

MINUTES

BROWARD COUNTY PLANNING COUNCIL

October 25, 2012

MEMBERS Mayor Lamar Fisher, Chair
PRESENT: Commissioner Lisa Mallozzi, Secretary
Tim Bascombe
Commissioner Claudette Bruck
Frederick Burton
Sara Case
Commissioner Bobby DuBose
Kenneth Fink
School Board Member Patricia Good
Commissioner Sue Gunzburger
Dan Hobby
Commissioner Keith London
Commissioner Michael S. Long
Louis Reinstein

MEMBERS Commissioner Anne Castro, Vice Chair
ABSENT: Mary D. Graham
Commissioner Rita Mack
Sharon Ragoonan
Mayor Michael Udine

ALSO Barbara Blake Boy, Planning Council Executive Director
PRESENT: Andy Maurodis, Legal Counsel
Ivan Cabrera, Planning Council staff
Dawn Teetsel, Planning Council staff
Peter Dokuchitz, City of Plantation
Nancy Cavender, The Laws Group

(A sign-in sheet reflecting those present is filed with the supplemental papers to the minutes of this meeting.)

A meeting of the Broward County Planning Council was held at 10:00 a.m. on Thursday, October 25, 2012, in Room 422 of the Broward County Governmental Center, Fort Lauderdale, Florida

CALL TO ORDER:

Chair Lamar Fisher called the meeting to order.

CHAIR FISHER: Good morning, everyone. I'd like to call to order our Broward County Planning Council Regular Meeting and Public Hearing this Thursday, October 25th, 2012. Thanks to everybody for showing up. Appreciate it. Please stand for the pledge. Commissioner Mallozzi.

(THE PLEDGE OF ALLEGIANCE WAS LED BY COMMISSIONER LISA MALLOZZI)

CHAIR FISHER: Thank you.

ROLL CALL:

CHAIR FISHER: Nancy, welcome back.

THE REPORTER: Thank you, sir.

CHAIR FISHER: Would you like to call the roll?

THE REPORTER: Yes, sir.

Mr. Tim Bascombe.

MR. BASCOMBE: Here.

THE REPORTER: Commissioner Claudette Bruck.

COMMISSIONER BRUCK: Here.

THE REPORTER: Mr. Frederick Burton.

MR. BURTON: Here.

THE REPORTER: Ms. Sara Case.

MS. CASE: Here.

THE REPORTER: Commissioner Anne Castro. Commissioner Bobby DuBose.

COMMISSIONER DUBOSE: Here.

THE REPORTER: Mr. Kenneth Fink.

MR. FINK: Present.

THE REPORTER: School Board Member Patricia Good.

MS. GOOD: Here.

THE REPORTER: Ms. Mary Graham. Commissioner Sue Gunzburger.

COMMISSIONER GUNZBURGER: Present.

THE REPORTER: Mr. Dan Hobby.

MR. HOBBY: Here.

THE REPORTER: Commissioner Keith London.

COMMISSIONER LONDON: Present and I have homemade banana bread.

THE REPORTER: Commissioner Michael Long.

COMMISSIONER LONG: Here.

THE REPORTER: Commissioner Rita Mack. Commissioner Lisa Mallozzi.

COMMISSIONER MALLOZZI: Yes.

THE REPORTER: Ms. Sharon Ragoonan. Mr. Louis Reinstein.

MR. REINSTEIN: Present.

THE REPORTER: Mayor Michael Udine. Mayor Lamar Fisher, Chair.

CHAIR FISHER: Here. Thank you.

CONSENT AGENDA

AGENDA ITEMS C-1 THROUGH C-4:

CHAIR FISHER: Just for the record, on Consent Agendas 1 -- C1 through C-4, on C-4, there's another excused absence; it will be Commissioner Mack. So motion to approve --

COMMISSIONER GUNZBURGER: So moved.

CHAIR FISHER: -- Consent Agenda?

COMMISSIONER MALLOZZI: Second.

UNIDENTIFIED SPEAKER: Second.

CHAIR FISHER: It's been moved and seconded.

All in favor, say aye. Opposed? Motion does carry.

MR. FINK: (Inaudible.)

CHAIR FISHER: Yes?

MR. FINK: I'm sorry.

