

MINUTES

BROWARD COUNTY PLANNING COUNCIL

APRIL 25, 2019

MEMBERS Mayor Daniel J. Stermer, Chair
PRESENT: Thomas H. DiGiorgio, Jr., Vice Chair
School Board Member Patricia Good, Secretary
Commissioner Richard Blattner
Robert Breslau
Commissioner Felicia Brunson
Commissioner Angelo Castillo
Mary D. Graham
Richard Grosso
Commissioner Rex Hardin
Commissioner Bernie Parness
Jackie Railey
Commissioner Nan H. Rich
David Rosenof
Mayor Michael J. Ryan
Commissioner Beverly Williams

MEMBERS Brion Blackwelder
ABSENT: Mayor Michelle J. Gomez

Also Present: Barbara Boy, Executive Director
Andy Maurodis, Legal Counsel
Darby Delsalle, Assistant Director, Broward County Planning and Development Management Division
Ben Crego, Broward County Attorney's Office
Linda Connors, Development Services Director for Lauderdale by the Sea
Dennis Mele
Gaebriel Fleites, The Laws Group

A meeting of the Broward County Planning Council, Broward County, Florida, was held in Room 422 of the Government Center, Fort Lauderdale, Florida, at 10:00 a.m., Thursday, April 25, 2019.

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

CALL TO ORDER:

Chair Daniel Stermer called the meeting to order.

PLANNING COUNCIL
APRIL 25, 2019
dh/GF

CHAIR STERMER: Good morning, everybody. I'd like to call to order the Thursday, April 25th, 2019 meeting of the Broward County Planning Council.

ROLL CALL:

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

THE REPORTER: Mr. Brion Blackwelder. Commissioner Richard Blattner.

COMMISSIONER BLATTNER: Here.

THE REPORTER: Mr. Robert Breslau.

MR. BRESLAU: Here.

THE REPORTER: Commissioner Felicia Brunson.

COMMISSIONER BRUNSON: Here.

THE REPORTER: Commissioner Angelo Castillo.

COMMISSIONER CASTILLO: Here.

THE REPORTER: Mr. Thomas H. DiGiorgio.

MR. DIGIORGIO: Here.

THE REPORTER: Mayor Michelle J. Gomez.

THE REPORTER: School Board Member Patricia Good.

MS. GOOD: Here.

THE REPORTER: Mary D. Graham.

MS. GRAHAM: Here.

THE REPORTER: Richard Grosso.

MR. GROSSO: Here.

THE REPORTER: Mayor Rex Hardin. Commissioner Bernie Parness.

COMMISSIONER PARNES: Here.

THE REPORTER: Jackie Railey.

MS. RAILEY: Here.

THE REPORTER: Commissioner Nan Rich. David Rosenof.

MR. ROSENOF: Here.

THE REPORTER: Mayor Michael Ryan.

MAYOR RYAN: Present.

THE REPORTER: Commissioner Beverly Williams.

COMMISSIONER WILLIAMS: Here.

THE REPORTER: Mayor Daniel Stermer.

CHAIR STERMER: Here. Thank you, everybody.

PLEDGE OF ALLEGIANCE:

CHAIR STERMER: If everyone can please rise for the Pledge of Allegiance. We will be led this morning by Commissioner Bernie Parness.

(THE PLEDGE OF ALLEGIANCE WAS LED BY COMMISSIONER BERNIE PARNES.)

CHAIR STERMER: And, Ms. Fleites, just let the record reflect that Commissioner Rich has joined us. Thank you.

OATH OF OFFICE:

CHAIR STERMER: Mr. Parness, come join me once again. We're going to -- let's take a vote. Do we need to reinstall Mr. Parness or should we just rescind our thank you letter from when he was here last time?

(Laughter.)

UNIDENTIFIED SPEAKER: Rescind, rescind.

COMMISSIONER PARNES: I'm going to remember that.

CHAIR STERMER: Commissioner, come join me.

(Applause.)

CHAIR STERMER: Welcome back.

COMMISSIONER PARNES: Thank you.

CHAIR STERMER: Long time no see. It's like you've been on vacation. Come on over here, please.

COMMISSIONER PARNES: Okay. (Inaudible.)

CHAIR STERMER: I know.

COMMISSIONER PARNES: Just when you think you're out.

CHAIR STERMER: Just when you thought it's safe.

COMMISSIONER PARNES: I want to get even.

(Laughter.)

CHAIR STERMER: Please raise your right hand and repeat after me. I do solemnly swear --

COMMISSIONER PARNES: I do solemnly swear --

CHAIR STERMER: -- that I will support --

COMMISSIONER PARNES: -- that I will support --

CHAIR STERMER: -- protect and defend --

COMMISSIONER PARNES: -- protect and defend --

CHAIR STERMER: -- the Constitution and government --

COMMISSIONER PARNES: -- the Constitution and government --

CHAIR STERMER: -- of the United States --

COMMISSIONER PARNES: -- of the United States --

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

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

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

COMMISSIONER PARNESS: -- that I am duly qualified --

CHAIR STERMER: -- to hold office --

COMMISSIONER PARNESS: -- to hold office --

CHAIR STERMER: -- under the Constitution of the state --

COMMISSIONER PARNESS: -- under the Constitution of the state --

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

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

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

COMMISSIONER PARNESS: -- and that I will well --

CHAIR STERMER: -- and faithfully perform --

COMMISSIONER PARNESS: -- and faithfully perform --

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

COMMISSIONER PARNESS: -- the duties of a member --

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

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

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

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

CHAIR STERMER: -- so help me God.

COMMISSIONER PARNESS: -- so help me God.

CHAIR STERMER: Congratulations. Welcome back.

COMMISSIONER PARNESS: Thank you.

(Applause.)

COMMISSIONER PARNES: Good to be home.

CHAIR STERMER: Come one down. Let's all take a picture down there, please. It's probably the easiest. Come join us.

UNIDENTIFIED SPEAKER: Okay.

CHAIR STERMER: Patti's got her --

UNIDENTIFIED SPEAKER: (Inaudible.)

CHAIR STERMER: -- Patti's got her stick this time.

UNIDENTIFIED SPEAKERS: (Inaudible.)

(Picture taken.)

CHAIR STERMER: The record should also reflect that Mayor Hardin has joined us this morning. Good morning, Mr. Mayor.

MAYOR HARDIN: Good morning.

CONSENT AGENDA:

AGENDA ITEM C-1 - APPROVAL OF FINAL AGENDA FOR APRIL 25, 2019

AGENDA ITEM C-2 - APRIL 2019 PLAT REVIEWS FOR TRAFFICWAYS PLAN COMPLIANCE

AGENDA ITEM C-3

A. APPROVAL OF MINUTES OF JANUARY 24, 2019 AND FEBRUARY 28, 2019

AGENDA ITEM C-4 - EXCUSED ABSENCE REQUESTS

CHAIR STERMER: We are now up to the Consent Agenda. We also have, just so everyone's aware, excused absence requests under Item C-4 from Mayor Gomez and Mr. Brion Blackwelder. Is there a motion with regard to the Consent Agenda? It's been moved by School Board Member Good, seconded by Mr. DiGiorgio. Any comments with regard to the Consent Agenda? All those in favor, signify by saying aye. All those opposed? Consent Agenda passes unanimously.

