

December 5, 2006

Meeting 10:00 a.m.

COMMISSION MINUTES

MEETING OF DECEMBER 5, 2006

(The meeting convened at 10:00 a.m.; recessed at 12:14 p.m.; reconvened at 3:30 p.m.; recessed at 3:32 p.m.; reconvened at 4:21 p.m. and adjourned at 4:23 p.m.)

PLEDGE OF ALLEGIANCE was led by Michael Rajner, National Secretary, Campaign to End AIDS.

CALL TO ORDER

MOMENT OF SILENCE

In memory of all of those who have passed away from AIDS.

In memory of Frank Veltri, former Mayor of the City of Plantation.

In memory of Michael DeBourg, who was a partner, along with his wife Judith, in NAPM Enterprises.

CONSENT AGENDA

BOARD APPOINTMENTS

1. A. MOTION TO REAPPOINT members to Broward County Boards. (Commissioner Gunzburger)

ACTION: (T-10:24 AM) Approved.

B. MOTION TO APPROVE appointment of Vice Mayor William "Bill" Julian to the Planning Council. (Commissioner Gunzburger)

ACTION: (T-10:24 AM) Approved.

C. MOTION TO REAPPOINT Commission District 8 board appointments to County advisory boards, authorities, agencies, and committees.

ACTION: (T-10:24 AM) Approved.

D. MOTION TO REAPPOINT Mr. Anthony Abbate to the Broward Cultural Council as a District 8 appointment.

ACTION: (T-10:24 AM) Approved.

AVIATION DEPARTMENT

2. MOTION TO APPROVE first amendment to the Revocable License Agreement between Broward County, Florida and Fort Lauderdale Antique Car Museum, Inc. for the use of space in the baggage claim area of Terminal 1 at the Fort Lauderdale-Hollywood International Airport for the display of an antique automobile, effective upon Board approval for an additional 18 months, with a 15-day written notice of termination by either party; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:24 AM) Approved.

PUBLIC WORKS AND TRANSPORTATION DEPARTMENT

CONSTRUCTION MANAGEMENT DIVISION

3. MOTION TO ADOPT budget Resolution 2006-853 transferring within the General Capital Outlay Fund (3010) the amount of \$191,524 from the General Capital Outlay Fund, for the North Lauderdale Branch Library. **(Commission Districts 1 and 9)**

ACTION: (T-10:24 AM) Approved.

WATER AND WASTEWATER SERVICES

FISCAL OPERATIONS DIVISION

4. MOTION TO APPROVE Settlement Agreement between Broward County and Carileen J. Cooper f/k/a Juanita Thomas, providing for payment to Broward County by Ms. Cooper in the amount of \$11,499.17, plus interest, as full and complete payment of utility bill arrearages for water and sanitary sewage charges; and authorize the Mayor and Clerk to execute same. **(Commission District 9)**

ACTION: (T-10:24 AM) Approved.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

HUMAN RESOURCES DIVISION

5. A. MOTION TO APPROVE Second Renewal Agreement between Broward County and Av-Med for the provision of Open Access Health Maintenance Organization (HMO) and Consumer Driven Health (CDH) plan insurance coverage for Broward County employees, with two remaining one-year renewals, RLI No. 20040315-OPEB-02, for the Human Resources Division, and authorize the Mayor and Clerk to execute same. The second renewal contract period will be effective January 1, 2007, and will terminate on December 31, 2007.

ACTION: (T-10:24 AM) Approved.

B. MOTION TO APPROVE Second Renewal Agreement between Broward County and Vista Health Plan, Inc. for the provision of Open Access Health Maintenance Organization (HMO) and Consumer Driven Health (CDH) plan insurance coverage for Broward County employees, with two remaining one-year renewals, RLI No. 20040315-OPEB-02, for the Human Resources Division, and authorize the Mayor and Clerk to execute same. The second renewal contract period will be effective January 1, 2007, and will terminate on December 31, 2007.

ACTION: (T-10:24 AM) Approved.

6. A. MOTION TO APPROVE Agreement between Broward County and Comp Benefits for the provision of a Dental Health Maintenance Organization (DHMO) group dental insurance plan for Broward County employees, with two one-year renewals, RLI No. 20060403-0-HRB-2RE, for the Human Resources Division, and authorize the Mayor and Clerk to execute same. The initial contract period will be effective January 1, 2007, and will terminate on December 31, 2009.

ACTION: (T-10:24 AM) Approved.

B. MOTION TO APPROVE Agreement between Broward County and Standard Insurance Company for the provision of a Scheduled (Point of Service) and a Preferred Provider Organization (PPO) group dental insurance plan for Broward County employees, with two one-year renewals, RLI No. 20060403-0-HRB-2RE, for the Human Resources Division, and authorize the Mayor and Clerk to execute same. The initial contract period will be effective January 1, 2007, and will terminate on December 31, 2009.

ACTION: (T-10:24 AM) Approved.

7. MOTION TO APPROVE two-year Collective Bargaining Agreement between Broward County and the Federation of Public Employees representing Port Everglades' Maintenance Bargaining Unit for the Fiscal Years 2006/2007 and 2007/2008; and authorize the Mayor to execute the agreement.

ACTION: (T-10:24 AM) Approved.

8. MOTION TO APPROVE extension of the agreement between Broward County and ARAG Insurance Company, for an additional six months, for Group Legal Insurance in the estimated six month amount of \$100,000 for the Human Resources Division; and authorize the Mayor and Clerk to execute same. The contract shall begin on January 1, 2007 and will terminate six months from that date on June 30, 2007.

ACTION: (T-10:24 AM) Approved.

9. MOTION TO APPROVE extension of the agreement between Broward County and Standard Insurance Company, for an additional three months, for Group Life Insurance and Group Long Term Disability Insurance, in the estimated three-month amount of \$700,000 for the Human Resources Division; and authorize the Mayor and Clerk to execute same. The contract shall begin on January 1, 2007 and will terminate three months from that date on March 31, 2007.

ACTION: (T-10:24 AM) Approved.

10. A. MOTION TO APPROVE proposed Fiscal Year 2006-2007 new job classifications, title changes, Board level reclassifications and pay range reallocations effective October 1, 2006, as reflected in Exhibit 1.

ACTION: (T-10:30 AM) Approved, as amended. The Board requested staff provide an analysis showing what other counties do for salaries and benefits, how they are similar, what benefits analysis was done, what key elements are part of the job description other than salary, and a standardization being looked into, with an explanation needed for going outside the standard. Additionally, the figures for the Airport Information Specialist in the survey information shall be corrected to \$41,621.31. (Refer to minutes for full discussion.)

B. MOTION TO APPROVE amendment to the Automobile Allowance policy to include the title of Assistant County Administrator.

ACTION: (T-10:30 AM) Approved, with the Automobile Allowance Policy being looked into in the future, to see what other counties in the state and nation are doing. (Refer to minutes for full discussion.)

OFFICE OF INFORMATION TECHNOLOGY

11. MOTION TO ADOPT Resolution 2006-854 of the Board of County Commissioners of Broward County, Florida, renewing the term of the cable television rights-of-way license and transferring the license to Comcast of Florida/Washington, LLC, to operate and maintain cable television system facilities in the public rights-of-way in Broward County for a time period certain; providing for severability; and providing for an effective date. **(Commission District 2)**

ACTION: (T-10:24 AM) Approved.

PURCHASING DIVISION

For Community Services Department

12. MOTION TO APPROVE sole source, sole brand standardization of Merial Limited Raboral V-RG (Vaccinia-Rabies Glycoprotein) Oral Rabies Vaccine (ORV) Bait for Raccoons for the Animal Care and Regulation Division.

ACTION: (T-10:24 AM) Approved.

For Port Everglades Department

13. MOTION TO APPROVE sole source, sole brand standardization of Klein Systems Group, Ltd. for Klein Port Management Information System software, Harbor Master System, licensed application software products, associated professional services and maintenance support including new releases, upgrades and integrated third party application software products for the Port Everglades Department.

ACTION: (T-10:24 AM) Withdrawn for further staff review.

For Public Works and Transportation Department

14. MOTION TO APPROVE release of retainage and final payment in the amount of \$2,000 to Ebsary Foundation Company, Inc., for repair/replace mooring bollards at Berth 28, Port Everglades, Bid No. T-7-04-148-CF. (Project No. 651028)

ACTION: (T-10:24 AM) Approved.

15. MOTION TO AWARD fixed contract to low bidder, Lanzo Construction Company, Inc., for construction of North County Neighborhood Improvement Project, Bid Package No. 8, WWS Project No. 1152/8269, Bid No. H-8-06-294-CAF, in the amount of \$16,678,266.90, for Water and Wastewater Services subject to receipt and acceptance of insurance/performance and payment guarantee; and authorize the Mayor and Clerk to execute same. **(Commission District 2)**

ACTION: (T-10:24 AM) Approved.

16. MOTION TO APPROVE release of retainage and final payment in the amount of \$9,999.98, to Ric-Man International, Inc. for North Central County Neighborhood Improvement Project, Bid Package 1, Contract No. T403104CF (WWS 1153-1). **(Commission District 9)**

ACTION: (T-10:24 AM) Approved.

RISK MANAGEMENT DIVISION

17. MOTION TO APPROVE full and final settlement of claim 043001 in the amount of \$40,000.

ACTION: (T-10:24 AM) Approved.

18. MOTION TO APPROVE full and final settlement of claim 0503050403 in the amount of \$75,000.

ACTION: (T-10:24 AM) Approved.

HUMAN SERVICES DEPARTMENT

CHILDREN'S SERVICES ADMINISTRATION DIVISION

19. MOTION TO POST APPROVE agreement between Broward County and Florida Healthy Kids Corporation from October 1, 2006 to September 30, 2007, in the amount of \$349,887 for the purpose of purchasing comprehensive health insurance coverage for eligible school age children, and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:24 AM) Withdrawn for further staff review.

20. MOTION TO POST APPROVE first amendment to the agreement between Broward County and Prison Health Services, Inc. from October 1, 2006 through September 30, 2007, for the purpose of increasing the funding by \$2,820.00 to \$220,534.27, to comply with new specialized training requirements required for State Certification and to modify insurance requirements. All other terms and conditions of the original agreement remain the same. Funding for this amendment has been allocated in the Fiscal Year 2006-2007 budget process, and is available in the Children's Services Administration Division, Sexual Assault Treatment Center general fund.

ACTION: (T-10:24 AM) Approved.

FAMILY SUCCESS ADMINISTRATION DIVISION

21. MOTION TO POST APPROVE Agreement 07-FSAD-8264-2 between Broward County and the Broward County Housing Authority (BCHA) in the amount of \$284,000 from October 1, 2006 through September 30, 2007, for the purpose of providing a Tenant-Based Rental Assistance Program for a minimum of 20 previously homeless individuals and families of Broward County, and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:24 AM) Approved.

COMMUNITY SERVICES DEPARTMENT

MASS TRANSIT DIVISION

22. MOTION TO ADOPT Resolution 2006-855 of the Board of County Commissioners of Broward County, Florida, authorizing the Mayor to execute and file Supplement One to the Lump Sum Locally Funded Agreement (LFA) between the Florida Department of Transportation (FDOT) and Broward County for Consumer Information Network Operations and Customer Care Costs; increasing the total contract amount by \$118,315.38 (from \$748,323.51 to \$866,638.89), to fund additional project services and hardware for Broward County Transit's year two costs associated with the implementation of the regional Consumer Information Network (CIN); which provides commuters in Miami-Dade, Broward, and Palm Beach counties with regional trip planning information.

ACTION: (T-10:24 AM) Approved.

23. MOTION TO APPROVE second amendment to agreement between Broward County and Lamar Advertising Company (Lamar) for Transit Bus Advertising Program, extending the term of the existing

agreement for a one-year renewal period from January 1, 2007 to December 31, 2007; providing for a total annual minimum guarantee of \$925,000 (\$700,000 cash; \$225,000- media bank); and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:24 AM) Deferred to December 12, 2006, at the request of Commissioner Rodstrom.

24.

MOTION TO APPROVE extension of time for the completion of project services set forth in the Service Development Joint Participation Agreement (JPA) between the Florida Department of Transportation (FDOT) and Broward County, Financial Project No. 413740-1-94-1, from December 31, 2006, to June 30, 2007, with no change to the grant amount, to provide for costs associated with the "Community Bus Marketing" program; authorize the County Mass Transit Division Director to sign any further time extensions; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:24 AM) Approved, including the recommendations made by the County Auditor, as cited in his memorandum dated December 4, 2006.

25. **MOTION TO APPROVE** extension of time for the completion of project services set forth in the County Incentive Grant Program Agreement (CIGPA) between the Florida Department of Transportation (FDOT) and Broward County, Financial Project No. 410369-1-54-01, from December 31, 2006, to June 30, 2007, with no changes to the grant amount, to provide for costs associated with transit corridor improvements along U.S. 441/State Road 7 (441/SR7); authorize the County Mass Transit Division Director to sign any further time extensions; and authorize the Mayor and Clerk to execute same. **(Commission Districts 1, 7, and 9)**

ACTION: (T-10:24 AM) Approved, including the recommendations made by the County Auditor, as cited in his memorandum dated December 4, 2006.

PARKS AND RECREATION DIVISION

26. **MOTION TO APPROVE** agreement between Broward County and URS Corporation Southern (RLI No. 20051019-8-PA-01), for planning services for Everglades Holiday Park Master Plan for the Parks and Recreation Division, providing lump sum compensation in the amount of \$142,369.06, for basic services and a maximum not-to-exceed amount of \$7,630.94, for reimbursables; commencing upon execution by all parties, and authorizing the Mayor and Clerk to execute same. **(Commission District 8)**

ACTION: (T-10:46 AM) Approved, as amended, with a representative from the Executive Committee of Vision Broward being included in discussions and outreach. (Scrivener's error – See County Administrator's report: Assigned project Goals 20% (African American 7%, Hispanic 6%, Women 7%) the vender has committed to a goal of 26% (African American 7%, Hispanic 12%, Women 7%). (Refer to minutes for full discussion.)

ENVIRONMENTAL PROTECTION DEPARTMENT

BIOLOGICAL RESOURCES DIVISION

27. **MOTION TO ACCEPT** Deed of Conservation Easement and agreement from City of Tamarac for creation and enhancement of wetlands comprising 1.4853 acres of real property located on-site in a portion of Tract 1 of "Tamarac Utilities Administration Plat" in the Southeast quarter of Section 7, Township 49 South, Range 41 East, between Hiatus Road and Nob Hill Road, in the City of Tamarac. **(Commission District 3)**

ACTION: (T-10:24 AM) Approved.

28. **MOTION TO APPROVE** agreement among Broward County, City of Fort Lauderdale and Joseph Mondelli to allow for completion of wetland mitigation on Conservation Land Site 121 within Mills Pond

Park located west of Powerline Road at the NW 2200 Block in the City of Fort Lauderdale; and authorize the Mayor and Clerk to execute same. **(Commission Districts 1 and 9)**

ACTION: (T-10:24 AM) Approved.

29. A. MOTION TO ACCEPT Joint Deed of Conservation Easement and agreement from Pines Lake Water Management Association, Inc., for enhancement of wetlands comprising 9.765 acres of real property located directly south of Pines Boulevard between Hiatus Road and Palm Avenue, Section 18, Township 51S, Range 41E, in the City of Pembroke Pines. **(Commission District 6)**

ACTION: (T-10:24 AM) Approved.

B. MOTION TO ACCEPT Joint Deed of Conservation Easement and Agreement from SunTrust Bank as Trustee of the Pembroke Pines Land Trust Florida and the City of Pembroke Pines, for enhancement of wetlands comprising 24.297 acres of real property located directly south of Pines Boulevard between Hiatus Road and Palm Avenue, Section 18, Township 51S, Range 41E, in the City of Pembroke Pines. **(Commission District 6)**

ACTION: (T-10:24 AM) Approved.

EMERGENCY MANAGEMENT AGENCY

30. A. MOTION TO APPROVE grant agreement between Broward County and the City of Miramar to participate in the 2006 Fort Lauderdale Urban Area Security Initiative (UASI) from the U.S. Department of Homeland Security (DHS) effective execution through January 31, 2008, or until all Fiscal Year 2006 grant funding requirements have been satisfied; and authorize the Mayor and County Administrator to execute same.

ACTION: (T-10:52 AM) Approved. The Board directed that the subject matter of the upcoming 2007 Urban Area Security Initiative (UASI) be added as an additional item to Broward County's legislative package, emphasizing that Fort Lauderdale be considered as the lead city and that funding for Miami Gardens be funded through Miami-Dade County, unless Miami-Dade County agrees to pool their funds for the region. (Refer to minutes for full discussion.)

B. MOTION TO APPROVE standard agreement form for sub grantees of the Broward County UASI agreement for the Fort Lauderdale UASI, and authorize the County Administrator to execute same and take all necessary administrative actions to implement agreements.

ACTION: (T-10:52 AM) Approved.

C. MOTION TO ADOPT unanticipated revenue Resolution 2006-856 within the Grant Fund for Broward Emergency Management Agency in the amount of \$698,600 for the purpose of implementation of homeland security projects funded through the Fort Lauderdale UASI Grant Program.

ACTION: (T-10:52 AM) Approved.

D. MOTION TO ADOPT unanticipated revenue Resolution 2006-857 within the Grant Fund for the Broward Sheriff's Office in the amount of \$698,600 for the purpose of implementation of homeland security projects funded through the Fort Lauderdale UASI Grant Program.

ACTION: (T-10:52 AM) Approved.

31. MOTION TO APPROVE modification to a hazard mitigation grant agreement between Broward County and the State of Florida Department of Community Affairs for the purpose of reinstating and extending the agreement to February 28, 2007; authorize the Mayor to execute the same; and authorize the County Administrator to take all necessary administrative actions to implement the modification to the agreement.

ACTION: (T-10:24 AM) Approved.

32. MOTION TO DESIGNATE the Director of the Broward County Sheriffs Office Communication Technology Division as the 9-1-1 Coordinator for Broward County; notify the State of Florida, Department of Management Services of the designation; and authorize the Mayor to sign and forward letter of such designation.

ACTION: (T-10:24 AM) Approved.

PORT EVERGLADES DEPARTMENT

33. MOTION TO APPROVE Lease Agreement between Broward County and Bureau Veritas Marine Inc., for Suite No. 201, consisting of 2,927 square feet of office space, in the Port Administration Building at Port Everglades, for the period of February 1, 2007 through January 31, 2008, with rent in an annual amount of \$67,360.08; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:24 AM) Approved.

DEPARTMENT OF URBAN PLANNING AND REDEVELOPMENT

HOUSING AND COMMUNITY DEVELOPMENT DIVISION

34. MOTION TO APPROVE Allonge (amendment) to a 20 year Promissory Note with Sanctuary Cove Associates, Ltd., in the amount of \$350,000; providing Home Investment Partnerships Program (HOME) funding for Sanctuary Cove Apartments, a 292 unit affordable housing development located at 5301 West McNab Road, North Lauderdale, FL, 33068; amending the Promissory Note to modify it from a recourse loan to a non-recourse loan. **(Commission District 9)**

ACTION: (T-10:30 AM) Approved.

OFFICE OF MANAGEMENT AND BUDGET

35. MOTION TO ADOPT unanticipated revenue Resolution 2006-858 within the Law Enforcement Trust Fund in the amount of \$5,000 to provide funding for the Florida Youth Athletic Association (FLYAA).

ACTION: (T-10:24 AM) Approved.

OFFICE OF ECONOMIC DEVELOPMENT

36. MOTION TO ACCEPT Broward Alliance Fiscal Year 2006 quarterly performance report for the period July 1, 2006 through September 30, 2006 pursuant to the agreement between Broward County and the Broward Alliance.

ACTION: (T-10:24 AM) Approved, as corrected. (Scrivener's error – See County Administrator's report: Broward Alliance achieved 366% of the Global Business Development goal, not 79% as stated.)

COUNTY ATTORNEY

37. MOTION TO APPROVE settlement in the amount of \$30,000, including costs and attorney's fees, in the case of Junette Harris-Cancia vs. Broward County Board of County Commissioners, Case No.: 05-15305 (02).

ACTION: (T-10:24 AM) Approved.

OFFICE OF PUBLIC AND GOVERNMENTAL RELATIONS

38. MOTION TO APPROVE proposed Broward County Board of County Commissioners 2007 State Legislative Program.

ACTION: (T-10:24 AM) Approved.

COUNTY ADMINISTRATION

39. MOTION TO DIRECT staff to pay membership dues from non-departmental fund. These memberships are budgeted and normally would have been paid; however the Board of County Commissioners at the September Workshop requested a review of these memberships, thus today's agenda item.

ACTION: (T-11:08 AM) Approved, as amended, with the deletion of the National League of Cities membership. Additionally, staff is directed to look into having Broward County become a voting member of Tax Watch. (Refer to minutes for full discussion.)

40. MOTION TO APPROVE Broward County Board of Commissioners meeting schedule for January 2007 to December 2007.

ACTION: (T-10:24 AM) Approved.

ACTION: (T-11:12 AM) Reconsidered and approved. (Refer to minutes for full discussion.)

COUNTY COMMISSION

41. MOTION TO EXTEND all non-termed Commission District 3 board appointments to County advisory boards, authorities, agencies, and committees until a successor can be appointed or the current member be retained. (Commissioner Ritter)

ACTION: (T-10:24 AM) Approved.

42. MOTION TO EXTEND all non-termed Commission District 4 board appointments to County advisory boards, authorities, agencies, and committees until a successor can be appointed or the current member be retained. (Commissioner Keechl)

ACTION: (T-10:24 AM) Approved.

43. MOTION TO APPROVE appointment of Commissioner Stacy Ritter - District 3, and Commissioner Ken Keechl - District 4, to Selection Committees as outlined in Exhibits 1 and 2, and make available other Selection Committees they may wish to join, as outlined in Exhibit 3. (Commissioners Ritter and Keechl)

ACTION: (T-10:24 AM) Approved.

REGULAR AGENDA

PUBLIC HEARING

SAFE PARKS AND LAND PRESERVATION BOND PROGRAM

44. MOTION TO APPROVE Contract for Sale and Purchase between Broward County and Cathye Copeland in the amount of \$265,000 for the purchase of Safe Parks and Land Preservation Bond Program Open Space Site OS-70.13

(5,404 square feet, 0.124 acre), a multifamily residential duplex property located at 1131 NW 28th Avenue, unincorporated Broward County; authorize Real Property Section to acquire this property using Safe Parks and Land Preservation Bond funds; authorize the Mayor and Clerk to execute Contract for Sale and Purchase; and authorize acceptance and recordation of Warranty Deed. **(Commission District 9)**

ACTION: (T-11:14 AM) Approved.

END PUBLIC HEARING

PUBLIC WORKS AND TRANSPORTATION DEPARTMENT

CONSTRUCTION MANAGEMENT DIVISION

45. A. MOTION TO ADOPT Budget Resolution 2006-859 transferring funds within the General Capital Outlay Fund in the amount of \$29,909,052.00 for the construction of three Fire Rescue facilities to fully fund the Fire Rescue Strategic Delivery Plan approved by the Board June 25, 2002, Item No. 78.

ACTION: (T-11:16 AM) Approved.

B. MOTION TO APPROVE Agreement between Broward County and Moss & Associates, LLC, RLI 200419-0-CM-01, for Managing General Contractor Phase II Construction Services for the Everglades/Alligator Alley Fire Rescue Station for a Guaranteed Maximum Price of \$5,152,738.00, with a contract time of 394 calendar days, subject to receipt and approval of Performance and Payment Guarantee, and authorize the Mayor and Clerk to execute same. (Project No. 7715) **(Commission District 8)**

ACTION: (T-11:16 AM) Approved.

C. MOTION TO APPROVE Agreement between Broward County and Moss & Associates, LLC, RLI 200419-0-CM-01, for Managing General Contractor Phase II Construction Services for the Hazmat Fire Rescue Station for a Guaranteed Maximum Price of \$8,252,058.00, with a contract time of 425 calendar days, subject to receipt and approval of Performance and Payment Guarantee, and authorize the Mayor and Clerk to execute same. (Project No. 7713) **(Commission District 7)**

ACTION: (T-11:16 AM) Approved.

D. MOTION TO APPROVE Agreement between Broward County and Moss & Associates, LLC, RLI 200419-0-CM-01, for Managing General Contractor Phase II Construction Services for the Airport/Seaport Fire Rescue Station and Warehouse, for a Guaranteed Maximum Price of \$12,808,105.00, with a contract time of 432 calendar days, subject to receipt and approval of Performance and Payment Guarantee, and authorize the Mayor and Clerk to execute same. (Project No. 7712) **(Commission District 7)**

ACTION: (T-11:16 AM) Approved.

COMMUNITY SERVICES DEPARTMENT

LIBRARIES DIVISION

46. MOTION TO APPROVE Agreement between Broward County and Young at Art of Broward, Inc. (YAB) for the funding of design and construction, and for the lease of space for the joint use facility for the Young at Art Children's Museum and Reading Center; the term of the agreement commences upon execution and expires after the 40 year lease period; and authorize the Mayor and Clerk to execute same; and providing for an effective date. **(Commission District 5)**

ACTION: (T-11:16 AM) Approved.

MASS TRANSIT DIVISION

47.

A. MOTION TO AUTHORIZE Purchasing Director to negotiate with all vendors currently providing paratransit transportation service, to amend existing contracts to increase the average trip rate to \$23.69 plus fuel and insurance surcharges, and to extend the term to month-to-month for up to six months until new contracts are executed, and to execute amendments to all existing participating paratransit vendors.

ACTION: (T-11:19 AM) Approved as corrected. (Scrivener's error – See County Administrator's report: Average trip reads \$23.69 (plus fuel and insurance charges), should read \$25.01 (plus fuel and insurance charges). (Refer to minutes for full discussion.)

B. MOTION TO AUTHORIZE staff to continue to negotiate the new paratransit transportation services contract (RLI No. 20060329-0-MT-1).

ACTION: (T-11:19 AM) Approved. (Refer to minutes for full discussion.)

48. A. MOTION TO APPROVE extension of time for the completion of project services set forth in the County Incentive Grant Program Agreement (CIGPA) between the Florida Department of Transportation (FDOT) and Broward County for Financial Project No. 409706-1-54-01, from December 31, 2006 to April 30, 2007, with no change in the grant total amount of \$600,000 for a Neighborhood Transit Center in the City of Pompano Beach; authorize the County Mass Transit Division Director to sign any further time extensions; and authorize the Mayor to execute same. **(Commission District 2)**

ACTION: (T-11:22 AM) Approved, including the recommendations made by the County Auditor, as cited in his memorandum dated December 4, 2006.

B. MOTION TO APPROVE extension of time for the completion of project services set forth in the Intermodal Joint Participation Agreement (JPA) between the Florida Department of Transportation (FDOT) and Broward County for Financial Project No. 412309-1-94-01, from December 31, 2006, to December 31, 2007; with no change in the grant total amount of \$1,381,798 for a Neighborhood Transit Center in the City of Pompano Beach, authorize the County Mass Transit Division Director to sign any further time extensions; and authorize the Mayor to execute same. **(Commission District 2)**

ACTION: (T-11:22 AM) Approved, including the recommendations made by the County Auditor, as cited in his memorandum dated December 4, 2006.

OFFICE OF PUBLIC AND GOVERNMENTAL RELATIONS

49. A. MOTION TO DRAW categories for the Board of Rules and Appeals.

ACTION: (T-11:22 AM) Commissioners Gunzburger, Keechl and Ritter drew for the Board of Rules and Appeals.

- B. MOTION TO DRAW categories for the Elderly and Veterans Services Board.

ACTION: (T-11:22 AM) Commissioners Keechl and Ritter drew for the Elderly and Veterans Services Board.

- C. MOTION TO DRAW categories for the Human Rights Board.

ACTION: (T-11:22 AM) Commissioners Gunzburger, Jacobs, Keechl, Ritter, and Wasserman-Rubin drew for the Human Rights Board.

- D. MOTION TO DIRECT County Attorney's Office to amend the Resolution, deleting specific terms for members of the Small Business Development Advisory Board to be consistent with Section 1-233.

ACTION: (T-11:22 AM) Approved.

- E. MOTION TO DRAW categories for the Small Business Development Advisory Board.

ACTION: (T-11:22 AM) Commissioners Keechl and Ritter drew for the Small Business Development Advisory Board.

- F. MOTION TO DRAW categories for the Unsafe Structures Board.

ACTION: (T-11:22 AM) Commissioners Keechl and Ritter drew for the Unsafe Structures Board.

G. MOTION TO DIRECT County Attorney's Office to amend the Ordinance, to revise the membership of the Nuisance Abatement Board to include members of municipalities who have a contract with Broward County to provide services.

ACTION: (T-11:22 AM) Approved.

H. MOTION TO ADOPT Advisory Boards Policies attendance revisions.

ACTION: (T-11:22 AM) Approved, with the County Attorney being directed to research time frames where reappointments can be made and when reappointments would be timely. (Refer to minutes for full discussion.)

COUNTY COMMISSION

50. A. MOTION TO APPROVE adding to the 2007 State Legislative Program a policy statement and/or legislative proposal to oppose the State reclassification of canals. (Commissioner Jacobs)

ACTION: (T-11:35 AM) Approved. (Refer to minutes for full discussion.)

B. MOTION TO DIRECT staff to develop language in the Legislative Program to include Broward County opposition of State attempts to reclassify canals.

ACTION: (T-11:35 AM) Approved, as amended, with any efforts on the part of the Legislature or any state agency that would serve to reduce the water quality in Broward County similarly be opposed. Additionally, Mayor Eggelletion will draft a letter to the Designated Uses and Classifications Committee stating Broward County's opposition of State attempts to reclassify canals. (Refer to minutes for full discussion.)

C. MOTION TO DIRECT County Attorney to draft a Resolution opposing the State's reclassification of Broward County canals for adoption by the County Commission on the next agenda.

ACTION: (T-11:35 AM) Approved. (Refer to minutes for full discussion.)

51. MOTION TO NOMINATE Commissioner Stacy Ritter to the Broward County Planning Council. (Mayor Eggelletion)

ACTION: (T-10:24 AM) Approved. (Transferred to the Consent Agenda.)

52. MOTION TO NOMINATE Commissioner Ken Keechl to the Broward County Value Adjustment Board. (Mayor Eggelletion)

ACTION: (T-10:24 AM) Approved. (Transferred to the Consent Agenda.)

53. **COUNTY COMMISSION SELECT COMMITTEE REPORTS**

ACTION: (T- 11:57 AM) No reports presented.

54. **COUNTY ADMINISTRATOR'S REPORT**

A. PASSPORTS

ACTION: (T- 11:57 AM) Deputy County Administrator Bertha Henry reminded the public that effective January 23, 2007, all residents will need a valid passport to travel to Canada, Mexico, the Caribbean, Central and South America. Passports can be obtained the Revenue Collection Division.

B. PORT EVERGLADES TRAVEL EXPECTATIONS

ACTION: (T- 11:57 AM) In addition, on December 23, 2006, 46,000 cruise passengers are expected to come through Port Everglades, which will exceed the 2003 record.

C. PORT EVERGLADES CRUISE GUIDE

ACTION: (T- 11:57 AM) Lastly, the Port Everglades cruise guide is available on the county website, listing the 15 cruise lines that come into Port Everglades.

55. **MAYOR'S REPORT**

ACTION: (T- 11:59 AM) No report presented.

Immediately following the Downtown Campus Workshop

EXECUTIVE SESSION (Room 430)

(CLOSED TO THE PUBLIC)

56. ATTORNEY-CLIENT MEETING: Commencement of attorney-client session pursuant to Subsection 286.011(8), Florida Statutes, to discuss settlement negotiations or strategy related to litigation expenditures in *United States Department of Homeland Security Transportation Security Administration Agency ("TSA") v. Fort Lauderdale-Hollywood International Airport and Broward County Board of County Commissioners*.

ACTION: (T- 2:30 PM) The Board held an attorney-client meeting in Room 430 of the Governmental Center.

Immediately following the TSA Executive Session Meeting

EXECUTIVE SESSION (Room 430)

(CLOSED TO THE PUBLIC)

57. ATTORNEY-CLIENT MEETING: Commencement of attorney-client session pursuant to Subsection 286.011(8), Florida Statutes, to discuss settlement negotiations or strategy related to litigation expenditures in *Broward County, a political subdivision of the State of Florida, Petitioner, v. Christian Romany Church Ministries, Inc. and Security Bank, N.A., 17th Judicial Circuit Court Case No. 04-007554 (09)*.

ACTION: (T- 3:35 PM) The Board held an attorney-client meeting in Room 430 of the Governmental Center.

SUPPLEMENTAL AGENDA

COUNTY COMMISSION

58. MOTION TO NOMINATE Mr. Ken Richardson to the Land Preservation Advisory Board. (Commissioner Wasserman-Rubin)

ACTION: (T-10:24 AM) Approved. (Transferred to the Consent Agenda.)

59. MOTION TO APPROVE one year extension of the Pine Trails Park Amphitheater (formerly Western Park Amphitheater) Challenge Grant No. PKL-C-001, which will currently expire on January 3, 2007. (Commissioners Ritter and Lieberman)

ACTION: (T-10:24 AM) Approved. (Transferred to the Consent Agenda.)

60. MOTION TO NOMINATE Mayor Eggelletion to the South Florida Regional Transportation Authority. (Mayor Eggelletion)

ACTION: (T-10:24 AM) Approved. (Transferred to the Consent Agenda.)

61. MOTION TO NOMINATE Mayor Eggelletion to the Metropolitan Planning Organization. (Mayor Eggelletion)

ACTION: (T-10:24 AM) Approved. (Transferred to the Consent Agenda.)

NON AGENDA

62. ELDER SERVICES SUMMIT – VICE MAYOR WEXLER

ACTION: (T- 11:59 AM) Vice Mayor Wexler briefly discussed an upcoming event called Elder Services Summit, scheduled for January 31, 2007 at the Signature Grand in Davie, which will be focusing on the needs of the senior community. (Refer to minutes for full discussion.)

63. ANIMAL LICENSES – VICE MAYOR WEXLER

ACTION: (T- 12:00 PM) Vice Mayor Wexler questioned whether the Board would still like to formalize the Animal Advisory Committee or keep them informal, and stated she will bring this

back as an agenda item in January. Without objection, the Board suggested the County Attorney's Office hold off on any action until the January agenda item is voted on. (Refer to minutes for full discussion.)

64. PARKING AT THE COURT HOUSE – COMMISSIONER LIEBERMAN

ACTION: (T- 12:04 PM) Commissioner Lieberman felt the parking issue at the courthouse needs to be revisited and the parking garage needs to be redesigned so we don't have to take fully occupied buildings, and directed the County Administrator to prepare a discussion item on this topic after the winter break. (Refer to minutes for full discussion.)

65. IMPACT OF A SECOND SENIOR HOMESTEAD EXEMPTION ON BROWARD COUNTY – COMMISSIONER LIEBERMAN

ACTION: (T- 12:05 PM) Commissioner Lieberman was concerned about the impact of a second Senior Homestead Exemption on Broward County, and stated she will be putting this on an upcoming agenda and asked County Administration to provide all data to the County Commission.

Commissioner Gunzburger requested information on the impact to Broward County on the first Senior Homestead Exemption as well. (Refer to minutes for full discussion.)

66. REPLACEMENT OF ELECTRONIC VOTING MACHINES WITH A PAPER BALLOT SYSTEM – COMMISSIONER LIEBERMAN

ACTION: (T- 12:06 PM) Commissioner Lieberman asked for a complete analysis of replacing the electronic voting machines with a paper ballot system. (Refer to minutes for full discussion.)