CHAIR FISHER: Mr. Fink.

MR. FINK: On -- in C-2 in our book and this is again, out of ignorance, the Davie out parcel trafficway is affected, the plan requiring 200 feet, existing 70 feet, and another 30 feet is being added. Is that what I'm reading?

UNIDENTIFIED SPEAKER: Uh-huh.

MR. FINK: Is that 100 feet short?

CHAIR FISHER: Ms. Boy?

MS. BOY: No. That would be for the half, the 200 foot requirement is 100 foot half requirement, so there's 70 feet existing on the one half of the road, and they'll add 30 feet, so that'll bring it into compliance with the requirement.

MR. FINK: So the plan requirement of 200 feet is half.

MS. BOY: 200 feet for the whole thing, 100 feet for the half, and then a hundred feet for the other half.

MR. FINK: I appreciate the clarification. Thank you, Mr. Chair.

CHAIR FISHER: Of course. Our Consent Agenda is completed.

VOTE PASSES UNANIMOUSLY.

REGULAR AGENDA

AGENDA ITEM R-1:

CHAIR FISHER: We're now on our Regular Agenda. R-1, Mr. Maurodis.

MR. MAURODIS: I don't have a report, Mr. Chair.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM R-2:

CHAIR FISHER: Thank you. Ms. Boy?

MS. BOY: Good morning.

CHAIR FISHER: Good morning.

MS. BOY: I just have a couple of quick things. One, I know several of you had planned to get your photo IDs this morning, so just a reminder to make sure you do that before the end of the year. If you can't get in touch with the security desk, just give myself or Ginette a call, and we'll try to get you in touch with them. I know many of you have taken care of that.

The second thing is I just want to introduce our two new planners on the Planning Council staff. They started this month. Dawn Teetsel and Ivan Cabrera. They're sitting right here.

CHAIR FISHER: Welcome.

MS. BOY: Ivan is an Assistant Planner and Dawn is an Associate. We're thrilled to have them, and we'll be seeing a lot more of them over the next 12 months. So (inaudible).

CHAIR FISHER: Welcome to our team.

(Applause.)

CHAIR FISHER: Very good.

MS. BOY: And that concludes my report.

AGENDA ITEM R-3:

CHAIR FISHER: All right. R-3, any additional correspondence this morning?

MS. BOY: There's no additional correspondence.

PUBLIC HEARING

CHAIR FISHER: This puts us on to the Public Hearing agenda, PH-1 through

Planning Council

10/25/2012

LG/NC

PH-3. We do not have any speakers who have signed up.
Does anyone wish to pull an item?

MR. HOBBY: PH-1.

CHAIR FISHER: PH-1. Anyone else?

AGENDA ITEMS PH-2 AND PH-3:

CHAIR FISHER: Is there a motion to approve PH-2 and PH-3?

COMMISSIONER MALLOZZI: So moved.

COMMISSIONER GUNZBURGER: Second.

UNIDENTIFIED SPEAKER: Second.

CHAIR FISHER: All in favor, say aye.

Opposed?

Motion does carry.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM PH-1:

CHAIR FISHER: PH-1, Ms. Boy

MS. BOY: PH-1 is a recertification for a tax amendment in the City of Plantation. The amendments updated or added several objectives and policies to the City's plan, water supply planning, maintaining road character, public school concurrency, and I think that there's some question about the exclusion of penal correctional or re-entry facilities.

We do have the City of Plantation staff available if there is specific questions about the policies in the plan.

CHAIR FISHER: Very good. Mr. Hobby.

MR. HOBBY: Yes. (Inaudible.)

UNIDENTIFIED SPEAKER: Press the face.

MR. HOBBY: They're on. Face time. Yes, my question is in relation to Policy 1.6.8, and I guess I would need someone from Plantation if someone is here.

MS. BOY: Peter Dokuchitz is here to answer questions.

MR. DOKUCHITZ: Yes. Hi. Peter Dokuchitz, Principal Planner, City of Plantation.

MR. HOBBY: Policy 1.6.8, I guess if I could summarize it, would say that it's not allowing a number of penal and re-entry facilities. You had mentioned here that they're not allowed in commercial or -- let's see -- residential, commercial, office park, industrial, or community facility classifications.