VOTE PASSES UNANIMOUSLY.

PLANNING COUNCIL

APRIL 25, 2019

dh/GF

REGULAR AGENDA:

AGENDA ITEM R-1 - FISCAL YEAR 2020 BUDGET PROPOSAL

CHAIR STERMER: Madam Executive Director. Thank you for being here this morning.

MS. BOY: Good morning. Thank you. It's nice to be here. Item R-1 is the fiscal year 2020 budget proposal. It was presented to the combined Land Use/Trafficways and Executive Committee immediately preceding this meeting, and they recommended approval of the core budget allocated to us by the Office of Management and Budget of 1.17 million dollars. Recommended approval, and we would forward that recommendation to -- back to the Office of Management and Budget for approval if you approve it this morning.

CHAIR STERMER: Is there a motion with regard to Item R-1?

MR. DIGIORGIO: So **moved**.

CHAIR STERMER: Moved by Mr. DiGiorgio --

COMMISSIONER PARNES: Second.

CHAIR STERMER: -- seconded by Commissioner Parnes. Any discussion with regard to Item R-1? Everyone should recognize that this is the first time - - and, Madam Executive Director, please remind me -- in how many years we haven't been asked for a decrease --

MS. BOY: Correct.

CHAIR STERMER: -- and they've actually --

MS. BOY: In about a decade.

CHAIR STERMER: -- authorized an increase.

MS. BOY: We started in 2008, I believe it was, for fiscal year 2008 asking for reductions of up to 30 percent through the years. Last year, it was ten percent. And this year, we weren't required to fill out the program proposal form, which it's called. That would represent any potential reductions.

CHAIR STERMER: Thank you. There was a motion and a second. All in favor, signify by saying aye. All those opposed? Motion carries unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM R-2 - LOCAL PLANNING AGENCY REVIEW: PROPOSED REVISIONS TO THE BROWARD COUNTY CODE OF ORDINANCES, CHAPTER 5, ARTICLE XVII, PRESERVATION OF HISTORICAL CULTURAL RESOURCE SITES

CHAIR STERMER: Item R-2.

MS. BOY: Item R-2 is a local planning agency review for a proposed revision to the County Code of Ordinances related to the preservation and cultural resources -- resource sites. This item was presented to the combined committee immediately preceding this meeting. The committee recommended approval.

That recommendation would be forwarded -- any recommendation you make would be forwarded to the County Commission. I have Darby Delsalle from the County staff here to give you a quick overview, if you'd like. I also have one member of the public from the Town of Lauderdale by the Sea. They submitted an objection to the ordinance, and they're here to put their comment on the record.

CHAIR STERMER: Okay. Let's have Darby first make his brief presentation. Good morning, sir. Thank you for being here this morning.

MR. DELSALLE: Thank you. Good morning to those I've already said good morning to, and to those I haven't yet. Darby Delsalle, Assistant Director for the Planning and Development Management Division. And I'll be brief.

The ordinance itself, much of the ordinance really is reflective of a cleanup of the -- the previous language that was in there to make sure that there was clarity across the ordinance. But it did do a few other things, and principally what it did is it tried to bring some uniformity with regard to historic preservation within the County.

So it still has procedures for Certificate of Appropriateness, Certificate to Dig, for any types of appeals, and also for the actual establishment of a historic facility. But one of the other things it did is for those governments that do not have a Historic Preservation Board, it clarifies that we'll continue to provide those services for them.

For those that do have a Historic Preservation Board but do not have a certified local government designation, it gives them a window of two years to try to receive that CLG. But in that interim period, they can continue to

operate their boards. Should they not, then we will lend our services to them to assist in that historic preservation process.

It does not prevent any government, subsequent to that two-year period, seeking CLG to re-take that process and -- and some ownership of that particular process. There's also the archeological procedures in there, and the paleo -- oh, God, I can never get that word right. Let's get it -- the paleontological resources as well. That's kind of a mouthful.

MAYOR STERMER: Uh-huh.

MR. DELSALLE: The process itself, the applications are designed so that it's not just anybody off the street can apply. It can be initiated either by the city, the Historic Preservation Officer, or the County, or the Historic Preservation Board itself.

We do ensure that there is notification if there is a participating city that is sent 30 days before any type of action is taken so that they can respond in kind, and we can get their particular feedback. And all notice is done by certified mail, receipt requested. Do you have any questions?

CHAIR STERMER: And just please confirm for the record -- I know it's in the backup -- that this proposed change has been vetted through various meetings with local governments, the Broward League of Cities, and other organizations, so this is not a surprise to any of our local governments.

MR. DELSALLE: That -- that is correct. And we did send a draft of the ordinance, and they had requested time -- we had done this back in December/January. Many of the cities have responded back requesting additional time so that they could review it with their own boards. And we allowed for that.

We did get some responses back, in particular with Deerfield, and made some modifications reflective of their identified concerns.

CHAIR STERMER: Appreciate it. Anybody have any questions for Darby? Who's here from Lauderdale by the Sea?

MS. BOY: Linda Connors from Lauderdale by the Sea.

CHAIR STERMER: Ms. Connors, good morning.

MS. CONNORS: Good morning. Linda Connors, Development Services Director for Lauderdale by the Sea. I appreciate you all taking the time to hear me today.

Several years ago, Broward County amended their Historic Preservation Ordinance, and part of those amendments was to require local municipalities to fall under Broward County if they didn't have a historic preservation program.

So the Town of Lauderdale by the Sea went forward and established our own historic preservation program so that we would be able to have Home Rule over our historic preservation properties. The main reason we did that is because Broward County's ordinance requires -- I mean, I'm sorry -- Broward County's ordinance does not require owner consent if you want to designate a historic property, and our community felt very strongly that owner consent should be required for a historic designation. And that's why we went forward with designating -- I'm sorry -- with establishing an ordinance for historic preservation.

Fast forward a couple years later, the County is proposing an ordinance that requires certified local government designation if we want to have -- maintain our autonomy from Broward County. And we would be happy to have Broward County assist us in historic designation; however, there still remains the fact that the ordinance does not require owner consent, and we feel that's an extreme burden for the -- for the town and towns such as ours.

Coral Springs also sent in a letter of objection, because we don't want to fall under the County. Our citizens want to be -- designate their own properties. And the -- and that's why we are opposed to these changes. Thank you.

CHAIR STERMER: Thank you.

COMMISSIONER CASTILLO: I have a question.

CHAIR STERMER: Commissioner Castillo.

COMMISSIONER CASTILLO: Thank you. Did you -- did your city apply for this designation?

MS. CONNORS: No. We don't want to have the designation, because I used to be a Historic Preservation Planner in my past life, and I was a planner for a certified local -- two certified local government communities.

It's an -- it's an excellent program, but it requires some -- for the -- for the Historic Preservation Board to meet several times a year, and it also requires certain types of people on your Historic Preservation Board. An architect, planners that have expertise in history, historians on the board, and you can imagine we have -- with 6,000 residents, we have a hard enough time

staffing our Planning and Zoning Board.

And we've actually combined our Planning and Zoning Board and our Board of Adjustment because of that. And we don't have the expertise to staff a board that's certified local government, that would qualify for certified local government.