67. BROWARD HOUSING SOLUTIONS – COMMISSIONER WASSERMAN- RUBIN

ACTION: (T- 12:10 PM) Commissioner Wasserman-Rubin briefly discussed a recent luncheon held on November 8, 2006, for Broward Housing Solutions which she attended with Patty Duke, where \$155,000 was raised. (Refer to minutes for full discussion.)

68. REQUEST TO BE ADDED TO SELECTION/NEGOTIATION COMMITTEE – COMMISSIONER RITTER

ACTION: (T- 12:10 PM) Without objection, Commissioner Ritter was added to Selection/Negotiation Committee, Parking Management RLI 2006-0822-0-AV-01.

MEETING/WORKSHOP NOTICES

BOARD OF COUNTY COMMISSIONERS
GOVERNMENTAL CENTER DOWNTOWN CAMPUS WORKSHOP
Tuesday, December 5th, in Room 430 at 12:00 PM
or immediately following the morning Commission meeting

THE BROWARD COUNTY
BOARD OF COUNTY COMMISSIONERS
MEETING OF
DECEMBER 5, 2006

10:00 A.M.

A meeting of the Broward County Board of County Commissioners, Broward County, Florida, was held in Room 422 of the Government Center, Ft. Lauderdale, Florida, at 10:00 a.m., Tuesday, December 5, 2006.

The following members were present: Mayor Josephus Eggelletion, Jr., Vice Mayor Lois Wexler, Commissioners Kristin D. Jacobs, Diana Wasserman-Rubin, Ilene Lieberman, Suzanne N. Gunzburger, Stacy Ritter, Ken Keechl.

The following member was not present: Commissioner John E. Rodstrom, Jr.

CALL TO ORDER

MAYOR EGGELLETON: Good morning. Good morning. Okay. I would like to call the Board of County Commissioners' meeting to order for December 5th, 2006.

And today we'd like our Pledge of Allegiance to be handled by Michael Rainer. Mr. Rainer is here, and Mr. Rainer is with the AIDS Foundation here in Broward County, and would you lead us with the Pledge of Allegiance, please?

(PLEDGE OF ALLEGIANCE WAS LED BY MICHAEL RAJNER, NATIONAL SECRETARY WITH THE CAMPAIGN TO END AIDS.)

MAYOR EGGELLETON: Now before you be seated, please remain standing for a moment of silence for all of those who's lives have been lost as a result of dreaded disease of AIDS, and in addition of that, I would like a moment of silence for former mayor, Frank Vetri of the City of Plantation who was the mayor there for many years. All of us knew him, and he passed away, sand o we have a moment of silence. Commissioner Jacobs, you're recognized.

COMMISSIONER JACOBS: Thank you, Mayor, also if we could add to our moment of silence for Michael Debourg, who is the husband of Judith Debourg, who passed away about a week ago.

MAYOR EGGELLETON: Okay. For Michael Debourg. Anyone else? A moment of silence, please.

(Moment of silence.)

MAYOR EGGELLETON: Thank you. Don't go anywhere, Mr. Rajner. We want you to stay there.

Commissioner Wasserman-Rubin and Commissioner Rodstrom is not going to be here. Commissioner Wasserman-Rubin should be joining us by telephone. I don't know if she's there. Commissioner, are you there? I don't know if she's there yet, but today is World AIDS Day.

MR. RAJNER: Friday.

MAYOR EGGELLETON: Well, not today, but what was it, Friday?

MR. RAJNER: Friday, yes.

MAYOR EGGELETTION: Friday was World AIDS Day, and Michael Rajner is here to present a proclamation to Commissioner Wasserman-Rubin on her behalf and on the organization's behalf. Commissioner Wasserman-Rubin is not here, but her aide is here to accept the plaque. Who is here from her office?

OPERATOR: Commissioner Wasserman-Rubin is joining the meeting.

MAYOR EGGELETTION: Okay. Diana, Commissioner?

COMMISSIONER WASSERMAN-RUBIN: Yes, sir. Yes, thank you, Mayor.

MAYOR EGGELETTION: Yes. We are about to present you with a proclamation.

COMMISSIONER WASSERMAN-RUBIN: Okay.

MAYOR EGGELETTION: But someone from your office is going to accept the proclamation on your behalf.

COMMISSIONER WASSERMAN-RUBIN: Thank you.

MAYOR EGGELETTION: Mr. Rajner is going to read it and you can comment afterwards.

COMMISSIONER WASSERMAN-RUBIN: Thank you.

MAYOR EGGELETTION: Mr. Rajner, you're recognized.

MR. RAJNER: Mr. Mayor, thank you. I serve as the national secretary for the Campaign to End AIDS, and I've been asked on behalf of Gene Starkey who chairs the World AIDS Day Committee here in Broward County that we hosted on Friday with a Certificate of Appreciation for World AIDS Day, Keep the Promise. This certificate is awarded to Commissioner Wasserman-Rubin in grateful recognition of value contributions to the hearts and lives of so many living with HIV/AIDS. Thank you for all you do to keep the promise alive from your very grateful friends on December 1, 2006.

Mr. Mayor, I just also must state, we did HIV testing through Care Resource who is an AIDS service organization here in Broward and Miami-Dade County. We tested 200 people for the HIV/AIDS virus. Sadly to report, a significant number did come back with positive results, which have to be confirmed with the western blot. So the -- we do need to ramp up on education, prevention, and testing, and services. And I just want to commend Commissioner Wasserman-Rubin for serving as a beacon of hope for the community that we went into, and she stayed at the event for two hours, very concerned at the impact this virus has had on the residents of this county. So I applaud the County Commission for taking the leadership and Commissioner Wasserman-Rubin for taking a stand, thank you.

MAYOR EGGELETTION: Commissioner, your aide Vicki Pierson is accepting this on behalf of you. Would you like to comment, Commissioner?

COMMISSIONER WASSERMAN-RUBIN: Thank you. Thank you so much, Michael, for those kind words and I wanted to, I guess, remember those who have gone because of AIDS, and I would like to request at the appropriate moment that we take a moment of silence for all those lives, the people that we've lost to this terrible disease.

MAYOR EGGELETTION: Thank you so very much, Commissioner.

COMMISSIONER WASSERMAN-RUBIN: Thank you.

MAYOR EGGELETTION: Before we go further, today we have with us a presentation for awards to Future Student Government Leaders. This program was initiated by Commissioner Ilene Lieberman during her tenure as mayor, and it's supported by the county commission in partnership with the School Board of Broward County. A major goal of the program is to interest aspiring high school students and future leadership positions in government. The students will be introduced to a variety of operations in county government. They have received hands-on experience and mentoring from experienced county leaders.

The pilot program concluded in December 2004, and the program was turned over to Employee Development in July of 2005. In the 2005-2006 program, 14 students completed the program from 7 different high schools, averaging 9.4 hours per week. In 2004, 27 students from 9 high schools completed the program, averaging 8.1 hours a week.

This fall, there are 15 students from 10 different schools. The program runs August 21st through December 19th, 2006. The students have received a stipend of \$8.50 per hour. Where is our living wage ordinance, huh? Okay. One student from the 2005-2006 Program was accepted into the Public Service Interim Program and is currently working in Economic Development.

A partnership has been formed with Youth Leadership Broward 2005 to promote both intern programs to their members who are juniors in high school. Broward County is now a participant in their government day that's held each year.

Today, members, I think each of you have been given certificates that we want to present to these students, and if you could, if you would, please, when I call your name, members, if you could just move down front with your certificates, we're going to call all your students at one time so that you can present them at one time to each of your students. All right? And the first person that I would like to call is Commissioner Kristin Jacobs.

OPERATOR: Commissioner Wasserman-Rubin is leaving the meeting. You are the only person in the meeting now.

(Laughter.)

MAYOR EGGELETTION: All right.

COMMISSIONER LIEBERMAN: Just a small problem.

MAYOR EGGELETTION: Yes, that's technology for you, right?

COMMISSIONER JACOBS: A commission of one.

MAYOR EGGELETTION: Commissioner Jacobs have actually five students. You have the most in the program. And, Commissioner, would you like to call their names or would you like me to call their names out?

COMMISSIONER JACOBS: I can call them if that's what you'd like.

MAYOR EGGELETTION: Okay. I'll have Commissioner Jacobs call the students and when she calls your name, if you could come up, she wants to give you your certificate for the program. Thank you so very much.

Commissioner Jacobs, you're recognized.

COMMISSIONER JACOBS: Thank you, Mayor. Okay. Our first student is Michael Spitz. Michael.

MAYOR EGGELETTION: Mr. Acton, please don't go anywhere. We would like you up here since this runs out of your department; is that correct, Mrs. Brangaccio?

MS. BRANGACCIO: Correct.

MAYOR EGGELETTION: Come on up, Jim.

COMMISSIONER JACOBS: And our next student -- stay up here. Our next student is Janell Hosang. Congratulations. And our next student is -- and forgive me if I just totally slay your name. I think it's Balmati Hargobbin. Congratulations.

And Chelsea Foy.

And finally from District 2, Cynthia Enriquez.

MAYOR EGGELETTION: And let me just announce while Cynthia is coming up, all of these students are from Atlantic Technical School with the exception of Chelsea Foy who is from Pompano Beach High School. Can we give them a round of applause, please?

(Applause.)

MAYOR EGGELETTION: And would each of you move around the dais to greet each Commissioner? Thank you.

After Commissioner Jacobs is done, we're going to have Commissioner Gunzburger. You will be next. Commissioner Gunzburger, you're recognized to introduce your students.

COMMISSIONER GUNZBURGER: Thank you, Mayor. I have two. The first one I may mess up on the name, but I will try. It's Antoinette Gisichi. How far away am I on your name? Tell me how to pronounce it.

MS. SKIKI: Skiki.

COMMISSIONER GUNZBURGER: Skiki. Well, my coach was wrong. Not even close. And the second one is Bonita Labratta. Did I get that one right at least?

MS. LABRATTA: Yes, perfect.

MAYOR EGGELETTION: As Bonita come up, both these students are from South Broward High School, and let's give them a round of applause.

(Applause.)

MAYOR EGGELETTION: Yes, Commissioner Wexler, you're recognized to introduce your students.

VICE MAYOR WEXLER: I should have gone to Commissioner Gunzburger and asked for help in the pronunciation of this next one, and I spent a while this morning getting to know Mary Ann Sarasconski,

and Mary Ann, no wonder I only called you by your first name. Mary Ann is at Western High School, and she has enjoyed her internship at Support Enforcement. It has been an absolutely pleasure to chat with you this morning. Could you pronounce your name for me?

MS. SARAJENSKI: Sarajenski.

VICE MAYOR WEXLER: Sarajenski. Thank you. And our second intern that I'd like to recognize this morning is from Flanagan High School, and that's Liz Auercahn. She's not here? Okay. Great. That's yours, and if we can do a photo op.

(Applause.)

MAYOR EGGELETION: Congratulations.

Now Commissioner Rodstrom is not here today. He's out of town, but his chief aide, Susan Smith, will present the certificate to Commissioner Rodstrom's student interns.

MS. SMITH: I'm very pleased and honored to recognize two interns from Stranahan High School, the first of which is Ms. Sarah King.

(Applause.)

MS. SMITH: And the second of which is Sabin Jean Francois.

(Applause.)

MAYOR EGGELETION: And last, but not least, as they say in French (speaking foreign language). Okay.

I have two students in the program also from Boyd Anderson High School, Emmanuel Dorseal who interned in Children's Services, and her mentor was Michael Elwell.

(Applause.)

(COMMISSIONER WASSERMAN-RUBIN ENTERED THE ROOM.)

UNIDENTIFIED SPEAKER: Emmanuella.

MAYOR EGGELETION: Emmanuella. Okay. Just wait right there, Emmanuella. Additionally, from Smart School, Lucinda Rosea who interned in Substance Abuse and Health Care Services.

(Applause.)

MAYOR EGGELETION: Okay. Thank you so very much.

CONSENT AGENDA

MAYOR EGGELETION: Today we would like to start our meeting. The Consent Agenda will consist of Items 1 through 44. Item 44 is a public hearing, from what I understand here.

COMMISSIONER LIEBERMAN: It's 1 through 43.

MAYOR EGGELLETON: 1 through 43, yes. And additionally, I would like to move Items 51, 52, 60, and 61 also, without objection, to the Consent Agenda.

COMMISSIONER LIEBERMAN: Could you repeat those for me?

MAYOR EGGELLETON: I beg your pardon?

COMMISSIONER LIEBERMAN: Could you repeat that?

MAYOR EGGELLETON: I would like to move Items 50 – these are just appointments. I would like to move 51, 52, 60, and 61 to the Consent Agenda.

Additionally, first of all, are there any objections to that? Okay. All right.

COMMISSIONER LIEBERMAN: But is there any reason we can't move 58 and 59?

COMMISSIONER JACOBS: Mayor.

MAYOR EGGELLETON: That's fine, 58 and --

COMMISSIONER LIEBERMAN: 59 to Consent, and 50 as amended.

MAYOR EGGELLETON: Well, I'd like -- I don't want to take 50. There are a lot of people here for 50.

COMMISSIONER LIEBERMAN: Okay.

MAYOR EGGELLETON: To Consent. I want to take it but I don't want to take it because the general public is here on that item.

COMMISSIONER JACOBS: Mayor, I spoke to some of the folks earlier that were okay with it being moved to Consent and said they would withhold some of their comments and there were a few that still did, but if you want to leave it where it is, that's absolutely fine with me.

MAYOR EGGELLETON: Yeah, I prefer leaving it where it is.

COMMISSIONER JACOBS: Okay.

MAYOR EGGELLETON: And let me just tell you my intent is to take up Item 50, pass it, and then have the public comment on it. Okay?

COMMISSIONER LIEBERMAN: Okay.

MAYOR EGGELLETON: So –

COMMISSIONER LIEBERMAN: So 51, 52, 58, 59, 60, and 61?

MAYOR EGGELLETON: Correct. 60 and 61, all moved to Consent. All right.

Let me read the Monday night memo very quickly. Again, the consent items are 1 through 43.

We have moved 51, 52, 58, 60, 61, also to consent. Additionally, Item 13 has been withdrawn for further staff review.

Item 19 has been withdrawn for further staff review.

Item 23 is deferred at the request for Commissioner Rodstrom for one week until our next week's meeting December 12, 2006.

There are Scrivener's errors on Item 26, 36, and 47. The errors on 26 should read: Assigned project goal 20 percent: African-American, 7 percent; Hispanic, 6 percent; women, 7 percent. The vendor has committed to a goal of 26 percent: African-American, 7 percent; Hispanic, 12; and women, 7 percent.

On Item 36, the Broward Alliance achieved a 366 percent of its global business development goal, not 79 percent as stated, and on Item 47, the average trip reads \$23.69, plus fuel and insurance charges. It should read \$25.01, plus fuel and insurance charges.

There are additional information for Item 10, 43, 45. Do I have a motion to approve the Consent Agenda?

COMMISSIONER GUNZBURGER: So moved.

COMMISSIONER LIEBERMAN: Second.

MAYOR EGGELETION: The Consent Agenda has been moved and approved. Are there any objections?

COMMISSIONER LIEBERMAN: Yeah, there are pulls.

MAYOR EGGELETION: Oh, there are pulls? Okay. Okay. Let's do the pulls first. Let's – well, I guess we need to go back and --

MR. NEWTON: Go back and --

MAYOR EGGELETION: Yeah, so I would have a motion to reconsider --

COMMISSIONER LIEBERMAN: So moved.

MAYOR EGGELETION: – approval of the Consent Agenda. It's been moved and seconded. Are there any objections? Without objection, show the Consent Agenda has been reconsidered. Okay. Are there any pulls from the Consent Agenda, first of all?

Commissioner Ritter?

COMMISSIONER RITTER: Item Number 26.

MAYOR EGGELETION: Item 26.

Commissioner Jacobs?

COMMISSIONER JACOBS: Thank you, Mayor. Items 26, 30, and 39.

MAYOR EGGELETION: Okay. Commissioner Wasserman-Rubin?

COMMISSIONER WASSERMAN-RUBIN: None, thank you.

MAYOR EGGELETION: Commissioner Lieberman?

COMMISSIONER LIEBERMAN: Yes, 10, 30, and 39.

COMMISSIONER JACOBS: Ten, 30, and 39.

MAYOR EGGELETION: Commissioner Keechl?

COMMISSIONER KEECHL: None.

MAYOR EGGELETION: Commissioner Gunzburger?

Vice Mayor Wexler?

VICE MAYOR WEXLER: Ten and 39.

MAYOR EGGELETION: And I would like to pull Item 34. I want to pull Item 34 to avoid even an appearance of a conflict. I do not have a conflict on Item 34, but, however, to even avoid an appearance of a conflict, I wish to abstain from Item 34. It's an item involving affordable housing. I'm actively involved in that item, and I do not wish to even -- there to be even an appearance of a conflict on that item.

So now we would approve the Consent Agenda.

COMMISSIONER GUNZBURGER: So moved.

COMMISSIONER LIEBERMAN: Second.

MAYOR EGGELETION: With the exception of Items 26, 30, 39, 30.

COMMISSIONER LIEBERMAN: And 10.

MAYOR EGGELETION: And 10.

COMMISSIONER GUNZBURGER: And 34.

MAYOR EGGELETION: And 34. Is there a motion to approve the Consent Agenda?

COMMISSIONER GUNZBURGER: (Inaudible.)

COMMISSIONER LIEBERMAN: So moved.

MAYOR EGGELETION: It's been moved by Commissioner Gunzburger.

COMMISSIONER LIEBERMAN: Second.

MAYOR EGGELETION: Seconded by Commissioner Lieberman.

All those in favor?

Okay. The consent agenda is approved with the exception of the pulled items.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 34

COMMISSIONER LIEBERMAN: Move Item 34.

COMMISSIONER WASSERMAN-RUBIN: Second.

MAYOR EGGELLETON: Item 34 has been moved and seconded.

Any objections?

Show Item 34 having passed with one person abstaining. That's commissioner -- that's Mayor Eggelletion abstaining from Item 34.

VOTE PASSES UNANIMOUSLY WITH MAYOR EGGELLETON ABSTAINING.

AGENDA ITEM 10

MAYOR EGGELLETON: Item 10, Commissioner Lieberman and Wexler. Lieberman, you're on the queue, followed by Commissioner Wexler.

COMMISSIONER LIEBERMAN: I pulled 10 for a couple of reasons. First of all, what concerned me the most is there appeared to be no rhyme or reason why certain areas -- certain counties or cities were included for comps and others were not. There's no standard. And it would seem to me that we should be developing a standard among urban counties because we're pretty similar in our functions.

I would assume as a general assumption the county to the south, Miami-Dade, the county to the north, Palm Beach, are going to be pretty similar to us. Pinellas and Hillsboro are probably close. I have some reservations about Duval. Orlando, the economy is very tourist driven, so it may not be a comp.

But it appeared to me that what was happening here is that we included certain communities because they skewed the average versus really a discussion of what the compensation package is, and I always hesitate when we just look at salary, we don't look at compensation because the true test is not just salary. It's a total compensation package, what else comes with that position.

And I talked to Mr. Acton and Mr. Giggin@ this morning about creating a standard group that we survey from. In fact, there's a group on here, Airport Human Resources Consortium, that there was nothing that even told us who is included in that consortium to know if they were in any way compatible to us, and to develop a standard among similarly situated urban counties to use as a general basis, and I asked if job descriptions were compared, and if so, you know, what key functions did they identify that were similar with our job and the others.

And then I finally -- and math is not my strong suit, but if you look under Item Number 1 where it says: Airport Information Specialist, the one thing I knew is that when you average 44,000, 40,000, 43,000, and 40,000, you didn't get 46,000.

So what I've asked Mr. Acton and Mr. Giggin to do is not necessarily today because we have a workshop and two shade meetings, but I need for my comfort going forward to have a different type of analysis which is -- which shows us, you know, which counties are similar, how they're similar, what benefits analysis was done above and beyond simply pay, what key elements from the job description other than

simply salary, and I think that there ought to be basically a standard group that we look at, and if we go outside the standard, there ought to be an explanation.

MAYOR EGGELLETON: Okay.

COMMISSIONER LIEBERMAN: And I need someone to explain to me how you average all those numbers together and got a higher number for the average than any of the parts.

MS. BRANGACCIO: Yeah, I think we would agree with the standardization, and I'll ask Jim Acton in terms of addressing the math error. I think particularly with the county involved now with the Florida benchmarking consortium, it's going to be very important to have that standard throughout our process.

COMMISSIONER LIEBERMAN: Right. And if I meant – Mr. Mayor, I want you to know in talking with Mr. Acton and Mr. Giggin this morning, I told them that I wasn't expecting them to give an answer to all these questions this morning. We met at about a quarter to 10:00, but that going forward, I need that issue looked at, and I suggested to them that NACO, FAC probably have some database we want to access as well. So, you know, it's one of those things that we need to look at going forward, but I definitely believe that whatever we did on airport information specialist is clearly wrong, so that one needs to be deleted until they figure it out.

MAYOR EGGELLETON: Okay. Commissioner – I mean, Vice Mayor Wexler, you're recognized on Item 10.

VICE MAYOR WEXLER: Thank you, Mayor. My questions are not about Motion A, but Motion B, and we received the answer to my questions which actually I asked about six weeks ago when this item first appeared in front of us but had a Motion C attached to it as well. It was not knowing that even a \$450 car allowance existed for some employees, and now that I know that it does exist, how is that accountable? How are -- do they all get \$450? Are there gas receipts? Is there mileage? How does it work?

MAYOR EGGELLETON: Is that a question, Commissioner?

VICE MAYOR WEXLER: No, no, I got the answer.

COMMISSIONER LIEBERMAN: Yeah. None of the above.

VICE MAYOR WEXLER: I got the answer. During a meeting last night I got the answer. I read it early this morning as I'm preparing to come in, driving and reading at the same time, not a safe thing to do.

COMMISSIONER JACOBS: Where are you driving from?

VICE MAYOR WEXLER: It was a late night last night for those of you that might not realize we had a meeting until after 11:00 o'clock on the dais, but the answer was, is that there are 18 positions identified not just the one that we're being asked to enhance this to, but 18 positions that in October of 2000, the commission authorized a -- an automobile allowance. And these are deputy county administrator, department directors and office directors, and I have an issue with that, and I had an issue with it when we met in our meeting yesterday, and I just think that as we move through our whole accountability process, looking at how we spend money as a county process, these folks are highest paid individuals.

At the very least what I would like to know is what kind of mileage or what kind of -- what kind of car travel they're actually doing, if it's back and forth from work. We have people -- most of our people that are in positions below them, and I'm not talking about the three that have evaluations done by the board. I'm not talking about the Attorney, the Auditor, or the County Administrator. I'm not, because we know that. We do that in an open meeting. We discuss the benefit packages, but in this instance, I had absolutely no idea, and, Mayor, this happened before you were sworn in in 2000, and until I actually asked, who are

the people that are getting a car allowance and what is the process that is utilized, I'm very uncomfortable with this. I know that your request today is just to ask us to increase it for the one more individual that happened to have fallen through the crack --

COMMISSIONER LIEBERMAN: It was two.

VICE MAYOR WEXLER: An assistant --

COMMISSIONER LIEBERMAN: Zack and Dick Brossard.

COMMISSIONER GUNZBURGER: Zack and Dick --

VICE MAYOR WEXLER: Right.

MS. BRANGACCIO: But Dick was receiving it obviously.

VICE MAYOR WEXLER: But Dick was receiving it already under director of Public Works.

MS. BRANGACCIO: Right, but obviously when the director of Public Works is still receiving it, so it's in addition. I'm sorry, I'm fine as long as I'm not talking.

VICE MAYOR WEXLER: So I'm not comfortable with this whole item, and I'm not going to support this item, and I would ask that there be further review about how -- I'd like to know what other governments do. I'd like to know that -- one of my issues is the whole bonus program and how that works for nonunion employees in the county, which is about a thousand people. This car allowance is troubling to me because the -- in my thought processes, the folks that make the highest salaries in the county are getting this consideration, and I really would like for -- I'd like to know -- I'd like to know what miles they travel or how this came about. Maybe there is something that I'm missing here.

MAYOR EGGELLETON: Okay. First of all, is there anyone else wanting to speak on this item? If there is no one else to speak on the item, first of all, let me just suggest this, you know, Commissioner, if you want to defer the item, you know, we can defer it for one week, but I would like to see it back on the 12th. We need to get on with this.

VICE MAYOR WEXLER: I don't think that's going to do any good to defer it, not for me, unless they're going to -- I don't see that.

MAYOR EGGELLETON: Well, you can defer it for one week and you can get the answer to your questions. The point that I want to make here is, let's understand one thing, we're one of the highest cost of living counties in the country, and if you're going to attract good people at top level positions, these are some of the things that you're going to have to do to get them. And, you know, you may not agree with that, but, you know, you can always get people to fill those positions, but you have to determine for yourself as a commission, are these the very best that we can get? Good people expect good compensation, and, you know, we need to understand that, and that's what it is. If you want to make a motion to defer it, we can defer it, but if you -- but I don't understand what your desires are. Do you just want answers?

VICE MAYOR WEXLER: Yes, and for me, this is about the entire program.

MAYOR EGGELLETON: Okay.

VICE MAYOR WEXLER: My question is not about this one request to increase it and make it -- because this person has been getting the car allowance, but the job name has not been authorized. So what we're

doing is authorizing it. So I understand that, but for me, it's a bigger picture than that. I -- what I do want -
- I'm not supporting this item. I'm sure that the rest of you are going to support the item. That's fine.
Deferring it doesn't make any difference.

However, what I would like to have in the way of information is some kind of a research around the state.
The Mayor made a statement about the best and the brightest in these various categories. I'd like to
know what other government entities are doing, what other counties are doing, if they're doing car
allowances as well and any other perks for director positions and financial officer -- you know, I'd like to
know what other counties are doing in the state and maybe across the nation. If we're members of all
these organizations, it should be real easy to access.

MAYOR EGGELLETON: Commissioner Lieberman, followed by Commissioner Wasserman-Rubin.

COMMISSIONER LIEBERMAN: The reason I raised the issue about looking at salary as part of a total
compensation because I suspect if you do that at the top level positions, you're going to find these car
allowances. It's one of the issues in recruitment. It's not uncommon. There may be a different dollar
value in some counties than in others, but fairly routinely at upper levels there's a car allowance. Now we
used to have a much more liberal take home car policy, which over the years we've receded from, and
this is one of the areas where the flip to it was you could either have a take home car or you could have a
car allowance for certain managerial positions.

So I was not going to defer the item. I talked to Mr. Acton and Mr. Giggin. I expressed my concerns, and
to me, this is a small amount in light of the bigger picture issue, but clearly no more of these should be
processed until such time as we deal with the standardization issue with the full compensation review
because I think the compensation review will put your concerns to rest about what's standard and what
we need to offer in recruitment.

So what I want to do is move Item Number 10. Hold on one second. And incorporate with Item Number
10 the concerns I have raised and the concern Commissioner Wexler raised, but I do need to pull out that
one on information -- airport information specialist and defer that for one week to allow staff to fix the
backup which is wrong. So they can bring that one back next week with the correct numbers. I just can't
pass it. It's clearly wrong.

MAYOR EGGELLETON: All right. Okay.

Commissioner Lieberman has a motion. Is there a second to the motion?

COMMISSIONER GUNZBURGER: (Inaudible.)

MAYOR EGGELLETON: I'm going to --

COMMISSIONER LIEBERMAN: I'm moving the item, incorporating my comments and Commissioner
Wexler's, but I'm simply deleting airport information specialist to allow them the time to come back with
the correct numbers because there's no way that you add 40,000, 43,000, 40,000, and 44 and come to 46
as the average.

MAYOR EGGELLETON: Okay. Let me do this, before I accept your motion, we have one other person
on the queue and then I'll come back and accept your motion and we can act on the motion.

Commissioner Wasserman-Rubin, you're recognized.

COMMISSIONER GUNZBURGER: Can I also --

COMMISSIONER WASSERMAN-RUBIN: Thank you, Mayor. I just have a crazy notion here to ask the administrator if she happens to have the answers to the questions now.

MAYOR EGGELETTION: Ms. Brangaccio.

MS. BRANGACCIO: Actually I think Jim does, and I think in terms of the program that's budgeted for the compensation study, we can address both of the concerns because that's exactly what happened in Broward. Commissioner Lieberman is right, there were a number of take home cars, which were much more expensive than a monthly car allowance, but I think Jim has the recalculated number for the airport information specialist.

COMMISSIONER LIEBERMAN: Okay.

COMMISSIONER WASSERMAN-RUBIN: So I guess, Mayor, what I'm asking is through you through Ms. Brangaccio if staff can reply to this.

MAYOR EGGELETTION: Yes. Ms. Brangaccio, I think she wants to call Mr. Acton to the podium to recalculate the numbers and we can extract that out –

COMMISSIONER WASSERMAN-RUBIN: It makes no sense to defer it if it can be answered.

COMMISSIONER LIEBERMAN: We're not deferring the whole item.

MAYOR EGGELETTION: Mr. Acton.

COMMISSIONER WASSERMAN-RUBIN: Let's get some answers.

MR. ACTON: Jim Acton, Director of Human Resources. The number to which the Commissioner is referring is a miscalculated average with respect to that job title in the survey information. It doesn't affect the recommended change in the salary, which was only recommended to go up a few hundred dollars on the top end. We were concerned about the bottom end of that particular paygrade, but the number in question if you'd like for the record, we can change it here, is 41,621.31 rather than the number that was in the exhibit.

COMMISSIONER LIEBERMAN: Okay.

MR. ACTON: We can change that for the record.

COMMISSIONER LIEBERMAN: I'll accept the amendment to the airport information specialist to the average being 41,621.31 for the salary maximum item, but I still want to move it incorporating my comments and Commissioner Wexler's comments because I think going forward those items need to be addressed.

MAYOR EGGELETTION: Okay. Very good.

Commissioner Gunzburger, you're recognized.

COMMISSIONER GUNZBURGER: No, I absolutely agree now that we've gotten that explanation. I was really concerned, and I know that we will now have some more accurate information to deal with, and if I may take a point of personal privilege, I'd like to suggest that our County Administrator allow Bertha to answer the questions because if you have laryngitis and you keep speaking, it's going to only get worse, and we'd like you healthy for next week's meeting. So if you don't mind, Mayor, with that suggestion, I'm just listening to her, and her voice is getting worse.

MAYOR EGGELETTION: It's totally her choice, and I'll just call on Mrs. Henry instead of Mrs. Brangaccio, but we'll know that Mrs. Henry is serving as a ventriloquist here today. All right. Okay.

So the item has been moved and seconded. I think it was moved by Commissioner Lieberman; seconded by Commissioner Gunzburger.

COMMISSIONER LIEBERMAN: As amended.

MAYOR EGGELETTION: As amended.

Are there any objections to the item?

Show the item having passed with the exception of Commissioner Wexler as a no vote.

VOTE PASSED 7 TO 1 WITH VICE MAYOR WEXLER VOTING NO.

MAYOR EGGELETTION: Okay. Thank you.

AGENDA ITEM 26

MAYOR EGGELETTION: Okay. That takes us to Item 26, Commissioner Ritter and Jacobs are recognized with Commissioner Ritter first and Jacobs second on the queue.

Commissioner Ritter, you're recognized on Item 26.

COMMISSIONER RITTER: Thank you, Mr. Mayor. I pulled Item 26 off of consent only so that I can, in an abundance of caution and due to a potential conflict of interest, be recorded as abstaining from Item 26.

MAYOR EGGELETTION: Okay.

COMMISSIONER RITTER: Thank you.

MAYOR EGGELETTION: Commissioner Jacobs.

COMMISSIONER JACOBS: Thank you. I only wanted to add on Item 26, this whole project really emanated from discussions amongst the Vision Broward members way back when when that first group came together, and in looking at Exhibit A, the scope of services, I didn't see where any members of Vision Broward were included, and I think that's really important because it was kind of their vision that started the ball rolling and had us to start looking at it. So I would ask that staff include -- there's different stakeholders that they list and different interviews, all kinds of folks in the public that they are listed as interviewing, and I would simply ask that we add Vision Broward organization to that list, and with that, I'd happily move the item.

VICE MAYOR WEXLER: Second.

MAYOR EGGELETTION: Let me make sure, Commissioner, that I understand what you're trying to do. Are you trying to say you want them included to do what?

COMMISSIONER JACOBS: If you look on Page -- hang on a second. It's the attachment A, Exhibit A, which has the scope of services.

MAYOR EGGELETTION: Right.

COMMISSIONER JACOBS: And as a part of the scope of services -- it might help if I put on glasses. Somewhere. They have, starting on Page -- well, kind of on Page 3, 4, rolling over into 5 and 6, they have all the different people that they want to talk to to gather input and ideas about this park. So they talk about permitting agencies, reviewing agencies. They talk about public involvement and interviews with stakeholders, focus groups, public workshops. They talk about all kinds of different groups as far as -- on Page 1, the bottom of Page 1, special interest groups and stakeholders, the list is so incredibly long it wraps all the way up onto Page 2. I would say there's probably 20 organizations listed here, and I'm simply asking that Vision Broward be included if there are anyone there still with that organization, I believe they still do exist and that they be included because, as I said, they were kind of the genesis of this.

MAYOR EGGELETTION: Well, I mean -- well, I don't see the harm, but go ahead. You know, that's fine.

COMMISSIONER LIEBERMAN: Actually Vision Broward doesn't exist.

MAYOR EGGELETTION: That's fine.

COMMISSIONER LIEBERMAN: What exists is the executive --

MAYOR EGGELETTION: Right.

COMMISSIONER LIEBERMAN: -- committee which is now an independent entity.

MAYOR EGGELETTION: Correct.

COMMISSIONER JACOBS: Okay. Well, then the point would be that someone in the executive committee is notified so that they have an idea --

COMMISSIONER LIEBERMAN: Right. Right.

COMMISSIONER JACOBS: -- that something they started that the county is actually doing --

COMMISSIONER LIEBERMAN: Right. It just needs to say Vision Broward executive was the point.

COMMISSIONER JACOBS: Yeah. And, again, I would remind us that about, I don't know, two years ago, a year and a half ago, when Vision Broward was completing their work, we had directed staff that whenever we were adopting or moving something forward that had started with Vision Broward, that you'll notice on paperwork, there's a little sun that shows that this is a goal of the County Commission, that it would also be identified as a project that had at one time been part of Vision Broward's vision for the county. So to me, it's just letting the county letting the public know that something that they put so much effort into, we as a County Commission recognize it or honoring it by moving it forward.

COMMISSIONER LIEBERMAN: I'm not -- I'm just saying the correct nomenclature is Vision Broward Executive.

COMMISSIONER JACOBS: Yeah.

MAYOR EGGELETION: All right. Okay. We're going to move the item and we're going to ask the administration to include someone from the executive committee of Vision Broward in some of the discussions.

COMMISSIONER JACOBS: Some of the outreach, yeah.

MAYOR EGGELETION: Some of the outreach.

Yes, Commissioner Wasserman-Rubin, you're recognized.

COMMISSIONER WASSERMAN-RUBIN: Thank you, Mayor. Just for the record, and I don't know if you have to take it down, this particular piece of property is not in Commission District 8.

MAYOR EGGELETION: Okay.

COMMISSIONER WASSERMAN-RUBIN: It's unincorporated just for the record.

MAYOR EGGELETION: All right.

COMMISSIONER LIEBERMAN: Whose district is that?

COMMISSIONER JACOBS: It's on the other side of the levy.

MAYOR EGGELETION: I imagine it's somebody's district.

COMMISSIONER LIEBERMAN: It has to be someone's district.

MAYOR EGGELETION: It has to be in someone's district. Your district extends all the way out in the Everglades, Commissioner.

COMMISSIONER LIEBERMAN: It has to be in someone's district.

COMMISSIONER WASSERMAN-RUBIN: I don't think.

MAYOR EGGELETION: Yeah, you go all the way out to the alligators, trust me.