Are there any classifications in the City of Plantation that allow penal facilities or re-entry facilities?

MR. DOKUCHITZ: The policy offers consistency with the land development regulations that are technically you could in a local activity center or utilities.

COMMISSIONER MALLOZZI: Have him turn his microphone on.

MR. DOKUCHITZ: I'm sorry. They're not disallowing utilities or local activity centers.

COMMISSIONER MALLOZZI: They're allowing utilities --

MR. HOBBY: Yeah, I know. I'm trying to figure out what that --

CHAIR FISHER: Mr. Hobby, you have the floor.

MR. HOBBY: -- what -- what that actually means. Okay.

So effectively, I mean, it would seem to me that effectively there are no realistic areas for a penal facility.

MR. DOKUCHITZ: That's true. There's no existing, and there's no future penal, you know, projected (inaudible).

MR. HOBBY: So I assume that Plantation, though, does generate some criminal population to the penal system of Broward County and the State of Florida?

MR. DOKUCHITZ: That's conceivable, yeah.

MR. HOBBY: Yeah, because -- I don't know. Does the City of Plantation have an idea where these -- you know, who should pick up the slack if Plantation doesn't want these? I guess that's a rhetorical question.

MR. HOBBY: So, anyway, okay. You've answered my question. Thank you very much. I appreciate it.

CHAIR FISHER: Any further discussion on this item? Is there -- Ms. Case?

MS. CASE: I -- I just want to comment on the same issue, because it struck me that, if we're looking at the County as a whole, that we have an -- a really inequitable distribution of these kinds of facilities, sober houses and halfway houses and -- and those kinds of things. In the city in which I live, for example, is Hollywood, and some of our neighborhoods are just --

COMMISSIONER GUNZBURGER: Inundated.

MS. CASE: -- they're not only inundated, but they're -- they're blighted, you know. We're getting a lot of problems. So when I see something like this, where a city like Plantation has said, no, you go to Hollywood. You go somewhere else --

MS. GOOD: Yeah.

MS. CASE: -- I find that it's rather objectionable. And it seems to me that the County, at the County level, something could maybe be done about that. I don't -- I don't know what it would be, but I --

COMMISSIONER GUNZBURGER: Could we make a motion to approve all of this with the exception of that paragraph?

CHAIR FISHER: Mr. Maurodis?

MR. MAURODIS: I'd like to speak to that, and I -- just some advice that I always try to give you when I ask you to use your discretion on this type of thing, but the -- this -- the review on this -- this type of aspect when you're talking about a recertification is not -- the jurisdiction does not go, to the point you raised, and for this reason is why a large number of cities are facing federal challenges when they insert these, because it is sweeping the country, and it is a major, major problem, especially in the area substance abuse treatment facilities and things of that sort when the federal government gets involved.

But your jurisdiction here is just to determine purely consistency with the Broward County Plan, and -- and staff, you know, the recommendation is that it is consistent.

To deny any part of a recertification, you'd have to give a specific reason why it's inconsistent. This is just your jurisdiction. It is very, very narrow in this regard.

It's just really to determine consistency. So absent (inaudible) inconsistency, I believe is outside your jurisdiction. I hate to tell you that, because I --

COMMISSIONER GUNZBURGER: Mr. Maurodis --

MR. MAURODIS: Yes.

CHAIR FISHER: Yes.

COMMISSIONER GUNZBURGER: -- it -- are transition homes and substance abuse facilities allowed in -- only in those two categories (inaudible)?

MR. MAURODIS: No. I read the definition specifically, and it is --

COMMISSIONER GUNZBURGER: I mean, I think it is so restrictive that it would not be consistent with our general policy, that there are many zoning designations that allow it, and we've seen it in almost every other city. And I find this highly offensive.

MR. MAURODIS: I do understand. I read the definition, and (inaudible), and I don't want to associate myself with defending the concept here, but, just dealing with your jurisdiction, it does not apply to the -- the sober living facilities, which are the subject of so much discussion, and the federal court would not allow it to because they would have to provide a reasonable accommodation to any person who -- who is determined to be disabled and recovering alcoholics and drug addicts, it's determined -- it's considered disabled under the ADA and Federal Housing Act, Fair Housing Act. So I don't believe it does.