One option I suggested at the -- at one of the workshops was that the -- Broward County was -- was saying at the workshop that they wanted to do this because they recognized communities like ours didn't have that expertise. And that's true.

And so maybe instead of requiring a certified local government designation to be able to maintain Home Rule, we could use the expertise of the Historic Preservation Board for Broward County as a recommending authority, and, therefore, they could review the projects. They could make recommendations, and then our Commissioners could make a final determination on whether or not that property should be deemed historic for our community.

COMMISSIONER CASTILLO: So I think it was mentioned before that the cities and the League and others, that this had been pretty much vetted. So if the County proceeds with the language that we have now, what do you project your city will do to -- because you're telling me that -- that the remedy is not one that you want, which is to certify.

MS. CONNORS: It's a burden. It's a burden, and we'd have to go back -- we'd have to go back to the Commission and determine whether or not they'd like to move forward.

COMMISSIONER CASTILLO: I see.

MS. CONNORS: It all goes back to, you know, it's similar to the -- the vacation rental problems that we're having with the state, you know. Each community is different, and so we don't feel -- you know, we're not happy with the state regulating vacation rentals on each community, because we're different than Vero Beach than, you know, the panhandle.

The same thing goes with -- with the municipalities in Broward County. We're all different, and we -- and we appreciate the differences. And to have us to have to be regulated by Broward County is not something that we wish to see.

COMMISSIONER CASTILLO: Thank you.

MS. CONNORS: Thank you.

CHAIR STERMER: Mr. DiGiorgio.

MR. DIGIORGIO: I -- you may be able to answer this question, maybe Darby has to answer this. But your concern is that doing something without owner consent. That's what it really comes down to --

MS. CONNORS: Yes.

MR. DIGIORGIO: -- correct? So, as a practicality -- a practical matter, how is the process initiated? Do you anticipate the County would just look at all the properties within Lauderdale by the Sea and try to designate without their consent? I mean, is that -- that's the real concern there? Or --

MS. CONNORS: Well, the ordinance allows that. And we brought that up at the -- at many of the workshops. We continually brought that up. And the ordinance allows that. And it's one thing to say and -- to say, oh, we promise that we'll notify people that that -- this is 2019. Will the 2030 people remember that promise once we're all hopefully happily retired? You know, I -- I'd rather see that in an ordinance.

And if we do fall under the County, then I believe that it should be -- owner consent should be allowed if that's something that's important to a community.

MR. DIGIORGIO: Could you expand on that a little bit, Darby? Just practical matters, how does that work?

MR. DELSALLE: Yeah. I want to speak to -- speak to the question in somewhat of a pragmatic context. And we recently did a designation in Margate, and we did not move forward with that application until a couple of conditions were met.

One was getting a letter of support from Margate, itself. We were able to achieve that. The second was to try to secure some type of agreement from the property owner. In this particular case, the property was in a trust. That particular property owner stated neither objection or support for it, saying if this is what you want to do, go ahead and do it.

So to that latter point, we have a scenario where there may be a property where all the parties, with the exception of the property owner, who will neither commit nor not commit our doing this, or there may be some facility that is so significant to the County and to that jurisdiction that they may not -- they -- they'll consider the concerns of the property owner, but they may want

to move forward.

What we've tried to do, particularly like with the example that was given at the Trafficways, what we're trying to do is work with those municipalities. So in the case of the Margate, we didn't move forward with that item until we knew Margate was on board with what was going on with this particular property. That's the pragmatism of how this ordinance is being applied.

Doing it any other way would just result in a contentious hearing for the city that may be involved and the Commission that would be presented with, you know, an appeal or -- or approval on a designation. Thank you.

CHAIR STERMER: Commissioner Parness.

COMMISSIONER PARNNESS: Let me understand this, if I may. I own a piece of property in Deerfield Beach. House was built in 1920. County wants to designate it. I want to sell it, put up a drug store. It's zoned for it. You mean I can't? They can just designate my house as a historical house, and I have no rights as the property owner?

MR. DELSALLE: The designation is not to the use. It's to the exterior of the structure.

COMMISSIONER PARNNESS: What do you mean by exterior structure?

MR. DELSALLE: So --

COMMISSIONER PARNNESS: My house is a house.

MR. DELSALLE: Right, right. So the idea here on a designation is that you are not designating the use of the property. You're not saying that it shall perpetually be a single-family home.

Granted, I understand maybe that was its original construction, but that doesn't mean that you couldn't come along and alter the interior portions of a structure to outfit it for whatever the permitted use might be. But that -- that façade and those basic architectural elements of that building would be preserved in some way.

There are scenarios where there's historic designation -- Hollywood is an example, with the old Southern Hotel, where it's a -- I think it's -- I believe it's a three-story structure. So that basic façade, they're maintaining, but they're going up above that -- Commissioner Blattner's here, he can probably tell you how many floors they're going up -- but they're going up quite significantly above that. But what the preservation is is for that exterior

portion of the initial three floors.

COMMISSIONER PARNES: I -- I'm sorry. I think you're infringing on an owner's rights to do what he'd like with his property. If I want to sell that house because some store or business wants to buy my house, and it's zoned where it could be residential or commercial, you're preventing me from doing that, because the building outside has to stay the same, and you're doing it without my permission, if I owned that house.

I don't think that's right, and I think that would be challenged in court. Own -- property owners do have rights. And you're taking that right away. I -- I don't understand that.

CHAIR STERMER: Ms. Graham.

MS. GRAHAM: Thank you, Chair Stermer. I agree, Commissioner Parnes. I'm not a -- I'm not an attorney. I'm an architect. But I know that if you've got a residential property that is now going to be converted and you have to maintain the exterior, there are different requirements and codes that come into effect that you didn't have to comply with as a single-family resident.

Think, for instance, just ADA. Okay? So you have a house, you have a few steps up to the front porch or covered entry or whatever. Now you need a compliant ramp, and you need parking spaces to be able to get to that. There's a whole code that covers path of travel for everyone to not discriminate.

So I have to agree. If a -- if a property owner has a property, purchased it, owned it for a period of time, where all of a sudden it's got this designation, I -- I can't agree with that. I'm sorry. But thank you,

CHAIR STERMER: Darby, question. Is there urgency to this?

MR. DELSALLE: There -- there's no particular urgency in -- in terms of a timing. We've been working on the ordinance for quite some time, and we're trying to at least if -- if successful, you know, if it's the desire of this board to move on with the recommendation, to get it before the County Commission before their recess.

CHAIR STERMER: Commissioner Rich.

UNIDENTIFIED SPEAKER: (Inaudible.)

CHAIR STERMER: Commissioner Rich.

COMMISSIONER RICH: I'd just like to ask, so it was said that this -- you've been working on this a while, and that you've worked with the League of Cities, I believe was said, on it? Is that correct?

MR. DELSALLE: Yeah, it was shared with all the cities, yes.

COMMISSIONER RICH: Okay.

MR. DELSALLE: (Inaudible.)

COMMISSIONER RICH: I'm just -- because I'm curious, because none of the other cities are here. No -- I don't know if you've gotten any other, you know, comments.

MR. DELSALLE: You know, our -- our draft when we sent out, we had received four responses, and we did one presentation to Lauderdale Lakes.

COMMISSIONER RICH: Okay. Thank you.

