

March 28, 1995

Meeting 10 AM

MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

Meeting of

March 28, 1995

A meeting of the Board of County Commissioners of Broward County, Florida was held in Room 422 of the Governmental Center, Fort Lauderdale, Florida, at 10 a.m., Tuesday, March 28, 1995, with the following members present: Commissioners Suzanne N. Gunzburger, Chair; John E. Rodstrom Jr., Vice Chair; Scott I. Cowan, John P. Hart, Sylvia Poitier, and Gerald F. Thompson. Also present were County Administrator B. Jack Osterholt; County Attorney John J. Copelan Jr.; Commission Auditor Norman Thabit, and Deputy Esther B. Coulson.

PLEDGE OF ALLEGIANCE

Commissioner John P. Hart led in reciting the Pledge of Allegiance to the Flag.

PROCLAMATION - MARCH 30, 1995 - **DOCTOR'S DAY** (68)

On behalf of the Board, Commissioner Poitier read into the record a proclamation designating March 30, 1995 as **DOCTOR'S DAY** in Broward County. The Board encouraged all citizens to participate in special programs and activities planned for this observance.

Dr. Arthur Palamara, Secretary of the Broward County Medical Association, accepted the proclamation on behalf of the various medical physicians and parents of sick children and thanked the Board for the recognition.

PROCLAMATION - APRIL 7, 1995 - **WORLD HEALTH DAY** (69)

On behalf of the Board, Commissioner Rodstrom read into the record a proclamation designating Friday, April 7, 1995 as **WORLD HEALTH DAY** in Broward County. The Board urged all citizens to take part in observances and activities designed to advance the cause of childhood immunization and "Health for All by the Year 2000".

Messrs. Andrew Reid, Bob Stivler, and Jorge Velez, Department of Health and Rehabilitative Services (HRS), Broward County Public Health Unit, accepted the proclamation and thanked the Board.

AVIATION DEPARTMENT - MEALS ALOFT CATERING PERMIT - FLORIDA AND SKY CHEFS INC. - FL-HIA (1)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board approved a meals aloft catering permit between Broward County, Florida and Sky Chefs Inc. at the Fort Lauderdale-Hollywood International Airport, effective December 1, 1994 with an expiration date of November 30, 1995 and month-to-month thereafter with a 30-day cancellation clause, and authorized the Chair and Clerk to execute same.

AVIATION DEPARTMENT - AMENDMENT 2 - CONCESSIONS AGREEMENT - ACKERLEY-BROWARD AIRPORT ADVERTISERS (2)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board approved Amendment #2 to the concession agreement between Broward County, Florida and Ackerley-Broward Airport Advertisers, a joint venture, allowing for additional types of advertising at the Fort Lauderdale-Hollywood International Airport, and authorized the Chair and Clerk to execute same.

PUBLIC WORKS DEPARTMENT - REAL PROPERTY SECTION - RESOLUTION 95-290 - HUMAN SERVICES DEPARTMENT'S LEASE (3)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board adopted Resolution 95-290 accepting lease for Human Services, 101 Northeast 3 Avenue, Fort Lauderdale, Florida; 8,197 square feet at \$14.50 per square foot; \$9,904.71 per month for three (3) years. Landlord: Selzer-Ornst Co., a Wisconsin corporation; Term of Lease: July 1, 1995 through October 30, 1998; and authorized the Chair and Clerk to execute same.

PUBLIC WORKS DEPARTMENT - REAL PROPERTY SECTION - RESOLUTION 95-291 - ENVIRONMENTAL ENGINEERING DIVISION (4)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board adopted Resolution 95-291 accepting a lease for the Environmental Engineering Division (South County Neighborhood Improvement Project), 4350 West Hallandale Beach Boulevard, Suite 300, Pembroke Park, Florida; 3,500 square feet at \$12.40 per square foot, \$3,616.67 per month for first year; Landlord: Sara Newman; Term of Lease: April 1, 1995 through March 31, 2000; and authorized the Chair and Clerk to execute same.

PUBLIC WORKS DEPARTMENT - OFFICE OF ENVIRONMENTAL SERVICES - ENVIRONMENTAL ENGINEERING DIVISION - BUDGET RESOLUTION 95-292 - WASTEWATER CONSTRUCTION FUND (5)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board adopted budget resolution 95-292 transferring funds within the Water and Wastewater Construction Fund for the Office of Environmental Services in the amount of \$15,000 from BCOES Project 8628, Gravity Sewer and Force Main Replacement - Generic, for the purpose of increasing the funding for BCOES Project 8634, Water Supply Main and Sewer Extension.

PUBLIC WORKS DEPARTMENT - OFFICE OF ENVIRONMENTAL SERVICES - ENVIRONMENTAL ENGINEERING DIVISION - BUDGET RESOLUTION 95-293 - WATER WASTEWATER CONSTRUCTION FUND (6)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board adopted budget resolution 95-293 transferring funds within the Water and Wastewater Construction Fund for the Office of Environmental Services in the amount of \$25,000 from BCOES Project 8604, Generic Main Oversizing, for the purpose of increasing the funding for BCOES Project 8650, Fire Hydrant Relocation - Pembroke Road.

PUBLIC WORKS DEPARTMENT - OFFICE OF INTEGRATED WASTE MANAGEMENT - RECYCLING AND CONTRACT ADMINISTRATION DIVISION - ADDITIONAL PROJECT FUNDING - UNCOMMITTED SEVENTH-YEAR WASTE TIRE GRANT FUNDS (7)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board approved the additional project funding from the uncommitted seventh-year waste tire grant funds to the city of Fort Lauderdale in the amount of \$12,000, authorizing the necessary administrative and budgetary actions to implement, and authorized the Contract Administrator to execute same.

PUBLIC WORKS DEPARTMENT - OFFICE OF TRANSPORTATION - ENGINEERING DIVISION - RESOLUTION 95-294 - DRAINAGE EASEMENT (8)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board adopted Resolution 95-294 accepting a drainage easement executed by Berkley Vacation Resorts Inc., donating right-of-way for Racquet Club Road in Section 6, Township 50 South, Range 40 East.

PUBLIC WORKS DEPARTMENT - OFFICE OF TRANSPORTATION - ENGINEERING DIVISION - RESOLUTIONS 95-295 & 95-296 - WINSTON APARTMENTS LTD. - ROW DONATION (9 A & B)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board adopted Resolution 95-295 accepting a warranty deed executed by Winston Apartments, Ltd., donating right-of-way for Lyons Road in Section 7, Township 48 South, Range 42 East and adopted Resolution 95-296 accepting a bus shelter easement executed by Winston Apartments Ltd. donating right-of-way for Lyons Road in Section 7, Township 48 South, Range 42 East.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - COUNTY RECORDS DIVISION - COMMISSION MEETING MINUTES (10)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board approved the commission meeting minutes of February 14, 21, and 28, 1995.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - PURCHASING DIVISION - WAIVE - ABSENCE OF CATALOG INFORMATION ON BID SHEET - COMMUNITY SERVICES DEPARTMENT - AWARD OPEN-END CONTRACT - LISTED RESPONSIVE AND RESPONSIBLE BIDDERS (11 A & B)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board waived as a technicality which is non-substantive in nature the absence of catalog information on the bid sheet when vendors included their price list as an attachment; awarded an open-end contract to the responsive and responsible bidders Bergen Auto Upholstery, Item 6; Boda Industries, Items 1-9; Brake Service and Equipment of Fort Lauderdale, Item 5; Curved Glass Distributors, Items 1-3, 8; Electric Sales and Service, Item 7; The Flxible Corp., Items 1-9; Gillig Corp., Item 3; The Janek Corp., Items 1-4, 7; J & P Auto Electric, Item 7; Midwest Bus Parts, Items 1-6, 8, 9; Mohawk Mfg. and Supply, Items 1-9; Muncie Reclamation and Supply, Items 1-9; Neopart (a division of Neoplan USA), Items 1-7, 9; North American Precision Parts, Items 1-9; Southern Coach Parts, Items 1-3; Transportation Parts Express, Items 1, 2, 7; Truck Trailer Transit, Item 5; Universal Coach Parts, Item 2 for bus parts new and rebuilt, Bid C-12-94-13-12 in the approximate amount of \$975,693 for Mass Transit Division, and authorized the Purchasing Division director to renew the contract for two (2) one-year periods. The initial contract period shall start April 11, 1995 and shall terminate on April 10, 1996.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - PURCHASING DIVISION - COMMUNITY SERVICES DEPARTMENT - REJECT ALL BIDS - EASTERLIN PARK (12)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board rejected all bids for Bid N-07-94-02-OF for Easterlin Park, construction of new restrooms and site improvements for Parks and Recreation Division.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - PURCHASING DIVISION - CHANGE ORDER ALLOWANCE INCREASE - C.B. SMITH PARK POOL FILTERATION SYSTEM (13)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board approved an increase in the Change Order allowance in the amount of \$30,000 for the construction of C.B. Smith Park pool filtration system, Contract H-06-94-08-OF with Ultimate Pools Inc. from \$7,350 (5 percent) to \$37,350 (25.4 percent) of the original contract amount of \$147,000 for the Parks and Recreation Division.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - PURCHASING DIVISION - THIRD AMENDMENT TO AGREEMENT - SOFTWARE AG OF NORTH AMERICA INC. (14)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board approved the third amendment to the agreement with Software AG of North America

Inc. dated February 1, 1992 to provide training on Software AG Products, increasing the maximum value of the agreement by \$4,200 from \$62,250 to \$68,250, and authorized the Chair and Clerk to execute same.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - PURCHASING DIVISION - PUBLIC WORKS DEPARTMENT - AWARD FIXED CONTRACT - LOW BIDDER - PUMP STATION 410 (15)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board awarded a fixed contract to low bidder, The Poole & Kent Company, for Bid Package 3 - Pump Station 410 - Sunrise (Bid H-11-94-12-OF) in the total base bid amount of \$1,911,000 for the Environmental Engineering Division, subject to receipt and acceptance of insurance/performance and payment guaranty.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - PURCHASING DIVISION - PUBLIC WORKS DEPARTMENT - AWARD OPEN-END CONTRACT - RESPONSIVE AND RESPONSIBLE BIDDERS - LISTED GROUPS (16)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board awarded an open-end contract to the responsive and responsible bidders Anthony Crane Rental Inc., Group 52; Chuck's Backhoe Service, Groups 9, 19, 21, 23, 25, 31, 33, 41, 49; Florida Electric Service, Groups 54, 56; G.S. Equipment Inc., Groups 20, 22, 30, 32; Hardrives Company Inc., Items 9, 11, 13, 15, 17, 21, 23, 25, 27, 29, 31, 33, 37, 41, 49, 50, 51, 63; Metro Trucking Co., Groups 5, 9, 23, 25; Norac Inc., Groups 5, 9, 11, 19, 21, 23, 25, 49; North American Equipment System, Group 18; Austin Tupler Trucking Inc., Group 5; Udelson Equipment Co., Groups 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 40, 46, 48, 60, 62 for rental of trucks and heavy equipment, Bid C-10-94-14-12 in the approximate amount of \$296,479 for the Equipment Management Division, subject to receipt and acceptance of certificate of insurance, and authorized the Purchasing Division director to renew the contract for a one-year period. The initial contract period shall start March 28, 1995 and shall terminate on March 27, 1996.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - PURCHASING DIVISION - PUBLIC WORKS DEPARTMENT - CHANGE ORDER ALLOWANCE INCREASE - BOOHER BUILDING REROOFING (17)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board approved an increase in the Change Order allowance to a total of \$19,365 for reroofing of the Booher Building, Contract N-06-94-05-OF with Hurricane Roofing Corporation, from \$4,987.50 (5 percent) to \$19,365 (19.4 percent) of the base contract amount of \$99,750. Project: Reroofing Booher Building.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - PURCHASING DIVISION - PUBLIC WORKS DEPARTMENT - NINTH AMENDMENT TO AGREEMENT - KEITH & SCHNARS - COPANS ROAD IMPROVEMENTS (18)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board approved the ninth amendment to the agreement between Broward County and Keith & Schnars, P.A., to increase the agreement amount by \$108,298.01 from \$1,236,659.99 to a new total agreement amount of \$1,344,958 with a contract time extension of five (5) months for additional professional services for Copans Road improvements from Interstate 95 to U.S. 1, BCED Project 5079, and authorized the Chair and Clerk to execute same.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - PURCHASING DIVISION - PUBLIC WORKS DEPARTMENT - AWARD OPEN-END CONTRACT LOW RESPONSIVE AND RESPONSIBLE BIDDER - MAIN LIBRARY JANITORIAL SERVICES (19)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board awarded an open-end contract to the low responsive and responsible bidder for Group 1, Kleen Rite Janitorial Inc. for janitorial services at the Broward County Main Library (Bid G-02-95-01-36) in the approximate amount of \$435,750 for the Facilities Management Division, and authorized the

Purchasing Division director to renew the contract for a two- year period. The initial contract period shall start April 1, 1995 and shall terminate March 31, 1998.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - REVENUE COLLECTION DIVISION - EXECUTE SATISFACTION OF CLAIM OF LIENS AGAINST THE LISTED PEOPLE (20)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board approved and executed the satisfaction of claim of liens against Rose Dulcer, James Brown, Frank Mennella and Duane Gillette.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - RISK MANAGEMENT DIVISION - SETTLEMENT OF CLAIM (21)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board authorized full and final settlement of Claim #DNG/070292BASS in the amount of \$75,000.