But if -- if there is -- and I certainly know where you're going. You would have to show a specific provision, because our rules -- the rule in -- in those Broward County land use plans on your jurisdiction here indicate that if you're going to deny recertification, you have to give written reason stating the specific provision that is not consistent. That -- that's how narrow it is.

COMMISSIONER GUNZBURGER: Well, that's why I asked you if that is part of our general rule, policy 1.6.8, that it can only be confined to public utilities and -- what's the other one?

MR. MAURODIS: (Inaudible.)

COMMISSIONER GUNZBURGER: And that -- I'm sure our rule does not state that.

MR. MAURODIS: Well, the only thing I can suggest, then --

COMMISSIONER GUNZBURGER: And I would say that that would be where that is inconsistent, because Rule 1.6.8 does not confine it only two those two areas.

MR. MAURODIS: This is their rule. We -- we would have to determine -- well, let me suggest one thing, because I -- I sense -- you know, I understand your position on that. But if this is a road you'd like to travel as far as there's a real concern on

this thing --

COMMISSIONER GUNZBURGER: Uh-huh.

MR. MAURODIS: -- and I would suggest that it be tabled for us to review so that we can maybe provide you input, because just -- just a denial at this point, I don't think puts you in the proper posture, if you understand, as your counsel, if you want to go down that route. I think we should explore the plan and provide you that data.

COMMISSIONER GUNZBURGER: Well, I -- I know Commissioner Mallozzi wants to speak --

CHAIR FISHER: I have two others, as well.

COMMISSIONER GUNZBURGER: All right. Then I will make a motion to table.

CHAIR FISHER: Commissioner Mallozzi, then Ms. Good and Mr. Reinstein.

COMMISSIONER MALLOZZI: I'm glad that you brought that up, because I was actually thinking that this was not part of our purview, and that was why I was not touching it.

But I do want to say something, and it may not be well received, but I'm going to say it no matter what. I'm a City Commissioner, and I have several facilities in my City.

COMMISSIONER GUNZBURGER: Uh-huh.

COMMISSIONER MALLOZZI: And I understand we've had cutbacks on insurance and -- and there's no room for these people, and these halfway houses and -- and re-acclimation houses popped up.

And I understand why they're there. And -- but, let me tell you this. I get constant complaints from residents because one minute you're looking at a house. The next minute you're looking at ten people are living in it that are on the -- the recovery road of substance abuse or mental illness, and there's a school a block away.

And I have had two instances with my next door neighbor standing outside doing his thing in his front yard, and a man from the -- not even a man, a child from one of these facilities assaulted him on two separate occasions.

And, again, I understand that there's a need for them, but the fact that they can come into any city and the only way the city knows that they're there is when they apply for a license, and any kind of facility must have a sprinkler system installed.

And that is really how, as a city, we find out when one of these institutions, for lack of a better word, and I apologize if that offends any one, is coming into our city.

I personally -- and, again, I know this is not the purview here, but if we're talking about it, I'm going to bring this up -- I think cities need to be told. I think neighbors need to be told. And I think that the more information the cities and the neighbors of that area have, the more well-received it will be.

But as it stands now, we are completely in the dark until they apply for a permit from us for an interior sprinkler system.

And there are a lot of issues with people, because they are not, in my opinion, properly mandated, and you have people that are off their meds, and they're a block away from a school.

And I can attest, in my City alone, that we have them, and they're a block away from a park and a block away from school, and I have people that have been off of their medications, roaming, and I've got little kids walking home from middle school, and they're -- they're running, because they're afraid of this.

So that's also an issue that, if you're going to bring this up, I want all of this addressed. Thank you.

CHAIR FISHER: Ms. Good.

UNIDENTIFIED SPEAKER: My pencil went flying. I'm sorry. I'm Italian. I use my hands.

MS. GOOD: (Inaudible.) I have a couple of questions. Under the second paragraph of Policy 1.6.8, there's reference to educational facilities. I just wanted to know in what context that's there.

MR. MAURODIS: You know, maybe I -- I think Plantation would have to tell you that, because I read it in kind of (inaudible).

MS. GOOD: I mean, I know it's at the tail end, but I don't want to assume anything, so I think we need an explanation.