COMMISSIONER WASSERMAN-RUBIN: We go to the next county.

MAYOR EGGELETION: Yeah.

COMMISSIONER LIEBERMAN: It's in someone's district.

MAYOR EGGELETION: Okay. Who moved the item?

COMMISSIONER JACOBS: I did.

MAYOR EGGELETION: Did you move –

COMMISSIONER WASSERMAN-RUBIN: Second.

COMMISSIONER LIEBERMAN: Third.

MAYOR EGGELLETON: Is this in your district, Commissioner Wasserman-Rubin?

COMMISSIONER WASSERMAN-RUBIN: Yeah, I guess it is.

MAYOR EGGELLETON: Okay. Show the item moved by Commissioner Wasserman-Rubin; seconded by Commissioner Jacobs. And let it be known that Commissioner Ritter is abstaining from voting on this item. Okay.

So those in favor of the item.

Show the item passes 8 to 1 with one abstention, Commissioner Ritter. Okay. Oh, yes, and Commissioner -- 7 to 1, I'm sorry. I apologize.

VOTE PASSED 7 TO 1 WITH COMMISSIONER RITTER ABSTAINING.

AGENDA ITEM 30

MAYOR EGGELLETON: Okay. That brings us to Item 30. On Item 30, I have on the queue Commissioner Jacobs, followed by Commissioner Lieberman. Commissioner Jacobs, you're recognized.

COMMISSIONER JACOBS: Thank you, Mayor. I pulled this item for the same reason I believe Commissioner Lieberman did, and that is that I find it amazing that after all of our wrangling as a county to be able to have the UASI designated to include Broward and parts of Palm Beach County for the very reason that Miami-Dade had excluded us from their funding cycle that we end up with the City of Miami Gardens sharing in our UASI. I mean this just absolutely makes no sense to me.

And I know that we can't control everything that the federal government decides to do, but this is truly an issue that I believe Miami Gardens should be given back to Miami-Dade County and their substantial funds that are being directed by one city there and that we should not have to use any of our security funds for that city.

And additionally, I have concerns that the lead city here is Miramar rather than the City of Fort Lauderdale, because the City of Fort Lauderdale and not only being our largest city, but also has been at the table all along in trying -- and was very instrumental in helping the UASI designated for Broward County in the first place. So I would just ask that we add it to our legislative platform and direct our lobbyist to continue to see what we can do to massage the way that these funds are programmed so that we can have, A, our largest city, which is basically the way the whole program has been set up nationally, why it's been changed here, I don't understand, and then additionally that the City of Miami Gardens will be funded through Miami-Dade, not through Broward County's funds.

MAYOR EGGELLETON: Okay. Commissioner Lieberman, you're recognized.

COMMISSIONER LIEBERMAN: Yeah, I -- I'm very concerned about this agenda item. Some of the reasons that I'm concerned have been expressed by Commissioner Jacobs. The City of Miami Gardens does not belong in this urban area designation. Whatever efforts we need to take with the Department of Homeland Security, with our congressional delegation. Having been involved in this from the beginning, if you recall this happened during my year as Mayor when the City of Miami is the largest city in the Miami urban area designation decided that it should have 45 percent of the funds. Miami-Dade County should have the other 45 percent, and Broward should get 10 percent despite the fact that our threat level was equal and our sheriff was chairing the Southeast Domestic Preparedness Task Force, and that the areas designated in the southeast actually had already developed a list of projects through which UASI funding should have been used.

COMMISSIONER JACOBS: And Palm Beach should get nothing.

COMMISSIONER LIEBERMAN: Right, well, I was getting there, and that the City of Miami had decided that despite the fact that Palm Beach County was the home of the first Anthrax outbreak and that several of the terrorists had trained at one of their little local airports, that they did not deserve any of this money.

Our Congressional Delegation, particularly Congressman Hastings and Shaw, immediately convened a meeting to which everyone of the congressional delegates, Congressman Deutsch went, Congressman Wexler, Congressman Meek, even though he represented both Miami-Dade and Broward County, and I hope I didn't leave anybody out, but they were all at the table, and it was clear that the intent of this was that Broward and Palm Beach would form the urban area that they were proposing, not unlike six other areas in the country, including Minneapolis and St. Paul, which are right across from each other that enjoy two separate urban area designations because of the size of the population and the threat level.

To put Miami Gardens in there when Miami-Dade County has never been a partner to any true extent with their UASI funding with Broward County or with our large cities or with the Southeast Domestic Terrorist Task Force is truly offensive.

Secondly, to see that Palm Beach is once again left out when the driving factor is we're a region, and the region as a whole should be addressing security, I don't get it.

And, thirdly, I have no idea how it evolved to this point. I know that I was not asked, though this initiated during my year when we met with the cities, to come to any meeting that might have been held. I don't know if the sheriff was asked to be there, because he was a major player in helping us, having traveled to Washington. Karen Marcus was there, and I'm trying to think of everybody else who was in D.C. to help - - oh, the City of Fort Lauderdale and when you look across the nation, the recipient of the UASI designation is the largest city in the area. No one has overcome the population numbers for Fort Lauderdale, and under the federal program, they're supposed to be the administrator of the funds.

So I think just notifying our Congressional Delegation doesn't do it for me, or notifying -- adding it to our legislative platform. Congressman Hastings was a major player in getting us the designation. We need to immediately contact his office and fix these issues. Whether this means we need another meeting with the Department of the Homeland Security, Miami Garden is in Miami-Dade County and they need to take care of with all the money that they get that they don't share, the cities in their jurisdiction.

Now if they were to pool their money with ours, Miami-Dade, I'd have a whole different opinion, but we got to this place because they were not partners in the regional perspective. So I would ask, Ms. Brangaccio, and I realize you may not have been our County Administrator when this issue was evolving, but in the future, clearly we need to be involved as commissioners in these issues before they play out differently than the way they were proposed.

MAYOR EGGELLETON: Mrs. Henry -- I see Mr. Carper is here. Perhaps he can shed some light on some of this. Let me remind y'all that Congressman Hastings lives in the City of Miramar. So, Mrs. Henry, you may want to --

COMMISSIONER LIEBERMAN: So what?

MAYOR EGGELLETON: You may want to have Mr. Carper to respond to some of the questions.

MS. HENRY: Yes, Mr. Carper, would you please respond?

MR. CARPER: Good morning, Mayor, Vice Mayor, Commissioners. The concerns that Commissioner Lieberman and Jacobs have outlined are some of the concerns that we had at the outset of the

organizational period for this urban area, and we expressed those in our meetings with the identified cities for the work group, and to -- and in addition, we had expressed a need to include Palm Beach County in that, and they did -- the cities that were selected as part of the urban area did elect to include Palm Beach County and the Palm Beach County Sheriff's Office as part of the urban area. And what constitutes the work group governance of the urban area are those selected cities, Palm Beach County, and the City of Miami Gardens, and those have selected the City of Miramar to administer the grant for the collective urban area.

COMMISSIONER LIEBERMAN: May I follow-up, please?

MAYOR EGGELETTION: Wait just one minute. So if I understand you correctly, you're saying that the group itself selected the City of Miramar to administer the grant; is that correct?

MR. CARPER: Yes, Mayor, that's correct.

MAYOR EGGELETTION: Okay. Commissioner Lieberman for a follow-up, followed by Commissioner Wasserman-Rubin.

COMMISSIONER LIEBERMAN: Okay. That doesn't resolve my concerns. Was the sheriff at the meeting with the urban -- when you had the organizing meeting with the -- for the UASI?

MR. CARPER: The initial governance meeting, the organizational meeting, yes, there was representation by the sheriff.

COMMISSIONER LIEBERMAN: Was the sheriff there?

MR. CARPER: No, but -- was --

MS. MADISON: Yes, he was there, and then he left.

MR. CARPER: All right. I'm being corrected by Ms. Madison that the sheriff was there initially and then left.

COMMISSIONER LIEBERMAN: When was the date of that organizing meeting?

MR. CARPER: It was last January. I'd would have to check the calendar, but it was last January.

COMMISSIONER LIEBERMAN: January 2006?

MR. CARPER: Yes, ma'am.

COMMISSIONER LIEBERMAN: Was the Mayor there?

MR. CARPER: Ms. Henry was there. The Mayor was not there, to my recollection.

COMMISSIONER LIEBERMAN: Did you advise the Mayor -- I know you didn't tell me. I can't speak for Commissioner Jacobs.

COMMISSIONER JACOBS: (Inaudible).

COMMISSIONER LIEBERMAN: Okay. Did anybody advise the Mayor of the problems? Is there some reason it wasn't brought to the attention of the board or board members, like Commissioner Jacobs and myself who had been involved in this?

MS. HENRY: When the initial UASI designation came down, it included Miami Gardens. It did not include some of the other cities initially. It came about as the Fort Lauderdale UASI and specifically included Miami Gardens. We all had a lot of heartburn about that. There was a lot of conversation with Congressman Shaw as well as the Mayor, but the leadership of the UASI group, and I guess it's the -- I can't think of gentleman's name out of Tallahassee.

MR. CARPER: Right, from the Department of Emergency Management and the Department of Law Enforcement.

MS. HENRY: Right, basically said that that determination was not a local determination, and they did not budge on that issue. So I don't have any other information other than the Mayor was involved. Congressman Shaw clearly knew our concerns. We all talked about it, and I believe at that time if there could have been a modification, it would have been done by the congressman, but at that point they were not budging, and it was not something that the locals had any say for that particular year. In fact, they encouraged us: You can raise the issue next year, but this one is set, and we were placed on like a really short time frame to resolve the allocation of funds.

COMMISSIONER LIEBERMAN: Bertha.

MAYOR EGGELLETON: Commissioner Lieberman, you're recognized to respond.

COMMISSIONER LIEBERMAN: Thank you. Ms. Henry, when the Mayor mentioned that he wasn't attending the meeting, did anybody else, the Vice Mayor, current Mayor to attend, because he was the Vice Mayor then?

MS. HENRY: I don't recall.

COMMISSIONER LIEBERMAN: Is there any reason why neither Commissioner Jacobs, nor I were asked or advised when this was going on?

MS. HENRY: No, I was clearly under the impression that you had been briefed as a total -- I mean in total when the designation came down, that there was a briefing paper or there was some discussion about the issue, but I don't recall the specifics, and I do apologize if that did not happen, but at that point we were given the designation at the 11th hour and quickly told that the reorganization needed to happen and be codified so that we could get in the grant cycle. So everything was moving at lightning speed.

COMMISSIONER LIEBERMAN: All right. Here's my concern: I would ask that we have Ms. Madison contact -- is Kareem still with the Ferguson Group?

MS. HENRY: Yes, she is.

COMMISSIONER LIEBERMAN: He. Kareem did our initial research. I'd like for him to research if there's any other area in the country where a city from one urban area's designation, geographic boundary is included in a contiguous area such as was done here, and when it comes back negative, Congress has changed, I think we need to go full bore with this issue. And I will change my opinion if the City of Miami and the County of Miami-Dade says: We made a mistake. Let's pool our funds and do what's right for the region, but until such time as that happens, I think that every Miami-Dade city needs to be covered under the Miami-Dade UASI designation as is done everywhere else in the United States.

MS. HENRY: Okay.

MAYOR EGGELETTION: Commissioner Wasserman-Rubin, you're recognized.

COMMISSIONER WASSERMAN-RUBIN: I think this board has gone a long way in terms of embracing the concept of regionalism, and clearly this is an issue that would fit that designation. The only thing that I'm going to suggest is that whatever interaction we have with either Miami-Dade or Palm Beach, I understand that you're speaking from the point of frustration because you've been right in the thick of it, but that we try to temper the words so that they are assertive but not aggressive, you know, in a negative manner, only because there's more things that we could possibly do together later on and I would like to be able to try that still, because I still believe in regional issues of regional impact, interaction with our two neighboring counties.

COMMISSIONER GUNZBURGER: (Inaudible.)

COMMISSIONER WASSERMAN-RUBIN: Okay. And I understand all the frustration, but it's hard for somebody to react positively to a very negative strong statement. So I'm just suggesting that if we want to maintain some kind of relationship with our two counties to the south and north.

COMMISSIONER LIEBERMAN: The reason that I said I will change my opinion if Miami-Dade changes its and agrees to pool its funds is in the interest of regionalism. So we got to this position because they were not being regional.

COMMISSIONER WASSERMAN-RUBIN: I understand.

MAYOR EGGELETTION: Okay. All right. The item in front of us is Item 30, and, Ms. Brangaccio, I think the direction from the board is to perhaps add this to one of our federal legislative issues. We're going to have the Ferguson Group to do some research and report back to us as to what the outcome of this is going to be and then we'll move forward. Yes, go ahead.

MS. BRANGACCIO: And Ms. Madison is also working on an agenda and a date for the joint meeting.

MAYOR EGGELETTION: Okay.

MS. BRANGACCIO: And I think it's an issue that we need through put on for a joint meeting with Miami-Dade and Palm Beach too.

MAYOR EGGELETTION: We'd be more than happy to do that. Okay?

COMMISSIONER LIEBERMAN: And this obviously needs to be on that agenda.

MAYOR EGGELETTION: All right. Okay. So if there be no more comments on Item 30, I'll receive a motion on Item 30.

COMMISSIONER LIEBERMAN: So moved, incorporating both Commissioner Jacobs's and my comments.

MAYOR EGGELETTION: Item 30 has been moved. Commissioner Jacobs seconded it. And let the item reflect the comments of both Commissioner Jacobs, Lieberman, and Wasserman-Rubin in the minutes.

All in favor of Item 30?

Okay. Show Item 30 passes unanimously.

VOTE PASSES UNANIMOUSLY.

COMMISSIONER JACOBS: Mayor?

MAYOR EGGELETTION: Item 30 -- yes.

COMMISSIONER JACOBS: I'm sorry, I just noticed that there were Auditor's recommendations on items passed earlier on consent. When we passed them, did we pass his comments along with them?

MAYOR EGGELETTION: I'm assuming that the comments just carries with them.

COMMISSIONER JACOBS: His comments were that the -- that any future extensions to those contracts would come back to this board for approval, not be moved onto the transit --

MAYOR EGGELETTION: Well, let's try to deal with those at the end. I'd like to take those up at the end under the auditor's report and we can take all those up.

COMMISSIONER JACOBS: Okay, Mayor. Just that if we didn't, that we might reconsider to add his comments.

MAYOR EGGELETTION: I understand.

COMMISSIONER JACOBS: All right.

MAYOR EGGELETTION: We'll just take the auditor's reports up and we can do that at one time.

AGENDA ITEM 39

MAYOR EGGELETTION: All right. Item 39, Commissioner Lieberman and Wexler.

Commissioner Lieberman, you're recognized, followed by Commissioner Wexler.

COMMISSIONER JACOBS: And Jacobs.

MAYOR EGGELETTION: And Jacobs, and let me just caution the board. We have a tight agenda. It is my intent regardless of where we are to adjourn this meeting at 11:55 so that we can have five minutes so that we can meet at 12:00. Okay. So, please, take that under consideration as you start to comment.

COMMISSIONER LIEBERMAN: Okay.

MAYOR EGGELETTION: Commissioner Lieberman, you're recognized.

COMMISSIONER LIEBERMAN: Yeah, I want to delete the National League of Cities membership. I asked a question if anybody attended. The answer I got back is no. I understand why we belong to FLC, and I understand why we belong to the Broward League of Cities, because we work with the cities in our county and they are a large number of the FLC cities, but if nobody is attending NLC, and I realize that 34,700 may not be a lot of money, but 34,000 here and 34,000 there, pretty soon you have real money.

COMMISSIONER WEXLER: (Inaudible.)

COMMISSIONER LIEBERMAN: My motion was to delete it.

COMMISSIONER WASSERMAN-RUBIN: Second.

MAYOR EGGELLETON: Okay. Before I accept the motion, let me get the comments of the other commissioners. I'll take your motions all at one time. Commissioner Wexler, you're recognized.

VICE MAYOR WEXLER: My comments are quite similar. As a matter of fact, upon checking around, the National League of Cities didn't seem to me as if it was productive for the county, and if we wish to attend a meeting or go to a conference, we can do that.

COMMISSIONER LIEBERMAN: Yeah, we can go. Right.

VICE MAYOR WEXLER: You just pay a little higher fee for not being a member organization. The other question that I do have is, what is the Innovations Group?

COMMISSIONER LIEBERMAN: It's a technology group.

MAYOR EGGELLETON: Mrs. Henry, you're recognized to answer that.

VICE MAYOR WEXLER: It's very little money, but I have no idea what it is, and I also want to thank staff because this is something that last year we were getting piecemeal and, Ms. Henry in particular, we were getting these items on separate agenda as the year progressed, and I know for me in particular I wanted to see it in one place, and so I appreciate having it here. So the Innovation Group.

MS. BRANGACCIO: It's actually exactly what it says. It's a group of local governments in terms of innovative programs, and actually Broward is presenting at their June conference. We've been awarded innovations for some of our human services programs. So it's a consortium of local governments who actually are looking at innovative and high performance programs.

VICE MAYOR WEXLER: A consortium of local – do you all know about this?

COMMISSIONER LIEBERMAN: Yes.

VICE MAYOR WEXLER: A consortium of local governments? Do they focus on technology?

MS. BRANGACCIO: Actually, I get weekly e-mails from them. I'll start forwarding them over. There are some great programs.

VICE MAYOR WEXLER: Could you or someone forward me some information about them?

MS. BRANGACCIO: Absolutely.

VICE MAYOR WEXLER: Thank you.

MAYOR EGGELLETON: Okay. Commissioner Jacobs, you're recognized.

COMMISSIONER JACOBS: Thank you, Mayor.

COMMISSIONER JACOBS: Just briefly. I know you're trying to move the meeting along, Mayor. At the Florida Association of Counties meeting last week at the setting our legislative platform, one of the things that the board of directors was asked to vote on and voted positively was to add the tax watch, become a

member of Florida Tax Watch, and I wondered if maybe we might want to do the same thing here for the simple reason that Tax Watch has taken a position that counties probably ought to have revenue and expenditure caps put in place, and we're not at the table for their discussions. And being a member of an organization that is generally looking over the shoulder of governments might put us in a better position to tell our story which is why FAC paid their membership.

Now for the Florida Association of Counties, the membership was 5,000. I don't know what it would be for Broward County to be a member. I would imagine it's a small amount, the same or less, but if there isn't any objection, I would ask staff to look into having Broward County become a voting member of Florida Tax Watch.

MAYOR EGGELETTION: Okay.

COMMISSIONER LIEBERMAN: I don't have a problem putting that in my motion if that's what you're looking for.

MAYOR EGGELETTION: All right.

COMMISSIONER JACOBS: Okay. That's what I'd like to see us do.

MAYOR EGGELETTION: Okay. So are you going to accept that as a friendly amendment to your motion?

COMMISSIONER LIEBERMAN: Yep, you bet.

MAYOR EGGELETTION: Okay. The motion has been moved with an amendment. It's been moved by Commissioner Lieberman; seconded by who?

COMMISSIONER GUNZBURGER: I did.

MAYOR EGGELETTION: Commissioner Gunzburger. Okay.

All those in favor of the item as amended.

Okay. Those opposed.

Show Item 39 having passed.

VOTE PASSES UNANIMOUSLY.

MAYOR EGGELETTION: Okay. That takes us through the Consent Agenda. Now there is one item I'm being told that there may be some discussion on this item. Now if the discussion breaks down, I'm going to move the item back, but we need to reconsider the Consent Agenda.

AGENDA ITEM 40

COMMISSIONER LIEBERMAN: Move to reconsider consent Item Number 40.

MAYOR EGGELETTION: Because of Item 40. We want to reconsider –

COMMISSIONER LIEBERMAN: The Consent Agenda and Item Number 40.

MAYOR EGGELLETON: – the Consent Agenda and Item 40. Okay.

VICE MAYOR WEXLER: Second.

MAYOR EGGELLETON: All right. Is there a motion?

COMMISSIONER LIEBERMAN: Yeah, I just made it.

MAYOR EGGELLETON: Is there a second?

VICE MAYOR WEXLER: Second.

MAYOR EGGELLETON: The item has been moved and seconded.

Those in favor of reconsidering the Consent Agenda.

Those opposed.

Okay. The consent agenda is reconsidered.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 40

MAYOR EGGELLETON: We'll take up Item 40.

Commissioner Lieberman, you're recognized on Item 40.

COMMISSIONER LIEBERMAN: Yeah, I just want to bring to staff's attention that the date of March 6, 2007, I believe conflicts with Broward Days and with the NACO Legislative Conference, and I believe both Commissioner Jacobs and I are on steering committees at NACO, so I just ask that -- I'm not removing it at this point. I ask that you look at that date, and it may be that we may have to move that meeting because you might -- a lot of us do go to Broward Days or to NACO, and we may not have a quorum, and with that, I'll move Item 40.

MAYOR EGGELLETON: Okay.

COMMISSIONER LIEBERMAN: March 6th.

MAYOR EGGELLETON: It's March 6th.

COMMISSIONER LIEBERMAN: It's the first Tuesday in March.

MAYOR EGGELLETON: Now, look, I just want you to know we can come back and deal with this calendar at any time. I don't want us to get hung up on the calendar at this point.

COMMISSIONER LIEBERMAN: That's why I'm moving it. I'm just raising –

MAYOR EGGELLETON: She's raising an issue. We recognize that there may be a conflict. We can come back and adjust the calendar. Anymore comments on Item 40? Okay?

VICE MAYOR WEXLER: I do very quickly.

MAYOR EGGELETION: Quickly.

VICE MAYOR WEXLER: January 18th, it says Children's Services Workshop. It's the CSC joint meeting.

MAYOR EGGELETION: What is the CSC?

VICE MAYOR WEXLER: Children's Services Council.

COMMISSIONER GUNZBURGER: Children's Service Board and this commission.

VICE MAYOR WEXLER: Right, right. And so it's not reflected here.

MAYOR EGGELETION: Okay. We'll come back and work on that item. All right?

COMMISSIONER LIEBERMAN: Okay.

MAYOR EGGELETION: Okay. The Consent Agenda has been moved.

COMMISSIONER LIEBERMAN: Move Item Number 40.

MAYOR EGGELETION: All those in favor of the Consent Agenda?

Aye.

Show the Consent Agenda having passed with the exception of those items in which members abstained from voting. I believe that's Item 34 for myself and Commissioner Ritter, 26.

VOTE PASSES UNANIMOUSLY.

MAYOR EGGELETION: Okay. All right. Thank you. That gets us through the -- no, we have a -- that's it. That's the Consent Agenda.

COMMISSIONER JACOBS: Mayor, I'm sorry, Mayor.

MAYOR EGGELETION: Yes.

COMMISSIONER JACOBS: My issue is still outstanding whether or not when we passed those items we passed them with the Auditor's comments.

MAYOR EGGELETION: I'm going to take up the Auditor's comments when we do the auditor's report and just pass --

COMMISSIONER JACOBS: His comments were on agenda items that we've just passed.

MAYOR EGGELETION: Okay. Then are there any objections to taking up and passing the auditor's comments on the Consent Agendas?

COMMISSIONER LIEBERMAN: No objections.

COMMISSIONER JACOBS: No.

COMMISSIONER GUNZBURGER: I move that the comments be included in the agenda.

COMMISSIONER LIEBERMAN: Second.

COMMISSIONER JACOBS: That's what I --

MAYOR EGGELLETON: Okay. The auditor's comments have been moved by Commissioner Gunzburger; seconded by Commissioner Jacobs.

All those in favor of enscorning the auditor's comments in the Consent Agenda's report.

Any objection?

Show the item passed.

VOTE PASSES UNANIMOUSLY.

INTERCOM: Hello?

COMMISSIONER JACOBS: Who is that?

COMMISSIONER LIEBERMAN: Who was that?

MAYOR EGGELLETON: Okay. That's that one lone person that you all --

COMMISSIONER LIEBERMAN: The one person in the meeting.

COMMISSIONER JACOBS: The one that Joe's going to sick on us if we don't move the meeting along.

REGULAR AGENDA

MAYOR EGGELLETON: Okay. Item – okay. That gets us to the Regular Agenda.

PUBLIC HEARING

AGENDA ITEM 44

COMMISSIONER LIEBERMAN: Move Item 44 on behalf of the Mayor.

MAYOR EGGELLETON: Item 44 has been moved. Is there a second to Item 44?

COMMISSIONER JACOBS: Second.

MAYOR EGGELLETON: Okay. Item 44 has been moved and seconded.

All those in favor of Item 44.

Any opposes?

Show Item 44 having passed unanimously.

VOTE PASSES UNANIMOUSLY.

MAYOR EGGELLETON: Okay. Item 45.

COMMISSIONER LIEBERMAN: It's a public hearing.

MAYOR EGGELLETON: It's a public hearing? Okay. That's right. Is there anyone here from the public that wishes to speak on Item 44? Anyone from the public wishing to speak on Item 44? Seeing that there's no one wishing to speak on 44, the motion having already been made and passed, show Item 44 having passed unanimously by the board.

PUBLIC HEARING ENDS

AGENDA ITEM 45

MAYOR EGGELLETON: That brings us to Item 45. Item 45, is there a motion on Item 45?

COMMISSIONER LIEBERMAN: So moved.

VICE MAYOR WEXLER: Second.

MAYOR EGGELLETON: Item 45, moved by Commissioner Lieberman; seconded by Commissioner Wexler.

Are there any objections?

Any objections?

Without objection, show Item 45 passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 46

UNIDENTIFIED SPEAKER: (Inaudible).

MAYOR EGGELLETON: Okay. Thank you.

COMMISSIONER LIEBERMAN: Second Commissioner Wexler's motion on 46.

MAYOR EGGELLETON: Commissioner Wexler, Lieberman, and --

COMMISSIONER LIEBERMAN: It used to be in my district.

MAYOR EGGELLETON: -- the entire commission moves Item 46. Is there a second? Show the entire commission having seconded Item 46. Okay.

Are there any objections?

Any objections?

Show Item 46 passes unanimously without objections.

VOTE PASSES UNANIMOUSLY.

COMMISSIONER GUNZBURGER: There is a person in the audience that would like to thank the commission and give us a special presentation.

VICE MAYOR WEXLER: I just asked them if they wanted to and they said no.

COMMISSIONER GUNZBURGER: No, but I think Ms. Schragel wants to come up.

VICE MAYOR WEXLER: If you actually have what we spoke about, I think it would be very nice and appropriate, and it will only take a second, Mayor.

MAYOR EGGELLETON: Please.

VICE MAYOR WEXLER: Honestly, it will only take a second.

MR. LAYSTROM: Bill Laystrom, on behalf of Young at Art. We just want to thank you very much for this and indicate that today we'll be paying the county \$1.1 million to start this process. We'll try to have that to your staff by the end of day.

COMMISSIONER LIEBERMAN: Well, I guess it's here now.

MR. LAYSTROM: We brought a check for you also.

COMMISSIONER LIEBERMAN: A big check.

MR. LAYSTROM: A big check to get this started.

MAYOR EGGELLETON: Vice Mayor Wexler, would you please accept the check on behalf of the Board of County Commissioners.

VICE MAYOR WEXLER: With Pleasure.

MR. LAYSTROM: Thank you, Mayor.

UNIDENTIFIED SPEAKER: I just want to thank you all for your support and hope you enjoy your holidays. Thank you.

COMMISSIONER LIEBERMAN: Thank you.

MAYOR EGGELLETON: Why don't you let them know who the check is for, Vice Mayor, and how much it is. Why don't you take the whole check up there so you can read it.

VICE MAYOR WEXLER: This is a check for \$1.1 million that begins the process of site development for the Young at Art Museum at the new location at Flamingo Road and State Road 84, and it has been a labor of love that has been underway by this commission for many, many, many years, and so glad to have closure, and closure is really just the beginning. So we will celebrate the ground breaking hopefully some time in January. Thank you.

(Applause.)

MAYOR EGGELLETON: Okay. Thank you.

AGENDA ITEM 47

MAYOR EGGELLETON: That brings us to Item 47. Any comments on Item 47?

COMMISSIONER LIEBERMAN: Yeah, I want to move it as amended with the rate of 25.01 plus fuel and insurance charges as outlined in the memo.

COMMISSIONER GUNZBURGER: Second.

MAYOR EGGELLETON: The item has been moved and seconded. Before we pass the item, let me just say this. I know that they're still negotiating, all right, Mrs. Henry and Mrs. Brangaccio, but at some point I think you've got to bring negotiations to a close, and sometimes you just have to tell people: You know, look, this is what we're going to pay you. If you don't like it, that's what it is, because I considered personally some of these larger transit carriers trying to force some of the small ones out, and we need to get on with this negotiation.

This has been going on for far too long and it really needs to come to an end. So hopefully, you know, this can be back in front of us before we break in December. We've been fooling with this item since the summer and we have not gotten a yes, and let's -- let me remind you, some of the smaller carriers cautioned us that this may happen way back at the public hearing at that point. Any other comments on this item before we take it up in passing?

COMMISSIONER JACOBS: Ditto.

MAYOR EGGELLETON: Okay. Commissioner Wexler. I mean, Vice Mayor Wexler.

VICE MAYOR WEXLER: I just feel so strongly about what you just said. However, the one question that I did ask that came through today as a scrivener's error was the adjusted per trip charge. That though does not however include fuel and insurance, and the scrivener's error -- the scrivener's indication was, unless I'm looking at last night's memo --

MAYOR EGGELLETON: 47.

VICE MAYOR WEXLER: -- averaged from 23.69 to 25.01 plus fuel and insurance charges.

COMMISSIONER LIEBERMAN: That's what my motion was, plus fuel and insurance charges.

VICE MAYOR WEXLER: Right, but the 25.01.

COMMISSIONER LIEBERMAN: Was plus fuel and insurance. It was 25.01 plus fuel and insurance.

VICE MAYOR WEXLER: What I'm looking for is the -- pardon me?

MR. NEWTON: You're looking for what the number is on that?

VICE MAYOR WEXLER: Yeah, and that's what we had discussed yesterday, so I really think that as we look at the chart from the various providers and what they're looking for in their proposal, we're still pretty far apart, and, you know, it's really a matter of, let's make sure that we're really dealing with reality here as far as not just the per trip charge, but what the fuel cost is as well as the insurance cost and get us a really good number to work with. And I agree with you, I'd love to see it some time, which means next week.

MAYOR EGGELLETON: Yeah, and let me just say this, I mean there is not a week that go by -- I don't know about the rest of you, but there's not a week that go by that we don't get a call in our office on this issue.

COMMISSIONER LIEBERMAN: That's true.

MAYOR EGGELLETON: And let me just say to anybody who think they want to stall this, you know, there are a whole lot of fish in the sea, and, you know, this one commissioner will certainly vote out those big carriers who think that they can hold us up, that ain't happening. We need to move forward with this. We have people that seriously need this transit, and we need to move forward with this issue. So, you know, hopefully this comes back to us on the 12th before we break for the Christmas holidays. Is there a motion on Item 47?

COMMISSIONER LIEBERMAN: Yeah, I already moved it.

COMMISSIONER JACOBS: I'll move it. I just would like to add --

COMMISSIONER LIEBERMAN: I already moved it.

COMMISSIONER JACOBS: -- the comment that the call we get to the office also increasingly lately --

COMMISSIONER LIEBERMAN: Service.

COMMISSIONER JACOBS: -- are people who are happier with the smaller companies.

MAYOR EGGELETION: Absolutely.

COMMISSIONER JACOBS: Who are doing a fantastic job.

MAYOR EGGELETION: They're doing a fantastic job.

COMMISSIONER LIEBERMAN: They seem to be.

MAYOR EGGELETION: Okay.

COMMISSIONER LIEBERMAN: I've already moved it.

MAYOR EGGELETION: All right. So the item has been moved and seconded.

Any objection to Item 47 as amended?

Item 47 -- show Item 47 having passed as amended unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 48

MAYOR EGGELETION: Item 48, is there a motion on Item 48?

COMMISSIONER JACOBS: Move 48 as amended with the Auditor's comments.

COMMISSIONER LIEBERMAN: Second.

MAYOR EGGELETION: Item 48 has been moved by Commissioner Jacobs; seconded by Commissioner Lieberman. Enscocned in the item is the comments of the auditor.

Are there any objections to 48?

Any objection?

Without objection, show Item 48 passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 49

MAYOR EGGELETION: Item 49.

COMMISSIONER LIEBERMAN: We have to draw for categories.

MAYOR EGGELETION: Oh, we've got to draw. Okay. Can we do this?

COMMISSIONER LIEBERMAN: Quickly.

COMMISSIONER JACOBS: Can we do that later?

MAYOR EGGELETTION: Quickly? Yeah, please.

VICE MAYOR WEXLER: Please?

MAYOR EGGELETTION: Yes, comment.

VICE MAYOR WEXLER: While they're getting our drawing stuff ready and out, those envelopes that are going to go around here, Motion Number B under Number 48 is an area where, under non-agenda later, I'm going to be talking about the Elderly Summit, and I just really think that during the course of this next year, especially January 31st, is FIU is unveiling their comprehensive study of Elder Services in Broward County, that we really need to take a look at the form and the function and the role that this group plays within our organization because there are other groups out there that want an opportunity to also participate.

So I had a conversation with the administrator yesterday, and I'd like for them to take a year -- maybe it's something that needs to go to -- I don't know if charter review needs to take a look at the various committees. Certainly Management and Efficiency could have looked at our committee structure.

MAYOR EGGELETTION: Why don't we do it at our -- Vice Mayor, this is something we can do at the workshop -- I mean at the retreat rather. I think that's a good time.

VICE MAYOR WEXLER: Could we put it on the agenda, the whole committee structure?

MAYOR EGGELETTION: We'll just put that on the agenda at the retreat. Okay?

VICE MAYOR WEXLER: Perfect. Thank you.

MAYOR EGGELETTION: All right.

MS. MADISON: And our sensor review process of all the boards starts in January as well. So that could be tied into that.

MAYOR EGGELETTION: All right.

MS. MADISON: Commissioners, on Motion A, Chris will be passing around the envelopes. Not all of you will draw, only those commissioners that were newly elected or re-elected will draw, and in some instances those that were re-elected already have appointments currently in place and if this board will consider allowing -- if you choose to make those reappointments, then you do not have to draw in those circumstances because it's very difficult in some of these boards to have people fill those positions.

So for the Board of Rules and Appeals, Commissioners Gunzburger, Keechl, and Ritter will draw. The other commissioners have people currently serving in terms that are not yet expired. And when you draw your slip --

MAYOR EGGELETTION: Draw one out of there. What was that, Mrs. Madison?

MS. MADISON: When you draw your slip, if you can return the envelope -- just write your name on it, please, and give it back to Chris, and we will create a list for each of you show you know which appointments you have.

COMMISSIONER JACOBS: This is Ms. Madison's favorite time of year.

MAYOR EGGELETION: Okay. This is the Board of Rules and Appeals.

MS. MADISON: This is my least favorite agenda report ever.

MAYOR EGGELETION: The next one, Item B.

MS. MADISON: Elderly Veterans Services we have two options. Commissioner Gunzburger currently has Phyllis Friedman serving. Commissioner Jacobs has Patrick Hanrahan, and Commissioner Wasserman-Rubin has Bill Cling. If you'd like to keep those appointments, we could reappoint them today and have Commissioners Keechl and Ritter draw for the two vacancies if the board concurs. Is everybody okay with that?

MAYOR EGGELETION: Let them comment first.

MS. MADISON: Do you want to draw?

MAYOR EGGELETION: Commissioner Jacobs says she wants to keep hers.

COMMISSIONER JACOBS: Mayor, we should keep my appointment.

COMMISSIONER GUNZBURGER: I'd like to keep mine.

COMMISSIONER WASSERMAN-RUBIN: I would like to change mine.

