authority to even require that the number of trips be reduced?

MR. MAURODIS: Yeah, I would say that that would not be within the purview of the body to make that requirement. What you certainly could query the applicant on that, and that would factor in -- the result of that would factor into your decision to recommend for or against it. But I would not tell you that -- that we could just unilaterally require that they reduce their application.

MAYOR RYAN: As I expected the answer, I will not query the applicant now -

(Laughter.)

MAYOR RYAN: -- but I would strongly encourage the applicant to consider that point. Thank you.

CHAIR STERMER: Mr. Grosso.

MR. GROSSO: If I could follow up. Now, is it, Andy, your recommendation that we can't unilaterally approve an amendment that's different than that that's been requested?

MR. MAURODIS: Well --

MR. GROSSO: We don't have that authority?

MR. MAURODIS: -- I -- no. What I would say is that you have the -- because while it would be the same -- it would be the -- you -- you'd be basically setting an amendment with a limitation on -- on that. I don't think you can require that. I don't think you can require them to do that. I think you could recommend denial unless they come to terms with that, based upon that. Yeah, that's what I would recommend, because I don't think you can move forward a different application.

MR. GROSSO: Okay. Thanks. Thank you.

MR. BLACKWELDER: Mr. Chair?

CHAIR STERMER: Mr. Blackwelder.

MR. BLACKWELDER: I wanted to ask staff a question stemming from Mr.

Clark's [sic], the last speaker's concerns about the scale of the project. It doesn't have to develop the site at 259 additional dwelling units. There could be a lower scale project, obviously, proposed. And I wonder what the staff has done to evaluate. I mean, why not much greater or much less?

MS. BOY: As far as --

MR. BLACKWELDER: Why -- why --

MS. BOY: -- the density? As far as the density, you're asking?

MR. BLACKWELDER: -- for the density, yes.

MS. BOY: So the application, this is the 343 max is what's proposed by the applicant, so that's what's reviewed by staff. A couple things. This is an Activity Center. It's a mixed-use proposal. Our evaluation, based on US-1, Federal Highway, they will be restricted by height because of the proximity to Pompano Air Park. So there is a restriction that way, also. I mean, our review is based on not the -- not the form of the -- or the height. It's based on the proposal. That's what our review is. So --

MR. BLACKWELDER: What is -- what is the height that they would be able to build? Because I --

MS. BOY: I would defer to the applicant as far as the detail of that. Mr. --

MR. BLACKWELDER: Well, I just -- I just --

MS. BOY: -- Penn.

MR. BLACKWELDER: -- would point out, and maybe the applicant could address it, there's multi-family in a -- kind of a -- at least a semi-circle around to the north --

MS. BOY: Uh-huh.

MR. BLACKWELDER: -- southeast, and east of the project --

MR. PENN: Sure.

MR. BLACKWELDER: -- and those are seemingly town home properties against which we're -- we're approving to put up what? And aren't -- I can't --

MR. PENN: Well, I --

MR. BLACKWELDER: -- can you fill in?

MR. PENN: -- I can hopefully fill in some of those --

MR. BLACKWELDER: Okay.

MR. PENN: -- gaps, Mr. Blackwelder. I mean, obviously --

CHAIR STERMER: Do you want to identify yourself for the record.

MR. PENN: I'm sorry. Graham Penn, Bercow Radell Fernandez Larkin, 200 South Biscayne Boulevard. Good morning everyone. The -- there are two things that I'd like to add. There are -- we have -- we have a built-in restriction based on the airpark, so that's going to limit our height. But we have, in our covenant that we've proffered as part of the city's process, two important criteria that are designed to avoid impacts on our residential neighbors.

First, if you're looking at our graphic up there, the marina, as identified in the southeast corner, that site is set aside for marina use. So that building that's there, it's either going to be that building or another marina use. So we're not contemplating any kind of redevelopment of a residential or any other nature in that corner.

Second, and this is already in our covenant, any portion of the property within 50 feet of that, of the boundary, the residential boundary, is limited to 35 feet in height if it's -- if it's residential development. So we're ensuring already in our design guidelines that there will be a transition in height between any new development and our -- and our neighbors.

MR. BLACKWELDER: And that's a covenant. What's the locus of that covenant, the location of it? Is that --

MR. PENN: Well, the -- I mean, the covenant will run with our property.

MR. BLACKWELDER: Right.