MR. MAURODIS: Yeah, I agree with you. I don't think it's typical type of education, they'll have to describe the intent.

CHAIR FISHER: Sir, could you please come up and answer that question?

MS. GOOD: Thank you. Thank you, Mr. Chair.

MR. DOKUCHITZ: This is not education in the typical sense, but it is like re-entry type of education.

MS. GOOD: Okay. My concern is the way it's written, it's -- it's -- it just says educational facility, which can mean, in my mind, any educational facility, whether, you know, professional, public, private school or --

MR. DOKUCHITZ: No, that's not what it means.

MS. GOOD: Well, it doesn't say anything otherwise. So I have a concern the way it's written.

And -- and I'd just like, if -- if the matter is going to be tabled, I'd like to get a sense of what happens if every city takes this initiative, and is it a statutory problem? Is it a County issue? I'd like to get some -- some information as to that if this matter is tabled.

Again, the way it's written, just educational facility within that paragraph, I'm concerned. Thank you.

CHAIR FISHER: Mr. Reinstein.

MR. REINSTEIN: As -- as a resident of Plantation and as a member of the -- the Planning Council, I read this thinking that the Plantation -- Plantation City Council had -- had passed this. Our -- our Planning Council staff had approved this.

I read it thinking that a little bit strange. I understand what they're doing. Unfortunately, Plantation does have some crime. I wish it didn't. And -- but it's within the purview of Plantation to -- to do this if -- they chose to do it and it was in conformity with the Broward County Land Use Plan.

My concern is the concern that Mr. Maurodis raised, and that's if there are federal law -- federal cases -- if there are cases pending, whether State or federal, that would suggest to us that there could be a problem with this type of language, then even if by the possible letter of the -- of the law as it stands today that this -- this wording is consistent, I wouldn't want to further, by voting in favor of something that I know that there are pending cases which would just mean litigation for the City of Plantation and possibly the County. And, while as an attorney, litigation always sounds wonderful, it's -- as a taxpayer, it's not what I want to see.

And so, unless there was some other reason that it had to be passed today, which I know that it's not, I would be in favor of -- of tabling it, getting some further information, specifically what some of those pieces are out there that may affect this type of language.

MR. MAURODIS: Yeah, and with the cases that I was speaking of, and there are reasons, generally deal with homes that are catering to persons who are disabled under the ADA.

My reading of this is that there was an attempt to avoid regularly prohibiting those. They'd need to deal with pretty much every other type of situation, but there would seem to be an attempt to deal with situations where they would be not dealing with disabled persons.

I could not tell you how they would come and -- and how they would end up applying that, but my -- my sense is that the cases I'm talking about, that don't specifically apply -- apply here. And I guess what you know -- the only thing that I can recall, and believe me, all your concerns are right-on in someone that represents cities, I deal with these things, and I know it's a very, very difficult thing.

A lot of cities are really imposed upon by having a lot of facilities within them. And you are correct about the problem, just in perceived value of homes and neighborhoods and things of that sort.

And I will tell you, with regard to sober homes, they don't even have to have sprinklers. They have -- they can go in and have 9 to 12 persons who are recovering alcoholics or recovering drug addicts be placed into a single family home in the finest neighborhood. Believe me, and that's what has happened.

And they don't even have to meet any zoning requirements. They are -- so they are -- the cities are forced to give them what's called a reasonable accommodation under the ADA and the FHA. And court after court -- as a matter of fact, an article would help.

And I'll -- when I get back to the office, I'll send it to Barbara to distribute to all of you with some sobering -- no pun intended -- information about what is happening to city after city. I don't think that is implicated here, but the only thing I can tell you is, again, if you're having said all of that, your jurisdiction here is so limited, is it consistent with the plan.

MS. BOY: Just to -- although Andy is the attorney, just to add, during staff review, what we're looking at is are these policies at least as restrictive as the County plan. And, you know, in this case, it's more restrictive because these uses are allowed in the County plan. So that's what our review is limited to when we make our recommendation.

MR. REINSTEIN: Mayor.

CHAIR FISHER: You still have the floor.