CHAIR STERMER: School Board Member Good.

MS. GOOD: Thank you, Mr. Chair. So how was that information shared --

MR. DELSALLE: The --

MS. GOOD: -- with the cities?

MR. DELSALLE: -- well, the draft ordinance, we -- we emailed to them. We -- we sent it to them.

MS. GOOD: To whom? To whom?

MR. DELSALLE: To all the different cities. The city managers --

MS. GOOD: I know, specifically.

MR. DELSALLE: -- city managers and the planning directors.

MS. GOOD: Okay. And so that's the issue. I think that sometimes information's shared -- you know, no disrespect -- with the city managers and -- and maybe the planning directors, but the corporate body that -- Commissioners and Mayors and so forth, maybe don't get necessarily the information routed to them. And so they're the ones that, you know, represent the communities at large, and therefore, you know, understand -- see it maybe with a different lens.

So I think there's a critical need here to ensure that the information is shared with the various elected officials throughout the County so that they have a better understanding of the implications.

MR. DELSALLE: The -- the challenge we have in -- in taking that approach is as one governmental agency to another one, it -- it may not be appropriate for my agency to go directly to the elected officials of a particular city. The proper protocol would be for us to go through the city manager's office and -- and as a courtesy, through the planning office.

MS. GOOD: I mean, I will tell you, sir, that something like this -- I understand protocol very well. And I think you're correct that you forward it to the city manager and you -- you forward it to the planning director.

But there's no prohibition that you include elected officials in your correspondence and in your electronic correspondence, because there's other things that have implications that require such communication. And I think it's pretty normal that when something such as this, which has the potential, as has already been indicated by others, to impact a municipality's right within their jurisdiction, I think they, the elected officials, most definitely need to be advised.

And we can't just depend on a planning director to share that information. They may not feel comfortable. And the city manager may or may not, you know, view the email.

So we just want to make sure that before something like this gets enacted, everyone has a bite at the apple and can really view it and see the implications. That's me personally. I'm not comfortable with supporting this without knowing exactly, you know, how much -- how many elected officials out there within the County were able to view it and comment, so.

CHAIR STERMER: Mayor Hardin.

MAYOR HARDIN: Thank you, Chairman. Just out of -- a question on the local government designation. Now, if the -- if a community goes through that step and creates that level at the board, then they make their own decision about these types of things?

MR. DELSALLE: That is correct.

MAYOR HARDIN: So in other words, the County would not then step in and be telling somebody you can't sell your house to create a drug store?

MR. DELSALLE: Correct. They -- they would regulate it themselves.

MAYOR HARDIN: Okay. And would they -- would --

MR. DELSALLE: They would retain Home Rule.

MAYOR HARDIN: -- would they then be mandated to -- in other words, can they set their board up differently than what the County sets up? In other words, they can -- they can set their -- their board and their regulations up in such a way that they would not be able to mandate that you can't tear down your historic house to create a drugstore, or would they still have to mirror the County code?

MR. DELSALLE: No. The -- the simple answer is they can set it up their own way within the rubric that they would still have to comply with whatever the CLG requirements are.

MAYOR HARDIN: Okay.

MR. DELSALLE: Okay. Our ordinance is reflective of that, of what is required through the CLG certification.

MAYOR HARDIN: So whether they --

MR. DELSALLE: So --

MAYOR HARDIN: -- do nothing and -- and rely on the County to do it, or they create their own board that is a certified local government board, they then would -- can mandate to an individual property owner?

MR. DELSALLE: That's correct.

MAYOR HARDIN: Got you. Okay. So it's not just the -- just the County over -- heavy handed. It's also forcing this issue like that. Understood. Thank you. And I agree with the communication that was brought up as -- by the -- School Board Member Good. It's important to get the information out there. I've told my staff I don't care how small the issue is, I want to know about it. Protocol, I don't know what kind of protocol you guys deal with, but, yeah, I like to know what's going on. Thank you.

CHAIR STERMER: Commissioner Castillo.

COMMISSIONER CASTILLO: Yeah. Everything that we do on this board and everything involved in land use is an intrusion on owner rights. And ordinance comes out that says you may not establish a bar within 250 feet or 250 yards

from a daycare center, that's an intrusion on rights. Everything that we do in land use is an intrusion on rights. That's not the question, in my -- in my view.

The question, in my view, is what is the legitimate need? What are the particular legal precedents? What are the procedural precedents for the very pointed, and, I think, well-raised point about this designation, which would happen not before construction occurs, but long afterwards?

I -- and the Chair was -- knowing him as I do, was potentially suggesting at a deferral of this item, which, if it comes up, I'm going to support, because one of the things that I'm -- I'd be looking for is a clearer understanding of what the law in this area is. I'm not looking for volumes, but just a memo on what the authority is, and, in particular, what the best practice for this question is within historical preservation.

I come from, originally -- well, not originally, but I grew up in a city where historic preservation went back to 1624. And they had a -- they've had a Historical Commission in New York for, gosh, a long time. And they've -- you know, they've handled every -- every part of -- probably of -- of this question, because it's such an old place in so many different ways.

And I can -- even before receiving what typically goes into an ordinance like this, I can see both sides of this. I can see where an owner comes in and, you know, whether they foil the concept of historic preservation or not, they have their own interests in their own property, and historic preservation be damned. Or where there are legitimate reasons why a particular structure, though historically beautiful, is falling apart and shouldn't be designed. Or where -- this could run the map.

I'm particularly impressed that, despite not having that, you've shown sensitivity, though, in the examples that you raised regarding working with owners. And I think that's a good thing.

But if it should be the will of the board to defer this, which I hope will happen, those are the things that I will be looking for in a -- in -- when it comes back is some more information about where the legality of this is and what the typical best practice is among other communities that we might look at who have -- who have dealt with this issue before.

MR. DELSALLE: I'll share this with you, and with me today is Mr. Ben Crego with the County Attorney's Office, who worked closely with us in terms of vetting this.

The particular ordinance that we have is consistent -- is consistent with state statute, as well as -- as with the National Park Service and the federal

government in terms of their own historic preservation ordinances. So what we're doing is in line with all of that. With regard to the best practices, most Historic Preservation Boards have some type of Certificate of Dig, Certificate of Appropriateness process involved. And they all present some level of standard with regard to what that is.

So a lot of the language that you're seeing here is very consistent with what you're going to find across numerous jurisdictions within south Florida that -- that have that type of program. You know, we can certainly go back and try to take a closer look at that if you -- you know, I don't know if -- if Mr. Crego is able to talk about the legality in terms of where this particular ordinance stands on its face. If he's prepared to do that, we can do that now. But if it's - - if it's the desire of the board to defer, obviously, then we'll go back and take a look.

CHAIR STERMER: School Board Member Good.

MS. GOOD: Yes, thank you, Mr. Chair. The letter to the Planning Council mentioned that the proposed ordinance was modifying the notification requirements. How is that being modified?

MR. DELSALLE: I'm sorry? The question again?

MS. GOOD: The letter that was sent to the Planning Council notes that the proposed ordinance is modifying the notification requirements. What does -- what does that mean exactly?

MR. DELSALLE: The notification requirements to?

MS. GOOD: I don't know. That's the way -- it says --

MR. DELSALLE: I'll have to ask them what they were speaking --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. DELSALLE: -- to specifically.