MS. MADISON: Okay. Well then –

MAYOR EGGELETION: Take a draw.

COMMISSIONER WASSERMAN-RUBIN: Just you know I'm not -- Bill is my friend, but I need to add somebody else.

MS. MADISON: Okay. All right. Then we will have --

COMMISSIONER WASSERMAN-RUBIN: So he's loose if anybody else wants him.

MAYOR EGGELETION: Okay. All right. Did that take care of B, Mrs. Madison?

COMMISSIONER WASSERMAN-RUBIN: Yeah, we'll write a nice letter to him.

MAYOR EGGELETION: Did that take care of B?

MS. MADISON: Yes.

MAYOR EGGELETION: Okay. Item C. This is Human Rights Board.

MS. MADISON: Item C is the Human Rights Board. And this board, again, Commissioner Wasserman-Rubin has Robert Rollins currently serving on that board, Robert Rollins.

COMMISSIONER WASSERMAN-RUBIN: Robin or Robert?

MS. MADISON: I have Robert.

COMMISSIONER WASSERMAN-RUBIN: Oh, okay.

MS. MADISON: Why don't we have all the commissioners draw for that.

COMMISSIONER WASSERMAN-RUBIN: That's fine.

MS. MADISON: Okay. Everybody will draw for that. That will be Commissioners Keechl, Ritter, Gunzburger, Jacobs and Wasserman-Rubin that will draw for that board.

VICE MAYOR WEXLER: What board is this?

MS. MADISON: Human Rights Board. This is for your categorical appointment. You have one of anybody you want to choose and then a category.

COMMISSIONER LIEBERMAN: Next time -- go from the left and to the right.

MS. MADISON: So sorry. The next two we will start to the right.

MAYOR EGGELETION: Okay. Is that one done? What's the next item, Mrs. Madison?

MS. MADISON: Small Business Development Advisory Board. The two commissioners that will draw are Keechl and Ritter since the remainder have terms that are not yet expired, and, Chris, if you could please do the Small Business Development Advisory Board starting with Commissioner Ritter.

COMMISSIONER WASSERMAN-RUBIN: Is that Human Rights?

MS. MADISON: Yes. And item -- on the items to direct the county attorney's office to amend the ordinances, on Item D it's just to have the terms coincide with the term of the appointing commissioner. It gets very confusing when those terms are out of sync.

MAYOR EGGELETION: Do we need to -- Mr. Newton, do we need to -- I guess we need to take and pass that, right?

COMMISSIONER LIEBERMAN: What do we need to (Inaudible)?

MS. MADISON: D.

MAYOR EGGELETION: Okay. So on Item 49G.

MS. MADISON: And D.

MAYOR EGGELETION: I'll accept a motion to approve. Item has been moved by Vice Mayor Wexler; seconded by Commissioner Gunzburger. Those in favor of 49G.

MS. MADISON: And D.

MAYOR EGGELETION: And D --

COMMISSIONER LIEBERMAN: Hold on one second.

MAYOR EGGELETTION: G and D; is that right?

MS. MADISON: Yes.

COMMISSIONER LIEBERMAN: G?

MAYOR EGGELETTION: Yes, G and D. Okay. Item G and D. What it's doing, as Mrs. Madison pointed out, it's just letting the appointment coincide with the term of the appointing commissioner.

MS. MADISON: That's for D. And G is to expand membership to Nuisance Abatement to include those cities that we have contracts with for that services as well, just to expand the people that can serve.

MAYOR EGGELETTION: Okay. All right.

MS. MADISON: The last one –

MAYOR EGGELETTION: Wait a minute.

MS. MADISON: Sorry.

MAYOR EGGELETTION: We've got to pass the motion.

Any objection to the motion?

Any objection to --

Show the motion passes without objection.

VOTE PASSES UNANIMOUSLY.

MAYOR EGGELETTION: Okay.

MS. MADISON: The last category is Unsafe Structures. Chris, are you doing that one now?

MAYOR EGGELETTION: This is F.

MS. MADISON: And only Commissioners Keechl and Ritter will draw for those as well because the remainder of the re-elected commissioners have people currently serving in terms that have not yet expired.

The last item, Commissioners, will help board coordinators, which is H. We have a difficult time with boards not meeting because they know that they're not going to have a quorum in advance of the meeting occurring. If the meeting doesn't occur, we can't count those people absent in order to apply to commission's attendance policies.

We worked with the Attorney's office to say that if a board member does not notify their board coordinator I believe it's two days in advance of the meeting, they will be counted as -- if they're not going to attend, they will be counted as absent, because, otherwise, we're asking a lot of business people and community people to come downtown for meetings and then there's no quorum for them to have a meeting and it just helps us get those folks that do not want to show up at meetings off and have you have the ability to appoint people that will be committed. So if you don't mind, it reaffirms previously adopted board policies and just gives our staff some guidelines for attendance purposes. That's H.

MAYOR EGGELLETON: Do you need us to take that up, or that's just a statement?

MS. MADISON: I just need you to say if you're okay with it.

MAYOR EGGELLETON: Anybody object to that? All right. Thank you.

MS. MADISON: That's all I need.

MAYOR EGGELLETON: Yes, Commissioner Ritter, you're recognized.

COMMISSIONER RITTER: Thank you. I'm wondering if we can also ask the County Attorney or Ms. Madison's office, I'm not sure which one it is, maybe next year, by next year I'll know exactly which one it is, whether or not there are specific time periods within which you can reappoint prior to the commissioner's term expiring. For example, if you know your term is expiring on November 7th, for example, can you reappoint a position within 30 days, 60 days, 90 days in order for it to be a valid reappointment?

MAYOR EGGELLETON: Okay. All right. I think that's a good comment. Commissioner Wasserman-Rubin, I think you're right --

COMMISSIONER RITTER: I'm Ritter. I'm younger.

MAYOR EGGELLETON: No. I'm recognizing her. I got your comments.

COMMISSIONER RITTER: Well, I am younger.

MAYOR EGGELLETON: She had her hand up.

COMMISSIONER LIEBERMAN: That's okay. You may be younger but I love when people say: Stacy, I voted for you and they're looking at me because I am older. Anyway, Commissioner Ritter raises a very interesting question and I think where it's particularly applicable is there a number of boards which have appointments for a term that the County Attorney has previously said that you can't -- all the other boards expired when you leave office, but if it's for a term, you can't, and there's nothing in our code that says when it's timely to reappoint someone for a term.

So if I can add on to her motion, what I'd ask the County Attorney to do is research setting up a time frame within which you can make a reappointment to some period of time, maybe it's 30 days prior to the term expiring so we don't have a situation where someone who is leaving office, reappoints someone two years before their term expires for another four years thus depriving the commissioner during their term of making that appointment. And I don't think that will conflict with anything because we're not interfering with the term. We're simply determining when an appointment would be timely.

MR. NEWTON: Yes, we can do that. There is specific language in the charter related to certain types of boards, and so we'll have to look at that in conjunction with what you currently already have in the administrative policies in order to determine whether or not that's something that we can do because it certainly acts as a deterrent I guess in some respects or at least makes it difficult for the incoming commissioner since they're basically, I don't want to say stuck with someone that they may not want to be on a particular board for the remaining two years.

COMMISSIONER LIEBERMAN: And the reason I raise it is because there's some history in the state legislature that says one legislature cannot bind another legislature and by not having a time frame within

which to make appointments to terms, we're actually letting current or previous collegial bodies bind future collegial bodies to their detriment.

COMMISSIONER JACOBS: Mayor.

COMMISSIONER LIEBERMAN: I'll second that.

MAYOR EGGELETTION: Commissioner Jacobs.

COMMISSIONER LIEBERMAN: I'm supporting your motion.

COMMISSIONER WASSERMAN-RUBIN: (Inaudible).

COMMISSIONER JACOBS: I'm curious, wouldn't it be more simple, and maybe we're not allowed to, just to have whatever appointment expires with the term of the commissioner so that --

COMMISSIONER LIEBERMAN: It's not those.

MAYOR EGGELETTION: That's not the issue. No, that's not the issue.

COMMISSIONER JACOBS: But then you would always be able to reappointment everybody. You would never be stuck with anybody.

COMMISSIONER LIEBERMAN: It's people who get appointed for a term.

MAYOR EGGELETTION: That's not the issue.

COMMISSIONER LIEBERMAN: It's different.

MAYOR EGGELETTION: Commissioner Ritter, why don't you restate their --

COMMISSIONER JACOBS: Can there be a caveat that says they're appointed for a term unless the commissioner is no longer in office and then it would revert to the newly elected commissioner.

MR. NEWTON: That's certainly a way to structure it. I mean it could be done a number of different ways, but my concern is that I know there's a provision in the charter related to certain offices and that's something that I would want to look at.

COMMISSIONER LIEBERMAN: Right. Those are the boards.

COMMISSIONER JACOBS: Could you look at maybe making it as simple as possible?

COMMISSIONER LIEBERMAN: Yeah. Oh, yeah.

COMMISSIONER JACOBS: Okay.

MR. NEWTON: That's what I always attempt to do.

MAYOR EGGELETTION: All right. Everybody got it? Okay. Thank you so very much. All right.

AGENDA ITEM 50

MAYOR EGGELLETON: That brings us to Item 50. Now let me sort of -- I've got a whole lot of speakers here on Item 50. Let me -for the benefit of those that have stayed for Item 50, let me tell you what my plan is for Item 50. Okay. We have a tight agenda scheduled. I never want to stifle public debate. However, let me just tell you, this was a non-agenda item. It came to --

COMMISSIONER LIEBERMAN: No, it wasn't.

MAYOR EGGELLETON: Let me just finish now, please. Okay. At the Florida Association of Counties, the Florida Association of Counties have already voted to support the item on the agenda. I suspect that there will be a unanimous vote on this board to support Commissioner Jacobs' agenda item.

COMMISSIONER LIEBERMAN: Right.

MAYOR EGGELLETON: And with that, unless you have a real burning desire --

COMMISSIONER LIEBERMAN: Why don't we get the motion out.

MAYOR EGGELLETON: -- to speak on something that we obviously will pass, please do so. But Item 50, my plan is to take up and pass the item and then open it up to public comment. So Item 50 is up. Are there any one who -- of the commissioners who want to speak on Item 50.

COMMISSIONER JACOBS: Mayor, may I?

MAYOR EGGELLETON: Yes.

COMMISSIONER JACOBS: This is my item. It is not the same as that which the Florida Association of Counties took up. It's a completely different issue, although it is water related, so it does share some similarities. This item was placed on the agenda for us so that you could, A, read the attendant backup so that I didn't spring something on you again. You'll notice that staff is directed to develop language and bring it back to us for another vote. So I'm not asking you to vote on something you're not going to see.

But basically what I think is really important to understand is that the State Department of Environmental Protection has recently put together a committee. It's called the Designated Uses and Classifications Committee, and basically what this committee is charged with doing is looking at water classifications around the state and looking at whether they are fishable, swimmable, and maybe should be reclassified to some lower level primarily so that nutrient rich waters coming out of utilities may then be used or dumped into those systems.

In Broward County, we are very unique, as you know with 1,800 miles of canals. We have more waterways and more waterfront property in Broward County than any county in the state, and what happens, what is put in one canal, because of our integrated water resource plan, which is a plan that the county has been working for for quite a number of years which inter-connects all of our canals. So even though a homeowner may be on a tertiary canal system, what they do and what happens there is connected to a secondary or, of course, primary which is pumped either into the Everglades or flows out to the ocean and we know what some of the nutrient levels in our own canals have been doing to our quality of water.

The state's attempt or looking at reclassifying our waters could potentially take away the classification which we currently enjoy which is Class 3 waterways designated as fishable, swimmable, and for any of you that have been past any canal in Broward County, most likely you've seen somebody fishing out there, and it has become a major point of sustenance for a lot of families in Broward County, the fish that they're catching in our canals as well as the recreational opportunities that it affords.

What I'm asking you in Motions A, B, and C, is to first add to the 2000 state legislative program a policy statement and a proposal to oppose any reclassification or down grading of Broward County's canal systems.

Additionally, that we direct staff to develop language in our program that would include Broward County's opposition to the state's attempts to reclassify. And then finally, that the county attorney be directed to draft a resolution opposing the state's reclassification so that we can then share it with our cities.

With 31 cities in Broward County, virtually everyone of them is on a canal or water body, and I know from hearing from several of them already have serious concerns about any attempts to down grade the classification of Broward's water systems.

And then finally, Mayor, with your permission and with this item passing, should it pass, and I hope that it does, that we ask you as our Mayor to draft a letter that would go to this committee, which is meeting tomorrow, and let them be aware of our opposition. I think it may be important too for you to understand who this committee is. This committee are members of basically people who were appointed by the existing Department of Environmental Protection.

MAYOR EGGELLETON: I'm fully aware of it, Commissioner. You don't have to remind me. I got it.

COMMISSIONER JACOBS: Oh, okay.

MAYOR EGGELLETON: And I'll do exactly as you have instructed.

COMMISSIONER JACOBS: All right. May I just finish my last point?

MAYOR EGGELLETON: Yes, please.

COMMISSIONER JACOBS: Thank you. Of this committee, there are various representatives throughout the state, only two that represent local government, one representing cities, and one representing counties. The gentleman representing all of Florida's 67 counties and representing Broward County's interest is Robert Brown from Manatee County who is not an elected official. He is -- for lack of a better term, forgive me, a bureaucrat within that city -- or, I'm sorry, within that county, and I don't think the issues in Manatee County adequately represent us, and I think it's very important for Broward County's voice to be heard at this committee. So with that, I would move Agenda Item 50 and ask you all to please support it.

COMMISSIONER WASSERMAN-RUBIN: Second.

MAYOR EGGELLETON: Before I take your motion, Commissioner Lieberman is recognized.

COMMISSIONER LIEBERMAN: Actually, I have an amendment to the motion. I certainly appreciate Commissioner Jacobs' advocacy on this issue. The concern that I have is I just don't think her motion goes far enough. We routinely have issues with either DEP or the legislature which attempt to degrade the water quality of our canals and retention features, and what I would ask, and I can either do it as a substitute motion or a friendly amendment, that we ask the language not just oppose all of the items stated, such as the reclassification of canals, but we make it very obvious that any efforts on either the part of the legislature or any state agency that would serve to reduce the water quality in Broward County and any of our water features similarly be opposed because these issues have a way of coming back during session and you never know when something starts how it ends up, and I think our position on every one of these issues, I mean I remember reading when I was away about treated affluent in our

canals and there was never anyone on this board supporting that just like there's never anyone on this board who is going to support making our canals ditches, so I just think we've had, though not all from the state, enough fair warning of where they're heading, we need to take a broader position that cover us in any and all attempts that would degrade the quality of water in Broward's water system.

MAYOR EGGELLETON: Okay. Do you accept that as a friendly amendment?

COMMISSIONER JACOBS: Commissioner Lieberman, I accept those completely. Any water bodies in Broward County, understanding what this committee is charged with now is looking at canal systems, but they are looking at other water bodies.

COMMISSIONER LIEBERMAN: They are. Exactly.

COMMISSIONER JACOBS: So I agree. It's a real concern. This is one of those issues that is a slight change in language that is moving behind the scenes and nobody is really paying attention to.

COMMISSIONER LIEBERMAN: Right, and the problem is you well know, because you and I have lobbied on behalf of Broward County in Tallahassee, is what starts at session -- and I say this with all apologies to my two colleagues who were former legislators, and what ends up getting passed often have broader reach than anybody anticipated. So I just think we're at the beginning of this process. Let's tell them all where it's at.

(Applause.)

MAYOR EGGELLETON: Okay. Item has been moved by Commissioner Jacobs, seconded by --

COMMISSIONER LIEBERMAN: As amended.

MAYOR EGGELLETON: It has been moved and it has been amended by Commissioner Lieberman. Commissioner Jacobs accepted the amendment as a friendly amendment. So the item is moved as amended.

Those who support the item?

COMMISSIONER JACOBS: Aye.

MAYOR EGGELLETON: Show the item passes unanimously.

VOTE PASSES UNANIMOUSLY.

MAYOR EGGELLETON: Now for the general public, and let me just say, again, we're going to adjourn this item -- this meeting very, very shortly here. Unless you have a burning desire to speak, the item, having already been passed, you can waive your time to speak just by saying I waive my time. But, again, I have more members than we do have time, and I intend to adjourn this meeting at five minutes before the hour of 12:00, which means that some of you will be cut off. Okay. So now let me just -- I'm going to call your name and, first of all, Bill Willet? Is that person here? Beth Willet, I'm sorry. Okay. Mrs. Willet, because of the number of potential speakers, let me just see if I can you this --

MS. WILLET: I understand, but a lot of people who are coming after me are just --

MAYOR EGGELLETON: Now, just a minute. I want to set it for one minute because we have so many, we're going to give everybody only one minute.

MS. WILLET: One minute?

MAYOR EGGELETTION: Yeah, because we've just got too many people.

COMMISSIONER JACOBS: Mayor, if I might. I know Ms. Willet agreed, there were several in the group agreed to allow her to speak for them, so if you could give her her three minutes, I'm sure you probably won't need the rest.

COMMISSIONER KEECHL: Mayor, I'd ask for that too.

COMMISSIONER JACOBS: Many of the other speakers will waive their time.

COMMISSIONER KEECHL: Let her have her three minutes.

MAYOR EGGELETTION: Are you going to speak for everybody?

MS. WILLET: Well, for my group anyway. I'm Bett Willet with the original Save our Beach in Deerfield Beach, and a number of the people who have signed up there are with my organization, and they're just going to reiterate. Okay?

MAYOR EGGELETTION: All right. Go ahead.

MS. WILLET: Thank you, and I already crossed out half of what I was going to say anyway. I really thank the commission for opposing this state reclassification of our canals, but I do want to say this because I want it brought to the committee tomorrow so that they understand how we feel also. Our canals are Class 3, which means they have to be clean enough for swimming, recreation, and to maintain healthy fish and wildlife.

The DEP's rationale for reclassification is to develop more precision in their divisions. They chose to pick on the Class 3 category as an example of the need as it's a large bucket into which are dumped rivers, lakes, streams, springs, wetlands, estuaries, marine waters and our canals. They want to further differentiate according to physical, chemical, and biological characteristics.

All protection of our water arises from its assigned designated use. Sounds pretty simple. Look at the water, decide how it's being used and classify it, and it almost makes some sense. However, very quickly, this would result in our canals being bumped from Category 3 to at least a Category 4, because if Category 3 means swimmable and you don't see anybody swimming, it assumes -- they could assume that's not a use. The cleanliness of the water is not the reason you don't see swimmers. In some cases it may well be alligators that prevent the swimming, not the water. The lack of swimmers doesn't mean the water should be reclassified. These waters are overwhelmingly next to residential areas and a lower classification with the result in higher pollution would, if nothing else, constitute an increased health hazard both for humans and wildlife.

The DEP itself states it is important to note that a water body may support more than one use, and in Florida, classes with a higher degree of protection are also designated to protect the classes below it. Class 1 is protected of 2, 3, 4, and 5. Right there, they're admitting to a trickle down, pun intended, effect, meaning our canal change from three to four would mean our fours would be fives and so on. I see no problem in dividing the classifications of Class 3 into subsections if it's needed for precision, fresh water, brackish water, marine, river, stream, pond, canal, lake, et cetera. However, I do see a very real problem in diluting the required level of cleanness and the water quality required for the categories. Saving the state money is a laudatory goal, but lowering water quality requirements is not the way to fatten the state coffers. I don't want to tell my friends and relatives that I live near the Hillsboro ditch instead of the

Hillsboro Canal, and I thank you for strongly opposing the state attempt to reclassify our canals. Thank you very much.

(Applause.)

MAYOR EGGELETION: Thank you so very much. Okay. Unless you have a burning desire, you can always waive your time.

Linda Maloney.

MS. MOONEY: Linda Mooney in Deerfield Beach. I'll be very short and sweet. Commissioner Jacobs knows how I feel about our waterways, our lakes, ponds, streams, canals, you name it. Anything that has to do with our waterways, I support the county's motion to oppose the state's reclassification of the canals. Thank you.

MAYOR EGGELETION: Thank you so very much.

(Applause.)

MAYOR EGGELETION: Paul, it looks like -- I can't read this writing. It looks like Renesic. Renneisen.

MR. RENNEISEN: Mayor Eggelletion, I'm scheduled to speak on the RTA, Item 60, so I waive that speaking point there, and the county administrator has recommended that I speak at the next meeting and then I can make a recommendation for you. Thank you.

MAYOR EGGELETION: All right. Thank you.

COMMISSIONER LIEBERMAN: Item 60 passed on consent.

COMMISSIONER GUNZBURGER: It already passed. Exactly.

MAYOR EGGELETION: All right. Okay. Andre -- Andrea Voss.

MS. VOSS: Yes. Good morning, and thank you so very much for allowing me this opportunity to address my concerns. I'd like to applaud you and thank you so very much for your concern in recognizing this potential threat to our environment. Please keep up the good work, and thank you again. Maintain your vigilance because it could pop up anywhere. Thank you.

MAYOR EGGELETION: Thank you. Okay.

Timothy and, it looks like Nicole Koteff.

COMMISSIONER LIEBERMAN: Oh, how cute.

MAYOR EGGELETION: This is Nicholas?

MR. KOTEFF: This is Nicholas.

MAYOR EGGELETION: Okay. Got it.

MR. KOTEFF: And he is an avid fisherman and he wanted to say thank you to the commission and present you with some photographs of proof of the good work that you're doing and the smiles that you're putting on children by allowing them to continue to fish and swim in the canals.

MAYOR EGGELETTION: Thank you. Okay. All right.

Nathan Geisler. Is that person here?

COMMISSIONER JACOBS: He's coming.

MAYOR EGGELETTION: Okay.

MR. GEISLER: Fairly close, Nathan Geisler. I am here, real quickly. I will save you the length of my comments. I'm here representing Clean Water Action. We're an advocacy organization with 60,000 members in the State of Florida, 6,000 here in Broward, and want to thank the commission for taking a strong proactive stance on this issue, in particular recognize Commissioner Jacobs's work on this and Commissioner Lieberman's motion as well today. So we just want to thank you and look forward to monitoring this endeavor, and look forward to it.

MAYOR GRABER: Thank you. Okay.

Next would be Gary, this looks like Heckler; is that right? Hecker.

MR. HECKER: Thank you.

MAYOR EGGELETTION: Okay. Thank you. All right. Rita, and I'm trying to read these names. This looks like Reagon.

MS. REAGON: Yeah, I just applaud the commission (inaudible).

MAYOR EGGELETTION: Thank you. All right.

Bill Sears, followed by Barry Heimlich.

MR. SEARS: Water quality is the number one utmost important factor in this state. This whole state, the whole industry, the people that live here are based on water quality. We have standards in place for water quality. We are known throughout the world and through the United States as the Venice of the South, but as a name only. If we were to be the Venice like in Italy, our canals would be turned into open sewers because that's exactly what they use them for. We do not want that to happen here, and I commend you to talk in the strongest language in possible and object to this insidious plan of reclassifying our canals to plain ditches. Thank you.

(Applause.)

MAYOR EGGELETTION: Thank you. I believe we only have two -- is this Barry?

MR. HEIMLICH: Yes.

MAYOR EGGELETTION: Okay. Barry is going to be followed by Maria Slackerman.

MR. HEIMLICH: It's Barry Heimlich, with Broward County Audubon Society, and I'm an environmental rep on the Technical Advisory Committee to the Water Advisory Board. Thank you very much for your motion today. I just want to add in the 33 years that I've been in Broward County, there were 600,000

people living here in 1974, and now there are 1.8 million, and in the next 20, 25 years there's going to be another million.

In spite of the fact that there's been so much growth, the waterways in our county are actually cleaner now than they were when I came here, and that's because of the stringent standards that were set. I want to add one other thing, it's not only for fishing and swimming. The primary source of the water that percolates into the Biscayne aquifer is from the surface waters here, and whatever we put in those surface waters can ultimately wind up in our -- in the supply to our drinking water. So it is important for us to look at reuse and recovery because we do need more water resources and that's the way to get it. We need to use our water more than once.

But the one thing that I do -- the point I want to make is for you to be so diligent, like you are being today, because in the years to come, as our population grows and we put out more affluent and more contamination into the environment, we need to be ever so vigilant to maintain the quality of life here. In fact, not only do we have to maintain the stringent standards we have, it really may become important to even increase the standards and to improve the quality.

This is the second attack, by the way, on the water quality here. Recently at the Water Advisory Board and then the Technical Advisory Committee, we had recommendations from the environmental department to lower the standards, the quantitative standards of our surface waters, and we held that down, and I thank you for holding this down.

MAYOR EGGELETTION: Thank you. Okay. We have --

MS. SHLACKMAN: Mara Shlackman.

MAYOR EGGELETTION: Okay. Mrs. Shlackman.

MS. SCLACKMAN: I'll just be very brief. On behalf of the Sierra Club, I want to thank you all for taking this position today.

MAYOR EGGELETTION: Thank you so very much, and the last person is T.J. Marshall.

MR. MARSHALL: Thank you, Mayor. Good to see many of you again. Just a quick comment, nuts and bolts on when you direct staff to work on this issue, our research shows that really the crux of this problem is agricultural runoff, and what the problem is, is more of a power structure. There's only a couple of ways that that water gets south of the lake. It either goes out the St. Lucie River, which at the end of that run is the incoming Senate president, which DEP already ticked off earlier this year with a beach renourishment issue, so they're not going to be able to send water that way.

You go the Caloosahatchee route, and that is the favorable government in Tallahassee right now. That's a power base right now. They can't send it down to the Everglades because they have parts per billion, and so that leaves you, and that's where this is coming from, and when you direct staff to take action on this at the legislative level, they should keep those things in mind. Thank you.

MAYOR EGGELETTION: Thank you so very much. Now I do have some other people and I want to call your name, but I was told you were being represented by the first speaker. They're Gary Brown.

MR. BROWN: Jerry Brown. I support the resolution and I urge you all continue, let's all think planet Earth.

MAYOR EGGELETTION: Okay. Thank you.

Marge Hilton.

MS. HILTON: Yes, I just want to thank you very much for opposing this, and I represented the original Save our Beach, and I really appreciate it. Thank you.

MAYOR EGGELETTION: Okay. And Matty McGeary; is that right?

MS. MCGEARY: Marty.

MAYOR EGGELETTION: Marty?

MS. MCGEARY: Yes, Marty McGeary, as co-chair of the original Save our Beach, I just want to extend a thank you to you and to reiterate what the other co-chair had to say and to be vigilant, vigilant. We can't (inaudible). Thank you very much.

MAYOR EGGELETTION: Okay. Thank you so very much. Ladies and gentlemen, that brings us to -- oh, well -- well, we voted on that, didn't we?

COMMISSIONER JACOBS: Yeah, we voted.

MAYOR EGGELETTION: We voted already.

AGENDA ITEM 53

MAYOR EGGELETTION: So, ladies and gentlemen, that brings us to the County Commission Select Committee Reports. Are there any reports from select committees? Seeing that there are no reports from select committees, the County Administrator's Report, Mrs. Henry.

AGENDA ITEM 54

MS. HENRY: Yes, very briefly, we want to remind the public that effective January 23rd of 2007, the coming year, all residents will need a valid passport to travel by air from -- I mean to Canada, Mexico, the Caribbean, Central and South America, and we want to remind you that we do have -- you are able to obtain a passport in our Revenue Collection Division. So this is something that we'll be putting more information out about in the coming weeks.

In addition to that, we want to let you know also that December 23rd, we are expecting 46,000 cruise passengers to come through Port Everglades. This will top our record from 2003, and it also will, again, substantiate our presence in the cruise industry. We are the second busiest cruise port in the world.

And finally, we have on our website the Port Everglades 2000 cruise guide. It lists the 15 cruise lines that come in and through Port Everglades for the cruise ships and itineraries. So, again, we will be putting this information out to the public to be aware of. Thank you.

AGENDA ITEM 55

MAYOR EGGELETTION: Okay. I'm going to just withhold my report and just do it all next week for brevity of time.

NON-AGENDA

AGENDA ITEM 62

MAYOR EGGELETTION: Non-agenda, Commissioner Wexler -- I mean Vice Mayor Wexler, I'm sorry.

COMMISSIONER GUNZBURGER: (Inaudible).

MAYOR EGGELETTION: We did that.

COMMISSIONER JACOBS: 59 passed on consent.

MAYOR EGGELETTION: Yes.

COMMISSIONER GUNZBURGER: Okay. Sorry.

VICE MAYOR WEXLER: Thank you. I have two items that I'd like to bring -- that have been shared with you. The first one is the save the date, and you received an e-mail I believe within the last day or two from Steven Ferrante from Elder Services, and I'm going to share this. It is what we have sent out to hundred of individuals. The e-mail though asks you for five elders within your district, if you could submit those names and phone numbers that you think might be interested in attending, particularly if they have any experience as care givers.

MAYOR EGGELETTION: Okay. All right.

VICE MAYOR WEXLER: Particularly is what we're looking for. So I ask you to please pay attention to that and get those names to Margaret because she's doing that data run for Steven's staff who is very short-staffed out there in Elder Services.

AGENDA ITEM 63

COMMISSIONER WEXLER: The second item that I have is the -- months ago, when we were doing -- a couple of months ago when we were doing our license, animal licenses, we had a discussion regarding the formality of the Animal Care Advisory Committee, and at that time I had asked that they be formalized, and, Commissioner Wasserman-Rubin, you put your name on that particular item as well. It has been working its way through the system.

I received two phone calls, one from Susan Wynn, the other from Lil Sayers. They're both members from this Animal Care Advisory Committee. They both happen to be constituents that live in Southwest Ranches. As you know, it is not a formal board committee. It is a nonformal board committee. They brought the request for, how do you feel, to their group last month, and they do not want to be formalized. However, there are pros and cons to being formalized as we know, as we just saw today with the envelopes that went around. There are rules, there are structures that go with that, and my -- as this moves through -- and, Mayor, I see you looking at your watch.

Attached to this agenda item, because the direction, without objection, that was given to the County Attorney's Office, was to create this ordinance, so it just came to me late last evening, and I truthfully have not even had an opportunity to read what it says, but I wanted to attach it so that you could see it as well, and somehow I'd like some input whether you really want to move ahead and formalize the Animal Care Advisory Committee or if you want to keep it informal and in that case, please take a look at the membership, which is basically animal groups that seem to save animals. The Humane Society is not a member of it. Our staff are not. They attend meetings, but they're not voting members of it. And there are other animal groups that could be included as well. They do not have bylaws. They do not have -- it's a loosely structured group, and I really brought this up under non-agenda item because before our attorneys move any further down this road, I think it's really important.

I have no problem bringing forward in January, because our next week's meeting is going to be quite full, but in January, a motion to discuss so that we can formally take a vote, and if that's your wish, Mayor, I'd be happy to do that.

MAYOR EGGELLETON: Let's -- it comes in January.

VICE MAYOR WEXLER: What I wanted to do was to advise the Attorney's office without objection that they kind of hold off on moving any further forward on this until I bring forward an agenda item in January for discussion. Okay?

MAYOR EGGELLETON: That's fine. I've already been contacted by that group and am glad you're moving on it.

VICE MAYOR WEXLER: Thank you.

MAYOR EGGELLETON: Non-agenda items, any other non-agenda items?

AGENDA ITEM 64

MAYOR EGGELLETON: Commissioner Lieberman.

COMMISSIONER LIEBERMAN: I have three, very quickly though. On the item that Vice Mayor Wexler brings up, the item I thought I was co-sponsoring had to do with an ordinance that they were suggesting, not the creation of the board. So I'm not going to be a co-sponsor on the board creation.

I had three items which I did not add to supplemental in view of the fact that we have a workshop and we have two shade meetings, but I will be placing on the agenda next week, so I thought, you know, I would give you all just a quick heads-up. If you recall, when we voted on the acquisition of land surrounding the courthouse for a parking garage, I expressed reservations at that time about acquiring buildings and that the cost for acquiring buildings might be fairly substantial. I asked the County Attorney if we could have a Shade meeting. He said because there's no pending litigation on eminent domain for acquiring any of those parcels, that we don't, but what I would ask, County Administrator is, I think we need to go back and revisit this issue in light of the recent referendum.

I've not changed my position that the courthouse is a disaster and needs work, but the voters have said they don't want to fund it, and we were acquiring parcels with the understanding that we would pay for the new garage with a revenue bond where we were going to pledge parking revenues, and I think one of the ways to lower cost is to redesign the parking garage so that we don't have to take fully occupied buildings, and I would ask –

MAYOR EGGELLETON: You're going to bring this back next week, right?

COMMISSIONER LIEBERMAN: And I would ask the County Administrator prepare a discussion item for after break. I'm going to put the item on asking you, directing you to do that.

AGENDA ITEM 65

COMMISSIONER LIEBERMAN: The second non-agenda item that I'm going to ask you to take a look at has to do with having both Ms. Olsen and I think it's Holly Chamino in the property appraisers office have prepared some statistics as to what the second senior homestead exemption would be for Broward County. It's roughly about a \$2,000,000 impact. So I would ask that we have – I'm going to put an agenda item asking county administration to provide all data to the County Commission so we can decide whether or not we're going to offer the second homestead exemption and I think that both Ms. Olsen and

Ms. Chamino – and I hope I'm saying that right -- have pretty much come to an agreement as to what the dollar impact would be on the county taxes. There may be some cities that have an issue, but I'm only discussing the county portion of their taxes.

COMMISSIONER GUNZBURGER: Can I ask you a question on that?

COMMISSIONER LIEBERMAN: Sure.

COMMISSIONER GUNZBURGER: When they do that, I'd like to know what was the effect of the first one as well.

COMMISSIONER LIEBERMAN: Not a problem. I'll add that in terms of the kind of information that we're looking for. I'm just writing that down. Okay.

AGENDA ITEM 66

COMMISSIONER LIEBERMAN: Okay, the third item, I realize that a few months ago, the Mayor created a select committee on voting, and Commissioner Gunzburger chaired that and she and the Supervisor of Elections had a discussion and said they like I guess it was mail-in elections. I know that all of us are fully aware of what happened in Sarasota with 18,000 undervotes, and having been on the canvassing board, while we used the electronic machines, the second item on the ballot was that congressional district. The first was the United States Senate race.

I remain unconvinced that the 18,000 undervotes were, in fact, undervotes. So I'm going to ask that we conduct a complete analysis at this point of replacing the electronic voting machines with a paper ballot system, including what options we have for getting rid of the electronic voting machines, a possible hybrid system where maybe we'll have some of the electronic voting machines for early voting and for those people who are sight impaired, but we move toward paper system.

I've had discussions with Senator – well, I guess he's now Senator, not Senator-elect, Ring and with Congressman Wexler about potential for some additional funding and changes in state law and I just think with a presidential election looming in 2008, it's something we really need to get a look at. And interestingly in talking to Mr. Corwin, he believes the cost of the replacing the systems, take the maintenance and the ongoing operation out, is roughly equal to the cost of buying printers for the current electronic voting machines. So it may not be --

COMMISSIONER GUNZBURGER: I would like to be a co-sponsor.

COMMISSIONER LIEBERMAN: I would be more than happy to have anyone who would like to co-sponsor.

COMMISSIONER GUNZBURGER: I would like to co-sponsor and add to that, if I may, Commissioner and Mayor. We had also talked about Optiscan, but there has been some recent information on even Optiscans that if you change the card by one little notch, it changes the complete outcome of what the voter puts in and what the -- what it records.

COMMISSIONER LIEBERMAN: Commissioner, just for your peace of mind, I didn't identify a system to go to in my proposed item. I simply said to replace with a paper ballot system.

MAYOR EGGELLETON: All right. Is that it?

COMMISSIONER LIEBERMAN: So if anyone wants to co-sponsor, I'll take you on.

COMMISSIONER JACOBS: One tiny little thing.