HUMAN SERVICES DEPARTMENT - AGREEMENT - LEGAL AID SERVICE OF BROWARD COUNTY INC. - INDIGENT AND NEEDY GENERAL PUBLIC LEGAL SERVICES (22)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board approved an agreement between Broward County and Legal Aid Service of Broward County Inc. from January 1, 1995 through December 31, 1995 with annual renewal thereafter unless terminated, for legal services to the indigent and needy general public of Broward County, and authorized the Chair and Clerk to execute same.

HUMAN SERVICES DEPARTMENT - BUREAU OF CHILDREN'S SERVICES - AMENDMENT 1 - HRS AGREEMENT - CHILD PROTECTION TEAM CONTRACT (23)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board approved Amendment #1 to an agreement between the State of Florida, Department of Health and Rehabilitative Services and Broward County for the purpose of amending the language changes in the Child Protection Team Contract #JQ001 from July 1, 1994 to June 30, 1995, and authorized the Chair and Clerk to execute same.

HUMAN SERVICES DEPARTMENT - BUREAU OF CHILDREN'S SERVICES - RESOLUTION 95-297 - ACCEPTANCE OF A 1989 HYUNDAI EXCEL CAR (24)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board adopted Resolution 95-297 of the Board of County Commissioners of Broward County, Florida, authorizing the acceptance of a 1989 Hyundai Excel car from an anonymous donor for permanent use by the Children's Victim Services Section of Broward County, and authorizing the County Administrator to take all administrative actions to implement same.

HUMAN SERVICES DEPARTMENT - BUREAU OF CHILDREN'S SERVICES - AMENDMENT 1 - AGREEMENT 95-30 - THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF BROWARD COUNTY INC. - AFTER-SCHOOL CARE - ENROLLED ELEMENTARY SCHOOL CHILDREN (25)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board approved Amendment #1 to Agreement 95-30 between Broward County and The Young Men's Christian Association of Broward County Inc. from March 1, 1995 to September 30, 1995, changing the language in Exhibit A to include after-school care for children enrolled in elementary schools served by the provider, and authorized the Chair and Clerk to execute same.

HUMAN SERVICES DEPARTMENT - BUREAU OF CHILDREN'S SERVICES - AMENDMENT 1 TO AGREEMENT 95-58 - EARLY CHILDHOOD DEVELOPMENT ASSOCIATION OF BROWARD COUNTY INC. (26)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board approved Amendment #1 to Agreement 95-58 between Broward County and Early Childhood Development Association of Broward County Inc. d/b/a Child Care Connection of Broward County, Florida from March 1, 1995 to September 30, 1995, changing the budget in Exhibit D, and authorized the Chair and Clerk to execute same.

HUMAN SERVICES DEPARTMENT - ELDERLY SERVICES DIVISION - AMENDMENTS TO AGREEMENTS - HEALTH CARE SERVICE PROVIDERS - HOMEMAKER SERVICES TO THE ELDERLY (27)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board approved the amendments to the agreements between Broward County and Health Care Service Providers from November 1, 1994 to June 30, 1995, modifying the dollar amount of each agreement for the purpose of ensuring continuity in the provision of homemaker services to the elderly, and authorized the Chair and Clerk to execute same.

HUMAN SERVICES DEPARTMENT - ELDERLY SERVICES DIVISION - AMENDMENTS TO AGREEMENTS - HEALTH CARE SERVICE PROVIDERS - PERSONAL CARE SERVICES TO THE ELDERLY (28)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board approved, with addendum, the amendments to the agreements between Broward County and Health Care Service Providers from November 1, 1994 to June 30, 1995, modifying the dollar amount of each agreement for the purpose of ensuring continuity in the provision of personal care services to the elderly, and authorized the Chair and Clerk to execute same.

HUMAN SERVICES DEPARTMENT - ELDERLY SERVICES DIVISION - AMENDMENTS TO AGREEMENTS - HEALTH CARE SERVICE PROVIDERS - RESPITE CARE SERVICES TO THE ELDERLY (29)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board approved, with addendum, the amendments to agreements between Broward County and Health Care Service Providers from November 1, 1994 to June 30, 1995, modifying the dollar amount of each agreement for the purpose of ensuring continuity in the provision of respite care services to the elderly, and authorized the Chair and Clerk to execute same.

HUMAN SERVICES DEPARTMENT - ELDERLY SERVICES DIVISION - AMENDMENTS TO AGREEMENTS - HEALTH CARE SERVICE PROVIDERS - ADULT DAY CARE SERVICES TO THE ELDERLY (30)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board approved the amendments to the agreements between Broward County and Health Care Service Providers from November 1, 1994 to June 30, 1995, modifying the dollar amount of each agreement for the purpose of ensuring continuity in the provision of adult day care services to the elderly, and authorized the Chair and Clerk to execute same.

HUMAN SERVICES DEPARTMENT - ELDERLY SERVICES DIVISION - AMENDMENT 1 TO AGREEMENT - AREA COUNCIL ON AGING OF BROWARD COUNTY INC. - INCREASING CCE SERVICES - UNANTICIPATED REVENUE RESOLUTION 95-298 - (31 A & B)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board approved Amendment #1 to an agreement between Broward County and the Areawide Council on Aging of Broward County Inc. from July 1, 1994 to June 30, 1995 for the purpose of increasing Community Care for the Elderly (CCE) services in the amount of \$339,059, increasing the value from \$4,872,422 to \$5,211,481; authorized the Chair and Clerk to execute same (county cash match of \$281,103 and county in-kind of \$19,367 is included), and adopted unanticipated revenue resolution 95-298 within the State Grant Fund for the Elderly Services Division in the amount of \$339,059 for the purpose of increasing Community Care for the Elderly in-home and adult day care services to eligible clients.

HUMAN SERVICES DEPARTMENT - FIRE RESCUE DIVISION - MOU - NORTH RIDGE MEDICAL CENTER - COORDINATING PATIENT CARE AND EMERGENCY SCENES (32)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board approved a memorandum of understanding between Broward County and North Ridge

Medical Center for the purpose of coordinating patient care and emergency scenes within Wynmoor Village, and authorized the Chair and Clerk to execute same.

HUMAN SERVICES DEPARTMENT - HEALTH CARE MANAGEMENT - AGREEMENT - HRS - PUBLIC HEALTH UNIT - PHARMACEUTICAL SERVICES (33)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board approved an agreement between the State of Florida Department of Health and Rehabilitative Services - Public Health Unit and Broward County from October 1, 1994 to September 30, 1995 in the amount of \$64,800 for the purpose of providing pharmaceutical services under Ryan White Title I, C.A.R.E. Act, Supplemental grant funding, and authorized the Chair and Clerk to execute same.

HUMAN SERVICES DEPARTMENT - HEALTH CARE MANAGEMENT - AGREEMENT - HRS - PUBLIC HEALTH UNIT - DENTAL AND PHARMACEUTICAL SERVICES (34)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board approved an agreement between the State of Florida Department of Health and Rehabilitative Services - Public Health Unit and Broward County from October 1, 1994 to September 30, 1995 in the amount of \$76,266 for the purpose of providing dental and pharmaceutical services under Ryan White Title I, C.A.R.E. Act Supplemental grant funding, and authorized the Chair and Clerk to execute same.

HUMAN SERVICES DEPARTMENT - HEALTH CARE MANAGEMENT - AGREEMENT - HRS - PUBLIC HEALTH UNIT - PHARMACEUTICAL SERVICES (35)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board approved an agreement between Broward County and North Broward Hospital District, Urgent Care Clinic from February 1, 1995 to May 31, 1995 in the amount of \$59,000 for the purpose of providing pharmaceutical services under Ryan White Title I, C.A.R.E. Act, Supplemental grant funding, and authorized the Chair and Clerk to execute same.

HUMAN SERVICES DEPARTMENT - HEALTH CARE MANAGEMENT - AGREEMENT - HRS - PUBLIC HEALTH UNIT (36)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board approved, with addendum, an agreement between Broward County and Florida Healthy Kids Corporation from October 1, 1994 to June 30, 1995 in the amount of \$40,000 for the purpose of comprehensive health care services funding, and authorized the Chair and Clerk to execute same.

HUMAN SERVICES DEPARTMENT - TRAUMA MANAGEMENT AGENCY - AMENDMENT TO AGREEMENT - CITY OF DEERFIELD BEACH - GRANT PROJECT (37)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board approved an amendment to an agreement between Broward County and the city of Deerfield Beach to extend the completion date of the grant project for an additional three-month period commencing April 1, 1995 and ending June 30, 1995.

COMMUNITY SERVICES DEPARTMENT - LIBRARIES DIVISION - FILE UNAUDITED FINANCIAL STATEMENT - FRIENDS OF THE BROWARD COUNTY LIBRARY INC. (38)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board filed an unaudited financial statement submitted by the Friends of the Broward County Library Inc. for the period October 1, 1993 to September 30, 1994 as provided for in the revocable license agreement between Broward County and the Friends of the Broward County Library Inc. relating to operation of a gift shop at the Main Library.

COMMUNITY SERVICES DEPARTMENT - LIBRARIES DIVISION - AGREEMENT - PUBLIC LIBRARY FOUNDATION INC. - MAIN LIBRARY SPACE RENOVATION (39)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board approved an agreement between Broward County and Broward Public Library Foundation Inc. for the renovation of space in the Broward County Main Library for the purpose of supporting a literary arts center project from date of execution through March 31, 1996, and authorized the Chair and Clerk to execute same.

COMMUNITY SERVICES DEPARTMENT - LIBRARIES DIVISION - GRANT APPLICATION - DIVISION OF LIBRARY AND INFORMATION SERVICES - HOMEBOUND AIDS PATIENTS LIBRARY SERVICES (40)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board approved a grant application to the State of Florida, Department of State, Division of Library and Information Services in the amount of \$34,000 for the purpose of purchasing an additional collection of items to provide enhanced library services to homebound AIDS patients for the period October 1, 1996 through September 30, 1997, and authorized the County Administrator to take the necessary administrative and budgetary actions to execute the grant. (Local match is \$40,916 in-kind.)

COMMUNITY SERVICES DEPARTMENT - LIBRARIES DIVISION - GRANT APPLICATION - DIVISION OF LIBRARY AND INFORMATION SERVICES - MAIN LIBRARY PUBLIC ACCESS AND INSTRUCTION CENTER (41)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board approved a grant application to the State of Florida, Department of State, Division of Library and Information Services in the amount of \$41,009 for the purpose of creating a public access and instruction computer center at the Main Library for the period October 1, 1996 through September 30, 1997, and authorized the County Administrator to take the necessary administrative and budgetary actions to execute the grant. (Local match is \$43,699 in-kind.)

COMMUNITY SERVICES DEPARTMENT - LIBRARIES DIVISION - GRANT APPLICATION - DIVISION OF LIBRARY AND INFORMATION SERVICES - PRE- SCHOOL LIBRARY BOOK-BASED LEARNING PROGRAM (42)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board approved a grant application to the State of Florida, Department of State, Division of Library and Information Services in the amount of \$45,372 for the purpose of establishing a library book-based learning program for pre-school children for the period October 1, 1996 through September 30, 1997, and authorized the County Administrator to take the necessary administrative and budgetary actions to execute the grant. (Local match is \$54,076 in-kind.)