MS. GOOD: So I guess Barbara wrote the letter. I apologize.

MS. BOY: That's -- that's okay. It's based on -- on correspondence to us, as well as the ordinance that was submitted.

MS. GOOD: Yes.

MS. BOY: The notification requirements are about the timing and how the

notification is delivered to the municipality and, I'm assuming, the property owner, as far as certified mail goes, the number of days, if there's no response in a certain amount of time what happens then. That's the notification requirement --

MS. GOOD: So -- so how is --

MS. BOY: -- that we're referring to.

MS. GOOD: -- it being -- so what does it mean when it says it's being modified? Sorry?

MR. DELSALLE: Well, with regard to -- with regard to the property owner, we're doing certified mail, return receipt so that we can -- we can verify that they've actually received the notice.

MS. GOOD: Uh-huh.

MR. DELSALLE: With regard to notice to the municipalities, we do the notice and then we give them a window of 30 days to respond.

MS. GOOD: To respond and say what?

MR. DELSALLE: Whatever they want.

MS. GOOD: Okay. So you're only giving a 30-day notice, but, depending when that falls and how it falls, that's not a lot of time for a municipality to respond to a notice.

CHAIR STERMER: Let me try to bring this in for a landing. I think --

MS. GOOD: I have one more question.

CHAIR STERMER: Oh, okay. Sure.

MS. GOOD: And then you can bring it in for a landing.

CHAIR STERMER: Yeah, I'm going to try.

MS. GOOD: So I just want to --

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. GOOD: -- better understand the notification requirement. And then how does this impact County property or School Board property?

MR. DELSALLE: Well, they -- they would be subject. They -- they could theoretically be subject if they were historic -- if there was some reason to designate them historical.

MS. GOOD: But this is focused on municipal, so I'm just wondering.

MR. DELSALLE: It's -- it's -- well, it has that component because it would involve those municipalities that don't have the CLG, principally because a number of them it may be difficult, because they may be smaller jurisdictions. They may not have the staff and resources.

We have the archeologists. We have the Historic Preservation Officer. But this equally applies to BMSD, the Broward Municipal Services District, as well as to County lands. And, again, with the designation process, you know, you would have to then meet those criteria through the review.

MS. GOOD: So are you -- so you're certain that this would also apply to School Board state property?

MR. DELSALLE: Sure, it could.

MS. GOOD: Okay. I -- I --

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. GOOD: -- I understand.

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. GOOD: I know that we have some historic sites, but I just want to make sure that everything I'm reading is focused on municipal, so I just want to make sure that whatever proper notifications are given and, you know, yes, we may fall within municipal jurisdictions and County jurisdictions, but yet, you know, we're a separate governing board.

So I want to make sure that whatever notifications are being considered that we're considered in that in some way.

MR. DELSALLE: Okay.

MS. GOOD: So --

CHAIR STERMER: Commissioner Blattner.

COMMISSIONER BLATTNER: Yeah, I just want to -- I just want to back up and make sure I understand what the issue is that the City of Lauderdale by the Sea brought up was their objection was that there -- that there's not -- no provision in there that requires the property owner to be notified. If that's the issue --

CHAIR STERMER: No, no. Consent.

UNIDENTIFIED SPEAKER: No. Consent.

COMMISSIONER BLATTNER: Oh.

CHAIR STERMER: Consent. Consent.

COMMISSIONER BLATTNER: Consent. They have been notified, they have to give their consent.

CHAIR STERMER: Correct.

COMMISSIONER BLATTNER: So it's a question of consent, and yet some of the comments from my colleagues here were more concerned with notification.

CHAIR STERMER: Uh-huh.

COMMISSIONER BLATTNER: Well, there is -- there is, in the -- in the proposal, or in the month before, there already is notification. So the question that Lauderdale by the Sea has brought up is yes, but that's not enough. They would like the property owner to consent.

UNIDENTIFIED SPEAKER: Uh-huh.

COMMISSIONER BLATTNER: In the case where cities have Historic Preservation Boards and so forth, if the property owner does not consent, what happens then? Or is that any concern of ours?

MR. DELSALLE: It -- you know, going back to a more pragmatic answer, it's a pragmatic concern. You know, could -- could you stand there and legally say that the authority that would designate could move forward regardless of the position of the property owner? I won't mislead you. That's true.

Pragmatically speaking, if that was the course of action that was going to be taken -- and it wouldn't matter if it -- if it's Hollywood's board or, for that matter, Broward County's board, you know, they'd need to be certain that what they're doing is an appropriate designation for a property, and that it

rises to that level of significance that they would want to experience that level of challenge.

Using the -- the Kay Stephens (Phonetic) House as an example, we were not willing to move forward on that property. We actually sat on it for an additional four months in communicating with the trustee of that particular property. And it wasn't until after we demonstrated that they were, for lack of a better term, indifferent, did we decide to move forward, just because, obviously, if you have an owner that objects, you're likely inviting some level of challenge to that.

We weren't interested in that. We were interested in participating partners. You know, again, in the Trafficways meeting when we were talking about the -- the markers for the speedway, this is the approach we're trying to take. It's just the most pragmatic way to go about this.

COMMISSIONER BLATTNER: So if I may, so in the case where an owner did not give consent and there is a Historic Board or the Commission acting as a Historic Board, there's a remedy there; correct?

MR. DELSALLE: That is correct.

COMMISSIONER BLATTNER: Okay. So if there is a remedy, then what is the problem?

UNIDENTIFIED SPEAKER: (Inaudible.)

UNIDENTIFIED SPEAKER: That was my original question.

UNIDENTIFIED SPEAKER: (Inaudible.)

CHAIR STERMER: Mr. DiGiorgio.

MR. DIGIORGIO: So I think your question, Richard, really is a good one, because the individual CLGs, like Pompano Beach, for example, has a Historic Preservation Board. And that board sets their own guidelines under certain parameters, as long as it complies with the state. And they have language, I believe, and I'm not going to quote it exactly, but basically it talks about they have to notify the owner. There has to be owner consent or at least a non-objection.

So it seems to me that simple language being put in with the County's proposed ordinance, if there's -- is there an -- a real reason, Darby, that we don't want to see that type of language in this ordinance that's just -- you already have the notification provision for the owners. You're not requiring a

consent. Like you said, with the Margate example, it wasn't a consent or an objection; they just took no action. I think that would be covered under the Pompano Beach CLG's, the way that it's written there.

Again, I don't have the exact verbiage in it, but it talks about as long as there's not an objection, they can move forward with it. Is there something that we can't add that simple language in your proposed ordinance? Is there a reason why you wouldn't want to?

MR. DELSALLE: The only one would be the reason why I stated earlier. Let's say that there -- there truly was some structure out there, you know, iconic to that particular jurisdiction, wherever that might be. And you get that. You know, I think the -- the Great Southern -- using -- to keep hitting the same example, Great Southern was an example of that, where the City of Hollywood had identified this as an important, you know, iconic structure for the City of Hollywood, but the property owner was not particularly jazzed with the of the designation.

So -- but for the City of Hollywood, it became part of the character of the city. And so that -- that becomes the question. Do you -- do you write the ordinance in such a way that you only move forward with the consent of the property owner, which you could do. I mean, there's -- there's nothing that says you can't, because it's, you know, not -- it doesn't receive those full protections until it's designated.