MAYOR EGGELLETON: Please, please, ladies and gentlemen, I'm going to remind you, these items are coming back. You're going to have time to discuss them then. We have a long day. I don't plan on being here like we were last night. I mean, please. Go ahead, Commissioner.

COMMISSIONER JACOBS: I don't either. My only comment is I, too, have spoken to Senator Ring about these issues and expressed the concern about attendant funding along with what they're doing. So I completely support it, and I think we really need to also look at trying to get the correct dollars to be spent from the state to get them down to help offset the cost of the new system.

MAYOR EGGELLETON: That's a good point.

AGENDA ITEM 67

MAYOR EGGELETION: Commissioner Wasserman-Rubin.

COMMISSIONER WASSERMAN-RUBIN: I haven't had the heart to give me your -- you're suffering there. I'm going to keep my two for next week.

MAYOR EGGELETION: No, go ahead.

COMMISSIONER WASSERMAN-RUBIN: Are you sure?

MAYOR EGGELETION: Yes, please.

COMMISSIONER WASSERMAN-RUBIN: On the original nonagenda item that Commissioner Wexler proposed with reference to the animal board, I want to make sure that the analysis is really simple. You have the pros. You have the cons. You have what the current board wants, and that you take -- it's not like people are beating down the door to participate in our committees. So I think we should want to do something that is palatable to them and that is also productive.

COMMISSIONER WASSERMAN-RUBIN: And, secondly, I was -- had the pleasure of being the MC at a function from Broward Housing Solutions. I know you're all aware of that. We brought Patty Duke down, and she was fabulous.

COMMISSIONER JACOBS: Oh, I'll bet.

COMMISSIONER WASSERMAN-RUBIN: Four hundred people there, and she and I became best buddies, and most importantly, we were able to raise \$155,000 at the lunch.

COMMISSIONER GUNZBURGER: Wow.

COMMISSIONER WASSERMAN-RUBIN: That's it. I'm done.

(Applause.)

MAYOR EGGELETION: Thank you. I haven't seen her in a long time.

COMMISSIONER WASSERMAN-RUBIN: Thank you, Sue.

MAYOR EGGELETION: Yes, Commissioner Jacobs? Commissioner Ritter?

COMMISSIONER RITTER: Nothing.

MAYOR EGGELETION: County Attorney Newton?

MR. NEWTON: Nothing.

MAYOR EGGELETION: County Auditor? Commissioner Keechl?

COMMISSIONER KEECHL: No, sir.

MAYOR EGGELETTION: Look, and let me -- I thought I started with her, did I not? Commissioner Gunzburger?

COMMISSIONER GUNZBURGER: Nothing.

MAYOR EGGELETTION: Look, the only reason I'm trying to get us out of here is we all know --

COMMISSIONER WASSERMAN-RUBIN: It's a good thing.

MAYOR EGGELETTION: -- the agenda that we have today. We have two Shade meetings and we have a workshop, and so I'm just trying to keep everybody on time so that we can get out of here and go home to our families at a reasonable hour. If there be no other comments, I recess the -- yes?

AGENDA ITEMS 56 & 57

MR. NEWTON: You have a statement that you need to read at this point of how it's going to occur after the downtown campus workshop.

MAYOR EGGELLETON: Let me see if I have it. Do you have a copy of it? I don't think I do have it. I've got it now. This is it. Okay. Okay. All right. Okay. Immediately following the downtown campus workshop, executive session in Room 430. This is closed to the public. This is an attorney/client meeting, commencement of the attorney/client session pursuant to Section 286.011 (8) Florida Statute to discuss a settlement negotiation, a strategy related to litigation expenditures in the United States Department of Homeland Security Transportation Administration Agency, TSA, versus Fort Lauderdale-Hollywood International Airport and Broward County Board of County Commissioners.

Immediately following the TSA executive session meeting, executive session Room 430, closed to the public, attorney/client meeting, the commencement of the attorney/client session pursuant to Section 286.011 (8) Florida Statutes to discuss the settlement negotiation for strategy related to litigation expenditures in Broward County, a political subdivision of the State of Florida, petitioner, versus, Christian Rome Church Ministries Incorporated, and Security Bank, N.A., Seventeenth Judicial Circuit Court Case Number 04-007554 (09).

Okay. I would like to now recess the Board of County Commissioners' meeting for December the 5th, 2006.

COMMISSIONER GUNZBURGER: Good meeting, Joe.

(THE MEETING RECESSED AT 12:17 P.M. AND RECONVENED AT 3:30)

AGENDA ITEM 56

MAYOR EGGELLETON: I would like to readjourn the Board of County Commissioners meeting of Broward County. And the Board of County Commission has now ended its Shade Meeting –

MR. NEWTON: Reopening the –

MAYOR EGGELLETON: -- and I would like to reopen the Board of County Commissioners meeting of December 5th.

The Board of County Commissioners has not scheduled a closed attorney/client meeting today in Room 430 of this building. The estimated length of the closed attorney/client meeting is approximately one hour.

The persons scheduled to attend the close attorney/client meetings are Broward County Mayor Josephus Eggelton, Jr., Vice Mayor Lois Wexler, County Commissioners Ilene Lieberman, Kristin Jacobs, Stacy Ritter, Ken Keechl, Sue Gunzburger, John Rodstrom, Jr., Diana Wasserman-Rubin, County Administrator Pamela D. Brangaccio, County Attorney Jeffrey A. Newton, Assistant County Attorney Tony J. Rodriguez and an official court reporter.

I would now like to recess the Board of County Commission meeting and the Board would meet in a closed door attorney/client Shade Meeting in Room 430.

(THE MEETING RECESSED AT 3:32 AND RECONVENED AT 4:21 P.M.)

AGENDA ITEM 57

MAYOR EGGELLETON: I would like to reconvene the Board of County Commission meeting for December 5, 2006. The board has now reconvened after having had its attorney/client privilege and I would entertain a motion to adjourn the Board of County Commission meeting of December 5, 2006.

VICE MAYOR WEXLER: So moved.

COMMISSIONER GUNZBURGER: Second.

MAYOR EGGELLETON: It has been moved and seconded. The Board is now adjourned.

(THE MEETING AJOURNED AT 4:23 P.M.)

(THIS IS NOT A VERBATIM TRANSCRIPTION OF THE MINUTES.)

(CD-06-124)

Public Hearing 2:29 p.m.

PUBLIC HEARING OF DECEMBER 12, 2006

(The meeting convened at 2:29 p.m. and adjourned at 7:29 p.m.)

PLEDGE OF ALLEGIANCE was led by Vice-Mayor Edward C. Portner, City of Tamarac.

CALL TO ORDER

1. MOTION TO ADOPT supplemental budget Resolutions 2006-876 to 2006-877 within an Internal Service Fund in the amount of \$354,524; primarily for prior year carryover commitments.

ACTION: (T-2:42 PM) Approved.

2. MOTION TO ADOPT supplemental budget Resolution 2006-878 to 2006-880 within Trust and Agency Funds in the amount of \$2,719,399; for prior year carryover commitments and to implement County ordinance requirements.

ACTION: (T-2:43 PM) Approved.

3. MOTION TO ADOPT supplemental budget Resolutions 2006-881 to 2006-882 within the Capital Fund in the amount of \$1,070,863 to reappropriate funds for prior year commitments, and to implement actions included in the Fiscal Year 2007 budget and in previously approved agreements.

ACTION: (T-2:44 PM) Approved.

4. MOTION TO ADOPT supplemental budget Resolution 2006-883 within the General Fund in the amount of \$43,404,417; primarily for prior year carryover commitments.

ACTION: (T-2:45 PM) Approved.

5. MOTION TO ADOPT supplemental budget Resolutions 2006-884 to 2006-888 within Enterprise Funds in the amount of \$28,311,960; for prior year carryover commitments.

ACTION: (T-2:49 PM) Approved.

6. MOTION TO ADOPT supplemental budget Resolutions 2006-889 to 2006-905 within the Special Purpose Funds and Grant sub-funds of the General Fund in the amount of \$11,009,817; for prior year carryovers and other commitments.

ACTION: (T-2:50 PM) Approved.

7. MOTION TO ADOPT supplemental budget Resolutions 2006-906 to 2006-913 within the Special Revenue Fund in the amount of \$6,007,571; for prior year carryovers and other commitments.

ACTION: (T-2:50 PM) Approved.

8. MOTION TO ADOPT Resolution 2006-914 to release ten-foot wide noncontiguous segments of a 25-foot wide landscape planting and non-vehicular access easement located along the western and southern boundaries of the property located at NW 44th Street and State Road 7 in the City of Lauderdale Lakes; and at no cost to the County. Petitioners: SRA/Sunrise Development Ltd. and SRA/ Headway Outparcel, Ltd. (Joseph Roles and Associates, Inc. – Agent)
(2005-V-29) **(Commission District 9)**

ACTION: (T-2:51 PM) Approved.

9. MOTION TO ADOPT Resolution 2006-915 of the Board of County Commissioners of Broward County, Florida, amending Chapter 38 of the Broward County Administrative Code, "Fees and Other Charges, Public Works" amending Section 38.9, "Fees for Vacating Plats or Any Portion Thereof; for Abandoning, Closing and Discontinuing Right-of-Way or Areas or Places Used for Travel; and for Releasing Public and Private Interests"; providing for severability; providing for inclusion in the Broward County Administrative Code; and providing for the effective date to be upon adoption.

ACTION: (T-2:51 PM) Approved.

10. MOTION TO ADOPT Resolution of the Board of County Commissioners of Broward County, Florida, amending Chapter 39 of the Broward County Administrative Code, "Fees and Other Charges, Aviation" amending Section 39.3.; "Non-Terminal Rates and Charges, Fort Lauderdale-Hollywood International," to modify subsection 39.3.d.; Fuel and Oil Flowage Fees; providing severability; providing for inclusion in the Administrative Code; and providing for an effective date.

ACTION: (T-4:02 PM) Continued until January 9, 2007, with direction for staff to meet with the industry and bring back a consensual proposal for adoption. (Refer to minutes for full discussion.)

11. MOTION TO CONSIDER enactment of an Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING CHAPTER 20, "LICENSES AND BUSINESS REGULATIONS," ARTICLE II, "OCCUPATIONAL LICENSES" OF THE BROWARD COUNTY CODE OF ORDINANCES, TO CHANGE THE TERM OCCUPATIONAL LICENSE TO BUSINESS TAX OR BUSINESS TAX RECEIPT THROUGHOUT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-2:52 PM) Filed proof of publication and enacted the Ordinance to become effective January 1, 2007.

12. MOTION TO CONSIDER enactment of an Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING SECTION 8½-16, "SCHEDULE OF CIVIL PENALTIES," RELATING TO MOTOR VEHICLE REPAIR AND MOTOR CARRIER LICENSING AND CERTIFICATION REGULATIONS; FURTHER CREATING A NEW SECTION 22½-6D, "PORT EVERGLADES - BUSINESS PERMITS"; AMENDING SECTION 22½-2, "CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; EXCEPTIONS," AND SECTION 22½-6A, "PERMITS - GENERAL," OF THE BROWARD COUNTY CODE OF ORDINANCES, WHICH PROVIDE FOR THE LICENSING OF MOTOR CARRIERS, INCLUDING COURTESY VEHICLES AND BUSES, OPERATING AT PORT EVERGLADES BY THE CONSUMER AFFAIRS DIVISION INSTEAD OF THE PORT EVERGLADES DEPARTMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-2:52 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law.

13. MOTION TO CONSIDER enactment of an Ordinance, the title of which is as follows:

AN ORDINANCE AMENDING CHAPTER 20, ARTICLE XV, SECTIONS 20-293 THROUGH 20-300, OF THE BROWARD COUNTY CODE OF ORDINANCES, RELATING TO FAMILY CHILD CARE HOMES; ENACTING PROVISIONS THAT ALLOW AN OPERATOR/PROVIDER TO INCORPORATE HIS OR HER BUSINESS AND OBTAIN A FAMILY CHILD CARE HOME LICENSE IN THE NAME OF THE BUSINESS ENTITY; ESTABLISHING REQUIREMENTS FOR ISSUANCE OF A FAMILY CHILD CARE HOME LICENSE TO A BUSINESS ENTITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by Vice-Mayor Josephus Eggelletion, Jr.)

ACTION: (T-2:53 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law. (Refer to minutes for full discussion.)

14. MOTION TO CONSIDER enactment of an Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING SECTION 26-77 OF THE BROWARD COUNTY CODE OF ORDINANCES RELATING TO RESTRICTIONS UPON APPEARANCES BY FORMER BROWARD COUNTY OFFICIALS AND EMPLOYEES BEFORE THE BOARD OF COUNTY COMMISSIONERS; INCREASING THE PERIOD DURING WHICH FORMER BROWARD COUNTY OFFICIALS AND EMPLOYEES ARE RESTRICTED FROM REPRESENTING OTHERS BEFORE THE BOARD OF COUNTY COMMISSIONERS FROM ONE YEAR TO TWO YEARS; LIMITING THE CLASS OF EMPLOYEES WHO ARE SUBJECT TO THE ORDINANCE; EXPANDING THE RESTRICTION TO INCLUDE APPEARANCES BEFORE INDIVIDUAL MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR RETROACTIVE APPLICATION WITH NO ADDITIONAL PENALTIES FOR VIOLATION BY FORMER OFFICIALS AND EMPLOYEES WHOSE APPOINTMENT OR EMPLOYMENT

CEASED PRIOR TO THE EFFECTIVE DATE OF THE ORDINANCE; PROVIDING FOR SEVERABILITY;
PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-2:54 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law.

15. A. MOTION TO ADOPT Resolution 2006-916 of the Board of County Commissioners of Broward County, Florida, amending Volume Two, Chapter 32, of the Broward County Administrative Code, Part III, "Business Permits," amending Section 32.38, Issuance; amending Section 32.39, Permit Application Process; amending Section 32.40, Issuance and Renewal Criteria for Business Permits; amending Section 32.42, Denial of Application; Nonrenewal Permit; amending Section 32.43, Fees; amending Section 32.44, Term and Renewal; amending Section 32.45, General Conditions; amending 32.46, Suspension and Revocation of a Business permit, amending Chapter 37, "Fees and Other Charges, Community Services," of the Broward County Administrative Code, by amending 37.5 Fees for Taxicabs, Buses and Limousines by adding fees for motor carriers operating in Port Everglades; providing for severability; providing for inclusion in the Broward County Administrative Code; and providing for an effective date.

ACTION: (T-2:55 PM) Filed proof of publication and enacted the Ordinance to become effective January 1, 2007.

B. MOTION TO APPROVE adding to the personnel cap, one fulltime benefit eligible position of Consumer Affairs Inspector II, SG X3500 (\$35,002.00 - \$58,464.00).

ACTION: (T-2:55 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law.

16. MOTION TO ENACT an Ordinance amending the Broward County Comprehensive Plan to adopt Broward County Land Use Plan map amendment, PC 06-17, located in the city of Pembroke Pines, as a part of the second annual proposed 2006 amendments to the Broward County Comprehensive Plan (**Commission District 8**), the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 2006 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP IN THE CITY OF PEMBROKE PINES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-XX PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law.

17. MOTION TO ENACT an Ordinance amending the Broward County Comprehensive Plan to adopt Broward County Land Use Plan map amendment, PC 06-22, located in the city of Coconut Creek, as a part of the second annual proposed 2006 amendments to the Broward County Comprehensive Plan (**Commission District 2**), the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 2006 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP IN THE CITY OF COCONUT CREEK; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-2:56 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law.

18. MOTION TO ENACT an Ordinance amending the Broward County Comprehensive Plan to adopt Broward County Land Use Plan map amendment, PC 06-23, located in the city of Margate, as a part of the second annual proposed 2006 amendments to the Broward County Comprehensive Plan **(Commission District 2)**, the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 2006 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP IN THE CITY OF MARGATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-2:57 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law.

19. MOTION TO ENACT an Ordinance amending the Broward County Comprehensive Plan to adopt Broward County Land Use Plan map amendment, PC 06-24, located in the city of North Lauderdale, as a part of the second annual proposed 2006 amendments to the Broward County Comprehensive Plan **(Commission District 9)**, the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 2006 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP IN THE CITY OF NORTH LAUDERDALE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-2:58 PM) Continued until January 9, 2007. (Refer to minutes for full discussion.)

20. MOTION TO ENACT an Ordinance amending the Broward County Comprehensive Plan to adopt Broward County Land Use Plan map amendment, PC 06-25, located in the city of Pembroke Pines, as a part of the second annual proposed 2006 amendments to the Broward County Comprehensive Plan **(Commission District 8)**, the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 2006 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP IN THE CITY OF PEMBROKE PINES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-3:04 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law.

21. MOTION TO ENACT an Ordinance amending the Broward County Comprehensive Plan to adopt Broward County Land Use Plan map amendment, PC 06-26, located in the city of Pembroke Pines, as a part of the second annual proposed 2006 amendments to the Broward County Comprehensive Plan **(Commission District 8)**, the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 2006 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE

PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP IN THE CITY OF PEMBROKE PINES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-3:05 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law.

22. MOTION TO ENACT an Ordinance amending the Broward County Comprehensive Plan to adopt Broward County Land Use Plan map amendment, PC 06-29, located in the city of Tamarac, as a part of the second annual proposed 2006 amendments to the Broward County Comprehensive Plan (**Commission District 9**), the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 2006 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP IN THE CITY OF TAMARAC; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-4:29 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law with the following amendment; contingent upon all the voluntary commitments offered by the developer in the back-up as well as the Public Hearing; that a Declaration of Restrictive Covenants be drafted that incorporates the voluntary commitments, including working with the City of Tamarac for additional entrances and exits, and working with Mainlands Section 4 to resolve its concerns. (Refer to the minutes for full discussion.)

23. MOTION TO ENACT an Ordinance amending the Broward County Comprehensive Plan to adopt Broward County Land Use Plan map amendment, PC 06-30, located in the city of Tamarac, as a part of the second annual proposed 2006 amendments to the Broward County Comprehensive Plan (**Commission District 1**), the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 2006 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP IN THE CITY OF TAMARAC; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-7:22 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law with the following amendment; contingent upon the developer entering into a Declaration of Restrictive Covenants to be drafted by the County Attorney's Office, incorporating the comments made by the public, the developer, the Board, including the agreements reached with Mainlands 6 and 7 in Carriage Hills, sound walls being of equal height to those being constructed by the Turnpike, speed bumps wherever so identified by the City of Tamarac, School Board commitments, separate entrances, buffering, dedication of fire station site, and other financial commitments. (Refer to the minutes for full discussion.)

24. MOTION TO ENACT an Ordinance amending the Broward County Comprehensive Plan to adopt "Small Scale" land use plan amendment, PC 06-34, in the city of Dania Beach (**Commission District 7**) the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING A SMALL SCALE AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP IN THE CITY OF DANIA BEACH; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-3:05 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law.

25. A. MOTION TO ENACT an Ordinance amending the Broward County Comprehensive Plan to adopt Broward County Land Use Plan text amendment, PCT 06-6, establishing a "Transit Oriented Corridor" in the town of Davie, as a part of the second annual proposed 2006 amendments to the Broward County Comprehensive Plan (**Commission District 7**), the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 2006 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN TEXT ADDRESSING THE DAVIE "TRANSIT ORIENTED CORRIDOR"; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-3:07 PM) Continued for six months. (Refer to minutes for full discussion.)

B. MOTION TO ENACT an Ordinance amending the Broward County Comprehensive Plan to adopt Broward County Land Use Plan map amendment, PC 06-19, designating a "Transit Oriented Corridor" in the town of Davie, as a part of the second annual proposed 2006 amendments to the Broward County Comprehensive Plan (**Commission District 7**), the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 2006 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP IN THE TOWN OF DAVIE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-3:07 PM) Continued for six months. (Refer to minutes for full discussion.)

26. A. MOTION TO ENACT an Ordinance amending the Broward County Comprehensive Plan to adopt Broward County Land Use Plan text amendment, PCT 06-7, establishing a "Transit Oriented Development" in the city of Deerfield Beach, as a part of the second annual proposed 2006 amendments to the Broward County Comprehensive Plan (**Commission District 2**), the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 2006 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN TEXT ADDRESSING THE DEERFIELD BEACH "TRANSIT ORIENTED DEVELOPMENT"; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-3:37 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law.

B. MOTION TO ENACT an Ordinance amending the Broward County Comprehensive Plan to adopt Broward County Land Use Plan map amendment, PC 06-20, designating a "Transit Oriented Development" in the city of Deerfield Beach, as a part of the second annual proposed 2006 amendments to the Broward County Comprehensive Plan (**Commission District 2**), the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 2006 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP IN THE CITY OF DEERFIELD BEACH; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-3:37 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law.

27. A. MOTION TO ENACT an Ordinance amending the Broward County Comprehensive Plan to adopt Broward County Land Use Plan text amendment, PCT 06-8, establishing a "Transit Oriented Corridor" in the city of West Park, as a part of the second annual proposed 2006 amendments to the Broward County Comprehensive Plan (**Commission District 8**), the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 2006 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN TEXT ADDRESSING THE WEST PARK "TRANSIT ORIENTED CORRIDOR"; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-3:38 PM) The Board tabled the item for later. (Refer to the minutes for full discussion.)

ACTION: (T-4:00 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law. (Refer to minutes for full discussion.)

B. MOTION TO ENACT an Ordinance amending the Broward County Comprehensive Plan to adopt Broward County Land Use Plan map amendment, PC 06-21, designating a "Transit Oriented Corridor" in the city of West Park, as a part of the second annual proposed 2006 amendments to the Broward County Comprehensive Plan (**Commission District 8**), the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 2006 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP IN THE CITY OF WEST PARK; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-3:38 PM) *The Board tabled the item for later. (Refer to minutes for full discussion.)*

ACTION: (T-4:00 PM) *Filed proof of publication and enacted the Ordinance to become effective as provided by law. (Refer to minutes for full discussion.)*

28. MOTION TO ENACT an Ordinance amending the Broward County Comprehensive Plan to adopt Broward County Land Use Plan Amendment, PCNRM 06-1, of the Broward County Natural Resource Map Series, regarding the update of the wetlands map, as part of the second annual 2006 proposed amendments to the Broward County Comprehensive Plan, the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 2006 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP SERIES TO ADDRESS THE ANNUAL UPDATE OF THE WETLANDS MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-3:44 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law.

29. MOTION TO ADOPT Resolution 2006-917 to amend the Flexibility Zone Boundary Map as per the Administrative Rules Document: Broward County Land Use Plan (Article 1), to modify the boundaries of flexibility zones 21, 41, 42, 43, 44, and 50; to create a "Unified Flexibility Zone" within the municipal boundaries of Oakland Park, the substance of which is as follows:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, RELATING TO THE MODIFICATION OF THE FLEXIBILITY ZONE BOUNDARIES FOR FLEXIBILITY ZONES 21, 41, 42, 43, 44, AND 50 AND THE CREATION OF A UNIFIED CITY-WIDE FLEXIBILITY ZONE; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: (T-3:45 PM) Approved. (Refer to minutes for full discussion.)

30. MOTION TO CONSIDER adoption of a Resolution 2006-918 amending the Administrative Code, the title of which is as follows:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING THE BROWARD COUNTY ADMINISTRATIVE CODE; CHAPTER TWELVE, PART VIII RELATING TO THE BROWARD COUNTY MUNICIPAL SERVICES ADVISORY BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE BROWARD COUNTY ADMINISTRATIVE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: (T-3:48 PM) Approved.

31. MOTION TO ENACT an Ordinance to adopt a proposed amendment to the Administration Element, of the Broward County Comprehensive Plan, the title of which is as follows: **(Commission Districts 1-9)**

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 2006 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN BY AMENDING THE ADMINISTRATION ELEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: (T-3:49 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law, per Urban Planning and Redevelopment Department (UPRD) Local Planning Agency (LPA) and Planning Services Division staff recommendations.

32. MOTION TO ENACT an Ordinance to adopt a proposed amendment to The Future Unincorporated Area Land Use Element of the Broward County Comprehensive Plan, the title of which is as follows: **(Commission Districts 1-9)**

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 2006 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN BY AMENDING THE FUTURE UNINCORPORATED AREA LAND USE ELEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: (T-3:50 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law, per Urban Planning and Redevelopment Department (UPRD) Local Planning Agency (LPA) and Planning Services Division staff recommendations.

33. MOTION TO ENACT an Ordinance to adopt a proposed amendment to the Recreation and Open Space Element of the Broward County Comprehensive Plan, the title of which is as follows:

(Commission Districts 1-9)

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 2006 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN BY AMENDING THE RECREATION AND OPEN SPACE ELEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: (T-3:50 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law, per Urban Planning and Redevelopment Department (UPRD) Local Planning Agency (LPA) and Planning Services Division staff recommendations.

34. MOTION TO ENACT an Ordinance to adopt a proposed amendment to the Coastal Management Element of the Broward County Comprehensive Plan, the title of which is as follows: **(Commission Districts 1-9)**

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 2006 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN BY AMENDING THE COASTAL MANAGEMENT ELEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: (T-3:51 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law, per Urban Planning and Redevelopment Department (UPRD) Local Planning Agency (LPA) and Planning Services Division staff recommendations.

35. MOTION TO ENACT an Ordinance to adopt a proposed amendment to the Natural Disaster Component of the Coastal Management Element of the Broward County Comprehensive Plan, the title of which is as follows: **(Commission Districts 1-9)**

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 2006 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN BY AMENDING THE NATURAL DISASTER COMPONENT OF THE COASTAL MANAGEMENT ELEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: (T-3:52 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law, per Urban Planning and Redevelopment Department (UPRD) Local Planning Agency (LPA) and Planning Services Division staff recommendations.

36. MOTION TO ENACT an Ordinance to adopt a proposed amendment to the Intergovernmental Coordination Element of the Broward County Comprehensive Plan, the title of which is as follows: **(Commission Districts 1-9)**

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 2006 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN BY AMENDING THE INTERGOVERNMENTAL COORDINATION ELEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: (T-3:52 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law, per Urban Planning and Redevelopment Department (UPRD) Local Planning Agency (LPA) and Planning Services Division staff recommendations.

37. MOTION TO ENACT an Ordinance to adopt a proposed amendment to the Drainage and Natural Groundwater Aquifer Recharge Element of the Broward County Comprehensive Plan, the title of which is as follows: **(Commission Districts 1-9)**

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 2006 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN BY AMENDING THE DRAINAGE AND NATURAL GROUNDWATER AQUIFER RECHARGE ELEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: (T-3:53 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law, per Urban Planning and Redevelopment Department (UPRD) Local Planning Agency (LPA) and Planning Services Division staff recommendations.

38. MOTION TO ENACT an Ordinance to adopt a proposed amendment to the Potable Water Element, the title of which is as follows: **(Commission Districts 1- 9)**
AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 2006 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN BY AMENDING THE POTABLE WATER ELEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
ACTION: (T-3:54 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law, per Urban Planning and Redevelopment Department (UPRD) Local Planning Agency (LPA) and Planning Services Division staff recommendations.

39. MOTION TO ENACT an Ordinance to adopt a proposed amendment to the Sanitary Sewer Element of the Broward County Comprehensive Plan, the title of which is as follows: **(Commission Districts 1- 9)**
AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 2006 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN BY AMENDING THE SANITARY SEWER ELEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
ACTION: (T-3:54 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law, per Urban Planning and Redevelopment Department (UPRD) Local Planning Agency (LPA) and Planning Services Division staff recommendations.

40. MOTION TO ENACT an Ordinance to adopt a proposed amendment to the Solid Waste Element of the Broward County Comprehensive Plan, the title of which is as follows: **(Commission 1- 9)**
AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 2006 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN BY AMENDING THE SOLID WASTE ELEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: (T-3:54 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law, per Urban Planning and Redevelopment Department (UPRD) Local Planning Agency (LPA) and Planning Services Division staff recommendations.

41. MOTION TO ENACT an Ordinance to adopt a proposed amendment to the Housing Element of the Broward County Comprehensive Plan, the title of which is as follows: **(Commission Districts 1- 9)**
AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 2006 AMENDMENTS TO THE HOUSING ELEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: (T-3:55 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law, per Urban Planning and Redevelopment Department (UPRD) Local Planning Agency (LPA) and Planning Services Division staff recommendations.

42. MOTION TO ENACT an Ordinance to adopt a proposed amendment to the Transportation Element of the Broward County Comprehensive Plan, the title of which is as follows: **(Commission Districts 1-9)**
AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 2006 AMENDMENTS TO THE TRANSPORTATION ELEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: (T-3:55 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law, per Urban Planning and Redevelopment Department (UPRD) Local Planning Agency (LPA) and Planning Services Division staff recommendations. (Refer to minutes for full discussion.)

43. MOTION TO ENACT an Ordinance to adopt a proposed amendment to the Conservation Element of the Broward County Comprehensive Plan, the title of which is as follows: **(Commission Districts 1- 9)**
AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 2006 AMENDMENTS TO THE CONSERVATION ELEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: (T-3:59 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law, per Urban Planning and Redevelopment Department (UPRD) Local Planning Agency (LPA) and Planning Services Division staff recommendations.

THE BROWARD COUNTY
BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING OF
DECEMBER 12, 2006

2:00 P.M.

A public hearing of the Broward County Commissioners of Broward County, Florida was held in Room 422 of the Government Center, Ft. Lauderdale, Florida, at 2:00 p.m., Tuesday, December 12, 2006.

The following members were present: Mayor Josephus Eggelletion, Jr., Vice Mayor Lois Wexler, Commissioners Diana Wasserman-Rubin, Ilene Lieberman, Suzanne N. Gunzburger, Kristin D. Jacobs, John E. Rodstrom, Stacey Ritter, Ken Keechl.

THE PLEDGE OF ALLEGIANCE WAS LED BY CITY OF TAMARAC VICE MAYOR ED PORTNER.

MAYOR EGGELLETON: Let's see, I think we have a quorum. Good afternoon. I think we have a quorum.

COMMISSIONER LIEBERMAN: I thought we were standing for the Pledge.

MAYOR EGGELLETON: Yeah, I think we have a quorum, and I'd like to call the Board of County Commissioners' public hearing for July 12th, 2006, to order -- I mean December 12th. See, I'm trying to move ahead quick. I need a vacation.

COMMISSIONER GUNZBURGER: That's backwards.

MAYOR EGGELLETON: No, I'm moving forward, but I'd like to call the Board of County Commissioners' meeting for December 12th, 2006, to order. If we could please stand for the Pledge of Allegiance, and I would like to recognize the Vice Mayor of the City of Tamarac, Ed Portner, is here, and Commissioner -- Vice Mayor Portner, could you please lead us in the Pledge of Allegiance?

(PLEDGE OF ALLEGIANCE WAS LED BY ED PROTNER, VICE MAYOR OF THE CITY OF TAMARAC.)

MAYOR EGGELLETON: Okay. Thank you very much. Let me just inform the general public that Commissioner Diana Wasserman-Rubin is not with us today. She's not feeling well and she's in the hospital, and we send her all of our well wishes, and I hope that she's doing well. Please don't try to call her in the hospital because she needs as much rest as she can possibly get.

GOOD AND WELFARE

MAYOR EGGELLETON: Today we have some Good and Welfare, and first of all, I'd like to recognize Vice Mayor Lois Wexler who is going to present some WaterMatters conservation demonstration projects proclamations to representatives from various parts of the county.

Vice Mayor Wexler, you're recognized.

VICE MAYOR EGGELLETON: Thank you, Mayor, and with your permission, I'd like to ask Commissioner Kristin Jacobs to join me down here.

MAYOR EGGELLETON: Commissioner Jacobs. This is our WaterMatters lady.

VICE MAYOR WEXLER: She is our WaterMatters maven, and she is our environment maven, you bet. I wouldn't do this without you. What I would like to do at this time is invite some folks to join us here at the podium so that we can honor you and recognize what you've done.

If I could ask that Hilton Gardens Inn in Miramar, and the Hilton Gardens Inn in Miramar is represented -- oh, my goodness, it's not in order. Is anyone here from the Hilton Gardens Inn? Okay. Well, that settles that. The next recognition would be Emerald Lakes Corporate Park. That's where Becker Poliakoff is located.

COMMISSIONER JACOBS: Now we know someone from that company is here. Are they ever not here? Becker Poliakoff? No. Okay.

VICE MAYOR EGGELLETON: I think they're being shy today. Holiday Park in Fort Lauderdale, and Holiday Park is represented, I hope, by Chris McFadden. Chris?

(Applause.)

MR. McFADDEN: Thank you very much.

VICE MAYOR WEXLER: The fourth recipient is Flamingo Park in Pembroke Pines, and that would be Melanie Morel.

COMMISSIONER JACOBS: I think -- is it Skip?

VICE MAYOR EGGELLETON: Oh, I'm sorry, Skip Keebler.

(Applause.)

VICE MAYOR WEXLER: And Flamingo Park is in the City of Pembroke Pines.

The next is the City of Coconut Creek, the City Hall, and the City of Coconut Creek is represented by Jeff Snyder.

COMMISSIONER JACOBS: Jeff.

VICE MAYOR WEXLER: If I have that -- wait a second. Wait a second.

COMMISSIONER JACOBS: How about Todd?

VICE MAYOR WEXLER: How about Todd de Jesus. Todd? No, he's not here either.

COMMISSIONER JACOBS: He's busy helping another city, I'm sure. Many cities have borrowed him lately.

VICE MAYOR WEXLER: And the final recipient is the City of Plantation Community Center, and as you can see, I have this on different pages, and I don't seem to have -- Larry Duemmling. Is Larry here? Okay. Well, thank you to -- you know, we really appreciate your being here today.

VICE MAYOR WEXLER: And I would ask my friend and colleague, Commissioner Jacobs, if you would read into the record the proclamation. Thank you.

COMMISSIONER JACOBS: Thank you, Vice Mayor. This proclamation says:

Whereas the WaterMatters Conservation Demonstration Projects were developed to serve as models of water conservation and resource sustainability; and

WHEREAS, implementation of landscape improvements consistent with NatureScape Broward principles and goals including the use of Florida friendly plants and efficient landscape irrigation --

COMMISSIONER GUNZBURGER: You know, we'd like to listen. If you're talking, please take it outside.

COMMISSIONER JACOBS: Florida friendly plants and efficient landscape irrigation offers a means of protecting water quality and quantity while providing native wildlife habitat; and

WHEREAS, six local organizations including Hilton Garden Inn in Miramar, Emerald Corporate Park in Hollywood, Holiday Park in Fort Lauderdale, Flamingo Park in Pembroke Pines, the City of Coconut Creek, City Hall and the City of Plantation Community Center participated in the project; and

WHEREAS, the facilities received recommendations from Broward County experts on changes to implement including reducing irrigation schedules, switching to water saving plumbing fixtures, replacing invasive trees with native species, and implementing other NatureScape principles; and

WHEREAS, these partners enthusiastically implemented the proposed water conservation plans; and

WHEREAS, 65 media outlets received stories and photos highlighting these individual commitments and the overall project as a way to help spread the word and set an example for others to follow; and

WHEREAS, the participants are reaping the benefits of this program, including NatureScape certification, successful butterfly gardens, reduced water and energy consumption and they're giving back to the community by investing in resource sustainability and environmental education; and

WHEREAS, these initial demonstration project participants will be the leaders to show other companies and organizations how easy it is to make a difference; and

WHEREAS, the Broward County Commission supports and encourages the mission and goals of these Water Conservation Demonstration Projects and praises these community partners for their environmental stewardship and volunteerism. NOW, THEREFORE,

BE IT PROCLAIMED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA,

That the board hereby designates Tuesday, December 12th, 2006, as "WATER CONSERVATION DEMONSTRATION PROJECTS APPRECIATION DAY." Boy, that's a mouthful, in Broward County, Florida, and it's signed by our Mayor, Josephus Eggelletion. Congratulations.