MR. REINSTEIN: Sure. Thank you. Thank you, Mayor. One follow-up is that I also want to thank Ms. Good for pointing out on the educational facilities references, that also, in thinking from a -- a legal perspective is that if there's any questions in terms of language and its ambiguity, it's always best to clear it up so that we don't deal with that litigation later on, or with that cost down the road, or

potential cost, with -- if a minor fix can be made.
And since the question was raised from our School Board member, even more important to be taken into consideration.

CHAIR FISHER: Commissioner DuBose.

COMMISSIONER DUBOSE: Thank you, Mr. Chair.

First off, I want to thank Mr. Hobby for raising this issue. And I pretty much concur with everything that was stated. I guess my -- my comments are more to staff. Understand -- so many times we're told it's, you know, within our jurisdiction, so when issues arise, I've felt like, you know, my hands are tied, and I come in and do my -- you know, my duty.

But I would ask our staff when there -- there is an issue that creates -- or that has such a huge inequity, and, like Hollywood and Fort Lauderdale, we're burdened with so many of these facilities, I think at times like when it comes to social services, we're like the Mecca of world.

And with something like this, I understand that, you know, you have your job and some of it's pretty -- very restrictive, but if you can provide to us, and, I guess, Legal look at it, but if there is some other potential or some other route that we could look at and consider as opposed to this is the way it is and you have to go with it, when there are issues like this, because this is a huge issue, as you stated, and something that's national.

I'm pretty sure each city or each representative up here could weigh in and -- and carry a very heavy burden. So if we have an opportunity, even if we have to go with this, but if we could direct it in another direction or resend the recommendation to the County or something, I think moving forward, if staff could provide us with that, it would be a greatly appreciated.

MR. MAURODIS: Well, and the -- as the Commissioner said, the opportunity to table would be acceptable and something that we, you know, re-look at this based upon the concerns raised, because we take seriously what you're saying.

COMMISSIONER DUBOSE: Thank you.

CHAIR FISHER: Thank you, Mr. Commissioner. Mr. Burton.

MR. BURTON: Thank you. Thank you, Dan, for pulling this up. This was one page that I actually had dog-eared and circled all over, so I'm glad that someone pulled that out.

And thank you, Commissioner DuBose, for what you said, because, you know, it is -- my feeling is that if our job here is just to rubber stamp something that a lawyer

can approve, then what's the purpose of us being here?

We should be able to review and look at alternatives if there's something that comes up like this. And this is a clear case of NIMBY, not in my back yard, where, you know, it might sound great for the City of Plantation, and, you know, clearly, you know, I don't think anyone would like to see that next to a school or next to where they live.

And -- but my concern would be what if every city or municipality decided to implement something like this, what present impact it has. So I will be in favor of tabling this, as well, for more information. Thank you.

CHAIR FISHER: Mr. Fink.

MR. FINK: Thank you, Mr. Chair. Andy and Barbara, I guess my question is actually, what is our purpose?

MR. MAURODIS: Well, there are many purposes. In this particular case, you're kind of -- and this resulted from a compromise in the late 70s when the City and County were fighting over authority -- I'm embarrassed to say I can actually remember that -- fighting over authority over land use authority, a system was developed where each city would have -- and we're unique. There's one other county in the State that has the system. Each city has its own Land Use Plan, and there's an overriding County Land Use Plan, and the way the system developed was that each city plan needs to be consistent, as least as restrictive as the County Plan.

Now, you have a lot of functions. One is that the local planning agency for amendments to the Comprehensive Plan. You are the guardians of the Broward County trafficways plan, so you have a -- a lot of functions.

In this case, what was carved out was a very specific and a tight role. You are guardians of the County Comprehensive Plan for the purposes of making sure that every city plan, when it was initially adopted, was consistent with the County plan, and any amendments to those city plans are consistent after meeting at least as restrictive as the County Plan.

So our review, in this particular case, you are correct, and this is what I lead off with by saying this is the advice that a government attorney always hates to give his client, because that is always the question that is asked. When you tell me I can't do anything, then why are we even here?

But in some cases there may be discretion on these things, but it's a very narrow role. You're just here to make sure that they're not going outside the Broward County Comprehensive Plan. So everything that the County Comprehensive Plan (inaudible), all the other plans fall within that. That's -- that's your role there.