Or do you instead create a mechanism that has that sort of flexibility so that when it is that iconic structure that, you know, is reflective, that speaks to the heritage of that particular community, that you still want to be able to have the venue to go after it. And, by the way, you know, this is -- this is historical stuff. We're not -- we're not in the venue of archeological. That's a completely different issue.

CHAIR STERMER: Anybody else?

COMMISSIONER CASTILLO: Can I make a motion?

CHAIR STERMER: Commissioner Castillo.

COMMISSIONER CASTILLO: I'd like to **move** that we add language that -- to the effect that the approval of the land owner will be sought and considered.

CHAIR STERMER: Let me make this -- is there a second to the motion? Sorry?

UNIDENTIFIED SPEAKER: Second.

CHAIR STERMER: There's a second to the motion. Let me make this suggestion. I think not only is Darby here, but there's someone from the County Attorney's Office here as well. I don't want us -- it may have needed - - there may be language that may be needed in various parts of the proposed ordinance that may need to be modified that I don't want to -- I think they've heard the conversation.

UNIDENTIFIED SPEAKER: You want to defer it?

CHAIR STERMER: They understand. I think we're better off just saying --

UNIDENTIFIED SPEAKER: Take it back.

CHAIR STERMER: -- take it back. Bring it back. And I'd rather just say -- give an open motion to -- you know, a motion to defer and then have them bring it back. They've heard the conversation. They know what the thinking is.

I would also ask everyone to make sure that you look at the last three pages of the backup that lists as exhibit -- I'm sorry -- Attachment 4, that lists in specificity those that are covered by the ordinance, those cities, those that are not, and the map that goes along with it. It's not like it's one or two. It's pretty much split 50 -- almost split 50/50.

I'd also like and suggest that when it comes back you have the ability to answer the question of does this -- does this apply to School Board property.

MR. DELSALLE: It does.

CHAIR STERMER: Okay. I just want it to be clear. Is there a motion with regard to Item R-2?

COMMISSIONER CASTILLO: **Motion** to defer.

CHAIR STERMER: Moved by Commissioner Castillo, seconded by Commissioner Williams. School Board Member Good?

MS. GOOD: Just can we -- can we include in that deferral that information be disseminated to the local municipality elected officials?

CHAIR STERMER: Let me suggest that the man sitting to your right has the great ability to -- I'm just kidding.

MAYOR RYAN: (Inaudible) right now.

(Laughter.)

CHAIR STERMER: Staff has their -- let me make this suggestion. Darby, when you send it, send it to the managers. Send it to the attorneys, and send it to the mayors, and politely write please disseminate to the entire boards.

MS. GOOD: Thank you.

CHAIR STERMER: That way, at least -- I -- I don't want to put County staff --

UNIDENTIFIED SPEAKER: No, I understand.

CHAIR STERMER: -- in a position that we're asking them to do something that's outside of their protocol, so.

MR. DELSALLE: By -- by putting it in your resolution, you actually give us cover.

CHAIR STERMER: Okay. Good. There's been a motion --

MR. DELSALLE: Thank you.

CHAIR STERMER: -- and a second to defer. All those in favor, signify by saying aye. All those opposed? Motion carries unanimously. Thank you. Appreciate it.

MR. DELSALLE: Thank you for your patience and your time.

CHAIR STERMER: No, we appreciate it.

VOTE PASSES UNANIMOUSLY.

COMMISSIONER BLATTNER: Mr. Chair?

CHAIR STERMER: Mr. --

UNIDENTIFIED SPEAKER: Thank you.

CHAIR STERMER: -- Commissioner Blattner.

COMMISSIONER BLATTNER: In our rules does a deferral --

CHAIR STERMER: Uh-huh.

COMMISSIONER BLATTNER: -- require a specific -- specificity of when it comes back?

CHAIR STERMER: I don't believe ours do. I don't believe --

MR. MAURODIS: By the nature -- by the nature of the motion it is deferred to a date uncertain.

CHAIR STERMER: It's a date uncertain. Correct. It's a date uncertain.

UNIDENTIFIED SPEAKER: Any time in the future.

CHAIR STERMER: Commissioner Rich.

COMMISSIONER RICH: Yeah, I don't -- I think the idea was to bring it back before the recess of the Commission. So that would mean for our next meeting that it would be coming back, because that would be the only opportunity then for us to go before the Commission before the break.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR RYAN: The other alternative is the County Commission could withhold recess and spend a little more time with us this summer.

(Laughter.)

COMMISSIONER RICH: I spend plenty of time with -- with you --

(Laughter.)

COMMISSIONER RICH: -- and others, yeah.

MAYOR RYAN: Well --

COMMISSIONER RICH: Yeah.

MAYOR STERMER: Everybody put your knives and shields down.

COMMISSIONER RICH: You can contact me in Israel.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR RYAN: The only question would be whether or not we have enough time to get it out to all the municipalities and get back to work, so. I don't

know, when does the County go on recess?

MS. BOY: June 11th is their last meeting, and your next meeting is May 23rd, and so --

UNIDENTIFIED SPEAKER: Yeah, that's not --

MS. BOY: -- backup would go in the mail May 14th.

UNIDENTIFIED SPEAKER: That's not going to happen. That's not going to happen.

MS. BOY: So it's basically --

UNIDENTIFIED SPEAKER: That's not going to happen.

MS. BOY: -- a little bit less than three weeks away --

UNIDENTIFIED SPEAKER: That's not going to happen.

MS. BOY: -- that we would be distributing the information. It seems like to me, just from a timing perspective, that June would be the appropriate Planning Council meeting. It would give them time to draft something and distribute it, and then it could go to the County Commission after the break.

MS. GRAHAM: When is the break over? I'm sorry.

CHAIR STERMER: They're -- they're --

UNIDENTIFIED SPEAKER: August.

CHAIR STERMER: August. They're back in August, so.

AGENDA ITEM R-3 - COUNSEL'S REPORT:

CHAIR STERMER: Okay. Item R-3.

MR. MAURODIS: No Counsel's Report.

CHAIR STERMER: Oh, Counsel's Report. I'm sorry. Mr. Maurodis.

MR. MAURODIS: No Counsel's report.

CHAIR STERMER: I skipped that. My apologies.

MR. MAURODIS: No Counsel's Report today, but at the meeting next month we will do a legislative review and see what the --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. MAURODIS: -- Legislature is going to provide us in the way of work to do.

CHAIR STERMER: They're not done yet, so we'll wait and see what --

UNIDENTIFIED SPEAKER: (Inaudible.)

CHAIR STERMER: -- happens. Commissioner Rich.

COMMISSIONER RICH: Yeah. Actually, I will send this out to everybody, but right now there -- I just wanted to mention I had gotten an analysis of Senate Bill 1730, which is very detrimental to our affordable housing mandates, and is very much of a pro-development bill. It's actually pushed by the Florida Homebuilders' Association. And it's going to be really problematic for counties all over the State of Florida to be able to move ahead with certain types of incentives for affordable housing.

The other thing I want to just mention is I'm -- I can't even -- it's hard to even speak about this, because we were hoping, obviously, that the Sadowski affordable housing money would be available. So we're going to get a double whammy if we don't have that and we have the elimination of affordable housing mandates.