COMMUNITY SERVICES DEPARTMENT - LIBRARIES DIVISION - APPLICATION - DIVISION OF LIBRARY AND INFORMATION SERVICES - FOREIGN LANGUAGE COLLECTION (43)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board approved an application to the State of Florida, Department of State, Division of Library and Information Services in the amount of \$60,000 for the purpose of increasing its foreign language collection for the period October 1, 1996 through September 30, 1997, and authorized the County Administrator to take the necessary administrative and budgetary actions to execute the grant. (Local match is \$107,187 in-kind.)

COMMUNITY SERVICES DEPARTMENT - LIBRARIES DIVISION - DIVISION OF LIBRARY AND INFORMATION SERVICES - FLORIDA LIBRARIES INFORMATION NETWORK REGIONAL RESOURCE CENTER (44)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board approved an application to the State of Florida, Department of State, Division of Library and Information Services in the amount of \$60,000 for the purpose of providing continuing support for Broward County's role as a regional resource center within the Florida Libraries Information Network for the period October 1, 1996 through September 30, 1997, and authorized the County Administrator to take the necessary administrative and budgetary actions to execute the grant. (Local match is \$153,619 in-kind.)

COMMUNITY SERVICES DEPARTMENT - MASS TRANSIT DIVISION - BUDGET RESOLUTION 95-299 - GENERAL FUND - UNANTICIPATED REVENUE RESOLUTION 95-300 - OPERATING FUND - BROWARD TERMINAL SECURITY (45 A & B)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board adopted budget resolution 95-299 transferring within the General Fund the amount of \$47,480 from the Commission Reserve for additional security at the Broward Terminal and adopted unanticipated revenue resolution 95-300 within the Operating Fund (450) for the Mass Transit Division in the amount of \$47,480 for additional security at the Broward Terminal.

DEPARTMENT OF NATURAL RESOURCE PROTECTION - UNANTICIPATED REVENUE RESOLUTION 95-301 - GENERAL FUND - (DNRP - AIR POLLUTION CONTROL) (46)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board adopted, with addendum, unanticipated revenue resolution 95-301 within the General Fund (Department of Natural Resource Protection - Air Pollution Control) in the amount of (\$290,000) to recognize a grant award from the Environmental Protection Agency.

PORT EVERGLADES DEPARTMENT - TAXI/LIMO/BUS SERVICE BUSINESS PERMITS - SONNY TOURS USA INC. AND YOLO ENTERPRISES INC. (47)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board approved Port Everglades taxi/limo/bus service business permits between Broward County, Florida, and Sonny Tours U.S.A. Inc. and Y.O.L.O. Enterprises Inc. d/b/a Beeline Tours, respectively, effective for the calendar year 1995 with an expiration of December 31, 1995, and authorized the Chair and Clerk to execute same.

PORT EVERGLADES DEPARTMENT - AMENDMENT 2 - AGREEMENT - DEROSE & SLOPEY - TERMINAL NO. 22 PASSENGER LOADING BRIDGE ADDITIONAL ENGINEERING SERVICES (50)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board approved Amendment No. 2 to the agreement between Port Everglades Authority and DeRose & Slopey, Consulting Engineers Inc., for additional engineering services associated with the design of the Terminal No. 22 passenger loading bridge at an increase of \$4,200 from \$106,500 to \$110,700, with a 65-day extension of the engineering design period, and authorized the Chair and Clerk to execute same. Port Everglades Department Capital Project No. 6349.

OFFICE OF BUDGET AND MANAGEMENT POLICY - EMPLOYEES' BUSINESS TRAVEL AND TRIPS (51)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board approved, with addendum, business travel and trips on the approved travel list for county employees in accordance with Administrative Order 105.

OFFICE OF BUDGET AND MANAGEMENT POLICY - UNANTICIPATED REVENUE RESOLUTION 95-302 - LAW ENFORCEMENT TRUST FUND (52)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board adopted unanticipated revenue resolution 95-302 within the Law Enforcement Trust Fund in the amount of \$(156,435) to reduce funding previously provided for helicopter lease payments, to provide funding for a municipal revenue sharing agreement, crime prevention programs, and law enforcement and corrections capital requests for the Broward Sheriff's Office.

COUNTY ATTORNEY - MR. R. J. MORRISON, ASSISTANT COUNTY ATTORNEY - ABA STATE AND LOCAL GOVERNMENT LAW SECTIONS 1995 SPRING MEETING (53)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board authorized Russell J. Morrison, Assistant County Attorney, to attend the ABA State and Local Government Law Section's 1995 Spring Meeting, April 26-30, 1995 in Key West, Florida.

COUNTY ATTORNEY - LESLIE F. BARCLAY, ASSISTANT COUNTY ATTORNEY - GOVERNMENT CONTRACTS PROGRAM COURSE (54)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board authorized Leslie F. Barclay, Assistant County Attorney, to attend the Government Contracts Program course "Environmental Risk Management" May 1-2, 1995 in Washington, D.C.

COUNTY ADMINISTRATOR - RESOLUTION 95-308 - PUBLISH NOTICE OF PUBLIC HEARING - APRIL 11, 1995 - STRATEGIC PLAN (55)

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board adopted Resolution 95-308 directing the County Administrator to publish notice of public hearing to be held on Tuesday, April 11, 1995 at 2 p.m. to consider approval of the Strategic Plan for inclusion in an application to the State of Florida for an Enterprise Zone designation.

(Commissioner Cowan entered the meeting room at this time.)

PORT EVERGLADES DEPARTMENT - AMENDMENT TO LEASE AGREEMENT - ELLER & COMPANY INC. - BUILDING 68 MAINTENANCE FACILITY SPACE (48)

The Board considered its action to approve an amendment to the lease agreement between Broward County, Florida and Eller & Company Inc. to extend the term of the existing lease for 7,800 square feet of storage and maintenance facility space in Building No. 68 at Port Everglades on a month-to-month basis not to exceed six months, effective March 1, 1995, and authorize the Chair and Clerk to execute same.

Commissioner Rodstrom felt the rent at \$4 sq. ft. to be low in comparison to \$6.50 sq. ft. as reflected under Agenda Item 49 and questioned whether a cost of living increase had been considered during the contract negotiations process.

In response, Mr. James J. O'Brien, Port Everglades Department director, outlined the differences in the rental rates. He identified the lease with Eller & Company as the current market rate for maintenance of various types of cargo handling equipment at the Port Everglades location and the lease shown under Agenda Item 49 to be the current market rate within the Foreign Trade Zone (FTZ); addressed staff's usual practice not to accept the existing tenant's request to cancel the lease, and mentioned another company's agreement to immediately rent the space at a slightly higher rate.

Recognizing that the agreement is on a month-to-month basis not to exceed six months, Mr. O'Brien responded in the negative to Commissioner Rodstrom's question that the increase in rental rates is included in the lease agreement. Mr. O'Brien gave reasons why the agreement is from month-to-month as the County Attorney's Office is currently in the process of reviewing same different to the Port Everglades previous leases.

After discussion, Commissioner Rodstrom gave reasons why he intended to approve a 30-day extension on the lease.

Mr. O'Brien explained, in response to Commissioner Cowan's comments, that he would not characterize the timely renegotiation of the lease as a fault or would he associate it with the tenant. He stated that the Port Everglades Department staff has been going through the process of adjusting the language in the Port Authority's leases to conform with Broward County's.

Responding to Commissioner Cowan's comments, Commissioner Rodstrom believed that the tenant would be paying a higher rent had the lease been negotiated timely.

After further discussion and on motion of Commissioner Cowan, seconded by Commissioner Hart and unanimously carried, the Board approved an amendment to the lease agreement between Broward County, Florida and Eller & Company Inc. as previously cited and agreed to extend the term to 90 days.

PORT EVERGLADES DEPARTMENT - TERMINATION OF EXISTING LEASE AGREEMENT - MATRIX SERVICES INC. - EXECUTION OF NEW LEASE AGREEMENT - SPIN INC. - FTZ (49 A & B)

On motion of Commissioner Cowan, seconded by Commissioner Hart and unanimously carried, the Board approved the termination of an existing lease agreement between Broward County and Poly-Matrix Services Inc. effective March 31, 1995; approved the execution of a new lease agreement between Broward County and Spin Inc. for 2,988 square feet of warehouse space in Building E of the Foreign Trade Zone at Port Everglades, effective April 1, 1995, and authorized the Chair and Clerk to execute same.

COUNTY ADMINISTRATOR'S JAIL REPORT (56)

County Administrator B. Jack Osterholt submitted the Jail Report dated March 28, 1995 showing the total population at the detention facilities to be 3,600 and gave reasons why the population has fallen to 155 below the cap. (A copy of this document has been filed with the supplemental papers to the minutes of this meeting.)

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - OFFICE OF HOUSING FINANCE - AGREEMENT- COMMUNITY DEVELOPMENT CORPORATION - SHIP LEASE/PURCHASE PROGRAM - FORM OF LOAN PURCHASE AGREEMENT - SUNBANK/SOUTH FLORIDA (57 A-C)

On motion of Commissioner Hart, seconded by Commissioner Cowan and unanimously carried, the Board approved, with addendum, the agreement between Broward County and Broward County Community Development Corporation for participation in the State Housing Incentives Partnership (SHIP) Lease/Purchase Program, Funding Year 1994 in the amount of \$145,500; authorized the Chair and Clerk to execute same; approved, with addendum, the form of Loan Purchase Agreement between Broward County and SunBank/South Florida, National Association (SunBank) for the purchase of loans from SunBank in the State Housing Incentives Partnership (SHIP) Lease/Purchase Program, and approved the form of Agreement of Deed Restrictions among Broward County, Broward County Community Development Corporation and SunBank/South Florida, National Association (SunBank) for the purpose of placing deed restrictions on the properties purchased through the State Housing Incentives Partnership (SHIP) Lease/Purchase Program.

Commissioner Hart referred to a recent meeting held at the request of Mr. Arthur Flemming, attorney representing a coalition of lenders, regarding potential low and medium affordable housing projects.

In response to Commissioner Hart's question, County Administrator B. Jack Osterholt explained that Messrs. Flemming, Lennard Robinson, Office of Housing Finance director, and Ms. Kathy Harris, Office of Urban Affairs director, met subsequent to the meeting. Mr. Osterholt believes that they are moving forward and following up on the issue.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - DIVISION OF HUMAN RESOURCES - AMEND POSITION CLASSIFICATION PLAN - ESTABLISH LISTED POSITIONS - RECLASSIFY SEVEN POSITIONS - COUNTY ADMINISTRATOR'S AIDE NEW PAY RANGE - RESOLUTION 95-303 - EXEMPTING SEVEN CLASSIFICATIONS FROM CIVIL SERVICE (58 A - D)

The Board considered its action to amend the position Classification Plan to establish the following twelve (12) classifications: Assistant Director of Airport Expansion Projects, Director of Airports, Aviation Expansion Project Management Administrator, Senior Services Coordinator, Code Enforcement Supervisor, Senior Code Enforcement Officer, Code Enforcement Aide, Landscape Supervisor, Landscape Inspector, Senior Blasting Specialist, Greater Fort Lauderdale Convention Visitors Bureau (GFLCVB) Regional Director of Sales, GFLCVB Director of Sales; approve the reclassification of seven (7) positions: Libraries Division: Budget Position Number (BPN) 7254 from Librarian I to Librarian IV and BPN 3468 from Graphics Designer I to Senior Services Coordinator; Land Use and Permitting Division: BPN 6564 from Systems Network Analyst II to Systems Network Analyst III; Community Services Department: BPN 7461 from Bus Operator (Part-time 20+) to Senior Planner (Full Time); Comprehensive and Neighborhood Planning: BPN 0786 from Graduate Intern to Senior Planner; Greater Ft. Lauderdale

Convention and Visitors Bureau: BPN 6779 from GFLCVB Manager II to GFLCVB Regional Director of Sales, BPN 6886 from GFLCVB Manager II to GFLCVB Director of Sales; approved the new pay range for the classification of County Administrator's Aide, and adopted Resolution 95-303 exempting the following seven (7) classifications from the classified service: Assistant Director of Airport Expansion Projects, Assistant Director of Animal Care and Regulation, Aviation Expansion Project Management Administrator, Director of Airports, GFLCVB Director of Sales, GFLCVB Regional Director of Sales, Senior Services Coordinator.