(Applause.)

VICE MAYOR WEXLER: We also knew that if we looked and searched hard enough, that we would find a representative of Becker Poliakoff, and I would also like to welcome Mr. Bernie Friedman to the front. Thank you.

(Applause.)

VICE MAYOR EGGELETION: If you would please allow the commission to thank you for your efforts and shake your hand, appreciate what you've done, and honoring you today. Thank you.

MAYOR EGGELETION: Okay. Thank you very much.

At this particular time, Commissioner Sue Gunzburger will present a proclamation to Mayor Frank Otis --

COMMISSIONER GUNZBURGER: Ortis.

MAYOR EGGELETION: Ortis for being chosen. See, I say that -- no, I say that because he owes me two strokes aside. On being chosen the Florida League of Cities, Mayor of the Year.

COMMISSIONER GUNZBURGER: Yea.

COMMISSIONER LIEBERMAN: Yea.

(Applause.)

COMMISSIONER GUNZBURGER: And I'd like to invite Vice Mayor Wexler back if she'd like to share --

VICE MAYOR EGGELETION: (Inaudible).

COMMISSIONER GUNZBURGER: Sure, because she, Commissioner Wasserman-Rubin, and I all share in the wonderful City of Pembroke Pines which is now the ninth largest city in the State of Florida and the second largest city in Broward.

MAYOR ORTIS: Yes.

COMMISSIONER GUNZBURGER: So here to support you I see are several members from Pembroke Pines, the city manager, Charlie Dodge, his assistant Marty Guyeski.

MAYOR ORTIS: Our new assistant city manager, Skip Keebler.

UNIDENTIFIED SPEAKER: Who was honored.

MAYOR ORTIS: Who was just honored.

COMMISSIONER GUNZBURGER: Right. Thank you, so we thank you for coming here to honor the Mayor, and it is our pleasure -- do you want to share this with me and we'll read every other paragraph.

VICE MAYOR WEXLER: No, I just want to be in the same picture as Frank.

COMMISSIONER GUNZBURGER: Whereas Frank -- Mayor Frank C. Ortis has resided in Pembroke Pines since 1977 and has a long history of service to community and -- that's how I do it.

VICE MAYOR WEXLER: Whereas Frank was elected to the Pembroke Pines City Commission in 1996 and served as Vice Mayor in '98 and 2002. In August of 2004, Frank was elected Mayor of Pembroke Pines; and

COMMISSIONER GUNZBURGER: Mayor Ortis was the president of the Broward League of Cities in 2005 and '06. In '06, he was elected first vice president of the Florida League of Cities after serving as

the League's second vice president in 2005, and I'm going to make a prediction, an election prediction that I think will come true. I think in 2007 you will win the presidency of the Florida League of Cities.

MAYOR ORTIS: That could be good.

COMMISSIONER GUNZBURGER: And in 2006, he was elected to serve on the United States Conference of Mayors' Advisory Board; and

VICE MAYOR WEXLER: Frank is affiliated with numerous civic organizations. He has been president of the Florida State Council of Machinists and Aerospace Workers from 1990 to the present, president of the Broward County AFL/CIO from 1991 to 1998 and vice president of the Florida AFL/CIO Executive Board from 1990 to the present.

Currently, he serves as secretary/treasurer of the Broward County Workforce One Development Board and has served on the Executive Board of Broward County Red Cross, the Executive Board for Special Olympics of Broward, and the American Red Cross State Executive Board Broward Chapter.

COMMISSIONER GUNZBURGER: And on November 17th of this year, the Florida League of Cities named Frank C. Ortis as Mayor of the Year. He was presented with this prestigious award at the ceremony in Orlando, Florida, NOW, THEREFORE,

IT IS PROCLAIMED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA,

That we hereby designate today, Tuesday, December 12th, 2006, as "MAYOR FRANK C. ORTIS APPRECIATION DAY" in Broward County, Florida, and it's signed by our Mayor, Josephus Eggelletion.

(Applause.)

COMMISSIONER GUNZBURGER: Thank you, and if you would like to say a few words?

MAYOR ORTIS: Sure. Thank you.

COMMISSIONER GUNZBURGER: What elected official –

MAYOR ORTIS: What elected official won't say a few words? Thank you, Mayor. Thank you, commissioners. Commissioners Gunzburger and Wexler and Commissioner Wasserman-Rubin, thank you as well for this great honor, and I accept this honor. It's always such a great honor to be awarded this prestigious honor by your peers, and all the mayors, and all the elected official in Florida. It's truly a great honor to accept this award and be granted, and I just might add because I'm so proud of the beautiful City of Pembroke Pines at the same award ceremony, we were awarded the Best City of the Year in Florida, the Best Senior Housing, Affordable Housing in the State of Florida, and our finance director received the Best Finance Director of the Year in Florida. So we are very, very proud of these awards, and thank you again very much for this recognition today.

(Applause.)

MAYOR EGGELLETON: Well, Mayor Ortis --

MAYOR ORTIS: And you're not getting two strokes.

MAYOR EGGELLETON: We're also very proud of you, but I really heard you won that in a golf tournament. No, just kidding. We're really proud of you, Mayor, so very much. I kid the Mayor because he's an avid golfer and so am I, and that means he has to give me two shots aside.

MAYOR ORTIS: Thank you, Mayor.

PUBLIC HEARING

MAYOR EGGELLETON: Okay. We're ready now to take up our afternoon public hearing agenda. Before we take up the afternoon public hearing agenda, let me just point out there were a number of items that were still left on the table from the morning agenda. It's my intent to move as quickly as we can through the afternoon agenda and because some of the issues on the afternoon agenda are more controversial than others and we have a very tight meeting schedule today, we have a board retreat that should take place at about 5:00 this afternoon, what I would like to do is to take some of the easier items first and then we will save the -- I think there are about maybe three controversial items. We will save those items for last.

So I'm going to move about the agenda this afternoon and take some items out of order. Does any member of the board have any objection for me taking some of these items out of order? Good. That will get most of the persons that are here out of here and then perhaps we may, if we're lucky, we may be able to get out of here at the appointed time to start our all-important board retreat so that we can set the goals for next year.

UNIDENTIFIED SPEAKER: (Inaudible).

MAYOR EGGELLETON: Well, we're going to try, right? Well, we're going to try. All right.

AGENDA ITEM 1

MAYOR EGGELLETON: First of all, the first item on the afternoon agenda is a motion to adopt a supplemental budget request.

The item has been moved by Commissioner Gunzburger; seconded by Vice Mayor Wexler. Any objection?

MR. NEWTON: Public hearing. Public hearing.

MAYOR EGGELLETON: Oh, that's right. This is a public hearing. Does anyone from the public wish to speak on Item Number 1? Seeing that no one wishes to speak on Item 1,

Is there any objection from the board?

Show Item 1 passes unanimously without objection.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 2

MAYOR EGGELLETON: This is a public hearing on Item 2. Item 2 is a motion to adopt a supplemental budget resolution within the trust agency -- an Agency And Trust Funds rather, in the amount of \$2,700,000. This is a public hearing. Is there anyone here from the public that wishes to speak on Item 2? Anyone wishing to speak on Item 2? Seeing that there is no one wishing to speak on Item 2, the public hearing is closed.

COMMISSIONER GUNZBURGER: So moved.

MAYOR EGGELETION: I will take a motion by the board.

COMMISSIONER LIEBERMAN: Second.

MAYOR EGGELETION: It's been moved by Commissioner Gunzburger; seconded by Commissioner Lieberman.

Is there any objection from the board?

Seeing that there is no objection, show Item 2 passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 3

MAYOR EGGELETION: It's a public hearing. The public hearing is open on Item 3. This is a motion to adopt a supplemental budget request within the Capital Fund on Item 3. Anyone from the public wishing to speak on Item 3? Anyone on Item 3? Seeing that there is no one to speak on Item 3, the public hearing is closed. I'll accept a motion from the board on Item 3.

COMMISSIONER LIEBERMAN: So moved.

MAYOR EGGELETION: The item is moved by Commissioner Lieberman.

COMMISSIONER GUNZBURGER: Second.

MAYOR EGGELETION: Seconded by Commissioner Gunzburger.

Any objection?

Any objection?

Without objection, show Item 3 passes unanimously.

VOTE PASSES UNANIMOUSLY.

(COMMISSIONER RODSTROM ENTERED THE ROOM.)

COMMISSIONER RODSTROM: Mr. Mayor?

MAYOR EGGELETION: Yes.

COMMISSIONER RODSTROM: Would you show me in the affirmative on Items 1 and 2 as well. Thank you.

MAYOR EGGELETION: Let the record reflect that Commissioner Rodstrom has voted in the affirmative on Items 1, 2, and 3.

AGENDA ITEM 4

MAYOR EGGELLETON: This is a public hearing on Item 4. The public is now open on Item 4. Anyone from the public wishes to speak on 4? 4? Seeing that there is no one wish doing speak on 4 –

COMMISSIONER GUNZBURGER: So moved.

MAYOR EGGELLETON: I'll take a motion from the board. It's been moved –

COMMISSIONER LIEBERMAN: (Inaudible).

MAYOR EGGELLETON: Okay.

COMMISSIONER LIEBERMAN: Okay. I don't have a problem, but I need an amendment to the motion. I had asked a question about whether we are auditing the invoices we get from DJJ and the answer that I got back is that for the April, June, 2006 billing, staff verified that only 937 of the 1,024 children they were billed for her Broward County residents and of the 13,535 days billed, only 10,896 were predispositional detention days. They provided this information to DJJ within the 90-day time frame and so far have received absolutely no response from the state.

So I want to -- if you don't mind, Commissioner Gunzburger, have an amendment to your motion to approve this with a direction to the County Attorney's office that he review what our legal remedies are, whether it's withholding of funds, whether it's filing a suit, whatever it is that we have to do, but we're apparently being billed for costs that are not ours, and in contravention to Article V costs on DJJ. So I'd ask that you incorporate that as an amendment to your motion.

COMMISSIONER GUNZBURGER: No problem.

MAYOR EGGELLETON: Okay.

COMMISSIONER GUNZBURGER: Move it as amended.

MAYOR EGGELLETON: The item has been moved as amended by Commissioner Gunzburger, seconded by Commissioner Lieberman.

Are there any objections?

Any objections?

Without objection, show the item passes without objection unanimously.

VOTE PASSES UNANIMOUSLY.

COMMISSIONER GUNZBURGER: By the way, I'd like to say that the Children's Service Council is giving \$1,000,000 to the Road to Independence.

MAYOR EGGELLETON: That's great.

COMMISSIONER LIEBERMAN: Excellent.

MAYOR EGGELLETON: And I believe that state representative -- newly elected State Representative Joe Gibbons is in the audience; is that correct?

REPRESENTATIVE GIBBONS: Yes.

(Laughter.)

MAYOR EGGELLETON: Boy, I'll tell you these guys in the House have super sensitive ears, don't they? They can see through doors, hear through doors. Representative, I hope you heard the problems that we're having with DJJ and the instruction to the County Attorney so as you go back to Tallahassee, I hope that you will certainly work on resolving these issues with billing so that we don't become a carte blanche for DJJ.

REPRESENTATIVE GIBBONS: (Inaudible).

MAYOR EGGELLETON: Thank you so very much.

AGENDA ITEM 5

MAYOR EGGELLETON: There's a motion to adopt supplemental budget resolution on Item 5 in the Enterprise Fund. Is there a member from the public who wishes to speak on Item 5? Seeing that there is no member from the public wishing to speak, are there any comments from the Board of County Commissioners? I'll accept a motion on the item.

COMMISSIONER GUNZBURGER: So moved.

MAYOR EGGELLETON: It's an item that's been moved by Commissioner Jacobs, seconded by Commissioner Gunzburger.

Any objections?

Without objection, show Item 5 having passed unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 6

MAYOR EGGELLETON: Item Number 6, this is a motion to adopt a supplemental budget resolution within the Special Purpose Fund. Is there any member from the public who wishes to speak on the public agenda? Any member from the public? Seeing that there is no member from the public wishing to speak, we close the public hearing. Is there any comments -- are there any comments from the commission? Seeing that there are no comments from the commission, I'll take a motion on the item.

COMMISSIONER LIEBERMAN: So moved.

COMMISSIONER GUNZBURGER: Second.

MAYOR EGGELLETON: Moved by Commissioner Lieberman; seconded by Commissioner Gunzburger.

Any objections?

Any objections?

Show Item 6 pass with no objections.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 7

MAYOR EGGELLETON: Item 7, this is a motion to adopt a supplemental budget resolution within the Special Revenue Fund in the amount of \$6,000,000. Is there a member from the public who wishes to speak? Is there a member from the public who wishes to speak? Seeing that there is no member from the public who wishes to speak, is there any comments from the County Commission? I will entertain a motion for the item.

MAYOR EGGELLETON: The item has been moved by Commissioner Ritter.

COMMISSIONER LIEBERMAN: Second.

COMMISSIONER JACOBS: Third.

MAYOR EGGELLETON: Seconded by Commissioner Lieberman.

Are there any objections?

Any objections?

Without objection, show Item 7 having passed without objection.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 8

COMMISSIONER LIEBERMAN: Move Item 8.

MAYOR EGGELLETON: Item 8, are there any member from the public who wishes to speak on Item 8? Any members of the public wish to speak on Item 8? Showing that there is no members from the public who wish to speak on Item 8–

COMMISSIONER GUNZBURGER: So moved.

MAYOR EGGELLETON: – we'd like to close the public hearing on Item 8? Any comments from the commission? No comments. No comments from the commission.

It's been moved by Commissioner Lieberman; seconded by Commissioner Gunzburger.

Are there any objections to Item 8?

Show Item 8 passes unanimously without objections.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 9

MAYOR EGGELLETON: Item Number 9.

COMMISSIONER LIEBERMAN: Move Item Number 9, Mr. Mayor.

MAYOR EGGELETION: Item Number 9 has been moved by Commissioner Lieberman. We're open for public comment on Item 9? Are there anyone wishing to speak?
Seeing there is no one, the item has been moved by Commissioner Lieberman; seconded by Vice Mayor Wexler.

Are there any objections?

Any objections?

Show Item 9 having passed without objection.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 11

MAYOR EGGELETION: I'm going to save Item 10 in that this may gender some discussion, so I'm going to move this back on the agenda, and I'm going to move to Item Number 11.

COMMISSIONER LIEBERMAN: Move Item Number 11.

MAYOR EGGELETION: It's a motion to consider enactment of an ordinance. Are there any one from -- is there anyone from the public who wishes to speak on Item 11?

Seeing that there is no one wishing to speak from the public on Item 11, the item has been moved by Commissioner Lieberman.

COMMISSIONER GUNZBURGER: Second.

MAYOR EGGELETION: Seconded by Commissioner Gunzburger.

Any objections?

Any objections?

Show Item 11 pass unanimously without objections.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 12

MAYOR EGGELETION: Item 12 is a motion to consider --

COMMISSIONER LIEBERMAN: Move Item Number 12.

MAYOR EGGELETION: Item 12 been moved by Commissioner Lieberman. We open it for public comment. Is there anyone from the public who wishes to speak on Item 12?

Seeing that there is no one from the public who wishes to speak on Item 12, the item has been moved by Commissioner Lieberman; seconded by Commissioner Keechl.

Are there any objections from the members of the Board of County Commissioners?

Seeing that there is no objections, show Item 12 having passed unanimously without objection.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 13

MAYOR EGGELLETON: Item 12, this is a motion of an enactment of an ordinance entitled -- is a Child Care ordinance.

Is there anyone from the public who wishes -- this is 13. Anyone who wishes to speak on 13? Seeing there is no one from the public who wishes to speak -- yes, ma'am.

MS. FLOURNOY: (Inaudible).

COMMISSIONER LIEBERMAN: Have her come forward and state her name.

MAYOR EGGELLETON: You need to come forward and identify yourself for the public record.

MS. FLOURNOY: Good evening. My name is Barbara Flournoy, and I am a licensed day care provider in my home, and the reason that I'm here and the reason this proposal is presented before the commission, the board is the fact that some of the providers has incorporated our business, and we'd like for it to be recognized by the commission. We know that licenses, that it cannot be -- we cannot use the name, and we would like to use our corporation as a child care provider in our home.

MAYOR EGGELLETON: Thank you so very much. We appreciate it, and this is an item that came to my attention, and I can tell you I believe the board fully supported the dilemma you're in because it would keep you from having to expose the Social Security Numbers of the persons whose children that are kept in these day-care centers. Okay. Public comment is closed. Is there anyone from the board who wishes to comment?

The item has been moved by Commissioner Jacobs; seconded by Commissioner Ritter.

Are there any objections from the board?

Any objections?

Without objection, show Item 13 pass without objection.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 14

MAYOR EGGELLETON: Item 14 is a motion to consider an enactment of an ordinance amending Section 2677 of the Broward County Code of Ordinance. Is there anyone from the public who wishes to speak on Item 14?

Seeing that there is no one from the public who wishes to speak on Item 14, the item has been moved by Commissioner Jacobs; seconded by Commissioner Ritter.

Any objections to Item 14?

Without objection, show Item 14 pass unanimously without objection.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 15

MAYOR EGGELLETON: Item 15 is a motion to adopt a resolution of the Board of County Commissioners amending Volume 2, Chapter 32 of the Broward Admin Code. This item also -- I don't know, let's see if we can move it without a whole lot of discussion. Is there anyone from the public who wishes to speak on Item 13? Anyone from the public? Seeing that there is no one from the public who wishes to speak on Item 13, the public is now closed -- oh, it's 15, I'm sorry. Yeah, 15, I'm sorry. I'm off my script. All right. Anyone wishing to speak on Item 15? There's no public comment on Item 15, show the public comment session closed. I'll entertain a motion from the board if there is no public comment from the board.

It's been moved by Commissioner Jacobs; seconded by Commissioner Ritter.

Are there any objections to Item 15?

Without objection, show Item 15 having passed without objection.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 16

MAYOR EGGELLETON: Item 16, this is a motion to enact an ordinance amending Broward County Comprehensive Plan. Is there anyone from the public who wishes to speak on Item 16? Item 16? Seeing that there is no one who wishes to speak on Item 16 --

COMMISSIONER LIEBERMAN: (Inaudible).

MAYOR EGGELLETON: Okay. The item has been moved on behalf of Commissioner Rubin by Commissioner Jacobs, seconded by --

COMMISSIONER GUNZBURGER: Second.

MAYOR EGGELLETON: -- Commissioner Gunzburger.

Any objection?

Any objection?

Without objection, show Item 16 having passed without objection.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 17

MAYOR EGGELLETON: Item 17, Item 17 is a motion to enact an ordinance amending Broward County Comprehensive Land Use Plan, section -- plan use map amendment PC 06-22. Is there anyone from the public who wishes to speak on Item 17? Seeing that there is no one from the public who wishes to speak

on Item 17, I would like to close the public comment session. Comments from the board? Any comments from the board?

Seeing that there is no comments from the board, Commissioner Jacobs moves Item 17; seconded by Commissioner Ritter.

Without objection?

Without objection?

Seeing that there is no objection, show Item 17 pass unanimously without objection.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 18

MAYOR EGGELLETON: Item 18, Item 18 is a motion to enact an ordinance amending Broward County Comprehensive Plan, PC 6-23. Is there anyone from the public who wishes to speak on Item 18? Anyone wishing to speak on 18? Seeing that there is no one from the public who wishes to speak on Item 18, the public comment session is closed. Open for comment from the board. Anyone from the board wishing to speak?

Seeing that no one from the board wishes to speak, Commissioner Jacobs moves the item. The item has been moved by Commissioner Jacobs; seconded by Vice Mayor Wexler.

Any objection?

Any objection?

Without objection, show Item 18 pass without objection.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 19

MAYOR EGGELLETON: Item 19.

COMMISSIONER LIEBERMAN: Move Item 19 on behalf of the Mayor.

MAYOR EGGELLETON: The item is open for public comment on Item 19. Please state your name for the record, sir. You're on Item 19.

MR. CUMMINGS: My name is John Cummings.

MR. KNIGHT: I'm Jerry Knight and I represent the applicant and I sent a letter earlier today, Mayor, to your office requesting that this item be continued until the next round of Land Use Plan amendments, so it would be the Group One 2007 group of amendments.

COMMISSIONER LIEBERMAN: So moved.

BOARD MEMBER: Second.

MAYOR EGGELLETON: The item has been -- the applicant asked that the item be deferred to the next round. Are you representing the applicant? Is this the applicant?

MR. CUMMINGS: I'm sorry, were you speaking to me? He was talking to me at the same time.

MAYOR EGGELLETON: Is he representing you on this item?

MR. CUMMINGS: No.

MAYOR EGGELLETON: Are you wishing to speak on the item?

MR. CUMMINGS: I do.

MAYOR EGGELLETON: Yes, sir, go ahead.

MR. CUMMINGS: I own the property or one of the properties that adjoins this tract of land that is impacted by this ordinance, and there are two such properties, both of which I had owned at one time. The first is what I currently own are two automotive businesses that adjoin the property to the south, and behind the automotive businesses, there's a self-storage facility that has an entrance that's farther south from the property I have.

I have been following this ever since I had learned that U.S. Homes had been interested in the property, and I learned that through the city manager, and he asked if I would be interested in selling my property, and I explained to him that the property that I own is leased to tenants that I don't have the right to evict them from the property to sell even if I wanted to, which I don't.

In following this property, the events that have been occurring on the property, I would like to call attention to the commission that I have yet to see any announcement until -- of this hearing, of any hearing regarding the motions that are in question until Saturday morning when I returned from Europe. Unfortunately we had a -- this year, some problems with a death in the family in Europe, and I've been spending a lot of time dealing with those family matters.

However, I have been trying to keep in touch with the City of North Lauderdale regarding this matter. I've placed many calls to the city manager, have spoken to some of the other officials in the city. The city manager never has returned my calls. His assistant, Tammy, does on occasion. She did yesterday after I had gone to the city and had a long conversation at the desk with the zoning people.

My concern is that the county is taking a parcel that is 14 acres gross area. A good bit of that includes State Road 7 right of way, which I understand is state property, and I don't know how they can include that in a density of county use, but in any event, that they're going to build a number of townhomes or some other type units on this property.

I asked the city zoning people if I would be impacted because of this, and they first said: No, you won't be because your property is not being rezoned, and I said: Well, are there some little gotchas in the zoning that prohibit something that I would do that I'm allowed to do in industrial property that I can no longer do because now suddenly I'm adjoined by a residential property? And they panicked on that and read something out of the zoning book that, yes, I would be impacted. And how can you do that? How can you impact me because the City of North Lauderdale gets behind a rezoning issue and creates something that now has a negative impact to me?

MAYOR EGGELLETON: Well, sir, the item is being pulled and deferred, so it won't come back to us until when, Mrs. Brangaccio? I think six months.

MS. BRANGACCIO: The Planning Council staff could tell us the exact date that that would be coming back, or maybe our County Attorney's office would have that in the next round. Our commission will be hearing the next round in the spring.

MR. CUMMINGS: Well, I'm happy to hear that. Excuse me just a moment. I hope that my being here –

MAYOR EGGELETTION: Wait a minute, excuse me, sir, no, sir, we've given you two minutes to present your case. I need to hear from our staff right now.

MR. CUMMINGS: Oh, okay.

MAYOR EGGELETTION: Yes, ma'am.

MS. BLAKE: Barbara Blake from Planning Council staff. Group One 2007 is tentatively scheduled for adoption in either June or September of 2007.

MAYOR EGGELETTION: Okay. So you have until June of 2007 to get with the City of North Lauderdale and any other official as well as the county to resolve your issues. Okay?

MR. CUMMINGS: Thank you very much.

MAYOR EGGELETTION: All right. Thank you. You're welcome.

Vice Mayor Wexler, you're recognized.

(COMMISSIONER LIEBERMAN LEFT THE ROOM.)

VICE MAYOR WEXLER: Thank you, Mayor, and that's great news. I'm glad that it is being deferred until that point because there are a number of school issues particularly dealing with safety that I think that this time period will allow them the opportunity to resolve as well. Thank you.

MAYOR EGGELETTION: Okay. All right. Show Item 19 deferred to the next meeting when we have these issues come before the board.

ITEM DEFERRED.

AGENDA ITEM 20

MAYOR EGGELETTION: The next item on the agenda is Item 20. This is a motion to enact an ordinance amending Broward County Comprehensive Land Use Plan, PC 6-25. Is there anyone from the audience who wishes to speak on Item 20? Anyone wishing to speak on Item 20? Seeing that there is no one from the audience that wishes to speak on Item 20, the public comment session is closed on Item 20. The public comment from the board? Seeing that there is no public comment from the board, is there a motion from the board?

Show that Item 21 (sic) is moved by Commissioner Ritter; seconded by Vice Mayor Wexler.

Any objection?

Any objection?

Seeing that there is no objection to item -- what is this, 20? Show Item 20 pass without objection.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 21

MAYOR EGGELLETON: Item 21, Item 21 is a motion to enact an ordinance amending the Broward County Comprehensive Land Use Code, PC 6-26. Is there anyone from the audience wishes to speak on Item 21? Anyone wishing to speak on Item 21? Seeing that there is no one from the audience who wishes to speak on Item 21, the public comment section -- session is closed on Item 21, and I would entertain a motion from the board. The item has been moved by Commissioner Gunzburger; seconded by Commissioner Keechl.

Are there any objections?

Any objections?

Is this 21? Yeah, show Item 21 having passed without objection unanimously by the board.

VOTE PASSES UNANIMOUSLY.

MAYOR EGGELLETON: I'm going to skip Item 22 and 23, and we'll get to 24. We're going to come back to those items. What I'm trying to do, as I said earlier, is get some of these other things out of the way.

AGENDA ITEM 24

MAYOR EGGELLETON: Item 24.

COMMISSIONER KEECHL: Move it.

MAYOR EGGELLETON: Item 24 is a motion to enact an ordinance amending Broward County Comprehensive Plan and adopt a small scale plan. Anyone from the audience wishing to speak on Item 24? Anyone from the audience wishing to speak on Item 24? Seeing that there is no one from the audience wishing to speak on Item 24, the public comment is closed.

The item has been moved by Commissioner Keechl; seconded by Vice Mayor Wexler. Okay.

Any objection?

Any objection?

Without objection, show Item 24 having passed without objection.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 26

MAYOR EGGELLETON: We're going to move to Item 26.

VICE MAYOR WEXLER: 25 should be easy. Do you expect it to be a problem? All I'm going to say is good job.

(COMMISSIONER LIEBERMAN RETURNED TO THE ROOM.)

COMMISSIONER LIEBERMAN: Mayor, may I be shown as voting in the affirmative for those items?

MAYOR EGGELETTION: Okay. Let the record reflect –

COMMISSIONER LIEBERMAN: Voting in the majority, rather.

MAYOR EGGELETTION: Okay. Let the record reflect that Commissioner Lieberman has voted in the affirmative on the items, I think 21 and 24.

COMMISSIONER LIEBERMAN: 20, 21, and 24.

MAYOR EGGELETTION: 20, 21, and 24.

COMMISSIONER LIEBERMAN: Yes.

MAYOR EGGELETTION: Okay. Well, let's try 25. All right?

COMMISSIONER GUNZBURGER: Move it.

MAYOR EGGELETTION: Item 25 is a motion to enact an ordinance amending the Broward County Comprehensive Plan, PC T06-6. Is there anyone from the public wishing to speak on Item 25? Anyone wishing to speak on Item 25? Comments from the board? Yes, Commissioner Rodstrom.

COMMISSIONER RODSTROM: This is an item that I've got to tell you I am just struggling with, and at first I thought I'd be comfortable if I had folks sign an agreement regarding the mitigation. For the benefit of the audience, I mean this is a land use amendment with essentially 900 acres of which 600 are industrial and the vast majority of the acreage are industrial or retail or whatever, but they're not housing acreage. Thirty-nine of the nine hundred are actually housing. And this commission has gone on record, which I support, the transit-oriented corridor, and 441 is that corridor.

The problem that I have is that a good part of this district lie in the 60 DNL contour or will lie in the noise contour. This commission has not seen the noise contours, and I just -- I just don't have the stomach. I don't think I have the stomach to allow development in an area that I know full well is going to have excess noise when this commission hasn't decided what its mitigation policies are going to be and how people are going to be able to enjoy the peace and quiet of their home. And yet I realize that we have an agreement these folks can sign saying they're not going to ask us for any money, but then it becomes for me, you know, people never know how bad it is until they move there, and then when they move there, they all complain, and that's -- I mean so shame on us for letting it happen in the first place.

I'm just -- I'm so torn on this issue because I want affordable housing, and this project will give us 15 percent affordable housing. I like all that. I like the location of it being on 441. What I don't like about it is that it's right in the glide path of this runway and it's going to be in a noise contour of which we are unaware of at this time, and I think that the -- I think for me, if I were going to wave a magic wand, what I'd like to see happen is that maybe we delay this thing for six months because we'll have a much better idea of what the noise contours are going to be.

I understand they're changing while we're sitting here. What I thought Melaleuca was not going to be in the noise contours, today I learned that the entire Melaleuca is going to be in the noise contours. This is all being negotiated and I'm outside those negotiations; I'm outside those discussions and I'd hate to come back and find out: Oops, it's all in the 65 DNL noise contours and I've done it to these folks and I just don't have the stomach for it and like to defer this and see what we do on the airport.

COMMISSIONER GUNZBURGER: I'd second the deferral. I do know there's a group of residents that won't. That's a cemetery.

MAYOR EGGELETTION: Okay. All right. I'm assuming there's no one here from Davie or Dania that wishes to --

COMMISSIONER RODSTROM: And, Mayor, I feel bad. I gave them sort of a false --

MAYOR EGGELETTION: I completely understand.

COMMISSIONER RODSTROM: I mean I have just been -- I've been wrestling with this. The water issue came up and we got focused on that, but we just learned recently about these noise contours, and that's my dilemma here. I want to know more about the noise contours.

MAYOR EGGELETTION: All right. Let me -- you know, I closed the public comment -- the opportunity for the public to close. Commissioner, would it help you any if I were to lay this issue on the table and allow you to speak with the representative -- are you from the city? Are you from the city?

UNIDENTIFIED SPEAKER: Yes.

COMMISSIONER RODSTROM: They can't supply me with the noise contours because none of us are privy to them yet. This commission hasn't decided what kind of runway or if they're going to have a runway.

MAYOR EGGELETTION: No, I clearly hear what you're saying. Then, Maite, do I need to reopen the public comment session?

MS. AZCOITIA: Yes, you do.

MAYOR EGGELETTION: Then I would like to reopen the public comment session and allow you to comment, and please identify yourself for the record.

MS. NOLAN: Good afternoon, Marcy Nolan with the Town of Davie, Deputy and Planning, Zoning Manager. The town is very aware of the noise contour lines. When we participated in the State Road 7 collaborative, we actually had the noise contour lines drawn over the master plan. What we did in order to ensure that we knew what the maximum potential impact would be is we took the worst-case scenario or broadest case scenario when we did the noise contour lines. In addition we laid out the 60 DNL not just 65 DNL, to see how much was impacted. The planes go right over Oaks Road. So the contour line actually follows Oaks Road. It impacts probably about 15 percent of the total acreage. It's a 903 acre amendment site.

What the town is willing to do is to enter into a noise abatement agreement with the county saying that the town will insure that all developers would notify the property owners that they were, in fact, in a noise contour line, a 60 DNL, and also that we would acquire the appropriate noise abatement measures that the county would also require for the airport. So what we're trying to do is provide housing along the State Road 7 corridor, which I think is a county goal, and at the same time ensuring that the property owners that buy in that noise contour line have the mitigation measures in place to protect them from the noise.

COMMISSIONER RODSTROM: Would the county agree to not have any residential in the 60 or 65 DNL contour -- I'm sorry, would the city agree to not putting any housing in the 60 or -- whatever contours are agreed upon, whatever comes out, would they agree not to have any housing within the 60 or 65 DNL housing contour?

MS. NOLAN: Not at this time. The plan does show this to be a mixed contour area and the contour lines go from State Road 7 to the Turnpike.

COMMISSIONER RODSTROM: That's my problem. That's my problem.

MAYOR EGGELLETON: Okay. Yes, Vice Mayor Wexler, you're recognized.

VICE MAYOR WEXLER: Thank you.

MAYOR EGGELLETON: If you have a comment for the city.

VICE MAYOR WEXLER: I have a comment. I have a comment for the Town of Davie, and the -- I didn't realize that this was an issue when we transmitted this, and I wonder if the Planning Council had recognized this as an issue at all, but my comment for the Town of Davie really is that I think that -- and I said this to you, Marcy, when we first met at transmittal, and I'm going to say it to you publicly again, is, as far as addressing future school use and impact of students that you are definitely the model for any city or town in Broward for working cooperatively in developing that tri-county partnership, and I wanted to thank you for that.

MAYOR EGGELLETON: Okay. The item is on the table. Is there a discussion from the board?

Yes, Commissioner Ritter, you're recognized.

COMMISSIONER RITTER: Thank you. Well, Vice Mayor Wexler had asked if the Planning Council had considered it, and I know that the representatives from the Planning Council are here. Could we have them come forward? Thank you.

MAYOR EGGELLETON: Is there someone here -- yes. Please, state your name for the record.

MR. SNIEZEK: Good afternoon, Henry Sniezek. I'm executive director of the Broward County Planning Council. Yes, the Planning Council is aware of this issue. There is an item in their backup, Attachment 13, gives you the latest noise contours, and I know that's not what Commissioner Rodstrom is speaking to, the future contours. They are aware of this, and they accepted the agreement that the town would have with the county to mitigate the noise.

MAYOR EGGELLETON: Any other comments? Any other questions of Mr. Sniezek? Any other questions? Okay. The board is now set to deliberate on the item. Any other comments from members of the board? Yes.

COMMISSIONER RODSTROM: My motion would be to -- I have two motions I can make. One would be to defer for six months so we have a better handle on the noise contours, the new ones as they come out regarding the new runway solutions. The second one would be that I would be willing to approve this amendment so that no housing, whatever noise contours came out that no residential would be in the 65 or 60 DNL noise contour. I could do either motion. It's the commission's pleasure. Maybe you have another motion you want to do, but those would be my two motions.

MAYOR EGGELLETON: Well, Commissioner Rodstrom, let me just say something, we have -- I want to avoid any conflicts with the city on these items. We have an interlocal agreement with the cities on these land use issues, and I think the second motion, after hearing the city say that they would be opposed to us denying housing in the 65 contour, I would think then that your first motion may be in order, because I don't want to be the first to violate our agreements with the cities when it comes to land use, particularly in light of the fact that this issue might come up in the legislature this year. So I would think that if we were

to hold it in abeyance for six months and then it comes back to us before we break for the summer, I think we'd be okay. That's far better than the second motion.

COMMISSIONER RODSTROM: And, Marcy, I'm sorry, I've just got to see what these noise contours look like. I just have got to see how bad it really is going to be.

MAYOR EGGELLETON: And I think the applicant, you are aware of the fact that the new data that we have from our consultant is sort of pushing back the CIS and everything by about two or three months, and I think that's what give the commissioner a little heartburn here. Okay? All right.

So I believe the board -- yes, Commissioner Ritter, you're recognized.

COMMISSIONER RITTER: Thank you. And my concern with that is that the town has indicated to us that they're going to require the developer to notify potential homeowners that they're going to be within this noise range, so they'll have notice, unlike some of the concerns that are now being suggested about a runway that residents bought many years ago and didn't know.

Second of all, we all know that planes have gotten quieter, not noise, yes, sir. To me, six months doesn't make sense. We're pushing it back. That only means it's going to cost more time and more money to do what we will ultimately do. That's number one. Number two, if homeowners are given notice that they will be within this range and they voluntarily and with full disclosure purchase this property anyway, who are we to tell them that they shouldn't? I don't believe that that's our role as policy makers to tell them that they can't purchase a piece of property in a flight path. So while I recognize if the will of the commission is to defer, then certainly that's the will of the commission, but I don't think six months from now anything changes.