So during last night's budget -- sorry, this thing just went off -- during last night's budget, the Senate, unfortunately, gave in to the -- to the House on their sweep of the Sadowski, so that the only -- the House had only -- the only money out of the entire pot that was going to affordable housing was going to the panhandle for Hurricane Michael, \$123,000,000.

So at this point -- if I could get my thing to work -- so they agreed to sweep the housing trust funds, less hurricane housing and a small amount for Sadowski allocation.

So the only possibility here is that this will -- usually it's final, but there's going to be an outcry, and it's going to be bumped to the Appropriations Chair, and then it'll be bumped to the leaders. And I personally will be contacting on the Senate side.

So, I mean, it's really hard to believe after all the conversation and all the commitment to using the Sadowski dollars for the purpose for which they

were intended, that they are now looking at actually sweeping all but that \$123,000,000 that would be going for Hurricane Michael issues up in the panhandle.

So I think everybody needs to kind of get on the stick and really let people know that this is not acceptable. Again, Broward County is such a donor county when it comes to the doc stamps and the money that goes into the Affordable Housing Trust Fund, and we just, you know, are not getting our money back. So that's -- but that's right now where it is, where it stands.

CHAIR STERMER: As everybody knows, committees -- committee meetings ended this week, and things are now moving to the floor or never got anywhere. But just because it didn't get heard in a committee doesn't mean it might not get amended to something. For those of you that have communicated with your legislators about the host of bills that are out there, please do so with fervency between now and the end of session.

Things are now being send out to -- from the Florida League of Cities and therefore then from the Broward League of Cities. If you don't get that distribution and you want it, please let me know. You should be getting it. But attached to each of the alerts from the Florida League of Cities it comes with a contact list, so you can literally either just push the button and it auto loads it, or it opens up either in a Word or an Excel document. You can copy all the email addresses and put it in there.

But, you know, letting the legislators know how you feel, even if you do -- and you will get the auto response that says, hi, I'm too busy. Some of them actually -- and I've gotten specific responses from specific representatives on issues, so they do actually follow up when they hear from us.

So, please, there's a lot of things going on, whether it's preemption or things with regard to affordable housing that will impact all of us significantly. And, hopefully, Mr. Maurodis, it's my hope that when you come back next month and give us a report, it's short. I'm not hopeful of that, though. Anything further on the Legislature?

AGENDA ITEM R-4 - EXECUTIVE DIRECTOR'S REPORT:

CHAIR STERMER: Ms. Blake BOY on Item R-4.

MS. BOY: Thank you. Just a couple of things I want to go through. First, I had forgotten to introduce a new staff at the February meeting, and now we have another new staff person. So I want to introduce Cyntheria Martin and Leny Huaman, our new planner and office admin staff --

CHAIR STERMER: Good morning. Welcome.

MS. BOY: -- that joined us.

UNIDENTIFIED SPEAKER: Good morning. Welcome.

MS. BOY: So wanted to just introduce them.

CHAIR STERMER: Stand up and wave.

MS. BOY: Stand up.

(Applause.)

UNIDENTIFIED SPEAKERS: (Inaudible.)

CHAIR STERMER: Welcome to the sandbox.

MS. BOY: The second item is actually related to what Commissioner Rich was just talking about. Many of you may recall that the County Commission initiated a review -- a new affordable housing study, and it's just being on the receiving end. And once it's distributed to the County Commission, we'll be able to distribute it to the Planning Council members. And I think that she has some more information on that.

COMMISSIONER RICH: The study is -- Ralph Stone will be presenting it to the Broward Housing Council tomorrow, and the Commission will be -- he will be presenting it to the Commission on May 7th. And so then it will come to the --

MS. BOY: So then we could --

COMMISSIONER RICH: -- Planning Council.

MS. BOY: -- schedule --

COMMISSIONER RICH: Right, we could schedule it --

MS. BOY: -- a presentation --

COMMISSIONER RICH: -- right.

MS. BOY: -- for the May Planning Council meeting --

COMMISSIONER RICH: Right.

MS. BOY: -- if everyone is --

COMMISSIONER RICH: Yeah.

MS. BOY: -- agreeable to that for the updated information.

CHAIR STERMER: Book Mr. Stone now.

MS. BOY: I'm sorry?

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. BOY: What?

CHAIR STERMER: Book him for the May meeting.

MS. BOY: Oh, okay. I thought you were saying he was here. Okay. So I just wanted to let everyone know that. And we'll distribute a copy as soon as we're able to do that, so you'll have it. It's some great reading. The third thing is I just wanted to mention public speakers. We have two Public Hearing items on today's agenda. There are no members of the public signed in to speak. There are for questions only on Item PH-1.

CHAIR STERMER: Okay.

MS. BOY: And I just wanted to let you know that.

CHAIR STERMER: Thank you.

MS. BOY: That concludes my report for today.

PUBLIC HEARING:

AGENDA ITEM PH-1 - AMENDMENT PC 19-2

CHAIR STERMER: Okay. On to PH-1. What?

MS. BOY: Did you want to do the Chair's --

CHAIR STERMER: Oh, I'm sorry.

MS. BOY: -- Report --

CHAIR STERMER: I'm sorry. Yeah.

MS. BOY: -- or do you want to do the --

CHAIR STERMER: Separately.

MS. BOY: -- or you could do the Public Hearing items first.

CHAIR STERMER: Let's do the public -- let's do the Public Hearings, because there may be more discussion with regard to -- I'm sorry. I'm vegging. On PH-1 and PH-2, there were only --

MS. BOY: There are two --

CHAIR STERMER: -- sign-ups for questions --

MS. BOY: Yes.

CHAIR STERMER: -- only?

Are there any -- is there a motion with regard to item -- let's take them separately, because I have a feeling they may be separated. Is there a motion with regard to PH-1?

COMMISSIONER CASTILLO: So **moved**.

CHAIR STERMER: Moved by Commissioner Castillo --

MR. DIGIORGIO: Second.

CHAIR STERMER: -- seconded by Mr. DiGiorgio. Any discussion with regard to PH-1? Commissioner Rich.

COMMISSIONER RICH: Okay. So PH-1, again we have the situation it's adding 335 dwelling units, and, again, we have a situation where there is no affordable housing. So because of that, and I understand, you know, what our plan says, but there's also a possibility of people doing things on a voluntary basis, and it -- the -- as you will see when we get -- when you see the report of -- that's coming through on affordable housing across the county, it -- the situation is just getting worse and worse.

And every time we approve something without affordable housing, we're contributing to that, in my opinion. So I will be voting against the proposal.

CHAIR STERMER: Mary -- Ms. Graham.

MS. GRAHAM: Thank you, Chair Stermer. I approved this at the last meeting when it was on the agenda, but, again, the traffic is -- it's just amazing. I came that way this morning to get down here to the meeting, and I don't know if any of you are familiar with that part of Oakland Park, but I saw some of the extra items in the backup of how to deal with it, but I'm always skeptical, because when roads just are not A roads to begin with or D roads -

-
Cypress Creek, where I'm off of, and even Commercial, if I remember correctly when items came before us that were at the east end of the Fort Lauderdale, Executive Airport, D and F roads to begin with. So I just want it on the record that I am supporting it, but the traffic is just challenging, to say the least.