The Chair referred to questions raised, at the Tourist Development Council's (TDC's) meeting of Thursday, March 23, 1995, on additional positions at GFLCVB and requested that the Board not consider any changes until after the TDC's Budget Workshop is held on April 6, 1995.

Mr. Dean Hofmeister, GFLCVB director, noted the last TDC meeting's discussion dealing with Fiscal Year 1995/96 Operating Budget; recognized the subject classifications from FY 1994/95 budget are not additional positions which will have no impact on FY 1995/96, and requested that the Board approve the subject reclassifications.

Subsequent to the Chair's comparisons on accumulative changes regarding the BPN's existing and new pay ranges, she felt - - in response to Commissioner Rodstrom's suggestion that the new GFLCVB director review same -- that it could be examined in its entirety.

Answering Commissioner Poitier's question, Mr. Hofmeister described the GFLCVB's next reorganizational phase to create a Multi-Cultural Division and reorganize the leisure industry section.

On motion of Commissioner Cowan, seconded by Commissioner Hart and unanimously carried, the Board amended the position Classification Plan to establish the aforementioned classifications; approved the reclassification of the previously cited positions, with the exception of Budget Position Numbers 6779 and 6886; approved the new pay range for the classification of the County Administrator's Aide, and adopted Resolution 95-303 exempting the previously mentioned positions.

At Commissioner Hart's request, Mr. Hofmeister explained staff's justification for the request. He acknowledged the GFLCVB marketing and sales operation's heavy concentration on meetings and conventions; recognized the intent to relocate two individuals at the Washington DC office to the Director of Sales at the GFLCVB's office in Fort Lauderdale and to continue in retaining the other person at the Alexandria, Virginia office; believed it would give the GFLCVB stability to utilize said individuals to a greater extent and enable GFLCVB to manage the Chicago area from Fort Lauderdale, and noted the Marketing Advisory Committee's previous discussions in this regard and the committee Chair's direction to implement same.

The Chair gave reasons why the Board ought to consider the two subject positions after the TDC and Market Advisory Committee hold its joint budget workshop meeting scheduled for April 6, 1995.

A motion was made by Commissioner Hart and seconded by Commissioner Poitier that the Board table the reclassification of Budget Position Numbers 6779 and 6886 until the April 11, 1995 commission meeting.

Commissioner Cowan noted that there is merit to Mr. Hofmeister's previous comments; recognized that there will be a new director of the GFLCVB; mentioned his desire of not wanting to lose the two positions in question; suggested that the new director make the determination on increasing their cap, for the time being, by \$18,050, and gave reasons why the Board is not increasing the cap by \$30,000 and \$22,000 respectively.

After much discussion, the Chair called for a vote on the motion and declared it carried unanimously.

OFFICE OF BUDGET AND MANAGEMENT POLICY - INCREASE PERSONNEL CAP - DELETE ONE GRANT POSITION - HUMAN RIGHTS DIVISION (59 A & B)

On motion of Commissioner Cowan, seconded by Commissioner Thompson and unanimously carried, the Board increased the personnel cap by 20 positions; Libraries Division (6), Aviation Department (5), Parks and Recreation Division (8) and Human Rights Division (1) and deleted one grant position within the Human Rights Division.

The Chair complimented Mr. Samuel F. Morrison, Libraries Division director, and the architect for their efforts toward the new Sunrise/Dan Pearl Branch Library. She encouraged the county commissioners to visit the new facility.

COUNTY COMMISSION - RECOGNITION (70)

On behalf of the Board, Commissioner Poitier extended congratulations to Mr. Samuel F. Morrison, Libraries Division director, for receiving the Silver Medallion Brotherhood Award for the National Conference of Christians and Jews on the evening of Saturday, March 25, 1995.

The Board commended Mr. Morrison on a job well done!

OFFICE OF BUDGET AND MANAGEMENT POLICY - COUNTY EMPLOYEES' APPROVED TRAVEL (60)

On motion of Commissioner Hart, seconded by Commissioner Poitier and unanimously carried, the Board approved travel for county employees on the attached list in accordance with Administrative Order 105.

COMMUNITY SERVICES DEPARTMENT - CULTURAL AFFAIRS DIVISION - RESOLUTION 95-304 - NPO AND GOVERNMENT ENTITIES GRANT FUNDING - BUDGET RESOLUTION 95-305 - TRANSFERRING FUNDS - CULTURAL AFFAIRS FUND (61 A-C)

On motion of Commissioner Poitier, seconded by Commissioner Cowan and unanimously carried, the Board approved the revised funding recommendations for cultural grant organizations in the general operating program, major cultural institution program and regional organization program for fiscal year 1995; adopted Resolution 95-304 of the Board of County Commissioners of Broward County, Florida, pursuant to Section 29.17(f) of the Broward County Administrative Code; approving grant funding to non-profit organizations and government entities; adopting shell amendment agreement to be used for funding approved organizations; providing for execution on behalf of the County by the County Administrator; providing for severability; and providing for an effective date, and budget resolution 95-305 transferring funds within the Cultural Affairs Fund (016) in the amount of \$345,200 from the Cultural Affairs Reserve (016) for the purpose of a one-time grant increase for cultural grant organizations to provide cultural services in fiscal year 1995.

COMMUNITY SERVICES DEPARTMENT - LIBRARIES DIVISION - 1994-97 APPLIED STRATEGIC PLAN (62)

On motion of Commissioner Cowan, seconded by Commissioner Hart and unanimously carried, the Board approved the Libraries Division's 1994-1997 Applied Strategic Plan subject to funding availability.

COUNTY ADMINISTRATOR - DECLARE VALID PUBLIC EMERGENCY - CCNA - BED CORRECTIONS FACILITY - AMEND S/N COMMITTEE MEMBERSHIP - DESIGN/BUILD CORRECTIONS FACILITY - DEFERRED (63 A & B)

The Board considered its action to declare a valid public emergency under Florida Statute 287.055 (3)(a) Consultants Competitive Negotiation Act (CCNA), to authorize the Administrator or his designee to select appropriate professional service firms to aid with completing the design criteria package for a 1,024 bed corrections facility, and assist in the evaluation of proposals and amend the membership of the selection/negotiation committee for the design/build 1,024 bed corrections facility to substitute the Director of Public Works (or designee) for the Director of the Office of Project Management and Construction to the April 4, 1995 meeting.

The Chair referred to her conversations with County Administrator B. Jack Osterholt who confirmed that there would be no problem to defer the item to April 4 at Commissioner Lori Nance Parrish's request. (A copy of Commissioner Parrish's memorandum dated March 24, 1995 requesting that the Board withdraw or defer the subject item in order that she can participate in discussion of same is filed with the supplemental papers to the minutes of this meeting.)

A motion was made by Commissioner Hart and seconded by Commissioner Cowan that the Board defer from this day's meeting its action to declare a valid emergency under Florida Statute 287.055 (3)(a) Consultants Competitive Negotiation Act as previously cited and amend the membership on the aforementioned selection/negotiation committee.

Mr. Osterholt confirmed, in response to Commissioner Rodstrom's inquiry, Broward Sheriff Ron Cochran's awareness of the subject issue on this day's agenda. Mr. Osterholt addressed staff's attempts to retain technical assistance towards the building of the new detention center.

After continued debate, Mr. Pete Corwin, Assistant to the County Administrator, outlined the phases of the design and operational program for the new correctional facility; confirmed that delaying the item for one week does not slow down the process, and mentioned staff's discussions on the subject matter with the Broward Sheriff's Office (BSO) Department of Corrections and Rehabilitation director.

After discussion, the Chair called for a roll call vote on the motion and declared it carried unanimously.

INTERGOVERNMENTAL AFFAIRS/LEGISLATIVE ISSUES - DISCUSSION (64)

The Board discussed the following issues before the 1995 Legislature.

(a) Multi-Jurisdictional Districts - HB 1987

County Administrator B. Jack Osterholt reported on a telephone call received earlier this day from Ms. Phyllis Berry, Intergovernmental Affairs director, on the Senate Commerce Committee's vote on the termination of HB 1987, Multi-Jurisdictional Districts.

(b) Resolution 95-309 - Opposing the "Melaleuca Control Act of 1995"

Mr. Osterholt expressed staff's concerns on the proposed Melaleuca Control Act of 1995 bill which would remove a number of lands from the wetlands regulation in Broward County and the ultimate damage to the aquifer without the wetlands.

Later in the meeting, Mr. Steve Sommerville, Department of Natural Resource Protection (DNRP) deputy director, outlined the requirements of the Melaleuca Control Act that if there is over 50 percent melaleuca on the property, the property owner would be exempted and preempted from local and state wetlands regulations. He recognized a number of properties in southwest Broward County having over 50 percent melaleuca which would preempt the wetland areas regulations from occurring. Mr. Sommerville recognized the disadvantages of melaleuca; however, the proposed bill preempts local government from regulating wetlands.

After discussion, Mr. Osterholt addressed staff's intent to bring the subject proposed bill to the Board's attention and questioned whether the commission would have the opportunity to speak with the state politicians in Tallahassee.

The Chair explained that she could speak with Senator Ken Jenne in this regard.

At the request of Commissioner Hart, Mr. Sommerville described the basis of the surrounding proposed home bill, written in Tallahassee by Greenberg and Taurig, to obtain thousands of acres of developable land outside of the wetlands regulation and identified the sponsors on the concept of the proposed bill to be the Builders Association, the Florida Home Builders, and the Community Development Association.

Mr. Sommerville identified the sponsor for the companion bill to be Representative Charles W. Sembler, Sebastian, Florida; commented on the bill in question proceeding through the House Natural Resource Subcommittee which will be addressed at the House Natural Resource Committee on Friday, March 31, 1995 and mentioned his intent to address the subject bill during the week.

Commissioner Hart explained that he will meet with Mr. Sommerville to discuss how the subject bill would be addressed more directly.

Mr. Michael Bassichis, Bassichis and Associates, cited reasons why the subject bill is unsatisfactory.

The Chair requested that Mr. Joe Tanfani, Miami Herald reporter, inform Ms. Martha Musgrove, associate editor, to review this issue and possibly obtain an editorial in this regard.

Later in the meeting, Mr. Jim Karas, South Florida Water Management District (SFWMD), gave reasons why the district opposes the subject proposed bill.

Further in the meeting and on motion of Commissioner Cowan, seconded by Commissioner Hart and unanimously carried, the Board adopted Resolution 95-309 of the Board of

County Commissioners of Broward County, Florida, opposing the "Melaleuca Control Act of 1995"; requesting that the act be withdrawn by its sponsors in the Florida Senate and House of Representatives; providing for an effective date.

(c) Private Property Rights Bill - HB 1381 and CS/SB 1326

Mr. Osterholt noted the Private Property Rights House Bill 1381 and Committee Substitute/Senate Bill 1326 proceeding through the 1995 Legislative Session; expressed concerns on said bill having very low dollar amounts thus the need, when the law becomes effective, to purchase properties if the local government exceeds \$10,000, and relayed staff's intent to oppose said bill.

The Chair mentioned her recent conversations with the Broward County Legislative Delegation on the subject issue; noted the devastating effects on Broward County when road right of way is needed from the property owner; mentioned the excessive costs to the county in this regard, and relayed the answer to her question posed to people she has spoken to and Commissioner Hart's response in the affirmative that it does not mean anything when the League of Cities and the Florida Association of Counties oppose the bill in question.

Commissioner Hart mentioned a committee previously established on Property Rights issue to examine the impacts local governments would have with respect to the protection of individual property rights and the prevention of inordinate amounts of taking and noted the committee's subsequent change in its entire focus.

After discussion, Commissioner Cowan advised that he will deal with the subject issue.

Mr. Osterholt explained that Broward County needs to be very actively opposed to the subject bill.

The Chair advised that she will be prepared to address the bill in question in Tallahassee.