MR. PENN: It's in favor of the city. So that as -- as development comes in, as we go through the site planning process, the rezoning process that's necessary after a Land Use Plan amendment, that will guide how that gets done. So there are --

MR. BLACKWELDER: So what is the max height? Do you have a number for -- you mentioned air park (inaudible) --

MR. PENN: Yes, there are the -- the way that the -- and it's a little complicated. It's actually in your packages. The -- the air park height limit goes from a hundred on the northwest corner to about 150 on the southeast corner, so it's kind of a diagonal. The -- because the southeast portion, again, is not subject to any kind of residential redevelopment anyway. So, for example, the resident -- in the town homes to our east, you know, we're not proposing any new residential development on that portion of the property anyway. So I understand the -- the overall concern about redevelopment of the property, but we, in our discussions with the neighborhood before we -- you know, long before we got to you, had put those restrictions in place to ensure that we will be compatible when it comes to site plan. And, of course, a lot of that is dealt with at the site planning stage anyway.

CHAIR STERMER: Anything further, Mr. Blackwelder?

MR. BLACKWELDER: Great. No. Thank you, sir.

CHAIR STERMER: Commissioner Castillo. We still have another Public Hearing to follow this one and --

VICE MAYOR CASTILLO: Yes.

CHAIR STERMER: -- we're going to need to --

VICE MAYOR CASTILLO: I was going to --

CHAIR STERMER: -- keep a quorum.

VICE MAYOR CASTILLO: -- make -- I was going to make -- I was going to make a motion, but I'm sort of stuck in this other place, which is it's amazing. Twenty years have gone by since I was a department head at this -- at the County. And at that time, I was responsible for a large portion of the emergency shelter operation that we had in human -- the Human Services portion.

UNIDENTIFIED SPEAKER: (Inaudible.)

VICE MAYOR CASTILLO: It always seemed to me that the -- that the hurricane emergency services stuff of shelters was a County function. It was part of what the County did. So now we pass Broward Next. It includes an emergency cap thing. Follow this. It comes to the County, they bless it. Now here comes this application. There's a letter to all mayors saying we like -- we'd like your help. The response is either abrupt or insufficient. And now here we are, sort of passing a thing because we want it -- we want the emergency shelter provided. But I don't want to -- I don't want to see us do

this in a way that -- that creates an imbalance of bargaining power against -- against them. I want there to be an honest conversation about what should happen with respect to this. And yet, I stand with what I asked the person in Pompano to do. You have to fix this, because it's -- you're the applicant. So with those things said, and without -- I don't think anyone here is suggesting that -- that any city should be -- because we're creating policy here. This is the first time that -- or we're initiating or moving toward a policy. This is the first time this has ever been done. I don't think anyone here is suggesting, and I don't see any nods, that -- that we're taking away people's bargaining power in figuring out how best to approve this. So, with that said, I would make the **motion**, Mr. -- Mr. Chair, if the time is appropriate, to move this item forward on first reading positively, to approve it, given the voluntary concessions made by the applicant.

CHAIR STERMER: Subject to the four bullet points in staff's recommendation; correct?

VICE MAYOR CASTILLO: Yes, sir.

CHAIR STERMER: I just want to make sure that all of the other conditions -- there's a -- moved by -- motion by Commissioner Castillo, a second by Vice Mayor Gomez. Any further discussion? All those in favor of the motion to move this forward, subject to the four conditions, signify by saying aye. All those opposed?

COMMISSIONER UDINE: Opposed.

MR. GROSSO: Opposed.

MR. BLACKWELDER: Opposed.

CHAIR STERMER: Please raise your hand so I can -- show the motion passes with three negative votes, Commissioner Udine, Mr. Blackwelder, and Mr. Grosso.

VOTE PASSES 15 TO 3 WITH BRION BLACKWELDER, RICHARD GROSSO, AND COMMISSIONER MICHAEL UDINE VOTING NO.

AGENDA ITEM PH-5 - AMENDMENT PC 18-7

CHAIR STERMER: We're on to PH-5. And, folks, we need -- this is an action item, as well, so if we can get as many people to stay as we can. If we lose a quorum --

MS. BOY: You want to talk about the -- do you want the speakers first?

CHAIR STERMER: Please.

MS. BOY: Okay. There are (inaudible). I'll call the speakers. The public speakers, Richard Richardson, Michael Goldstein, Bernie Parness, Carman Nepa –

CHAIR STERMER: Question. For any of the speakers that are here on PH-5, are any of you opposed to the project? All the speakers that are -- come step forward. If everyone else here is either supportive of or is here answering questions, we'll see if we need that to happen.

CHAIR STERMER: Sir, give us your name, please.

MR. RICHARDSON: Good morning. My name is Richard Richardson. I live at 595 Durham U in Century Village.

CHAIR STERMER: Please.