CHAIR STERMER: Anybody else with regard to Item PH-1? School Board Member Good.

MS. GOOD: Can we get a response on --

CHAIR STERMER: Mr. Mele.

MS. GOOD: -- those comments?

MR. MELE: Thank you. Dennis Mele, 200 East Broward Boulevard on behalf of the applicant. When we were here a few months ago, we had our neighbors from the Oak Tree Estates were here in support. They don't happen to be here this morning, but you may remember one of Mr. Grosso's colleagues at Nova University Law School is one of our neighbors, and he spoke in favor, as did Drew Diorio (phonetic). There was also a remark made that people have been trying to do stuff on this property for over ten years; they could never reach agreement with the neighbors, but we did.

On the issue of affordable housing, although the report says that we meet the policy, we are going to pay \$500 per unit for all new units. That's not a requirement. That's something we're doing voluntarily.

Secondly, as to traffic, we are -- the roads that were problematic for our use, that means over capacity where we have more than three percent of -- our traffic constitutes more than three percent of the capacity of that road, there were problems on 21st and on Prospect. We have agreed to make improvements to both. Broward County Engineering and Broward County Traffic Engineering have signed off, saying that if we make those improvements, we will mitigate our impact.

But additionally, we can't take credit for this, but it's a nice coincidence, the

MPO and the DOT are making improvements both to 21st and to Prospect. We met with the Executive Director of the MPO. We also met with District 4 DOT. So we'll be coordinating our improvements with theirs. So there's going to be some significant improvements made to both of those roads that should help.

If you have any questions, I'll be happy to answer them. Thank you.

CHAIR STERMER: I just -- for the record, I just want to make sure that the applicant concurs with Broward County Planning Council staff final recommendations as shown on page 1 dash 2 and 1 dash 3, and everything that's contained therein.

MR. MELE: We do.

CHAIR STERMER: There was a motion by Commissioner Castillo, seconded by Mr. DiGiorgio. All those in favor, signify by saying aye. All those opposed? If -- okay. If I could just as the noes to please raise your hand so I can -- the record should reflect that Commissioner Rich and Mr. Grosso voted in the negative. Thank you.

VOTE PASSES 14 TO 2 WITH MR. GROSSO AND COMMISSIONER RICH VOTING NO.

AGENDA ITEM PH-2 – AMENDMENT PCT 19-3

CHAIR STERMER: PH-2. Is there a motion with regard to PH-2?

COMMISSIONER CASTILLO: So **moved**.

CHAIR STERMER: Moved by Commissioner Castillo --

MR. DIGIORGIO: Second.

CHAIR STERMER: -- second by Mr. DiGiorgio. Any discussion with regard to PH-2? There was a motion by Commissioner Castillo and a second by Mr. DiGiorgio. All those in favor, signify by saying aye. All those opposed? The motion carries unanimously.

VOTE PASSES UNANIMOUSLY.

REGULAR AGENDA:

AGENDA ITEM R-4 - CHAIR'S REPORT

CHAIR STERMER: Back to R-4. We've had a -- we've had a couple of conversations at our meetings with regard to the sheltering issue. One of them was when the Pompano amendment was before us and then most recently when the Hollywood Diplomat item was before us. This matter, at the request of Commissioner Furr and others, was put on and discussed at the Broward County Commission meeting's special March 28th meeting, which was a Thursday and not a normal day, but they were all there.

And I committed, on behalf of the Broward League of Cities, to participate in any and all meetings they wanted to have to discuss the issue. The only request I had was that the County participate, the School Board participate, and the cities participate. Since that date, I have been in communication with Mr. Sniezek and County Administration, and no meeting date has been set as of yet. And we are literally a month since then.

I understand hurricane season's coming. And Mr. Sniezek said, I participated for the sake of the land use amendment. You now need to deal with County Administration and the Emergency Management Department. Email strands contain them all. And we're waiting -- or I'm waiting to have a date proposed with regard to the issue. Literally, that's where the conversation sits as we sit here today. Anybody have any questions? Anything further? Thank you.

UNIDENTIFIED SPEAKER: (Inaudible.)

CHAIR STERMER: School Board -- oops. School Board Member Good. Nothing? Oh.

MS. GOOD: Sure.

UNIDENTIFIED SPEAKER: Sure.

(Laughter.)

UNIDENTIFIED SPEAKER: Sure.

MS. GOOD: I just appreciate your leadership. I know this was -- I know we had conversations about this at our recent workshop, and the urgency to have further conversations regarding this issue. So I would just ask that any meetings that are held, that Superintendent Runcie is involved, or any, you know, communications be sent to the School Board so that we can also participate. But I appreciate your leadership always.

CHAIR STERMER: My pleasure. The information I have is I know -- or I understand -- I shouldn't say I know -- I understand the County Administrator has been in direct communications with the Superintendent. I just hear that

second- or third-hand.

MS. GOOD: I just --

CHAIR STERMER: So I -- and I -- believe me, I --

MS. GOOD: -- I know there's conversations.

CHAIR STERMER: Yeah.

MS. GOOD: I just meant in regard to the meeting.

CHAIR STERMER: Yes. No, agreed.

MS. GOOD: Thank you.

CHAIR STERMER: I also want to publicly thank the Broward County Commission, as I did that day, that the Commission decoupled the LUPAs that were before it previously with Pompano and that day with regard to Hollywood, with the understanding, which is why I made the commitment, that we would sit down and have a meeting to discuss the issue.

But to hold land use amendments up -- I could chose a host of other words, but I'm not -- I want to thank the Commission for separating those issues. I think those are the right things to do. Everybody understands the seriousness of this conversation and the willingness to sit down and have the conversation. We now just wait. Commissioner Blattner.

COMMISSIONER BLATTNER: Yes, thank you, Chair. The -- did the County Commission advance the Hollywood issue to --

CHAIR STERMER: Yes.

COMMISSIONER BLATTNER: -- Tallahassee?

CHAIR STERMER: Yes.

COMMISSIONER BLATTNER: And that will come back to us --

CHAIR STERMER: Correct.

MS. BOY: It --

COMMISSIONER BLATTNER: -- (inaudible)?

MS. BOY: -- it hasn't gone to Tallahassee yet. May 7th is the transmittal hearing.

CHAIR STERMER: Oh, that's right. They had to set -- they set --

MS. BOY: They set the --

CHAIR STERMER: -- it for Public Hearing.

MS. BOY: -- transmittal hearing --

CHAIR STERMER: Right.

MS. BOY: -- that same day that they had the discussion.

CHAIR STERMER: Correct.

MS. BOY: And so May 7th, when they -- whatever action they take, if it is transmitted, then it will be sent to Tallahassee for the review by the state review --

COMMISSIONER BLATTNER: Thank you.

MS. BOY: -- agencies.

CHAIR STERMER: Yes, it was being -- it was set -- from the 28th, it was set for Public Hearing on May 7th. Sorry.

OTHER BUSINESS:

CHAIR STERMER: Anything further before the Planning Council this morning? Have a good morning, everybody. Thank you.

MS. GOOD: Thank you.

CHAIR STERMER: Please contact your legislators on those bills that are important to you and your city or your community, or your business.

(The meeting concluded at 11:03 a.m.)