UNIDENTIFIED SPEAKER: (Inaudible).

COMMISSIONER RITTER: We may know that they're in the noise range and then if this county commission dictates to this town that they cannot put houses in that 15 acres that will be a heavy handed decision that this commission will then make and force upon the Town of Davie which I'm not comfortable doing. Thank you.

MAYOR EGGELLETON: Okay. Commissioner Lieberman, you're recognized.

COMMISSIONER LIEBERMAN: Here's the one difference. I understand your position. Transit -- the type of change they're asking for which is a transit-oriented corridor allows for additional density to be aggregated in certain locations. It may not be appropriate depending on what the flight path is and what the noise contours are to allow additional density. If they were simply asking for a land use plan amendment for example, from commercial to residential, I would support your position, but what they're asking is for a transit-oriented corridor, which allows an additional aggregation of density that is not the normal process for most of these land use changes, and it may be, depending on where those noise contours are, that that's not the place to put density. So I'm going to support the District Commissioner though, you know, I sincerely hope that we can work this issue through because there is a need for taking a look at, especially with the university presence, some type of a downtown development in that area. The issue is where the density -- the additional density may be appropriate or not.

MAYOR EGGELLETON: Okay. Vice Mayor Wexler, you're recognized.

VICE MAYOR WEXLER: Well, I tend to agree with Commissioner Ritter regarding putting this off to what avail, and I say that only because everyone knows that whatever the runway expansion or lengthening project might look like, it's going to continue to impact this area. This area is impacted right now. You know that. You knew -- not you. They knew that. This town knows that. The Planning Council knows that.

In -- I don't know which exhibit it is, but airport noise is addressed in here in this attachment regarding the assurances that any new development would not request noise mitigation funding by the county, and you -- one way or another, a good portion -- and you can look at the picture and see it. This is where the flight -- this is where it comes in right now. We're not changing the current runway pattern. It just -- if we put this off any longer, then -- and I would really want to hear from the town, Mayor, as to how they feel about this. I really do. I mean if you can wait six months, fine. If it's an issue of you've got to have this housing now and you're ready to move on it now, that's a different story because the noise in this general vicinity is going to be the same and probably worse.

COMMISSIONER LIEBERMAN: Worse.

COMMISSIONER RODSTROM: Worse.

VICE MAYOR WEXLER: And probably worse.

COMMISSIONER RODSTROM: Worse.

VICE MAYOR WEXLER: But they already know that. They already know that. So -- and I don't know -- and I don't know, and that's a question, I guess, for our legal counsel, is, is that a reason for denial at some point in time?

MS. AZCOITIA: The noise compatibility?

VICE MAYOR WEXLER: Yes.

MS. AZCOITIA: The land use plan currently does not address noise and compatibility of noise.

MAYOR EGGELLETON: Okay.

COMMISSIONER RODSTROM: May I close?

MAYOR EGGELLETON: Well, I think -- did you want to hear from Davie?

VICE MAYOR EGGELLETON: I would like Davie to respond to the motion that's before us if they could, please.

MS. NOLAN: Thank you. The town respectfully requests that you move this item forward as opposed to deferring it. There have been a lot of issues that have come up over the course of the nine months that we've been in process. Every time we've had an issue brought before us, we have done our best to address it to your satisfaction. I do believe that in six months you-all may have the same issue regarding where the noise contour lines and how will the town address it. The town will address it the same way we're proposing to address it today and that is through the noise agreement that we will enter into between the county and the Town of Davie. Thank you.

MAYOR EGGELLETON: Well, let me ask you a question before you sit. The issue has been raised by two of my colleagues with respect to the abrogation of density in this area and how you're going to deal with that issue which would allow you far more units and I'm assuming -- and I don't know if anyone is here from the aviation department, but I'm assuming that the FAA will impose some sort of height restrictions on anything in this area, but how you propose to or what kind of comfort can you give the District Commissioner with respect to his main issue, and that is this issue of density that you will be allowed additional density in this area?

MS. NOLAN: There is already an FAA restriction in this place in this area and it's 18 stories. The town proposes no higher buildings than 12 stories in this area. So this is not something that's going to affect the airplanes as they land. The second item is that when we did this amendment, it was based upon a master plan process. The master plan created three distinct nodes of density. There is a northern node. There's a central, which is concentrated on Griffin Road, and there's a southern node closest to the Seminole casino.

In that case, what we've done is not had density just 6,000 units as of right anywhere in the TOC which I believe is what Commissioner Lieberman's concern was. The town's plan is not to entitle all this density in one location and say: Go for it. Here's a pot of density. It's, in fact, to create three distinct villages. Most of the density will be centered in the northern part that is closest to the I-595 because that's where the highest density and the highest height is supposed to be, taking advantage of I-595 and the contours there. So it's not just blanket density entitled -- in that entire 903 acres. It has specific requirements actually based upon the comprehensive plan that the town has proposed before you today.

So not only have we created three distinct areas that's specific in the policy language the town is adopting, but we're also phasing in the density over two time horizons. There's a current time horizon of the 2015 where about 3200 goes into place, and then there's a future density horizon of 2015 plus. So we're trying to do everything right to ensure that as items come up over time the town can take the proactive measures to assure that the noise abatement issues are in place. More importantly, in 2015, we might have better noise abatement measures that we can have the developers as of right when it comes in to permit. I hope that does everything to address your concerns. The town is doing everything to assure that the density in this area is mitigated from a noise perspective.

MAYOR EGGELETTION: How long -- before I recognize Commissioner Lieberman, how long have you been working on the plan in this area? For how long?

MS. NOLAN: About three and a half years.

MAYOR EGGELETTION: Three and a half years. Okay.

Commissioner Lieberman, you're recognized.

COMMISSIONER LIEBERMAN: You may be able to put my concern to rest, but I need you to look at, and I'm so sorry the pages aren't numbered, but if you look at Attachment 2, can you do that? Attachment 2 --

MAYOR EGGELETTION: You want to come and get this attachment? Well, here, let me see if I can give you mine.

COMMISSIONER LIEBERMAN: Attachment 2 shows some very big differences between the existing intensity and density and what's being proposed. Hello.

MAYOR EGGELETTION: She's getting mine.

COMMISSIONER LIEBERMAN: Oh, I was going to give you mine.

UNIDENTIFIED SPEAKER: (Inaudible).

COMMISSIONER LIEBERMAN: Okay.

MAYOR EGGELETTION: Go ahead, Commissioner.

COMMISSIONER LIEBERMAN: If you look at Attachment 2, Page 1, there's a transmittal to Mr. Elliott at the Broward County Water Resources Division, and what it shows is what you're proposing versus what is existing. So, for example, there's no office. You're proposing 600,000 square feet of office. The existing is 2.4 million square feet of industrial. You're going to 500,000. Existing is 100,000 square feet of commercial. You're going to 1,500. I'm sorry, 150,000. We're having a long day. Residential of 228 dwelling units. You're going to 3,000 dwelling units.

COMMISSIONER RODSTROM: Mine says 6,428.

COMMISSIONER LIEBERMAN: No, that's what's allowed, but I'm looking at what they're proposing. How is it -- it is 6,000. So what's the net increase with density or intensity by approving the transit oriented corridor for this location? I understand you're doing three villages.

MS. NOLAN: The total we're requesting is 6,228 units.

COMMISSIONER LIEBERMAN: New units?

MS. NOLAN: New units, but the town's plan which is different than the county's plan does propose that over two planning horizons.

COMMISSIONER RODSTROM: It's huge.

COMMISSIONER LIEBERMAN: It is enormous.

COMMISSIONER RODSTROM: See, that's the --

MAYOR EGGELETTION: Wait, wait. Just a minute.

COMMISSIONER LIEBERMAN: No, I think we need to let the speaker finish with all due respect, Mayor.

MAYOR EGGELETTION: Go ahead.

MS. NOLAN: By coming before you with this plan amendment, it is not a 15-year redevelopment project. It's a 40-year redevelopment project plus. Part of what the TOC is supposed to do and the reason why the county adopted the land use plan amendment, this category in the first place, was to encourage nodes of development that can support transit. What the town is trying to do in this area is create the opportunity through a series of villages to support the county's initiative in creating transit based development.

By requesting all this density at this time because the area is going through such a radical transformation we're actually telling the developers in this area. The town is committed to redeveloping this area. This is an area of 903 acres that right now are primarily underutilized and the reason we're asking for all this density at this time, not that it all comes on the books at this time is to say the town is committed not only through noise abatement measures but also through the water and waste water treatment plant measures that we've committed to in this letter as well.

So this is trying to do what the county has told the local governments to do and that is create these transit nodes, and we will support you on that. We've tried to put in place the appropriate stopgap measures to ensure it doesn't happen too rapidly, but we are requesting the full 6,228 because that's what all the studies have shown this area can support and this area needs.

COMMISSIONER LIEBERMAN: Can you take it one step further for me, please? You mentioned there are three villages. Can you tell me what the number of units will be for each village, and can you tell me

whether you have a developer who is ready to start on that village? In other words, whether you have an application or a proposal in process?

MS. NOLAN: We do have a developer. He's not in-house yet. Obviously, the land use plan amendment hasn't passed and the land development regulations are being drafted. He's proposing about 1,100 units at this time. In terms of the phasing, if you give me a moment, I can find it. It's in your backup in the policy statements. I just did not tab everything and have it ready for today, I apologize.

COMMISSIONER LIEBERMAN: I know where the phasing is. I'm not sure that's my question. You had said you're doing three --

MS. NOLAN: Right, no, the village is broken down in the policy language too.

COMMISSIONER LIEBERMAN: Okay.

MS. NOLAN: I just have to find that. Bear with me. Thank you.

MAYOR EGGELLETON: While you're looking for that, is there anyone else from the public, while the public comment session is still open, is there anyone else from the public wishing to speak.

MR. MELE: Mr. Mayor, my name is Dennis Mele and I represent a developer at the northern node who has been wanting to file an application but we can't yet because this amendment hasn't been put in place, so if you have questions about what we're proposing, I'd be happy to answer anything you have, but --

COMMISSIONER LIEBERMAN: Are you the 1,100 units?

MR. MELE: Yes. We're the ones she's talking about. As we came in, the town did tell us that we would not only have to notify all purchasers of property in the community about airport noise and the various noise levels, but also that we had to incorporate sound attenuation into our buildings to dampen the noise, and, of course, we're also putting in the 15 percent affordable housing and we have to participate in the school agreement that they've entered into with the School Board. So while I don't want to get into the middle of the matter I simply wanted to tell you we are there. We're very much wanting to go forward and we know what the rules are going to be and we're ready to live up to them. Thank you.

MAYOR EGGELLETON: Okay. Thank you. Yes, ma'am, you're recognized again.

MS. NOLAN: Thank you. Under the Town of Davie's proposed -- thank you for your backup packet by the way, Mayor. Attachment 8A, if you see policy 26 3, that's where the 15 percent affordable is required. It also breaks down the density based upon location. North of Oaks Road, 2,000 dwelling units in the current planning horizon of 2015, with an additional 1,500 dwelling units in the 2015 horizon onward.

North of Griffin Road, 678 dwelling units in the current planning horizon, and 750 in the future horizon. South of Griffin Road, 750 dwelling units in the current planning horizon, and 750 dwelling units in the future horizon. The town is trying to put in every mechanism possible to ensure that this development happens appropriately and based upon the master plan that our council did adopt.

COMMISSIONER LIEBERMAN: So the current number of units that you're contemplating in the immediate future is around 3,500?

MS. NOLAN: Thirty-two hundred, yes.

COMMISSIONER LIEBERMAN: Okay.

MAYOR EGGELLETON: And you say this is phased over how many years?

MS. NOLAN: You can never tell. We're anticipating 40 to 50 years for ultimate build-out.

MAYOR EGGELLETON: Okay. Is there anyone else from the public wishing to speak on the item? Is there anyone else from the public wishing to speak on the item? Seeing that there is no one else from the public who wishes to speak on the item, public comment is now closed on the item and the commission will deliberate.

I'm going to defer -- I'm going to defer to Commissioner Rodstrom for further comment. Commissioner, you're recognized.

COMMISSIONER RODSTROM: Essentially what's been stated is that you're going to go from somewhere permitted uses from about 260 residential units to 6,200 residential units. This is a huge development, and certainly the county supported, as I said, these transit-oriented corridors, but I don't think we ever thought about what if somebody located one within the glide path of the runway. That's the issue here.

And, Commissioner Ritter, you know, I guess I've just been representing this district for so long, and what happens is, is that people are notified when they move in their home. They know they live by an airport, and once they live there for a while, they say: Gosh darn it, you've got too much noise. I hate this, and what are you going to do about mitigating it?

And then you've got issues where the federal government changes their view so one day they say: That land to the west is not fit for human habitation. You've got to condemn all those properties and that's what the county did at one time and now we have uses different other than residential there.

You can have this county commission right now that's on record with flight tracking which would essentially take the flights down 595. Should that occur, then the building to the northern-most development which wasn't in harm's way suddenly becomes in harm's way and these people say: How did the folks not look after us? And that's why I wrestle with this, because I'm the one that has to hear all the complaints from all the people when their quality of life is degraded. And that's what I'm struggling with because I don't even know today as I sit here what the real noise contours are going to look like, what kind of runway solution we're going to have, and if 15 percent is going to be located for sure in the 60 to 65 DNL noise contour, to me, it says: Look, you've got 900 acres. Just build some nice roads and accommodate those people and don't put them in harm's way.

Is soundproofing enough? Maybe it is for some folks unless you're standing in your backyard and you can't hear a conversation. People have held up their phone and said: Commissioner, I can't even speak on the phone when the planes go overhead. I mean, these are the kind of real life experiences that I deal with, and, frankly, you'll hear me talk about this more in a few months but the 65 DNL noise contour, the 60 is the average. You talk about single event noise contour when that sucker takes off you're in the 95, because we put out sound monitors and this is what gets these people really crazy because they say: Look, I can't hear. I can't hear. This is unbelievable, at 2:00 in the morning. They run up some of the engines from Federal Express.

So, you know, I'm sorry to the Town of Davie. I just want to see those noise contours. I really want to know what I'm voting on and what I'm getting myself into and whether I have the stomach to do it in the end, I don't know but I want to have the knowledge of seeing what's proposed and making an intelligent decision. Right now I'm not doing that. I'm just guessing and that, to me, isn't the way I can legislate. So I just want to defer this and I want to see the noise contours.

MAYOR EGGELLETON: Okay. There's a motion by Commissioner Rodstrom for a deferral. Is there a second?

COMMISSIONER LIEBERMAN: Second.

MAYOR EGGELLETON: It has been seconded by Commissioner Gunzburger and Lieberman for a deferral.

Are there any objections to a deferral?

Seeing that there is no objections, show the item deferred and it will come back to us in six months.

ITEM DEFERRED.

COMMISSIONER RODSTROM: Thank you.

MAYOR EGGELLETON: Thank you. All right.

AGENDA ITEM 26

MAYOR EGGELLETON: That moves us to Item 26. Item 26 is a motion to enact an ordinance amending Broward County comprehensive plan to adopt the Broward County Land Use Text Amendment PCT 06-7. Is there anyone from the public wishing to speak on Item 26? Is there anyone from the public wishing to speak on Item 26? Seeing that there is no one from the public wishing to speak on Item 26, the public comment session is closed.

(COMMISSIONER KEECHL LEFT THE ROOM.)

MAYOR EGGELLETON: It is moved to the County Commission for their deliberation.

Item 26 has been moved by Commissioner Jacobs; seconded by Commissioner Ritter.

Any objection?

Any objections?

Without objection, show Item 26 pass without objection.

VOTE PASSES UNANIMOUSLY.

MAYOR EGGELLETON: The next item is Item 27. Item 27 is a motion to enact an ordinance amending Broward County Comprehensive Plan, PCT 06-8. Item 27, is there anyone from the public who wishes to speak on Item 27? Anyone from the public wishes to speak on Item 27? Yes? Please come forward and identify yourself. On Item 27, sir.

MR. HARRIS: Thank you, Mr. Mayor. My name is Joe Harris, and my wife is one of the property owners along there. We are very confused as to what is going on. She had to step out one second. I would ask your indulgence – her come back in.

(COMMISSIONER KEECHL RETURNED TO THE ROOM.)

(COMMISSIONER LIEBERMAN LEFT THE ROOM.)

MR. HARRIS: But in actuality what we're concerned about is we received a letter regarding this property. There seems to be some change in the land use. We were originally under the Department of Transportation from Broward County, and then we had to change our store. We had to chop off 1,000 square feet to meet the demands of the Department of Transportation. The next thing we know is that it was incorporated into the City of West Park. And after we had finished the transformation, after we had finished this, they asked us to knock off another 5 feet because West Park had changed. I will let my wife finish there.

DR. HARRIS: Hi. I'm Dr. Joan Harris, and this property has been in our family for the last 50 years with another partner. I'm here because I'm very confused. We've been trying to get some information about this and we can't seem to get any information.

Number one, there's a picture I have here that -- first of all, I thought this was going to be just about Park Lake. The letter that I got seemed to imply that's what this was about, and we know nothing about park lake -- West Park, and so we're trying to find out what this is all about. What is this over here? There is a shaded area, and it looks like it's going right over our property, and no one seems to be able to tell me exactly what's happening, so we came today with the hope that you would be able to explain this to us. Is there someone here who can tell me what this is all about from Westlake?

(COMMISSIONER LIEBERMAN RETURNED TO THE ROOM.)

MAYOR EGGELETTION: Yes, ma'am, I think we have the staff here that may be able to answer your questions.

Mrs. Brangaccio if we could --

MS. BRANGACCIO: I would look either --

MAYOR EGGELETTION: First of all, I hear two different things here. I don't think they understand the process. That's number one.

DR. HARRIS: Exactly.

MAYOR EGGELETTION: And number two, what they don't understand is exactly what the city is proposing. So why don't we do this, why don't we have Mr. Sniezek sort of tell them what the process is first, and then we'll have the City of West Park to come forward and explain to them what they're trying to do using the process that government has set up for these land use plat amendments.

DR. HARRIS: Yes, what happened is that we followed the DOT requirements, and now Westlake has come in and they have a few other things that we're going to have to change.

MAYOR EGGELETTION: West Park.

DR. HARRIS: West Park, and we have a few other things that we have to change, and we're just not sure where we're at. So if someone can just tell us, I really, really would appreciate it.

MAYOR EGGELETTION: We got --

COMMISSIONER JACOBS: Mayor.

MAYOR EGGELETTION: Mr. Sniezek, you're recognized. Now Mr. Sniezek is going to just simply explain to you the process that is being utilized, and then we'll get West Park to come back and explain what they're trying to do.

COMMISSIONER JACOBS: Mayor, if I might, I just had a suggestion that maybe they could go sit and go over some of their questions that could be resolved and we could go through some other issues and we could come back and address any outlying issues. At least they wouldn't be in a public place while they're trying to understand the future implications to their property.

COMMISSIONER LIEBERMAN: We can lay it on the table.

MAYOR EGGELETTION: Yeah, we can do that. We will lay it on the table and I'll let – Mr. Sniezek, if you'd like to use our offices in the back, you're more than happy to do that.

COMMISSIONER GUNZBURGER: Could I ask him one question before it's laid on the table?

MAYOR EGGELETTION: Yes, Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: I looked in the backup and I did not see an allocation of affordable housing. If they're talking about over a thousand units.

MR. SNIEZEK: I believe -- no, there is not. I think West Park's position, and this was accepted by the Planning Council, is that West Park is a community that has an abundance of affordable housing and they were looking for more market-rate housing.

COMMISSIONER GUNZBURGER: Okay.

(COMMISSIONER RODSTROM LEFT THE ROOM.)

MAYOR EGGELETTION: Okay? All right. So we're going to lay this item on the table. Yes, sir.

MR. MANNING: Can I say something?

MAYOR EGGELETTION: Yes, sir.

MR. MANNING: Okay. My name is Donald Manning and I own some property. The best that I can describe it is right next door to Hub Cap Heaven.

MAYOR EGGELETTION: Is that in the same area?

COMMISSIONER GUNZBURGER: Yes, that's on State Road 7.

MR. MANNING: Yes. It's not up to expansion or development or anything like that, but it's all done without even notifying us. I would like to know whether the value of my piece of property is going to be devalued. Where it is going to be encompassed. Don't just show us some paper with some dots and dashes. Don't insult our intelligence.

MAYOR EGGELETTION: I clearly understand what you're saying, sir.

MR. MANNING: And I think this thing is getting put together fast and furious --

MAYOR EGGELETTION: Okay. Why don't we allow you to --

MR. MANNING: -- without some discussion.

MAYOR EGGELETION: Why don't you proceed with our staff, and there going back here, and, be a part of the discussion. We're not going to take up the item now. We're going to let you go and hear what they're -- to try to answer your questions as well.

MR. MANNING: Where am I going?

MAYOR EGGELETION: Yes, sir, just follow them. Yes, sir.

MR. MANNING: Thank you.

MAYOR EGGELETION: All right. That takes us to Item 27. Item 27 is a motion to enact an ordinance amending Broward County Comprehensive Plan, PCT 6-8, establishing a transit-oriented corridor again in West Park.

COMMISSIONER GUNZBURGER: No, that's the one we just took.

MAYOR EGGELETION: Oh, that's the one we just took?

COMMISSIONER GUNZBURGER: Yeah, and that's the one we laid aside.

MAYOR EGGELETION: Yeah, we laid that aside.

AGENDA ITEM 29

MAYOR EGGELETION: Item 28, this is a motion to enact an ordinance amending the County Comprehensive Plan to adopt a land use plan amendment PCNRM 06-1.

COMMISSIONER GUNZBURGER: That's what I –

MAYOR EGGELETION: Is anyone from the audience who wishes to speak on Item 28? Anyone on Item 28? Seeing that there is no one from the audience on Item 28, the commission is --

COMMISSIONER GUNZBURGER: Move it.

MAYOR EGGELETION: Okay. It's been moved by Commissioner Gunzburger; seconded by Commissioner Ritter.

Are there any objections to Item 28?

Any objections?

Seeing that there is no objection to Item 28, show Item 28 passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 29

MAYOR EGGELLETON: Item 29, this is a motion to adopt a resolution amending a Flexibility Zone Boundary Map as per Administrative Rule. Is there anyone from the audience wishing to speak on Item 29? Anyone on Item 29? Seeing that there is no one from the audience wishing to speak on Item 29, the public hearing session is now closed and we're now open for deliberation by the board.

COMMISSIONER GUNZBURGER: I have a question.

MAYOR EGGELLETON: Commissioner Jacobs, you're recognized.

COMMISSIONER JACOBS: Thank you, Mayor. I just wanted to say and congratulate the City of Oakland Park in taking a step forward when we talked about the long negotiation with the League of Cities and those nine issues that evolved to eleven and then bubbled back down through agreement. One of the things that the city said they wanted was the ability to move FLEX zones around, and the compromise that was reached was that the cities would define which areas were acceptable for density and increases and which areas weren't and that this was -- this is the first project to come through that process.

And I have taken this agenda item and shared it with the other cities in my district to show them who is doing it right and to the League of Cities, the spirit and intent of everything that we took two years to go through is embodied in this document, and I don't know where you are in the audience, but y'all did a really good job and I'm happy with this, and I would like to see it pass.

MAYOR EGGELLETON: Thank you so very much.

Commissioner Gunzburger, you're recognized.

COMMISSIONER GUNZBURGER: Thank you. I have a quick question. I'd like to know if they use up all the FLEX units that are listed here, FLEX units and reserve units, which are close to a thousand, does that mean that there are no more that can be created in the City of Oakland Park or can they then go ahead and start with a new bank?

MS. BLAKE: Barbara Blake, Planning Council staff. That's correct, Commissioner, if they use all the FLEX units that are in the pool, they will have no new FLEX units to use. It's not a situation where they have FLEX units in the wings that they're trying to create.

COMMISSIONER GUNZBURGER: Okay. As long as there isn't a new bank to open.

MAYOR EGGELLETON: Okay. Are there any other comments from the Board of County Commissioners on the item? Seeing that there is no other comments from the Board of County Commissioners on the item, I'll entertain a motion.

The item has been moved by Commissioner Jacobs; seconded by Commissioner Gunzburger.

Are there any objections to the item?

Any objections? Without objection, show Item 30 passes unanimously without objection.

VOTE PASSES UNANIMOUSLY.

COMMISSIONER LIEBERMAN: Mayor, would you show me as voting in the majority on Item 28.

COMMISSIONER GUNZBURGER: Twenty-nine.

MAYOR EGGELETTION: I mean, 29, yes.

COMMISSIONER LIEBERMAN: No, I was here for 29. I was off the dais for 28.

MAYOR EGGELETTION: No, no, no.

COMMISSIONER GUNZBURGER: (Inaudible.)

MAYOR EGGELETTION: No, she's talking to me.

COMMISSIONER LIEBERMAN: Okay.

MAYOR EGGELETTION: Item 29 having passed without objection and unanimously. Show Commissioner Lieberman voting in the affirmative on the previous item. Okay.

COMMISSIONER LIEBERMAN: And, Mayor, I apologize for having to leave the dais. My daughter came here to see me to tell me that she got her second and third interview for med school and she's real excited. So.

MAYOR EGGELETTION: Oh, great, congratulations.

(Applause.)

COMMISSIONER LIEBERMAN: For all of those who still think of her as a little toddler.

MAYOR EGGELETTION: I still think of her as a little gymnast.

AGENDA ITEM 30

MAYOR EGGELETTION: All right. Let's move to Item 30, I'm sorry. Item 30 is a motion to consider adoption of a resolution amending the Administrative Code. Is there anyone from the audience wishing to speak on Item 30?

COMMISSIONER LIEBERMAN: Move approval of Item 30, Mr. Mayor.

MAYOR EGGELETTION: Seeing that there is no one wishing -- wishing to speak on this item -- I'm getting tongue-tied, I'm saying the same thing so often -- the Board of County Commission will deliberate. The item has been moved by Commissioner Lieberman; seconded by Commissioner Keechl.

Is there any objection?

Any objection?

Without objection, show the item having passed.

VOTE PASSES UNANIMOUSLY.

UNIDENTIFIED SPEAKER: (Inaudible).

AGENDA ITEM 31

MAYOR EGGELLETON: Okay. Item 31, Item 31 is a motion to enact an ordinance to adopt a proposed amendment to the Administrative Element of the Broward County Comprehensive Plan. Anyone from the audience wishing to speak on Item 31? Anyone wishing to speak on Item 31? Seeing that there is no one wishing to speak on Item 31 –

COMMISSIONER LIEBERMAN: Second.

MAYOR EGGELLETON: -- Item 31 has been moved by Commissioner Gunzburger; seconded by Commissioner Lieberman.

Is there any objection to Item 31?

Show Item 31 passes without objection unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 32

MAYOR EGGELLETON: Item 32, this is a motion to enact an ordinance to adopt a proposed land use Future Unincorporated Area Land Use Element. Anyone from the audience wishing to speak on Item 32? Seeing that there is no one wishing to speak on Item 32, the public comment session is closed.

COMMISSIONER LIEBERMAN: Move approval of 32.

MAYOR EGGELLETON: The item has been moved by Commissioner Lieberman; seconded by Commissioner Gunzburger.

Any objection?

Any objection?

Without objection, show 32 passes without objection.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 33

MAYOR EGGELLETON: Item 33, this is a motion to enact an ordinance to adopt a proposed amendment in Recreation and Open Space Element for Broward County Comp Plan. Anyone in the audience wishing to speak -- I am getting tongue-tied.

COMMISSIONER LIEBERMAN: It's a long day.

MAYOR EGGELLETON: I'm telling you, I really am. Wishing to speak on this item? Since there is no one wishing to speak on the item, the public comment is now closed.

Commissioners, you're free to deliberate.

COMMISSIONER LIEBERMAN: Move it.

MAYOR EGGELETTION: The item has been moved by Commissioner Lieberman.

COMMISSIONER GUNZBURGER: Second.

MAYOR EGGELETTION: Seconded by Commissioner Gunzburger.

Are there any objections?

Any objections?

Without objection, show the item having passed without objection.

VOTE PASSES UNANIMOUSLY.

MAYOR EGGELETTION: Okay. This is Item 33; is that right?

AGENDA ITEM 34

COMMISSIONER LIEBERMAN: 34, I have, the Coastal Management.

MAYOR EGGELETTION: Thirty-four, right?

COMMISSIONER LIEBERMAN: Yeah, Coastal Management.

MAYOR EGGELETTION: Thirty-four, this is an ordinance to adopt a proposed amendment to the Coastal Management Element of Broward County Comp Plan. The public hearing is now open for public comment. Anyone from the public wishing to comment? Seeing that there is no one from the public wishing to comment, the public comment session is now closed.

COMMISSIONER LIEBERMAN: Move Item 34.

MAYOR EGGELETTION: It is now open to the board for deliberation. Seeing that there is no deliberation, the item has been moved by Commissioner Lieberman, seconded by Commissioner Keechl.

Any objection?

Any objection?

Show Item 34 having been adopted unanimously without objection.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 35

MAYOR EGGELETTION: Item 35, this is an ordinance to adopt a proposed amendment to the National Disaster Component of the Coastal Management Element. Anyone from the public -- the public comment session is now open. Anyone wishing to comment on this item? Seeing that there is no one wishing to comment on this item, the board will deliberate. Any deliberations from the board? Seeing that there is no deliberations from the board --

COMMISSIONER LIEBERMAN: Move Item 35.

MAYOR EGGELLETON: The item is moved by Commissioner Lieberman; seconded by Commissioner Keechl. Show Item 35 --

Any objection?

Any objection?

Show Item 35 adopted without objection unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 36

MAYOR EGGELLETON: Item 36, this is a motion to enact an ordinance to adopt a proposed amendment to the Intergovernmental Coordination Element of the Broward County Comprehensive Plan. Anyone from the public wishing to comment on this item? Anyone from the public? Seeing that there is no one from the public wishing to comment on the item, the public comment session is now closed.

COMMISSIONER LIEBERMAN: Move 36.

MAYOR EGGELLETON: The item has been moved by Commissioner Lieberman; seconded by Commissioner Keechl. The board --

Any objection?

Any objection to Item 36?

Seeing that there is no objection, show Item 36 pass without objection.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 37

MAYOR EGGELETION: Item 37 -- let me make sure this is the right one. Yes. Item 37, Item 37 is a motion -- or is a motion to enact an ordinance to adopt a proposed amendment to the Intergovernmental Coordination Element for Broward County Comp -- wait a minute. That's the wrong item. 37, I'm sorry. Yeah, this is an ordinance to adopt a proposed amendment to the Drainage and Natural Groundwater Aquifer Recharge Element. Anyone from the public wishing to comment on Item 37? Seeing that there is no one from the public wishing to comment on Item 37, the board will deliberate. Any deliberation from the board?

COMMISSIONER LIEBERMAN: Move Item 37.

MAYOR EGGELETION: Seeing that there is no deliberation, Commissioner Lieberman moved Item 37. It's been seconded by Commissioner Keechl.

Any objection?

Show Item 37 pass without objection.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 38

MAYOR EGGELETION: Item 38, this is a motion to enact an ordinance to adopt a proposed amendment on Potable Water Element. Anyone from the public wishing to speak on Item 38? Seeing that there is no one from the public wishing to speak on Item 38, the board will deliberate. The board is deliberating.

COMMISSIONER LIEBERMAN: Second.

MAYOR EGGELETION: Show the item having been moved by Commissioner Gunzburger; seconded by Commissioner Lieberman.

Any objection to Item 38?

Show Item 38 passes without objection unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 39

MAYOR EGGELETION: Item 39, this is a motion to enact an ordinance to adopt a proposed amendment Sanitary Sewer Element, Broward County Comp Plan. Anyone from -- any public comment on this item? The public comment session is now open. Seeing that there's no public comment, the public comment session is now closed.

COMMISSIONER LIEBERMAN: Move 39.

MAYOR EGGELETION: The item has been moved by Commissioner Lieberman; seconded by Commissioner Keechl.

Any objection?

Any objection?

Without objection, show Item 39 having passed unanimously by the board.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 40

MAYOR EGGELLETON: Item 40, a motion to enact an ordinance to adopt a proposed element to Solid Waste Element. Anyone -- the item is now open for public comment. Anyone from the public wishing to comment? Seeing that there is no one wishing to comment from the public, show that the public comment session is closed.

COMMISSIONER LIEBERMAN: Move Item 40.

MAYOR EGGELLETON: The item has been moved by Commissioner Lieberman, seconded by Commissioner Keechl.

Any objection?

Any objection?

Show Item 40 passes unanimously without objection.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 41

MAYOR EGGELLETON: Item 41, this is a motion to enact an ordinance to adopt a proposed amendment to the Housing Element of Broward County Comprehensive Plan. The public comment session is now open. Anyone from the public wishing to comment on this item? Seeing that there's no public comment, the public comment session is now closed. The board will deliberate. A motion from the board.

COMMISSIONER LIEBERMAN: Move Item 41.

MAYOR EGGELLETON: Show the item having been moved by Commissioner Lieberman; seconded by Commissioner Keechl.

Any objection?

Any objection?

Show Item 41 passes unanimously without objection.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 42

MAYOR EGGELLETON: Item 42, a motion to enact an ordinance to adopt proposed amendment to Transportation Element Broward County Comp Plan. It's now open for public comment. Anyone from the

public wishing to comment on 42? Seeing that there's no public comment, we close the public comment session.

COMMISSIONER LIEBERMAN: Move 42.

MAYOR EGGELLETON: It's been moved by Commissioner Lieberman, seconded by Commissioner Keech. Any objection? Question by Commissioner Gunzburger on the motion.

COMMISSIONER GUNZBURGER: On Page 9, I have one question. On encouraging the planned growth of aviation facilities in order to keep up with the increased demand of tourism, I mean is that just an open-ended thing that our airport can expand to whatever? Policy Number 1 under 3.25. And I have been told -- I don't know if Commissioner Rodstrom remembers -- that we had agreed to have 79 gates by 2015. Do you recall that vote?

COMMISSIONER RODSTROM: No.

COMMISSIONER GUNZBURGER: Nor do I, but staff keeps assuring me we had that vote. So I'd like to question those two things under Page 9, policy 3.25.

MAYOR EGGELLETON: Mrs. Brangaccio.

MS. BRANGACCIO: I remember from the briefings on the 79 gates. That has been in your comprehensive plan for some time. We would have to find the date that it was approved, and I'd also look if our staff is here if they could confirm that.

COMMISSIONER RODSTROM: The commission never voted to have 79 gates. The master plan said it could be built up to 79 gates. So there's a difference in what you're saying.

MS. BRANGACCIO: Okay.

COMMISSIONER GUNZBURGER: All right. So that this is just part of the comprehensive plan, but it is not an open checkbook to go to 79 gates?

MS. BRANGACCIO: Certainly not.

COMMISSIONER GUNZBURGER: Okay. And let me see, the other one that I had given myself a note on was on Page 11, 3.3.1. I was concerned with the fact that we only plan to have one-third of these mast arms in by 2011. We're only doing -- we were only doing 50 mast arm signals each year so that we won't have a full upgrade to 2030. And all of us that lived here last year through the storm knows that the signals with the wires were the ones that we lost. Is there any fund that we can find that we could do that upgrade any faster other than telling me it's because over 70 percent of the people didn't vote for the transportation tax.

MS. BRANGACCIO: No, there was actually a good discussion during the budget workshop on that, and I don't know if Lee Billingsley is out there, but we did have a conversation on that and covered the amount of monies that's actually budgeted in the five-year budget or if Kayla can get back with a response to you on that.