(d) Resolution 95-307 - Supporting the One Cent Local Option Sales Tax - Multi-Purpose Civic Center

Later in the meeting, a motion was made by Commissioner Cowan and seconded by Commissioner Rodstrom that the Board adopt Resolution 95-307 of the Board of County Commissioners of Broward County, Florida, urging the Broward County Delegation and the Florida Legislature to introduce and support the passage of legislation during the 1995 Legislative Session which would enable the Broward County Commission, in its discretion, to impose a local option sales tax of up to one cent on the sale of certain food, beverages, and alcoholic beverages consumed on the premises of certain establishments, and to expend the proceeds of such tax to fund a multi-purpose civic center and related facilities; and providing for an effective date.

The Chair referred to Commissioner Lori Nance Parrish's memorandum dated March 24, requesting that the Board withdraw or defer the subject item to April 4, 1995 in order that she can participate in discussion of same. (A copy of this document is filed with the supplemental papers to the minutes of this meeting.)

The Chair gave reasons why she would like to table the subject item to the April 4, 1995 meeting.

Commissioner Cowan outlined the significant differences between the delay requested for Agenda Item 63, which he supported, and the subject item and noted the process which started under Agenda Item 63 no longer requiring the Board's involvement. He recognized the subject item to support the adoption of a resolution which will return, if approved, back to the commission, to set a public hearing; voiced his willingness to set the public hearing -- if all the county commissioners are present -- and noted the public hearing to consider the enactment of the subject legislation.

Commissioner Cowan recognized Commissioner Parrish to be on the prevailing side, and mentioned the possibility of the subject item being reconsidered, which he is prepared to deal with at that time. He commented on his readiness to show courtesy to any commissioner who requests postponing an item as long as it does not harm the county and gave reasons why he does not consider it prudent to do so at this day's meeting.

Commissioner Hart mentioned the difficulty in making a judgement, due to the lack of details presented to the Board, as to whether the subject bill would be in the best interest of the public; expressed concerns on having any type of multiple tax discussions; considered the subject matter would be beneficial to Broward County if legislative approval is received to grant authority to the county to review same; noted the need to fully discuss the subject matter at the appropriate time in order for the Board to consider whether it should be passed on to the respective constituencies where the tax would be drafted, and advised that the actions to be taken at this day's meeting would be giving the opportunity to petition the legislature, with the county's approval, to see if the county would be empowered relative to same.

The Chair believed the subject bill could proceed without the Board's approval; expressed her reservations about the imposition of a local option sales tax and the benefits the subject facility would have to the entire county, and gave reasons why she will not be able to support the subject item.

Commissioner Rodstrom gave his inclination of having an arena located in Broward County; noted his comments to expedite the subject matter; addressed the need to review every possibility of having an arena situated in the county, and suggested that staff contact Pepsi Cola Bottling Company as they paid \$50 million to have an arena named after them.

Commissioner Hart concurred with Commissioner Rodstrom's suggestions to explore funding mechanisms to develop some kind of a civic center arena which could accrue some specific benefits to the community. Commissioner Hart explained that he does not want to reach any conclusions at this day's meeting on where the site will be located until the financial description has been identified and the issue resolved.

Mr. Don McClosky, attorney representing Huizenga Holdings Inc., outlined the benefits of having a sports franchise in Broward County; cited the sixth "whereas" clause in Resolution 95-307 with respect to consideration of imposing a local option sales tax at a future time when all material factors have been finalized and made known on the subject facility; noted the fast food restaurants and some of the smaller establishments being excluded from the proposed legislation, and requested that the Board hold public hearings, if the legislature enacts the subject bill, to make a determination on imposing the sales tax.

Ms. Anne Martone, Broward County Hotel and Motel Association Inc., cited reasons why they are in support of the concept of a civic center in Broward County.

Mr. Randy Dunlap, Downtown Council's Division of the Chamber of Commerce, relayed the Chamber Steering Committee's questions on funding, transportation and locations; referred to Broward County Hotel and Motel Association Board of Directors' support of the Broward County Civic Center Proposal, and addressed the continued request to pursue the question as indicated on the proposal. (A copy of this document is filed with the supplemental papers to the minutes of this meeting.)

Mr. Robert Nelson, the Florida Restaurant Association, pointed out Chapter 18 of the Broward County Administrative Code with respect to actions required to be placed on the agenda and stated that the subject issue was not on the commission's agenda this day.

County Attorney John J. Copelan Jr. indicated that Mr. Nelson review Addressing the Commission under Section 18.13(b) of the code. Mr. Copelan cited the provision with respect to non-agenda matters and the confinement of items which could not be addressed timely. He believed that Commissioner Cowan laid the predicate due to the change in the legislative timing which is an important issue in the legislature.

In response, Mr. Nelson, confirmed in agreement that his exact point with respect to Chapter 18 has to do with timeliness. He gave his opinion that the subject matter is not a timeliness issue but an issue which the proponents of the proposal in question and the county commissioners were aware of in advance to place the item on the agenda.

The Chair explained the suddenness of being made aware of the subject item at the end of last week and gave reasons why the issue was timely due to the nature of the legislative session to act upon same.

Mr. Nelson confirmed that he is placing his objection on the record.

Commissioner Hart responded to the implication of prior knowledge on the subject issue being before the county commissioners and informed Mr. Nelson that he was aware of the matter being placed on the agenda on Friday afternoon or Monday morning prior to the meeting.

Commissioner Cowan recognized the subject item from the beginning of the legislative session to be properly advertised; noted the rapid movement of specific legislative topics proceeding in the legislature and the subject item placed within that confines, and recognized this week to be the last of committee meetings, if the legislature adheres to its schedule.

In response to Commissioner Rodstrom's question, Mr. Nelson explained how he found out about the subject

item and relayed the agenda coordinator's conversation with him yesterday afternoon that the item would not appear on the commission agenda.

Mr. Nelson conveyed the restaurant industry's support of the concept in bringing an arena to Broward County; cited reasons why the industry believes it is discriminatory to exclude the industry to fund the facility; believed a broad-based tax is needed, and requested that the Board oppose adopting Resolution 95-307.

The Chair referred to a presentation made by Mr. Jim Blosser, Blockbuster Entertainment Corporation, at the March 23, 1995 Tourist Development Council (TDC) meeting; noted his identification of a two percent bed tax increase, and confirmed that the restaurant industry would not be the only one to be imposed.

Mr. McClosky distributed a list reflecting tax levied on hotel/lodging and auto rental industry in cities throughout the United States. (A copy of this list is filed with the supplemental papers to the minutes of this meeting.)

The Chair referred to the Hotel Taxes list showing comparisons of Fort Lauderdale's hotel and restaurant tax rates to other US cities which was published in The Herald on Sunday, March 26, 1995 and mentioned her request to Mr. McClosky to reserve a portion of the taxes towards funding the homeless. (A copy of the article is filed with the supplemental papers to the minutes of this meeting.)

Commissioner Thompson addressed his intent to question the county's options, when the proposed bill is considered by the Board, in developing the community.

Mr. Tom Harwell, president of the Broward County Hotel and Motel Association and hotel operator of the Fort Lauderdale Airport Hilton, reminded the Board of hotels also paying or collect taxes on food and beverage and mentioned his willingness to participate in proceeding with the proposed bill.

The Chair called for a roll call vote on the motion to with members voting as follows:

Commissioner Cowan	Yes
Commissioner Hart	Yes
Commissioner Poitier	Yes
Commissioner Rodstrom	Yes
Commissioner Thompson	Yes
Commissioner Gunzburger	No

The Chair declared the motion carried.

(e) Resolution 95-323 - Opposing HB 99 and SB 722 - Department of Health Care Services

Earlier in the meeting, a motion was made by Commissioner Cowan and seconded by Commissioner Hart that the Board adopt Resolution 95-323 of the Board of County Commissioners of Broward County, Florida, opposing House Bill 99 and Senate Bill 722 which would create a new Department of Health Care Services in Florida, which would remove certain program offices from the Department of Health and Rehabilitative Services including the State Health Office, The Office of Children's Medical Services, and the Office of Alcohol, Drug Abuse and Mental Health, opposing any amendments which would remove The Office of Developmental Services from the Department of Health and Rehabilitative Services and The Division of Vocational Rehabilitation from The Department of Labor and Employment Security, requesting that sponsors of House Bill 99 and Senate Bill 722 withdraw the bill from further consideration in the 1995 Legislative Session; providing for an effective date.

A letter dated March 21, 1995 from Dr. Marlene Duffy Young, Board of Polk County Commission Chair, addressing her concerns and opposition to the subject matter was submitted for the record and filed with the supplemental papers to the minutes of this meeting.

The Chair noted the HRS Human and Health and Human Services Board's objection in this regard.

The Chair called for a vote on the motion and declared it carried unanimously.

COUNTY COMMISSION - RESOLUTION 95-306 - SUPPORTING EAST EVERGLADES BUFFER AND PRESERVATION 2000 (65)

Earlier in the meeting, the Board considered its action to adopt Resolution 95-306 expressing support for the East Everglades Buffer and Preservation 2000, and House Bill (HB) 647 and Senate Bill (SB) 2184 which relate to the protection of the East Everglades Buffer.

Commissioner Hart referred to a letter dated March 27, 1995 from Mr. Samuel E. Poole III, South Florida Water Management District (SFWMD), supporting SB 2184. (A copy of this document is filed with the supplemental papers to the minutes of this meeting.)

In response to Commissioner Hart's question, Mr. Jim Karas, SFWMD, noted SFWMD's current conversations with other water management districts; mentioned their intent to not oppose the subject bill; relayed their appreciation of the situation in the South Florida area; commented on their concurrence with the apportionment of ten percent of the Preservation 2,000 funds, and addressed SFWMD's support of the bill in question.

Commissioner Hart requested that Mr. Karas keep the county commission informed as whether or not any opposition develops on the subject issue.

After discussion and on motion of Commissioner Hart, seconded by Commissioner Cowan and unanimously carried the Board adopted Resolution 95-306 expressing support for the East Everglades Buffer and Preservation 2000 as previously cited.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - PURCHASING DIVISION - AWARD FIXED CONTRACT - MLC GROUP INC. - LOW BIDDER - IBM 3090-400E MAINFRAME COMPUTER UPGRADE (66)

On motion of Commissioner Cowan, seconded by Commissioner Thompson and unanimously carried, the Board awarded a fixed contract to MLC Group Inc., low bidder, for the Upgrade of an IBM 3090-400E Mainframe Computer in the amount of \$258,945.00 (Revised Bid Sheet Item 1); open-end contract for a Maintenance and Service Agreement (Revised Bid Sheet 2) for an initial two (2) year term, in the approximate amount of \$9,600 (#A-12-94-03-OF) for the Office of Information Technology, subject to receipt and acceptance of Performance and Payment Guaranty and a Certificate of Insurance.

DEPARTMENT OF STRATEGIC PLANNING AND GROWTH MANAGEMENT - COMMUNITY DEVELOPMENT DIVISION - 1994 EMERGENCY SHELTER GRANTS PROGRAM AWARD REALLOCATION (67)

A motion was made by Commissioner Poitier and seconded by Commissioner Cowan that the Board approve the reallocation of the 1994 Emergency Shelter Grants Program award in the amount of \$216,000 to the Broward County Family Development and Resource Division Homeless Outreach Program.

Commissioner Poitier questioned the composition of the Broward County Family Development and Resource Division Homeless Outreach Program.

Later in the meeting, the Chair referred to a letter dated March 22, 1995 from Ms. Dianne Sepielli, Broward Coalition for the Homeless Inc., requesting for a letter of support from the Board to accompany their application for the 1995 Housing Urban Development (HUD) Homeless Assistance Grant monies. (A copy of this document is filed with the supplemental papers to the minutes of this meeting.)

After discussion and by unanimous consent, the Board tabled the item until the 2 p.m. public hearing.

It being a little later in the meeting, the Board, by unanimous consent, removed the item from the table.

In response to Commissioner Poitier's question, with respect to the composition of the new program, Ms. Carolyn Graham, Human Services Department director, identified the case management for the homeless program within the Human Service Department's Family Development and Resource Division.

Following up Commissioner Thompson's remarks, County Administrator B. Jack Osterholt mentioned staff's previous Request For Proposals (RFP) on two occasions, noted the negotiations in this regard with The Salvation Army, and their loss of interest due to a proposed homeless site was not chosen.

Commissioner Thompson suggested that the Board of Realtors could make a determination and recommend a homeless site.

After discussion, the Chair called for a vote on the motion and declared it carried unanimously.