MR. RICHARDSON: I -- I purchased in Century Village in 2000 because of the golf course, and was invited to play with a founder member, Rolf Grayson (ph.), first -- first vice president (inaudible) management. He told me the golf course had been promised to purchasers from 1974. Clearly, it was designed as part of the village with contours, bunkers, tees, greens, sprinklers, pumps, pro shop, golf carts, and storage taking some 85 acres. Even a bad golfer is unlikely to damage a building. Mr. Levy could have built many more units instead. On completion, it was handed -- on completion, it was handed over with a hundred-year protection order to a committee chaired by Mr. Marty Popelsky, who became the district Commissioner. I turned up to play one day, I think it was in -- in (inaudible) 2003 to find new management. Mr. Grayson, the first vice president (inaudible) management, told me Trenchie (ph.), the president, had said he would --
(Laughter.)

MR. RICHARDSON: -- I'm sorry. He's popular in Century Village still. The president had said he would get the course for nothing, but it was sold for a bank overdraft, approximately, as we were told, \$150,000, and that he -- Mr. Grayson had not received the thousand-pound joining fee, which the founder members had returned to them if the club could afford it. We still had a golf course. He said he had no idea how the Popelsky brothers managed to sell it. And this has troubled me for 15 years. CVE owners turned out in great numbers with me at some of the -- the first and successive council meetings to allow building on the land. The destruction of a valuable golf course used by many elderly retired owners paying 12 months' taxes for six months' or less occupancy, and knowing the land is protected, must not be rewarded.

Rather, they should be required to instate the damage they have caused. It will otherwise encourage speculators to know if Broward can be trusted. My friend, Mr. Grayson, I still see him regularly. He's 96. I had dinner with him last night. He lives in Richmond A, directly overlooking the wall. It might be a justice. He said he would -- he's 96, and he said he would get too angry if he came to the meeting. Thank you very much.

CHAIR STERMER: Thank you, sir. Mayor Ganz, can you just give us a 30-second overview of this process through the city and the city's position with regard to Item PH-5?

MAYOR GANZ: Thirty seconds. Okay. Obviously, the city supports this project. This is not a functional golf course at this time. It has been abandoned for a number of years. I don't think any of us really, knowing Century Village and the history of Century Village, we'd never see the day where that would be -- occur, but that time is long past. This is not a functional operating golf course. What this does do, and what -- while it's not the most ideal situation, and many of the issues that are presented on this project I think will be dealt with on the site approval more so than the land use change, but what this does is it creates a -- probably a best case scenario for the Village, considering that the remaining land will permanently be dedicated so it cannot be developed on in the future. So the city, obviously, is supportive of it.

CHAIR STERMER: Is there a motion with regard to PH-5?

MS. GRAHAM: I have a question.

COMMISSIONER UDINE: I'll --

CHAIR STERMER: Ms. Graham.

COMMISSIONER UDINE: -- **move** it.

CHAIR STERMER: Well, let's get a motion, and we'll then have questions.
Moved by --

VICE MAYOR GOMEZ: Second.

CHAIR STERMER: -- Commissioner Udine, seconded by Vice Mayor Gomez. Ms. Graham.

MS. GRAHAM: Thank you, Chair Stermer. Mayor Ganz, as I'm looking at this, and I see how -- it's a small parcel, obviously, and it's literally almost a corridor, so to speak -- I'm just amazed how they're going to shoehorn this

onto the site, just from a construction point of view. And, obviously, there's no deed restrictions or anything like that. Historically, I vote no for developments on golf courses like this, as I have in the past, certainly ones that have been deed restricted, and yet development proceeded, either because the deed restriction went away or it was abandoned or vacated or however it was they agreed to -- to overlook that. But at this -- looking at this and seeing how dense everything is right now, I'm going to vote no, but it's -- it's only because I just don't see how it can work. Thank you.

CHAIR STERMER: Anybody else on the Council want to speak on this item? There was a motion by Commissioner Udine, a second by Vice Mayor Gomez. Anybody further. All those in --

MR. ROSENZWEIG: If I can speak before you vote?

CHAIR STERMER: Sure. Mr. Rosenzweig.

MR. ROSENZWEIG: I've had several meetings in the Village, since I live in that area, and there are a number of residents who were not privy to the meetings that went with counsel and with the owner of the property, due to the fact they were snow birds or Canadians and out of season when this all went down on them. And at a recent meeting of the city -- the Deerfield (Inaudible) Association, which just reconstituted itself, these people came and spoke and said they had no knowledge of this particular thing, and never had any hearings on it, and really were -- were terribly upset. There were like 50 or 60 of them that showed up at the meeting special called with the counsel and with the developer. And having met with them -- and if you look on your backup, you'll see there's additional letters that came in from these people, and they had quite a number of -- of objections to it because they didn't know it was coming and how it was going to affect them personally. There are several buildings that really are adjacent to this property. And at this hearing they had with the property and with the -- with the attorney, came with a series of recommendations that they have, and left that meeting not saying no, but looking to compromise and feel that something can be worked out with the site plan to make this an -- an appealing for the village and for the -- for the developer. And so, on that basis, I would vote to approve this on that basis, that we'll have further communication and further development to see about the site plan, which is their biggest objection.