So it's a limited role, but if you choose to table it and -- and, you know, as was suggested, what we can then do, we can then go back, hear your comments, review the entire Broward County Comprehensive Plan in totality with some these things in mind, get with the City, and possibly see if there are issues with the consistency.

We're certainly not representing that we can, but you are asking us to take a fresh look at this. That's the way I would have to -- I like to put it in legal posture that is defensible. You're asking us to take a new look at this, and, as your staff, we will certainly do this.

MR. FINK: And if we were to rather than table it, deny it, what would happen?

MR. MAURODIS: We would have to send a letter giving specific recommendations and a specific statement as to why it's inconsistent. And as far - - as far as the County would go, this amendment would not have -- would not be effective for the City, this proposed amendment that they're seeking to have recertified, because until it's recertified, the County Plan is in effect for the -- in that regard.

MR. FINK: And -- and assuming that the County Plan is voted on and approved by the County Commission, is our function to advise them?

MR. MAURODIS: Not on this. You're -- this is one case where you're not advisory. You are the last word on this.

So while it's a restrictive role, it's one of your more powerful roles, because there -- in most other cases, you're used to making a recommendation to the County Commission.

If you find that they're not certified, you are the last word absent some huge procedure that the plan may have. But it stops here.

MR. FINK: So the reality, if I understood you correctly, and correct me if you want to, but our hands are not tied here; are they?

MR. MAURODIS: Well, to the extent -- to the extent that you don't have the County Commission there to reverse your decision absent some appellate processes that are in other parts of the plan, you are correct. But a board's --

MR. FINK: That was good. You can stop right there. I like being right once in a while.

MR. MAURODIS: Let me end it this way and then I'll stop talking. But your hands are -- a board's hands are always tied by the jurisdictional limit in the enacting document. The enacting document that created you and created your power ties

your hands, because you have to act within that jurisdiction.

MR. FINK: But what I heard you saying is in this particular instance we are the last word.

MR. MAURODIS: Well, there's always judicial review.

MR. FINK: I understand that, but barring that --

MR. MAURODIS: Well --

MR. FINK: -- we could table it and look at it again, or we could deny it, or if we come back after tabling it, we can deny it again if we feel that the concerns that are here are real on the part of this advisory board.

MR. MAURODIS: Well, the only reason I'm suggesting you table it that we hear you loud and clear. Believe me about that. I don't want to be in the position of defending this thing.

And what we want to do, as staff, is see if we can help you so that if you do do it, if you do effect a denial, it will be the most affordable denial possible.

UNIDENTIFIED SPEAKER: Right.

MR. FINK: And I just want to make this last point. This begins to smack of what is happening and what we're facing with sexual offenders and the requirement that they cannot live within a certain amount of feet.

We now have them living under the overpasses of I-95 because they can't live anywhere. So at some point in time, we have to become realistic that this could tie into something like that and we could end up with the same situation.

CHAIR FISHER: Mr. Fink, are you completed?

MR. FINK: I'm done for now.

CHAIR FISHER: Commissioner Mallozzi and Commissioner Gunzburger.

COMMISSIONER MALLOZZI: This -- this will be fast.

One, that I have to make a comment. I'm sorry. In reference to sexual offenders. You know what? I -- I agree. They do need to have a -- a place to live. It has no bearing on what we're saying, but they don't need to live across the street from a school with little kids or a park with little kids. That's all I have to say on that.

MR. FINK: I'm not arguing that.

COMMISSIONER MALLOZZI: Andy, two things. Bert Harris is -- am I remembering correctly that that's the law that you cannot potentially preclude someone from developing a piece of property?

MR. MAURODIS: You cannot adopt a building or land use regulation which would --

COMMISSIONER MALLOZZI: Right.

MR. MAURODIS: -- inordinately burden --

COMMISSIONER MALLOZZI: Okay. Would that have any -- would that apply at all to a home -- all right.

So, you know, if, for some reason, this passes as is and Plantation and the people that -- that own these various facilities, would they not -- if they felt this was wrong, would they not just sue the City of Plantation?

MR. MAURODIS: There certainly -- Plantation would have to deal with fallout over this.

COMMISSIONER MALLOZZI: Okay. Thank you. That was all I had.