COUNTY COMMISSION - DESIGNATE COMMISSIONER HART - MR. B. WENMAN'S FUNERAL (71)

Earlier in the meeting and at Commissioner Cowan's request, the Board, by unanimous consent, designated Commissioner Hart as the Board of Broward County Commissioners representative to speak at the funeral of Bill Wenman, former Mayor and Council Member of the city of North Lauderdale, at 11:45 a.m. this day.

(Commissioner Hart left the meeting room at this time.)

COUNTY ATTORNEY - ASSISTANT COUNTY ATTORNEY N. OSTRU (72)

County Attorney John J. Copelan Jr., County Attorney, reported on the status of Assistant County Attorney Norman Ostrau who is recovering from his recent surgery at the Florida Medical Center.

COUNTY COMMISSION - JUNIOR BASEBALL CLUB, BAHAMAS (73)

The Chair referred to a letter dated March 18, 1995 addressed to Vice Mayor Bobbie Grace, city of Dania, from the Grand Bahama Baseball Association, Bahamas, regarding the Junior League Baseball Club's travel in April 1995 to compete with High School teams in the area. (A copy of this letter was filed with the supplemental papers to the minutes of this meeting.)

The letter was given to County Administrator B. Jack Osterholt.

There being no further business to come before the Board at this time, and on motion made, seconded and unanimously carried, the meeting adjourned at 11:38 a.m.

This meeting was recorded on cassette 95-34.

Meeting 2 PM

MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

Meeting of

March 28, 1995

A meeting of the Board of County Commissioners of Broward County, Florida was held in Room 422 of the Governmental Center, Fort Lauderdale, Florida, at 2 p.m., Tuesday, March 28, 1995, with the following members present: Commissioners Suzanne N. Gunzburger, Chair; John E. Rodstrom Jr., Vice Chair; Scott I. Cowan, John P. Hart, Sylvia Poitier, and Gerald F. Thompson. Also present were County Administrator B. Jack Osterholt; County Attorney John J. Copelan Jr., and Deputy Esther B. Coulson.

PUBLIC HEARINGS - PROOF OF PUBLICATIONS - PUBLIC HEARINGS OPENED

By unanimous consent, the Board directed the clerk to file proof of publications in the records of these minutes and opened the public hearings.

QUASI-JUDICIAL PUBLIC HEARING - ORDINANCE - REZONING PETITION 11-Z-94 - DENIED (1)

It now being the time advertised to hold a public hearing to consider the enactment of an ordinance, the substance of which is as follows, changing the zoning district of certain lands within the unincorporated area of Broward County, Florida, subject to dedication of road right-of-way (Rezoning Petition 11-Z-94); the Chair called for interested parties to be heard:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTION 24, TOWNSHIP 51 SOUTH, RANGE 41 EAST; FROM M-1, LIGHT INDUSTRIAL DISTRICT TO M-2, MEDIUM INDUSTRIAL DISTRICT; PROVIDING FOR AMENDMENT OF THE ZONING DISTRICT MAPS; PROVIDING FOR THE REPEAL OF ALL REZONING ORDINANCES AND ZONING RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING THAT THIS REZONING SHALL NOT BE CONSTRUED TO CREATE A RIGHT TO DEVELOPMENT THAT FAILS TO MEET THE REQUIREMENTS OF OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

At the Chair's request, County Attorney John J. Copelan Jr. reviewed his memorandum dated March 24, 1995 regarding the Quasi-Judicial Hearing and the Board's previous enactment of Ordinance 94-7, adoption of Resolution 94-153 which established the position of the Hearing Examiner, the establishment of procedures for owner-initiated site specific rezonings as a result of the Snyder decision, and the consideration of the Hearing Examiner's previous recommendation on the rezoning request. He described the conduct of this afternoon's Quasi-Judicial proceedings and the public's participation at the previous public hearing before the

Hearing Examiner and their involvement at this afternoon's meeting. (A copy of the memorandum is filed with the supplemental papers to the minutes of this meeting.)

Mr. Copelan pointed out the Board's current support of Citizen Access to Public Officials Committee Substitute/House Bill 5, which would change the Quasi-Judicial proceedings by granting the public more rights to participate; however, the Board is complying with the existing Florida Supreme Court case laws.

The Chair and Mr. Copelan discussed the category in which the Chair's general knowledge of the subject site would fall under; his concerns on her inspection tour of same; her dilemma of having an opinion due to this afternoon's proceedings; his advice that her decisions not be based on what she learned which does not disqualify her from hearing the rezoning petition in question; the concept of the Board reviewing the record under the Quasi-Judicial procedure, and her restrictions in this regard.

Commissioner Cowan recognized the difficulty experienced by the public as they are accustomed in approaching their local elected officials, and acknowledged the Quasi-Judicial process being no different from a court of law; therefore, the county commission would need to act as an appellate judge presiding over a case.

After considerable debate, the Chair called for witnesses and Broward County staff, intending to testify on the Quasi- Judicial items scheduled for this afternoon's meeting, to be sworn by Ms. Brenda Bianculoi, court reporter from Jack Besoner and Associates.

Mr. Roy Groves, Code and Zoning Enforcement Division, previously sworn, outlined the rezoning request of the subject property from Dan Glasso Waste Service, the petitioner; described the code violations on the site; relayed staff's recommendation of denial on the subject petition, and conveyed the Hearing Examiner's recommendation to grant the petition in question.

In order to make a comment on the subject item, the Chair relinquished the chair which was assumed by Vice Chair Commissioner Rodstrom.

Mr. Jerry Knight, attorney, representing the petitioner, questioned his understanding of this afternoon's Quasi-Judicial procedures not to accept additional testimony as the evidence to be heard was held before the Hearing Examiner. He inquired whether Mrs. Gunzburger's proposed testimony would fall under that category.

In response, Mr. Copelan addressed the public's right to participate; therefore, Mrs. Gunzburger's decision to abdicate from the Board would make her a member of the public for participation purposes. He described the basis in which the public could become involved which could be a matter for the Board to rule upon; namely, newly discovered relevant evidence not known by the person providing testimony at the time of the public hearing before the Hearing Examiner which was not disclosed in the record.

Mr. Knight cited the language for specified individuals having the right to address the Board as shown in Establishing a Hearing Examiner for Owner-Initiated Site-Specific Rezoning Ordinance 94-7, Section 27.157.b., Final Determination by the Board of County Commissioners and questioned whether Mrs. Gunzburger would fall under that category.

After some discussion, Mr. Knight requested that the Board follow its Quasi-Judicial procedures and interpret same.

Answering the Vice Chair's inquiry, Mr. Copelan explained that he has not conversed with the Board on what Mrs. Gunzburger's intended testimony would be proffered as.

The Chair determined that he will allow Mrs. Gunzburger to testify at this afternoon's meeting for the time being; however, if it is discovered that her statement is not within the Quasi- Judicial guidelines, the Board will be instructed not to consider it.

Mrs. Suzanne N. Gunzburger, city of Hollywood resident, outlined the location of the subject site, as depicted in the subject item and Public Hearing Item 2, to be surrounded by a nicely maintained minority residential neighborhood, and described the lack of upkeep of the subject property's junk yard which she considers is incompatible to the surrounding uses and does not belong as it ruins the neighborhood which seems to be improving.

Mr. Knight gave reasons why he objects to Mrs. Gunzburger's testimony as she was not a part of the public hearing proceeding; therefore she cannot participate as stipulated under Section 27.157 of Ordinance 94-7. He questioned whether Mrs. Gunzburger's testimony was presented as new evidence which was unknown at the previous public hearing and confirmed that nothing has changed as to the matter she testified to since that time.

Commissioner Poitier referred to page five Section 10(b), with respect to the petitioner's testimony from the Hearing Examiner's Recommended Order; questioned if Mrs. Gunzburger's statement on the neighborhood's transition is different, and recognized that there is no need for heavier zoning.

Mr. Groves acknowledged the substandard condition of the neighborhood in previous years; mentioned the area's subsequent improvements due to the Code and Zoning Enforcement Division's control of same, and gave reasons why staff does not favor the M-2 designation which allows for much heavier designated uses.

In response to several questions posed by the Vice Chair, Mr. Groves confirmed that no attempts have been made to make the subject surrounding area nonconforming; however, there have been discussions relative to same. Mr. Groves outlined the possible problems if the subject property was rezoned as nonconforming, and

mentioned staff's desire to rezone the whole area to a new use at a future time which would first need to be analyzed for a different designation.

Mr. Knight stated that if Mrs. Gunzburger's testimony was proffered as new evidence, he requested that the Board continue the subject rezoning petition in order that a response could be prepared; however, if her statement was not new evidence, he suggested that the Board not take it into consideration due to the procedure outlined in Ordinance 94-7.

Mr. Knight questioned whether Mr. Groves' testimony is consistent with the said procedure; referred to Commissioner Poitier's remarks and pointed out the Exhibits attached to the Hearing Examiner's Recommended Order showing the surrounding M-2 designations to be compatible with the adjacent uses which he described; noted the Hearing Examiner's findings that the petitioner's zoning request is consistent; referred to the Land Use Map which does not reflect any residential districts abutting the subject property; depicted the use of a storage yard on the property in question; believed the previous testimony not offering anything new on the record; considered the Hearing Examiner's recommendation to be supported by substantial competent evidence, and requested that the Board approve the subject zoning request.

(Commissioner Cowan left the meeting room at this time.)

After considerable dialogue, the Vice Chair decided not to enter any new evidence discussed between Commissioner Hart and Mr. Knight on details of outstanding zoning code violations on the subject property's open-air sanitation contractor storage yard, equipment and garbage trucks.

In response, Commissioner Hart mentioned his attempt in identifying the subject site in order to assist the Vice Chair in his ruling when determining whether Mrs. Gunzburger's testimony represented new information.

Mr. Knight explained his endeavor to interpret the open-air sanitation contractor storage yard as shown on pages three of the Rezoning Petition form and Exhibit A5 reflecting staff's report from the Exhibit attached to the Recommended Order.

The Vice Chair outlined reasons why he ruled to disallow Mrs. Gunzburger's testimony as it was not entered at the previous public hearing and Mr. Groves' statement in response to his question regarding nonconforming uses as it was not part of the record and requested that the Board, during its evaluation, not consider same. The Vice Chair relayed the advice from the County Attorney's Office that if the Board believes the Hearing Examiner misinterpreted the facts, it would have ability to overturn the decision.

After discussion and in answering Commissioner Poitier's question, Mr. Copelan advised that the Board would need to consider each Public Hearing item separately from the record thus the respective items should not affect the Board's decision-making.

After further debate, Commissioner Thompson referred to the Vice Chair's ruling on new evidence with respect to outstanding zoning code violations on the subject property; considered staff is correct in citing same; believed the Hearing Examiner ignored that portion of the testimony, and felt it would be appropriate to overturn the Hearing Examiner's recommendations.

In concurring, the Vice Chair mentioned the facts as presented on staff's opposition to the petitioner's rezoning request, the violations on the subject property, and the area being in transition. He mentioned the conclusion reached that the subject property was not supportive of the facts presented (with the exception that it was compatible with the land use or comprehensive plans) and nothing indicated in the record which would lead him to believe that it was the case.

Commissioner Hart referred to page A2 showing the designated area map and expressed concerns on the designated uses surrounding the subject property currently zoned at M-2, Commercial District (C-1), M-1, and -- the opposite side of Southwest 21 Street and west of South 58 Avenue -- Residential One Family Dwelling District at 600 square feet (R-1C). He believed the subject property is not in the best interest of the surrounding uses; questioned whether there was an oversight in the Hearing Examiner's determination that the use is compatible; noted the Board's intention to not correct the violation by changing the zoning designation, and gave reasons why he upholds his previous discussion with Mr. Knight in that respect rather than approving the Hearing Examiner's recommendation.

Mr. Copelan, in response advised that Commissioner Hart may, if he chooses, modify or reverse the Hearing Examiner's recommendation of Findings of Fact or Conclusions of Law; suggested that a motion at some time would be appropriate, and recommended that the Board could direct the County Attorney's Office to draft a language with respect to same.

Commissioner Hart addressed his intent to take exception to the Hearing Examiner's Findings of Fact and Conclusions of Law that the subject application for rezoning would be compatible with the surrounding area adjacent to the C-1 and M-1 designation to which Mr. Groves concurred, and gave reasons why he would not approve granting the petitioner's rezoning request.