CHAIR STERMER: I think that's still going to be before the city when it comes back before the city, so us moving it forward today, the Mayor is sitting here and hears you loud and clear. Commissioner Parness is here and hears you loud and clear. You want to speak, Commissioner Parness?

COMMISSIONER PARNES: Yes, I would.

CHAIR STERMER: You want to speak on something that's about to get approved. Okay. Be careful what happens when you do that. You've sat here before.

COMMISSIONER PARNES: Yes, I have.

CHAIR STERMER: Uh-huh. Okay.

COMMISSIONER PARNES: And I miss the bagels. I've been on top of this issue as the Commissioner of this district of Deerfield Beach. There were only six buildings affected with the view. The other 248 buildings are nowhere near this construction site. It takes up 25 acres not in a circle, but along one strip. The balance has been offered to Century Village free of charge of almost 60 acres, as a park. So we have the best case scenario of development on less than a third, and more than two-thirds as open space forever, because that's how it's being zoned. Most of the people in my district approve of this project. The city approves of this project. It is good for the residents, as a whole, and it's good for the City of Deerfield Beach. And I urge you to move this forward. Thank you.

CHAIR STERMER: Thank you, Commissioner. Appreciate it.

COMMISSIONER UDINE: With that said, I'll really move my motion.
(Laughter.)

COMMISSIONER: Not only will I move to approve it, I'm going to really, strongly, strenuously move to approve it.

CHAIR STERMER: And it will be better if you get Commissioner Parnes a -

UNIDENTIFIED SPEAKER: (Inaudible.)

CHAIR STERMER: -- and if you get Commissioner Parnes a bagel, it'll be even better.
(Laughter.)

CHAIR STERMER: There as a motion --

UNIDENTIFIED SPEAKER: (Inaudible.)

CHAIR STERMER: -- and -- right. There was a motion by Commissioner Udine, a second by Vice Mayor Gomez. All those in favor, signify by saying aye. All those opposed?

MS. GRAHAM: No.

MR. BLACKWELDER: No.

CHAIR STERMER: Can I see a hand -- show of hands of how many noes? Ms. Graham and Mr. Blackwelder. Otherwise, the motion passes.

VOTE PASSES 14 TO 2 WITH BRION BLACKWELDER AND MARY D. GRAHAM VOTING NO.

OTHER BUSINESS:

CHAIR STERMER: Anything else before the Council? I will ask bagel fund, we are getting low on funds.

MS. BOY: You have a presentation that you moved --

CHAIR STERMER: Oh, that's right.

MS. BOY: -- to the end.

CHAIR STERMER: We have a presentation. I forgot about that.

MS. BOY: It's all right.

CHAIR STERMER: Let me -- let me suggest -- well, I

UNIDENTIFIED SPEAKER: (Inaudible.)

CHAIR STERMER: Do you want to make that suggestion? Let's ask them to come back to the next meeting. They're -- everyone's going to walk off the dais, and they're going to make a presentation to two people.

UNIDENTIFIED SPEAKERS: (Inaudible.)

CHAIR STERMER: Is that okay?

MR. DIGIORGIO: I have to get to work.

CHAIR STERMER: Move it to the next meeting. Staff, is that okay?

MS. BOY: Yeah.

CHAIR STERMER: Sorry about that. It's been a long morning.

UNIDENTIFIED SPEAKER: (Inaudible) going to the Commission. We're going to have (inaudible) April 4th -- April 9th, and then it goes to the

Commission in May, so --

MS. BOY: Okay. That's still time.

CHAIR STERMER: April's fine.

MS. BOY: The April meeting will work.

CHAIR STERMER: April's fine.

MS. BOY: Okay.

CHAIR STERMER: Perfect. Bagel fund. That's not funded by staff. That's funded by us.

UNIDENTIFIED SPEAKER: I put in (inaudible).

UNIDENTIFIED SPEAKERS: (Inaudible.)

CHAIR STERMER: So if you want to continue to have money -- water, bagels, and coffee, we've got to fund it. Thank you, everybody. Have a good morning. Appreciate the patience.

(The meeting concluded at 11:49 a.m.)