CHAIR FISHER: Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: I move that we table this item until our next meeting.

(UNIDENTIFIED SPEAKER:) I second.

COMMISSIONER MALLOZZI: Second.

CHAIR FISHER: All right. There's no discussion on a table.

COMMISSIONER LONG: I have a question.

CHAIR FISHER: But there's no discussion on a table Commissioner Long. I apologize. Call the roll.

THE REPORTER: Mr. Tim Bascombe.

MR. BASCOMBE: Yes.

THE REPORTER: Commissioner Claudette Bruck.

COMMISSIONER BRUCK: Yes.

THE REPORTER: Mr. Frederick Burton.

MR. BURTON: Table, yes.

THE REPORTER: Ms. Sara Case.

MS. CASE: Yes.

THE REPORTER: Commissioner Anne Castro. Mayor -- I'm sorry --
Commissioner Bobby DuBose.

COMMISSIONER DUBOSE: Yes.

THE REPORTER: Mr. Kenneth Fink.

MR. FINK: Yes.

THE REPORTER: School Board member Patricia Good.

MS. GOOD: Yes.

THE REPORTER: Ms. Mary Graham. Commissioner Sue Gunzburger.

COMMISSIONER GUNZBURGER: Yes.

THE REPORTER: Mr. Dan Hobby.

MR. HOBBY: Yes.

THE REPORTER: Commissioner Keith London.

COMMISSIONER LONDON: Yes.

THE REPORTER: Commissioner Michael Long.

COMMISSIONER LONG: No.

THE REPORTER: Commissioner Rita Mack. Commissioner Lisa Mallozzi.

COMMISSIONER MALLOZZI: Yes.

THE REPORTER: Ms. Sharon Ragoonan. Mr. Louis Reinstein.

MR. REINSTEIN: Yes.

THE REPORTER: Mayor Michael Udine. Mayor Lamar Fisher, Chair.

CHAIR FISHER: Yes.

VOTE PASSES 13 TO 1 WITH COMMISSIONER MICHAEL LONG VOTING NO.

CHAIR FISHER: That concludes our Public Hearing Agenda.

OTHER BUSINESS

NEXT REGULAR SCHEDULED PLANNING COUNCIL MEETING – DECEMBER 6, 2012.

CHAIR FISHER: Other business. Again, a reminder that we do not meet in November, that our next meeting will be on December the 6th. Please keep that in mind. Commissioner London.

COMMISSIONER LONDON: Thank you, Mayor Fisher. This -- we've heard this type of discussion many times every year.

CHAIR FISHER: Please, folks. Please.

COMMISSIONER LONDON: I've been here at least for two years, and I -- I really appreciate the dialog of this Planning Council.

And I was lucky because there was a time I was in the audience talking to this Council, prior board, and I really appreciate the thoughtfulness and conversation that comes out of this group of people and -- and the differences of opinion lead to a great bond with the really great dynamic here of representation for electeds and for non-elected officials.

But I think, as Mr. Maurodis and Ms. Boy talked, I would love to see some type of workshop sometime in the near future really explaining our roles and maybe looking at the -- as Mr. Maurodis said, the enabling document, and, in addition to that, the County Land Use document, so everybody kind of understands or has a better feel for where we are, what we're capable of doing, and maybe to look at the plan comprehensively.

And because we are an advisory board to the County Commission, make some recommendations that maybe this Board could look at and make some recommendations to the County Land Use Plan.

And I think we'll get some great ideas from this Board. So I guess I'm requesting the opportunity to maybe put a workshop together for looking at this in the future, if everybody agrees to do that, I think it's worth their time to do.

MS. BOY: We can absolutely do, you know, a separate workshop or do it as part

of the meeting. And what I would ask to do is after the first of the year, you know, we would poll members to see their preference, and then set up a meeting, either a separate meeting date and time, or we can start the meeting at 9:30 here and do it for a half hour before the meeting for two or three meetings.

You know, there's a couple of different options --

CHAIR FISHER: Great.

MS. BOY: -- but absolutely. It's no problem at all.

ADJOURMENT:

CHAIR FISHER: Super. Okay. Commissioner, any other discussion? This meeting's adjourned.

(The meeting concluded at 10:40 a.m.)