After discussion, a motion was made by Commissioner Hart and seconded by Commissioner Poitier that the Board deny the Rezoning Petition 11-Z-94 from the current M-1, Light Industrial District classification to the M-2, Medium Industrial District classification under the conclusions reached by the Hearing Officer as it **does not meet** the requirements of applicable state law and is **not compatible** with the surrounding zoning.

After discussion and in response to the Vice Chair's comments, Mr. Knight noted the violations on the subject site relating to the current use not complying with the M-1 zoning district regulations, which he confirmed the petitioner is attempting to resolve.

After further debate, Mr. Knight mentioned the petitioner's agreement to offer restrictive covenants which would restrict the use of the subject property to the current use and stated that the uses under the M-2 designation are allowed under the C-1 category opposite the property in question.

After continued deliberations, the Vice Chair called for a vote on the motion to deny the previously cited Rezoning Petition and declared the motion carried unanimously.

(Commissioner Gunzburger assumed the chair at this time.)

QUASI-JUDICIAL PUBLIC HEARING - ORDINANCE - REZONING PETITION 12-Z-94 - CONTINUED (2)

It now being the time advertised to hold a public hearing to consider the enactment of an ordinance, the substance of which is as follows, changing the zoning district of certain lands within the unincorporated area of Broward County, Florida, subject to dedication of road right-of-way (Rezoning Petition 12-Z-94); the Chair called for interested parties to be heard:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTION 24, TOWNSHIP 51 SOUTH, RANGE 41 EAST; FROM M-1, LIGHT INDUSTRIAL DISTRICT TO M-2, MEDIUM INDUSTRIAL DISTRICT; PROVIDING FOR AMENDMENT OF THE ZONING DISTRICT MAPS; PROVIDING FOR THE REPEAL OF ALL REZONING ORDINANCES AND ZONING RESOLUTIONS IN CONFLICT HERewith; PROVIDING THAT THIS REZONING SHALL NOT BE CONSTRUED TO CREATE A RIGHT TO DEVELOPMENT THAT FAILS TO MEET THE REQUIREMENTS OF OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

Mr. Roy Groves, Code and Zoning Enforcement Division, described the location of the subject rezoning petition request from Dan Glasso, Waste Services Inc., and relayed staff's recommendation of denial and the Hearing Examiner's recommendation of approval on the petition in question.

Mr. Jerry Knight, attorney, representing the petitioner, requested that the Board continue the subject rezoning petition request for 30 days to the next public hearing in light of the Board's actions on the previous item.

On motion of Commissioner Poitier, seconded by Commissioner Thompson and unanimously carried, the Board approved the petitioner's request to continue the enactment of the ordinance, as previously cited, changing the zoning district of certain lands within the unincorporated area of Broward County, Florida, subject to dedication of road right-of-way (Rezoning Petition 12-Z-94) to the next zoning public hearing.

QUASI-JUDICIAL PUBLIC HEARING - ORDINANCE - REZONING PETITION 13-Z-94 - DENIED (3)

It now being the time advertised to hold a public hearing to consider an ordinance, the substance of which is as follows, changing the zoning district of certain lands within the unincorporated area of Broward County, Florida (Rezoning Petition 13-Z-94); the Chair called for interested parties to be heard:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTION 18, TOWNSHIP 48 SOUTH, RANGE 43 EAST; FROM R-1B, ONE-FAMILY DWELLING DISTRICT TO R-1P, ONE-FAMILY DWELLING-PARKING DISTRICT; PROVIDING FOR AMENDMENT OF THE ZONING DISTRICT MAPS; PROVIDING FOR THE REPEAL OF ALL REZONING ORDINANCES AND ZONING RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING THAT THIS REZONING SHALL NOT BE CONSTRUED TO CREATE A RIGHT TO DEVELOPMENT THAT FAILS TO MEET THE REQUIREMENTS OF OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

Mr. Roy Groves, Code and Zoning Enforcement Division, previously sworn, outlined the rezoning request of the subject property from Flame Fruit Company, the petitioner; described the designation on the subject property; defined the provisions of the R-1P designation; mentioned the denial of the petitioner's previous request for a General Business (B-3) designation, the petitioner's withdrawal of the petition in question, and the subsequent request for R-1P; relayed staff's recommendation of denial on the subject petition, and conveyed the Hearing Examiner's recommendation to grant said petition.

After some discussion, Mr. James Schubert, subject property owner, noted the size of the maintained property and payment of taxes; however, the property cannot be used. He gave reasons why he considers he may not be able to build single family homes on the property as it is not serviced by water or sewer; mentioned his desire to use the property, and felt the R-1P designation would be an unsuitable use for the property.

Referring to the previous public hearing item when testimony was proffered and later eliminated, County Attorney John J. Copelan Jr. advised that the Board could possibly proceed in that manner as the witnesses were not interviewed. He explained that the public present at this afternoon's proceedings should have testified at the previous public hearing before the Hearing Examiner and address the correctness of the Findings of Fact and Conclusions of Law or allege newly discovered evidence.

Ms. Jean Stewart, Pompano Beach resident, previously sworn, gave reasons why she was not present at the previous public hearing before the Hearing Examiner.

Responding to the Chair's question, Mr. Copelan explained why the public cannot testify for the first time as this afternoon's Quasi-Judicial proceedings is not de novo.

Answering Ms. Stewart's comments with respect to her letter dated March 24, 1995 addressed to Commissioner Poitier, the Chair explained why the contents of the letter cannot be shared with the Board as it would be ex parte and why, according to Mr. Copelan's advice, the Board is not permitted to hear Ms. Stewart's testimony.

Ms. Kelly Sari, city of Pompano Beach resident, previously sworn, confirmed that her testimony was given at the 1994 public hearing relating to the subject issue.

In response, Mr. Copelan noted the Board's review of the Hearing Examiner's transcript for the public hearing in question.

Ms. Sari mentioned her absence at the time of the public hearing; addressed her telephone conversation with staff who requested that she sign-up to speak at this afternoon's Quasi-Judicial proceedings, and relayed staff's response that it would be in order to appear, sign-up and speak before the Board.

The Chair expressed concerns on the Quasi-Judicial process as she would have liked to have heard testimonies from Mses. Stewart and Sari; mentioned her intent to inform the county commission's receptionist ascertain whether the callers, intending to speak at Quasi-Judicial public hearings, testified before an Hearing Examiner; requested that the County Attorney's Office prepare a ruling for staff answering the telephone, dealing with issues before the Board, informing the public as to whether or not they can speak at a Quasi-Judicial public hearing; voiced further concerns on the public's time spent to appear before the Board and not being able to be heard; apologized to the witnesses present at this afternoon's meeting, and explained why the Board cannot forsake the existing law.

Commissioner Hart reiterated the Citizen Access to Public Officials Committee Substitute/House Bill 5, which would change the Quasi-Judicial proceedings by granting the public more rights to participate; mentioned said bill currently proceeding through the legislature; recognized the difficulty placed on elected officials, and requested that the public contact their State Representatives and Senators asking for strong support to enact the subject bill.

Commissioner Thompson, requested that Ms. Sari directly speak to his Administrative Assistant who will provide the names of the people to contact.

The Chair noted the letters dated March 24, 1995 from Ms. Lillian C. Larson, city of Pompano Beach resident, and Mr. R. D. Hessing, Pompano Beach Highlands, Lighthouse Point, citing reasons why the Board should vote against the proposed zoning change. (The letters in question were submitted for the record and filed with the supplemental papers to the minutes of this meeting.)

In response to Commissioner Thompson's question, Mr. Schubert explained what the R-1B designation would allow; relayed staff's previous advice at a zoning hearing explaining why the owner may not be granted a permit to build single family homes on the subject property as it is not serviced by water or sewer, and mentioned the B-3 designation as the only access to the property.

(Commissioner Cowan returned to the meeting room during the following discussion.)

Answering Commissioner Thompson's inquiry, Mr. Groves explained that the petitioner is allowed to build single family homes on the subject property; however, he mentioned the difficulty for the petitioner to obtain a development permit due to the compact deferral area. Following up Commissioner Thompson's remarks with respect to the petitioner's expense to provide water and sewer, Mr. Groves explained that the petitioner would need to plat the property in order to meet the requirements which is questionable.

After considerable discussion, the Chair rejected Mr. Groves's request to submit Ms. Sari's written statement as new evidence.

Mr. Copelan advised that if Mr. Groves is alleging that the statement is based on newly discovered relevant evidence which was unknown by staff at the time it was issued in front of the Hearing Examiner, it could be offered at this time.

Mr. Groves confirmed that the evidence in question was not known by him at the time of the Hearing Examiner and he would not have used it in his recommendation to which the Chair questioned his reasons in proffering same.

A motion was made by Commissioner Poitier and seconded by Commissioner Hart that the Board deny the Hearing Officer's findings recommending approval of Petition 13-Z-94 as the petitioner's application for rezoning from the current R-1B, Zoning District classification to the R-1P, Zoning District classification **does not meet** the requirements of applicable state law including Chapter 163 of the Florida Statutes; the requested zoning **is not consistent** with the Broward County Comprehensive Plan and Land Use map, and it **does not meet** the applicable criteria set forth in the Broward County Zoning Code.

Whereupon the Chair called for a roll call vote with members voting as follows:

Commissioner Cowan	No
Commissioner Hart	Yes
Commissioner Poitier	Yes
Commissioner Rodstrom	Yes
Commissioner Thompson	Yes
Commissioner Gunzburger	Yes

The Chair declared the motion carried.

At Mr. Copelan's request, Commissioner Poitier explained her findings, after reviewing page 7, Section 29 of the Recommended Order, on the intent to preserve areas designated or used for recreational purposes under the Special Recreational District - Open Space (S-2) zoning, adjacent to the south of the subject property; believed the petitioner will not sell or surrender the property; felt the Hearing Examiner has no general knowledge of the subject area; disagreed with the statements she quoted on page 6, Section 23 of the Recommended Order regarding the consistency of the testimony on the proposed rezoning petition, and considered the rezoning request not to be based on facts.

ORDINANCE - REZONING PETITION 14-Z-94 - WITHDRAWN (4)

It now being the time advertised to hold a public hearing to consider the enactment of an ordinance, the substance of which is as follows, changing the zoning district of certain lands within the unincorporated area of Broward County, Florida (Rezoning Petition 14-Z-94); the Chair called for interested parties to be heard:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTION 32, TOWNSHIP 50 SOUTH, RANGE 40 EAST; FROM E-1, ESTATE DISTRICT TO A-2, GENERAL AGRICULTURAL DISTRICT; PROVIDING FOR AMENDMENT OF THE ZONING DISTRICT MAPS; PROVIDING FOR THE REPEAL OF ALL REZONING ORDINANCES AND ZONING RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING THAT THIS REZONING SHALL NOT BE CONSTRUED TO CREATE A RIGHT TO DEVELOPMENT THAT FAILS TO MEET THE REQUIREMENTS OF OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

As suggested by Mr. Roy Groves, Code and Zoning Enforcement Division, and on motion of Commissioner Cowan, seconded by Commissioner Poitier and unanimously carried, the Board withdrew from this afternoon's agenda, its action to enact the ordinance, as previously cited, at the petitioner's request.

QUASI-JUDICIAL PUBLIC HEARING - ORDINANCE - REZONING PETITION 1-Z-95 - CONTINUED (5)

It now being the time advertised to hold a public hearing to consider the enactment of an ordinance, the substance of which is as follows, changing the zoning district of certain lands within the unincorporated area of Broward County, Florida, subject to dedication of road right-of-way (Rezoning Petition 1-Z-95).

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTION 7, TOWNSHIP 48 SOUTH, RANGE 43 EAST; FROM R-1B, ONE-FAMILY DWELLING DISTRICT TO R-1P, ONE-FAMILY DWELLING-PARKING DISTRICT; PROVIDING FOR AMENDMENT OF THE ZONING DISTRICT MAPS; PROVIDING FOR THE REPEAL OF ALL REZONING ORDINANCES AND ZONING RESOLUTIONS IN CONFLICT HERewith; PROVIDING THAT THIS REZONING SHALL NOT BE CONSTRUED TO CREATE A RIGHT TO DEVELOPMENT THAT FAILS TO MEET THE REQUIREMENTS OF OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

(Commissioner Rodstrom left the meeting room during the following testimony.)

Mr. Roy Groves, Code and Zoning Enforcement Division, described the rezoning request and location of the Pompano Honda Company, the petitioner; gave reasons why staff recommended denial as the General Business (B-3) designation is an intrusion of commercial into the residential neighborhood; noted the petitioner's request to use the subject proposed rezoning as employee parking, and conveyed the Hearing Examiner's recommendation to grant an R-1P designation.

After discussion, Mr. Robert Roth, representing the petitioner, mentioned the petitioner's amended request from B-3 to R-1P designation; noted the intent to dedicate 15' on the north of the subject parcel for roadway, and outlined the safety features created under the R-1P designation.

After considerable discussion, Commissioner Hart referred to the objections received from the Deerfield Pines Association Inc. residents addressing the B-3 designation and outlining concerns about traffic and unloading of large car carriers in the subject area.

In response to Commissioner Hart's comments, Mr. Roth noted the majority of complaints received about King Toyota. He mentioned Pompano Honda's intent to relocate its employee parking to the open space at the proposed location and not, if physically possible, use it as an unloading site due to zoning restrictions.

Mr. Roth identified, in answering a question posed by the Chair, single family homes almost surrounding the subject property; noted the signed petitions based on the B-3 designation, and mentioned the homeowners' misconception of information they received on a proposed body shop for subject location.

The Chair discussed the original filing of the petitioner's rezoning request to a B-3 District and the subsequent amendment at the beginning of the public hearing to an R-1P designation. She questioned the desires of the public to possibly participate at this afternoon's proceedings; noted their absence at the previous public hearing as they thought the subject issue was unrelated, and questioned the impact it would create to the Quasi-Judicial proceedings.

Mr. Copelan noted the past procedure to allow a petitioner to request reduction on the zoning designation after the notice of public hearing.

After discussion, Ms. Jeanne Stewart, city of Pompano Beach resident, who was previously sworn and originally appeared at the public hearing addressing the subject issue, gave reasons why she objects to the rezoning request; asked to share photographs of the subject location refuting that the homes are inferior, and expressed concerns on additional traffic travelling in the area.

The following residents who were previously sworn and originally appeared at the public hearing addressing the subject issue, expressed concerns on the rezoning request:

Ms. Grace Medvecky, city of Deerfield Beach resident, objects to permitting parked vehicles in the subject area; Messrs. Gerald R. Ferguson, city of Deerfield Beach's Planning director, mentioned his recent observance of an empty hauler parked on the north side of the swale on Southeast 15 Street and expressed concerns on approving anything which would allow increased activity; Ken Miller, Pompano Beach Highlands Civic Improvements Association, voiced concerns on why a letter given to the Hearing Examiner who read same into the minutes of the past meeting was not included in the supplemental papers, and Dale Dekate, Pompano Beach Highland Neighborhood Watch, disagreed that the value of residential properties adjoining the proposed parking would increase in value, mentioned the possible increased traffic due to the proposed employee parking, noted the drainage problems will not be improved, commented that the proposed parking garage will not prevent trucks from parking in the subject location, and requested that laws be changed to prevent the trucks from unloading in the swale area.

The following people, who were previously sworn and who originally appeared at the public hearing addressing the subject issue, testified citing their respective reasons in support of the rezoning request:

Messrs. Grady Gannet, developer/real estate broker, who mentioned the letters supporting the rezoning request which he received from two out of three property owners who abut the subject property, and Neil Avratin, Pompano Honda Company.

After Mr. Roth objected to Mr. Ferguson's testimony based on his recent observance of the area which he believes is new information and not part of the record, he confirmed that he stood corrected when the Chair determined that new information is part of the Quasi-Judicial process.

In answering a question posed by the Chair, Mr. David Fee, Assistant County Attorney, explained that the Hearing Examiner took all evidence at the previous public hearing. Mr. Fee stated that if the Hearing Examiner chose not to include the letter for the supplemental it is beyond Broward County's control.

After discussion, the Chair permitted the county commission to view Ms. Stewart's photographs which were taken after the public hearing. (Copies of these photographs were submitted for the record and filed with the supplemental papers to the minutes of this meeting.)

Commissioner Thompson expressed concerns on the problem faced with trailers in the subject area and questioned whether there is an ability to close the street in this regard.

The Chair disallowed Mr. Dukate's earlier question -- on payments of taxes due to parking in the subject area -- to be part of the Board's decision-making process

Mr. Roth mentioned the petitioner's intent to include employees' use only in the deed restriction and limit the parking spaces in said location.

After some discussion and in response to Commissioner Thompson's question with respect to the legalities of using Right- Of-Way (ROW) for commercial purposes, Mr. Groves recognized the automobile dealers' trucks using swales and ROWs to unload vehicles which is a difficult enforcement problem.

County Administrator B. Jack Osterholt referred to one of the photographs showing the type of truck and how vehicles are being unloaded and addressed staff's intent to analyze same.

Mr. Groves explained why it is a problem for the Broward Sheriff's Office (BSO) to enforce the unloading activities taking place as it is carried out on a public ROW. He explained, in response to Commissioner Thompson's questions, why BSO cannot prevent the loaders from using the ROW; however, there is a law against it.

After discussion, Commissioner Cowan gave reasons why he intends to support the Hearing Examiner's recommendations on the subject petitioner's request and the previous Public Hearing items and suggested reasons why the Board ought to consider rezoning requests for residential properties to another designation as opposed to having the Hearing Examiner hearing same in order to build a better case.

A motion was made by Commissioner Cowan that the Board file proof of publications, consider the criteria set forth in Section 2.01(a) of the ordinance as previously cited, approve the Hearing Officer's recommendation, and enact the rezoning ordinance as provided by law.

This motion died for lack of a second.

The Chair stated why she disagreed with Commissioner Cowan's support of the subject issue; mentioned that the petitioner, with respect to their "good neighbor policy", does not constantly unload trucks in an residential area, they hold meetings with the residents to address their concerns; voiced further concerns on the three single family residences being eliminated as they abut the subject property, and believed a precedent is established by changing the use from residential to commercial which is an intrusion to the subject neighborhood.

After discussion, a motion was made by Commissioner Poitier and seconded by Commissioner Gunzburger that the Board modify the Hearing Officer's Findings and Fact and Conclusions of Law recommending approval of Petition 1-Z-95 as the petitioner's application for rezoning from the current R-1B, Zoning District classification to the R-1P, Zoning District classification **does not meet** the requirements of applicable state law including Chapter 163 of the Florida Statutes; the requested zoning **is not consistent** with the Broward County Comprehensive Plan and Land Use map, and it **does not meet** the applicable criteria set forth in the Broward County Zoning Code.

Commissioner Cowan mentioned that he does disagree with the Board on the subject issue as he would have preferred to vote to reject the motion; suggested why the Board should not mislead the public in upholding its decision of denial on the petitioner's request, and addressed the question of whether the petitioner is a "good neighbor" is tantamount to someone found guilty of a particular issue which should not be considered by the Board.

After some discussion, Commissioner Hart considered the Board ought to be hearing the initial rezoning requests as opposed to the Hearing Examiner's and commended Mr. Copelan for his efforts with respect to the Quasi-Judicial process.

The Chair called for a roll call vote with members voting as follows:

Commissioner Cowan No

Commissioner Hart	No
Commissioner Poitier	Yes
Commissioner Thompson	Yes
Commissioner Gunzburger	Yes

The Chair declared the motion not carried as an affirmative county commission vote in the majority is required to approve the subject rezoning petition.

After discussion and upon the Chair's suggestion, the Board, by unanimous consent, laid the subject item on the table.

Later in the meeting, the Chair conveyed Commissioner Rodstrom's reasons why it would be improper for him to vote on the subject item as he did not hear any of the discussions.

A motion was made by Commissioner Cowan and seconded by Commissioner Hart that the Board continue this item to the April 11, 1995 2 p.m. public hearing.

After discussion, Mr. Copelan concurred in the affirmative to Commissioner Cowan's request that the testimonies outlined at this afternoon's meeting on the subject item can be prepared in

transcript form prior to the April 11, 1995 meeting. He confirmed that it would be legal for Commissioners Rodstrom and Lori Nance Parrish to receive the transcript.

In response to Mr. Ferguson's question, Mr. Copelan explained that the Board would not be holding a de novo hearing as the review on the subject record will continue. Mr. Copelan stated that the absent commissioners would have the opportunity to examine what was presented in this afternoon's proceedings, at which point, the Board would go through the Quasi-Judicial process again. He confirmed that the public present at this afternoon's public hearing will not resubmit their testimony; however, they may do so on newly discovered evidence.

The Chair called for a vote on the motion and declared it carried unanimously.

QUASI-JUDICIAL PUBLIC HEARING - ORDINANCE 95-2Z - REZONING PETITION 2-Z-95 (6)

It now being the time advertised to hold a public hearing to consider the enactment of Ordinance 95-2Z, the substance of which is as follows, changing the zoning district of certain lands within the unincorporated area of Broward County, Florida (Rezoning Petition 2-Z-95); the Chair called for interested parties to be heard:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTION 17, TOWNSHIP 49 SOUTH, RANGE 42 EAST; FROM OP, OFFICE PARK DISTRICT TO I-1, INSTITUTIONAL-EDUCATIONAL DISTRICT; PROVIDING FOR AMENDMENT OF THE ZONING DISTRICT MAPS; PROVIDING FOR THE REPEAL OF ALL REZONING ORDINANCES AND ZONING RESOLUTIONS IN CONFLICT HERewith; PROVIDING THAT THIS REZONING SHALL NOT BE CONSTRUED TO CREATE A RIGHT TO DEVELOPMENT THAT FAILS TO MEET THE REQUIREMENTS OF OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

Mr. Roy Groves, Code and Zoning Enforcement Division, reviewed the rezoning request from Glendale Federal Bank, the petitioner; conveyed the recommendation of approval from staff and the Hearing Examiner, and acknowledged the presence of Ms. Barbara Hall, attorney representing the petitioner.

On motion of Commissioner Hart, seconded by Commissioner Cowan and unanimously carried, the Board filed proof of publications, considered the criteria set forth in Section 2.01(a) of the ordinance, approved the Hearing Officer's recommendation, and enacted rezoning Ordinance 95-2Z as provided by law.

(Commissioner Rodstrom returned to the meeting room and Commissioner Cowan left the meeting room during the following item.)

PUBLIC HEARING - AMEND EXISTING DECLARATION OF RESTRICTIVE COVENANTS (7)

It now being the time advertised to hold a public hearing to consider the amendment of the existing Declaration of Restrictive Covenants, the Chair called for interested parties to be heard.

Mr. Roy Groves, Code and Zoning Enforcement Division, reviewed the subject request and conveyed the agreement of staff and the Zoning Official with the proposed amendment.

There being no comments from the public and by unanimous consent, the Chair closed the public hearing.

On motion of Commissioner Hart, seconded by Commissioner Thompson and unanimously carried, the Board approved the amendment of the existing Declaration of Restrictive Covenants.

(Commissioner Cowan returned to the meeting room during the following item.)

COUNTY COMMISSION - TRUCK UNLOADING ENFORCEMENT PROCEDURES (8) Commissioner Thompson requested that the County Administrator, in conjunction with the Transportation Planning Division and Code and Zoning Enforcement Division, establish enforcement procedures with respect to trucks unloading on side streets.

County Administrator B. Jack Osterholt confirmed that he will deal with the request.

COUNTY COMMISSION - ARTICLE V COSTS (9)

Commissioner Hart advised that he will be attending a press conference in Tallahassee on March 29, 1995, that Senator Ron Silver, Dade County, is holding to request a constitutional amendment for full funding of Article V costs.

COUNTY COMMISSION - OWNER-INITIATED SITE-SPECIFIC REZONINGS (10) At

Commissioner Cowan's request and by unanimous consent, the Board directed the County Attorney's Office to amend the County Zoning Code of Ordinances, Adding Article LXXXIV, Establishing a Hearing Examiner for Owner-Initiated Site-Specific Rezoning, that quasi-judicial proceedings regarding rezoning requests of residential districts to something other than a residential classification be heard by the Board of County Commissioners.

There being no further business to come before the Board at this time, and on motion made, seconded and unanimously carried, the meeting adjourned at 4:55 p.m.

This meeting was recorded on cassette 95-34 A & B.