COMMISSIONER GUNZBURGER: I'd like to because I mean that's really worse if we have another year like last year, not if we have another year like this year. Those were my comments.

MAYOR EGGELLETON: Okay. Item 42 is now moved by --

COMMISSIONER GUNZBURGER: I thought it was moved before I even --

MAYOR EGGELLETON: Yeah, it has been moved and seconded.

Are there any objections to 42?

Show Item 42 having passed unanimously without objection.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 43

MAYOR EGGELLETON: Item 43, Item 43 is a motion to enact an ordinance to adopt a proposed amendment to the Conservation Element of the Broward County Comprehensive Plan. It is now open for public comment on Item 43? Is there anyone from the public wishing to comment on Item 43? Seeing that there's no one from the public wishing to comment on Item 43, the public comment session is now closed. The board will now deliberate. Any comments from the board? Seeing that there is no comments, I'll entertain a motion. Show Item 43 having been moved by Commissioner Keechl, seconded by Vice Mayor Wexler.

Any objection?

Any objection?

Show Item 43 passes unanimously without objection.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 27

MAYOR EGGELLETON: Now that brings us back to -- let's go back to the West Park issues. Are y'all ready with the West Park issues? You're ready. Okay. I understand. Okay. Let's go back to Item 27. Are we ready for 27? Okay. All right. I would like to bring Item 27 back to the floor. Item 27 is a motion to enact an ordinance amending Broward County Comprehensive Plan to adopt a county Land Use Text Amendment PCT 06-8. The public hearing is now open for public comment. Anyone from the public wishing to comment now on Item 27? I believe there was someone who came up originally to comment on that item. Is that gentleman still here with his wife? Are they still here? So evidently you have satisfied them; is that right? Is there someone here from the City of West Park? Okay. Yes. First of all, state your name and then I'd like to know whether or not those persons are truly satisfied.

MS. EICHNER: Good afternoon, Mayor, and Commissioners, Shelly Eichner with Cavinger, Dano & Associates, representing the City of West Park. We've spoken to those two property owners and explained to them what the intent is of the transit-oriented corridor. The purpose is to promote and encourage redevelopment and to reassure them that the city is not going to take their property. We're not going to change their property. They can certainly stay operating their business the way they are and I guess they were satisfied with that explanation and have left. We did give them our cards so they can contact us if they have any questions in the future.

MAYOR EGGELLETON: Okay. Having heard that, is there any more comments from the public on Item 27?

COMMISSIONER LIEBERMAN: Move 27.

MAYOR EGGELETTION: Seeing that there's no other comment from the public comment, the public session comment is now closed. The board will deliberate. Commissioner Lieberman has moved the item; Commissioner Keechl has seconded it.

Are there any objections?

Any objections?

Without objection, show Item 27 passes unanimously without objection.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 10

MAYOR EGGELETTION: Now we need to go back to Item 10. Okay. Item 10 is a motion to adopt a resolution by the Board of County Commissioners amending Chapter 39 of the Broward County Administrative Codes, Fees and Other Charges, Aviation, amending Section 39.3, Non-terminal Rates and Charges for Fort Lauderdale-Hollywood International Airport. The public comment session is now open on Item 10. Is there anyone from the public wishing to speak on Item 10? Okay. I see several people all right. Please come up. State your name for the record. Make sure you fill out these appearance cards. Oh, I have the cards here. Okay.

MR. PLATT: Good afternoon, George Platt. Happy holidays. I'm here on behalf of National Jets and have been working as with several of my colleagues within the FBOs at the airport and with the aviation staff. I've had conversations with them going back to the early part of this year, and we certainly for the record accept the concept that there should be a fair cost recovery system that measures the impact of general aviation in general and many of these transient aircraft in particular that come to the airport.

We had recently gotten wind when Mr. Bielek had sent out a November 15th memo. It arrived last week, and he was kind enough to meet with the representatives from the FBO's, and they raised issues regarding what they think is a much fairer way to go, which is a landing fee system that would be similar to or based upon a similar -- the weight process similar to the airlines, and Mr. Bielek said that they're concerned about obviously getting the revenue in particularly with the Super Bowl coming up and what they perceive to be a number of private aircraft. We're sympathetic to that.

We asked if we could come back with a proposal. Mr. Bielek said he'd be happy to -- he would look at it and have his consultants and staff look at it as well, and so our folks have been working since last week to try to come up with such a proposal. We don't want to belabor this here today. I know this is a difficult meeting. It is our request that we be able to defer this or continue this public hearing until January 9th, which is your next public hearing date. That would still allow you time to implement the system. If we can't come up with satisfactory at least at this stage, then you can still go forward with the fuel flowage fees. That's hard to say. And we can -- and you will be able to get a revenue source in time for the Super Bowl.

Our belief is though that making FLL the most expensive fuel flowage fees for the general aviation aircraft of any of our competing airports in the state is not a good thing, and it's a very price sensitive industry. And more significantly, the way it's drafted right now would allow some aircraft if they choose not to fuel here to come in and basically use our airport pretty much for free. And so it's our preference to ask that you give us a chance to continue to work with your staff.

Worst-case scenario it comes back and you move forward with this, and as your memo from Bob Bielek indicates this is an interim solution pending the study which I guess your consultant is going to do to measure the actual impact of general aviation in the grand scheme of the other aircraft that are impacting

your airport. So our request here today is not anything specific so much as to ask, let us continue to work with your staff.

MAYOR EGGELETTION: Okay. Very good. And, Mr. Platt, let me apologize, I didn't put you on the clock, and I should have, but it's okay.

(Laughter.)

MR. PLATT: That was under three minutes.

MAYOR EGGELETTION: That's all right. Okay. We have some other persons that want to comment. I'll take the public comment. I think that's the proper thing to do, Maite, and then the board can question them afterwards; is that right?

MS. AZCOITIA: That's correct.

MAYOR EGGELETTION: Okay. Dee Rich or Reich, I don't know, or Rick. Please pronounce your last name for me, and I apologize for butchering it.

MR. REICH: Dave Reich.

MAYOR EGGELETTION: Dave Reich. Okay. You're recognized, Mr. Reich.

MR. REICH: General aviation started this Fort Lauderdale International Airport. General aviation brings a lot of business to Broward County. General aviation does not need a lot of the infrastructure that is currently being built at Fort Lauderdale. General aviation does not like their landing fees increased by more than 100 percent. General aviation did not like the way the landing fee was initially proposed, but general aviation did like the way the interim aviation director and BCA staff worked within general aviation to find a way for general aviation to pay its fair share. General aviation hopes landing fees will not keep going up automatically. General aviation hopes that BCAD will be directed to enhance North Perry so more general aviation could locate there. And this delay is to go to next month is the first time I've heard of this.

I've tried to keep in the loop about it, but it always seems to be that the major tenant people can go to the Aviation Department and get things done the way thing -- initially they came upon the landing fee. They had a role impact with general aviation. They were more towards the fuel flowage fee. They were going to more than double the fuel flowage fee, and why you don't see a lot of them people here is because it was in the agenda item in the backup and then all of a sudden we're asking for something different now. If they decide to do that or you guys decide to do that, please notify all the subtenants so that we all can go back in the room and rediscuss it and rehash it out, but we've been going on this for a year now. Thank you very much.

MAYOR EGGELETTION: Thank you.

Sam Robbins. Mr. Robbins, you're recognized.

MR. ROBBINS: Good afternoon, Mr. Mayor, Vice Mayor. I am the president of National Jets, one of the FBO's there at the airport. We were notified last week that the 12 cent increase. Well, the 6 cents would bring us to a 12 cent total flowage, which would make us by far the most expensive landing fee in any of the South Florida airports. We tend to know that when someone is picking an airport to land at, that the pilots will call around, call the FBO's, find the best fuel price and try to go to the closest airport. By giving us a 100 percent increase in flowage fee which goes into that fuel price, it will deter aircraft from coming to our facilities. That, in turn, will deter revenue coming to the county.

We propose instead to work with our interim director, Bielek, to find a way to do a landing fee where it's more fair to all the operators. Therefore, large aircraft, small aircraft, everybody will pay. They'll pay by weight. They'll pay by the wear they do on the runway, the taxiways, and not be unfairly or unduly charged by doubling the fuel flowage fee just for general aviation.

Instead we propose going along with what the commercial carriers do where a large aircraft, if it comes in, takes no fuel, the county will still get revenue from it, whereas right now an aircraft up to the size of a 747 could land, take no fuel. The FBO gets no revenue from it. The county gets into revenue either, and this way the landing fees are more appropriate we think than the flowage fee. Thank you.

MAYOR EGGELLETON: Thank you. Tray, this looks like Mankin, Mekin. I can't make out your handwriting here, sir, if you could just pronounce your name for me correctly.

MR. MENKEN: No problem, Mr. Mayor. It's Troy Menken from Jet Scape.

MAYOR EGGELLETON: Okay. You're recognized.

MR. MENKEN: Mr. Mayor, Vice Mayor, Commissioners, I'm going to reiterate kind of what George Platt went along with. If we could just get a little bit more time to evaluate this properly so that we put in a fair system even though it's in the interim, I think that's in the benefit and best interest of everything. The FBO's, we want to make sure that the commission didn't think that we were trying to belay this or did not want to agree with it. We definitely want to make things move forward. We have all agreed in principle to modify our leases to allow for collection of landing fees or fuel fees. Right now it's undetermined if that's the appropriate way to do it. So from my standpoint, I would ask that this be delayed until the next meeting and thank you for your time.

MAYOR EGGELLETON: Thank you.

Next will be Mike Moscovitz, and/or Ed Zwirn.

MR. MOSCOWITZ: Good afternoon. Mike Moscovitz and Ed Zwirn, the chief operating officer of Fort Lauderdale Jet Center. We thought we would both come up and share two minutes and not take up four minutes of your time, Mr. Mayor, we'll make sure to finish in ample time because up until today I was confident I was the fastest speaking person in Broward County. I realize now, sir, I have competition. But, thank you for allowing us to speak.

This issue of landing fees has been bandied around for quite some time and you may recall a year ago when Jet Center was working through the lease changes, et cetera, staff asked us would we support landing fees and we said yes, we would, and when we appeared before this commission at that time, Jerry Holland, the principal of Jet Center, stood at this podium and I believe it was Commissioners Rodstrom and Lieberman asked Mr. Holland, would you support landing fees and Mr. Holland said yes, we would. That's been our public position. We still say the same thing.

This fuel flowage issue is a recent item that's come to our attention, and two things I'd like to hand out to the commission. One is a survey of all the airports in the state. By increasing it an additional 6 cents would make us at 12 cents per gallon, which would be the highest fuel flowage fee of any airport in the state. We believe the better approach again is to institute landing fees which we support. Mr. Platt's suggestion of postponing this until January 9th so that this can be worked out is an excellent suggestion. We support that. With that, let me give 30 seconds to Mr. Zwirn who really knows more about this than anybody and answer some questions you may have, and if I can hand the both of these items to the secretary, I'd appreciate it. Thank you very much.

MR. ZWIRN: Good afternoon, I'm not going to reiterate everything that was just said. The folks that stood up here, I'm in agreement with them. I just want to point out that our company tracks the amount of companies that buy fuel from our FBO, which is Fort Lauderdale Jet Center. Right now we're running a 30 percent nonfuel purchase rate which I'm afraid is going to go up with the higher fuel price. I just would like to encourage that we relook at this under a landing fee scenario. That way everybody is going to be paying their fair share and we're not going to be discriminating against people that don't purchase our products and support the community. Thank you.

MAYOR EGGELLETON: Is there anyone else from the public wishing to speak on the item? Seeing that there is no one else from the public wishing to speak on the item, the public comment session is closed. We're open for comment from the board.

Commissioner Rodstrom, you're recognized, followed by Commissioner Jacobs, followed by Commissioner Ritter, followed by Vice Mayor Wexler.

COMMISSIONER RODSTROM: I want to say this time last year, that airport director promised us that we would have some sort of general aviation landing fees in place by February, so we are almost going on a year now later, and then, to my surprise a couple months ago or whenever it was unveiled it was going to be a fuel flowage fee as opposed to a landing fee, and I, you know, frankly -- I think there's some merit to -- there would be some air traffic that will elect not to come here and will refuel somewhere else. For example, right now very few aircraft, unless they have to, fuel in the Bahamas because they pay more money to fuel in the Bahamas, so they fuel here. They fly to the Bahamas. We've had planes run out of fuel coming back because they refused to fuel in the Bahamas. I don't want to be like that.

But having said that, I think that the one thing that I don't support is this notion that the only people that have to pay landing fees would be those folks from other airports and not the tenants of the folks that are here at the FBO's currently. The FBO's are saying well, they're already paying through the rents and that kind of thing, but so as the airlines pay for rent for their counter space and for their taxiways and whatever -- excuse me, their gates. I think it's appropriate that every aircraft pay their fair share based on weight as the commercial airlines do.

The airlines very much want to see something implemented because they believe they're unduly supporting this airport and that general aviation is get a free ride. That's not entirely true because, again, general aviation is paying 6 cents on the fuel flowage fee and the airlines, and I met with them about a year and a half ago, and they were very adamant about seeing some sort of landing fees going into place here and I think everyone needs to pay their fair share, particularly in light of airport expansion. It's only fair.

And I think the airport director makes a good point that we need to do something prior to Super Bowl because we are going to have an inordinate amount of general aviation traffic for Super Bowl. We don't want to miss the opportunity to make some additional revenue from that event. So that being said, you know, I think something needs to be implemented. I would prefer a landing fee. I would prefer it being implemented across the board. Everybody pays it, no one is exempt from it, and I would prefer to see whatever is implemented prior to Super Bowl.

MAYOR EGGELLETON: Thank you very much, Commissioner.

Commissioner Jacobs, you're recognized.

COMMISSIONER JACOBS: Thank you. Ms. Brangaccio, if I could through you have the aviation director up for a few questions.

MAYOR EGGELLETON: Ms. Brangaccio.

MS. BRANGACCIO: He's prepared to do that.

MAYOR EGGELLETON: Mr. Bielek, you're recognized.

COMMISSIONER JACOBS: Good afternoon. I almost said good morning. Soon I'll be saying good evening. At what point did aviation become aware that the Super Bowl was coming and might impact our airport? Just ballpark it, a date, how long?

MR. BIELEK: Well, I knew it when I got here September a year ago.

COMMISSIONER JACOBS: Okay. September a year ago, and that's when you got here. How much farther back would you say those staff that were here prior to your arrival knew?

MR. BIELEK: I wouldn't even guess at that.

COMMISSIONER JACOBS: But you'd say it was farther back than a year ago?

MR. BIELEK: That's correct.

COMMISSIONER JACOBS: Okay. Can you explain to me what is the rush in moving forward to a solution now when so much of the aviation community out there is asking for a more thoughtful process that better reflects the prior meetings that took place as respects to -- I don't want to repeat all the issues that Commissioner Rodstrom just raised, but those which I completely agree with?

MR. BIELEK: Commissioner, it was over a year ago. I'm sorry. It was over a year ago that you gave us marching orders to go ahead and implement a general aviation rates and charges. In March and February of this year, we had meetings, four meetings with the general aviation community. After that point, we dropped the ball, and I'll apologize to you for that. When I was appointed interim director, that was one of the pieces of luggage that were going around on the carousel behind the wall that needed to be pulled out. So we pulled that out.

At this point, the only thing that we can do logically or at least administratively because we don't have the ability in four of the five leases that we have to collect a landing fee is to implement the fuel flowage fee. In addition to that, we've been advised by FAA that we need a study that specifically identifies the costs that are associated with general aviation in order to implement a landing fee that will not be challenged. And we have begun that study. We have a scope of work, and Jacobs is moving ahead to do that. So this board's direction to us was to get fees in place in order to generate revenue, and so we've been moving ahead doing that.

COMMISSIONER JACOBS: Okay. So through our inaction, we're in essence causing almost a second injury by going back and doing almost an emergency mechanism in order to bring in the dollars that we need in order to deal with --

MR. BIELEK: Well, I wouldn't say that it's an emergency because these fees have been in --

COMMISSIONER JACOBS: Well, you wouldn't say it was an emergency, then how much could -- why do we need to do this now? Why could you not go back and work out some other interim solution that is fair to all users of the airport and does not set us in a position as has been testified by so many that put us in the highest fuel flowage fees?

MR. BIELEK: Well, if that's your direction, that's what we will do. The only point --

COMMISSIONER JACOBS: I guess what I'm trying to understand is why was it not an option?

MR. BIELEK: Well, it wasn't an option because back in March we had – this proposal came up in March, and we asked each of the FBO's in writing to give us the information that we needed that we needed in order to evaluate that proposal. They had not responded to that.

COMMISSIONER JACOBS: I'm sorry. Could you be a little more specific? Which proposal, how they would react to this increase? Is that what you're asking?

MR. BIELEK: No, this was a proposed landing fee on transient aircraft.

COMMISSIONER JACOBS: Okay.

MR. BIELEK: That came up at a meeting either at the end of February or right at the beginning of March. March 6, we wrote to all of the FBO's and asked them how many aircraft are transient aircraft, how many aircraft are based, what are the operations of each so we could do an analysis to find out --

COMMISSIONER JACOBS: But my point that I'm trying to draw out of you --

MR. BIELEK: Okay.

COMMISSIONER JACOBS: -- is at some point the ball was dropped and you didn't proceed forward along that track. At some point you decided to go a different direction. At what point did you decide to do that? How recent? And if, in fact, it's been rather recent, what is the danger in going back and trying, now that you've picked up that baggage that's been circulating on the carousel, to go back, unpack it, see what you might be able to do with it, and present another package.

MR. BIELEK: The only danger is the revenue that we would have lost. So that -- if that's your direction, we're more than happy to do that.

COMMISSIONER JACOBS: Okay. At what point do you start to lose revenue? At what point can you not make the kind of changes that you need to make?

MR. BIELEK: Well, the reality is we should have done something six months ago, so we are losing revenue today.

COMMISSIONER JACOBS: And it's, I'm assuming escalating towards Super Bowl?

MR. BIELEK: Sure.

COMMISSIONER JACOBS: Okay. And how many -- I guess what I'm trying to figure out is what do we lose as a board, what do we lose at our airport if we allow further discussion that better gets to the heart of the matters raised both by those who spoke and, again, not to reiterate all of those issues just raised by my colleague that set us in a position to be having every user out there equally sharing in the burden of the impacts?

MR. BIELEK: Again, the only thing that you lose is money, because we have recommended this as an interim step. We have committed to go ahead with that study, and we've committed to overhaul the whole system of rates and charges based on that study.

COMMISSIONER JACOBS: Give me an idea of what time frame we're talking about and what kind of dollars we lose as we go out.

MR. BIELEK: Well, the study is \$97,000. General aviation -- the fuel flowage fee would give us roughly \$750,000 a year. Perhaps a little more in the months of January, February, and March, particularly this February.

COMMISSIONER JACOBS: How many months do you anticipate needing to collect that fee until such time as you can come up with a different formula?

MR. BIELEK: We will push the study just as fast as we can. I would expect that we can get it done in 90 to 120 days and then whatever time it takes to sit down with the general aviation community, knock out the details of the plan.

COMMISSIONER JACOBS: Estimate for me how long that is.

MR. BIELEK: Six months.

COMMISSIONER JACOBS: So you're talking a year, correct?

MR. BIELEK: No, six months.

COMMISSIONER JACOBS: Are you saying total six months?

MR. BIELEK: Total six months.

COMMISSIONER JACOBS: Between the beginning and ending of the study.

MR. BIELEK: Beginning and ending of the study, sitting down with the general aviation community --

COMMISSIONER JACOBS: Is a total of six-month window.

MR. BIELEK: Yes.

COMMISSIONER JACOBS: And what kind of revenue would be lost in that six-month window?

MR. BIELEK: Three hundred seventy-five thousand dollars.

COMMISSIONER JACOBS: All right. And in your conversations with staff, with your staff, there was no other combination of fees that you could come up with that was more fairly distributed other than this fee?

MR. BIELEK: We had a series of landing fees that had minimums associated with them in order to come up with the amount of revenue that we were assuming was necessary for general aviation based on their share of the load. We've had objections to every one of those in those public meetings. So we didn't have any agreement on anything. So in fact --

(MAYOR EGELLETON LEFT THE ROOM.)

(VICE MAYOR WEXLER CHAIRED THE MEETING.)

COMMISSIONER JACOBS: Let me just ask you this: When you were discussing all those other options for which none rose to the top as being the one anyone could live with, was the flowage fee an item of discussion at the same time?

MR. BIELEK: Yes, in fact, one of the options presented was an increase to 17 cents.

COMMISSIONER JACOBS: Okay. Where did that idea rank as far as the other ideas that were put out? The flowage, was it at the bottom of the pile, the top, where was it?

MR. BIELEK: I'd say it was in the middle of the bottom. Everything was at the bottom. So I'd say it was about in the middle.

COMMISSIONER JACOBS: In the middle of the very bottom?

MR. BIELEK: Yes.

COMMISSIONER JACOBS: Okay. Thank you. No more questions.

VICE MAYOR WEXLER: Thank you, Commissioner.

Commissioner Ritter.

COMMISSIONER RITTER: Thank you, Vice Mayor Wexler. It seems to me that this board or the director at the airport at that time decided a year ago that something needed to be done on this issue, and apparently no study was contemplated at that time to provide for alternatives for this board, whether it's fuel flowage fees or landing fees. I realize that some of the changes at the airport probably caused some delay, but I'm pretty convinced that that shouldn't be used to punish the GA community which is willing to pay some kind of fee. I mean they came forward today and said they would be willing to pay some kind of fee.

It's concerning that now the airport director said: Oh, well, it's going to be six months before we have a study where in my opinion that study should have been contemplated before Commissioner Keechl and I got here certainly. In light of that, I would move to defer this item to the January 9th, 2007, regularly scheduled commission meeting at which time -- that's my motion, and I'll explain it if you need me to after a second.

VICE MAYOR WEXLER: But there are --

COMMISSIONER RITTER: Well.

VICE MAYOR WEXLER: If there's a second for your motion, then there's no further discussion. However --

COMMISSIONER LIEBERMAN: I'll second the motion.

VICE MAYOR WEXLER: Then you're willing to give up your --

COMMISSIONER LIEBERMAN: Uh-huh.

VICE MAYOR WEXLER: Me, too.

COMMISSIONER RODSTROM: Can I just add one quick thing? Just so you know --

VICE MAYOR WEXLER: Only if it's really quick.

COMMISSIONER RODSTROM: It's really quick. Just so you know, the airlines are somewhat prejudiced the longer you go without implementing a fee because the rates and charges are set up based on the

overall collections. So if you have additional monies, then you don't have to set the rates and charges for the commercial airlines as high, and that's why they want to see that money spread around because they believe their burden is too high at the expense -- at their expense. So that's the reason.

(MAYOR EGGELETION RETURNED TO THE ROOM.)

COMMISSIONER RITTER: Well, I would hope that -- and I recognize the holidays are looming and there aren't many business days between now and our January 9th meeting, however, it appears that the GA community is willing to sit down even during this busy holiday month with the aviation director or any of the people in the aviation department and try to hammer something out.

My motion would be, which has been seconded and if passed, would include bringing us back a concrete proposal for at least the next 90 days until this \$97,000 study can be commissioned and come back to us in June, but actually probably for no longer than 90 days because they can probably come to some agreement without a study, without us spending \$97,000 on a study by 90 days from today.

COMMISSIONER LIEBERMAN: If you don't mind, I was just going to add an amendment to -- I seconded your motion --

VICE MAYOR WEXLER: Of course you're recognized, Commissioner Lieberman.

COMMISSIONER LIEBERMAN: -- to defer, which was to actually direct staff to meet with the industry and to bring back to us on January 9th a consensus proposal for adoption.

(COMMISSIONER JACOBS RETURNED TO THE ROOM.)

VICE MAYOR WEXLER: Thank you. The motion has been made to defer until January 9th with direction given.

All those in favor of deferring until the 9th indicate by aye.

COMMISSIONER LIEBERMAN: Aye.

VICE MAYOR WEXLER: Opposed, like sign?

VOTE PASSES UNANIMOUSLY.

VICE MAYOR WEXLER: Mayor, it's your meeting.

MAYOR EGGELETION: Thank you so very much. Okay. Item 10 is deferred until what, January?

COMMISSIONER LIEBERMAN: January 9th.

MAYOR EGGELETION: January 9th. Commissioner Jacobs.

COMMISSIONER JACOBS: Thank you, Mayor. If the record should show me voting in the affirmative on Items 27 and 39 through 43.

MAYOR EGGELETION: Okay.

COMMISSIONER JACOBS: Thank you.

MAYOR EGGELLETON: I think the minutes secretary have that; is that correct? Okay. That bring us now to the last two items on the agenda. Okay. And the reason on -- obviously you know the reason we did that. Otherwise, we'd be here much later. Okay.

AGENDA ITEM 22

MAYOR EGGELLETON: So now we're on Item 22.

(COMMISSIONER RITTER LEFT THE ROOM.)

MAYOR EGGELLETON: Item 22 is a motion to enact an ordinance amending Broward County Comprehensive Plan to adopt a County Land Use Map, Amendments PC 06-29 located in the City of Tamarac. Okay. The -- we're now open for public comment on items -- on Item 22. I have a number of persons signed up to speak on Item 22. I'm going to call on the applicant first, and then I'll call on the general public for comment. If you'd just please state your name and who you represent at this particular time.

COMMISSIONER LIEBERMAN: And, Mayor, I have some questions for the applicant, but what I'm willing to do is hear the public first and then -- but I want to reserve time to make some questions of the applicant.

MAYOR EGGELLETON: No problem. Okay.

MR. KNIGHT: Good afternoon. My name is Jerry Knight, and I represent the applicant on this amendment and the next one. This amendment is 06-29 which is the Monterey amendment. We call it the Monterey amendment. With me today is Bruce Chait, Shawn Chait from Prestige Homes. Also with me are Jay Hubner, our project engineer, Chris Hagan who is the traffic engineer on this project, and others who I won't introduce. This is an application to change the land use designation on this property from commercial recreation to low/medium 10 residential. The proposed use is 233 residential units consisting of 49 single-family and 184 townhouses on the 34 acres.

The applicant -- incidentally we said at the outset that the applicant has agreed to enter into a declaration of restrictive covenants to limit the density to that number even though the land use plan amendment, if adopted, would allow more density, but they voluntarily agreed to restrict the density to that amount.

COMMISSIONER GUNZBURGER: (Inaudible).

MR. KNIGHT: Two hundred thirty-three residential units, forty-nine single-family, and one hundred eighty-four townhomes. This land use plan amendment -- we're at the end of process here. It started over a year ago, as all land use plan amendments do.

(COMMISSIONER RITTER RETURNED TO THE ROOM.)

MR. KNIGHT: They take about a year to get through the process. During that time, this went through the City of Tamarac staff, planning staff, the City of Tamarac Planning & Zoning Board, the Broward County Planning Council staff, the Broward County Planning Council itself, and it was -- and it came here for the transmittal hearing earlier this year.

Following the transmittal hearing, it went up to the Department of Community Affairs for review by the department and other reviewing agencies, and the department issued its ORC report, objection, recommendation, and comments report. It came back to the Planning Council staff. In that report, there were a couple of things that the department pointed out that they wanted addressed. One had to do with

the impact of the project on the Florida's Turnpike, and the other had to do with the forms of transportation that will be encouraged in accordance with the county's transit-oriented corps door system.

On the first objection or first item that the DCA raised, we submitted -- our traffic consultant submitted additional information in a letter dated November 8, 2006, which is Attachment 40 in your backup, an additional supplemental information too that Florida Department of Transportation to the Planning Council staff to the county for review. The Planning Council staff also prepared a response to that particular item.

On the other item, there is an additional -- other attachments, Number 38 and 39 in your backup that address the other item. Basically, on the Turnpike issue, the response boiled down to as restricted by the declaration of restrictive covenants, which I mentioned earlier, the project impact on the Florida Turnpike and other regional roads is not significant.

(Laughter.)

MAYOR EGGELETTION: Please, excuse me. Just one moment, please. You know, there's a -- please do not comment out loud while someone is presenting. We don't want to do the same thing to you. You wouldn't want them doing the same thing to you, and just observe, common courtesy. We could appreciate it. Thank you so very much.

MR. KNIGHT: Let me just add one thing to that. When I say not significant, the Planning Council staff uses a percentage, three percent, and if your traffic impact on any road exceeds three percent, then it's considered significant. In our case, the 233 homes that are being built here, that will be built if this amendment is approved will not generate that much traffic that would exceed that three percent threshold. And that is an analysis that the Planning Council staff did and our traffic consultant also has done an analysis. The analyses don't necessarily match, but in either event, we don't generate significant traffic on those roads.

The Broward County Planning Council, after the ORC report came back, they held another hearing, and at that hearing which was held on November 30, the Broward County Planning Council by vote of 13 to 1, recommended approval of this amendment, and the Broward County Planning Council staff is still recommending approval of this amendment.

In deference to the Commissioners who were here, at the transmittal hearing, I'm not going to go back through the full presentation that we made at that time, and I think even the Commissioners that are new are fairly familiar with this amendment and the next amendment by this point.

I will -- I would like to say, however, and reiterate that this project, as well as Sabal Palm, which is the next amendment, will be a family-oriented community. Both of them will be, which we believe will enhance the entire Mainlands and eastern Tamarac area by introducing new single-family and townhouse products for the first time in that area in many years. The developer has made commitments and is subject to obligations that will address the matters that have been -- that have arisen in connection with this amendment as it has worked its way through the process, and I'd like to run through those briefly.

In terms of the limitation of the density, again, we've agreed to enter into the declaration of restrictive covenants. In terms of environmental issues, we've agreed to meet the Broward County standards that the county prefers, and we are going to locate all the trees that we can that are currently on-site and use them as part of the project. The applicant has agreed to conduct an archeological review, survey of the property prior to development and to comply with all applicable regulations in the event any burrowing owls or any other endangered species are found on the site.

With respect to financial commitments which this developer has made, and I might add on a personal note I've been doing this for 25 years or so, and I've never seen a developer make as many financial commitments on a project like this to address the issues that have come up. The first one that they've

agreed to do is donate 23 acres to the City of Tamarac for a park or open space purpose as part of this project which the city and the neighborhood will get together and decide how that should be used.

Again, this is a project where they're developing 34 acres and dedicating 23. They've also agreed to donate to the city \$500,000 towards the development of that property or of the use by the city to improve it however they want to. On Sabal Palm, they've agreed to donate \$500,000 as well on the property they're dedicating over there for a total of \$1,000,000.

In terms of traffic, they've agreed to obviously pay their traffic concurrency fees, but they've also agreed to spend -- to pay the county \$300,000. In addition to that, \$150 for Monterey and 150 for Sabal Palm that the county is going to use to purchase the software it needs for the county's ATMS system. That system is used to coordinate traffic signalization on roads, including Commercial Boulevard. And the study that the county did as part of their analysis of that mitigation shows that that contribution of the \$300,000, the payment of that money to the county will mitigate the trips that this project and the Sabal Palm project will be putting on Commercial Boulevard. The Planning Council staff has, again, analyzed the traffic generated by this project and Sabal Palm as well and found that it does not exceed the percentage that they consider significant.

We've also agreed as part of this project in terms of Monterey to do traffic calming measures within the neighborhood streets. We've submitted a traffic calming plan to the City of Tamarac, which the City of Tamarac is reviewing and is commenting on. We're going to work with the City of Tamarac to come up with at appropriate traffic calming measures, and the developer has agreed to contribute money for the implementation of that traffic calming plan.

School impact fees, we've worked with the School Board to come up with a mitigation plan where we're going to pay for the student station costs of the students generated to overcapacity schools by this project. I might note that under the current website table, the School Board has -- it shows that the schools that are going to be impacted by this project may not be overcapacity. They may, in fact, be underenrolled by the time the impact of this project hits the schools.

We also have agreed, the developers have agreed to pay to the city money for the upgrading of the water system and the sewer system in this area. Now that payment will benefit not only these projects but the whole Mainlands area where we're going to upgrade the water system in the area for the city.

The applicant has also agreed, some of you may be particularly interested in this, maybe all of you, the developer has agreed to construct, not pay for, 15 percent affordable housing for this project, and I noted that last time we were here it was 10 percent, but since that time we've had further consideration on this and agreed to do the 15 percent.

We also are going to pay our impact fees obviously and pay to the city water and sewer connection charges of approximately \$2,000,000 which the city will use to hopefully -- I think they plan to use this and other money to upgrade their water system and their water plan in the area. These commitments and obligations as well as other commitments and obligations by the developer, we believe address the impacts of this proposed project on public services and facilities and on the surrounding area.

The proposal land uses are consistent with the adjacent land uses. We're putting residential next to residential, single-family and townhouses next to residential. The -- we submit that the existing conditions in the area of Tamarac will be improved by the development of these projects, and the benefits that the applicants' commitments will bring to the area.

We do have and in your backup you should have letters from representatives of Mainlands Associations 1, 2, 3, and 5 that surround this project supporting this amendment. We also have in the backup and you should have letters of support from residents in Section 4, and we also have a letter -- I don't know if you

have this in your backup -- from the president of Section 4 supporting this project as well. Do you have that? Okay. So those are the positions of the surrounding associations.

The land use plan amendments are consistent with the goals and policies of your plan, of the regional policy plan, of the City of Tamarac plan. We submit we've addressed all of the issues raised in the ORC report sufficiently, and, therefore, we request that the commission favorably consider this land use plan amendment, and we'll be glad to answer any questions. Thank you.

MAYOR EGGELLETON: Okay. Before we get any questions, is there anyone else that needs to speak on the applicant's behalf that's part of the applicant, or are you the only speaker for the applicant?

MR. KNIGHT: I believe Shawn -- does Shawn want to speak now? Okay. Shawn Chait.

MR. CHAIT: Good afternoon. I am Shawn Chait with Prestige Homes. After meeting with numerous county officials and watching my friend and colleagues who are teachers, nurses, police officers, and firefighters, move to Port St. Lucie, Fort Pierce, and northward, we at Prestige are tired of it. For this project, we look forward to building 15 percent workforce housing and keeping county employees and their families living in Broward County. As a final note, Prestige Homes is donating to the City of Tamarac the site for its new Fire and Rescue center to better service the 59,000 citizens of Tamarac. Thank you.

MAYOR EGGELLETON: Thank you. Okay. Please. Ladies and gentlemen, please. Okay. Are there questions from the -- well, let's hold the questions from the board. Let's hear from the public first, and then we'll go back and ask the applicants questions as well as those in the audience.

Okay. We'll now open it up to the general public, and when I call -- I'm going to try to call three names. All right, the first, second, and third names. So once I call the first person's name, that person will approach the mike. The second and third can come up and take a seat in the two front row seats here so that you'll already be here to speed up the time. All right.

COMMISSIONER LIEBERMAN: Mayor.

MAYOR EGGELLETON: Yes, ma'am.

COMMISSIONER LIEBERMAN: Could we also ask that people give us their name, address, and which of these five sections they live in, one, two, three, four, or five.

MAYOR EGGELLETON: Yes, absolutely. Okay. The first person I'd like to call is Ellen Tomas. She will be followed by Constance Ramos, followed by Walter P. Ulan. I hope I pronounced Mr. Walter's name correctly. Mrs. Thomas, you're recognized and please give us the name and phase that you're from.

MS. TOMAS: May I first ask, may I pass these out? I will be referring to this map.

MAYOR EGGELLETON: Yes, ma'am. Just hand them over here.

MS. TOMAS: I am Ellen Thomas of Mainlands 1 and 2, 4111 Northwest 47th Court. We've been here a long time listening to you people, and we appreciate all the time and work you've been putting in for us, our representatives.

Mayor and commissioners, we have been on a long different kind of worrisome journey questioning four omissions and how good judgment can be made by the various agencies when you are not provided a map showing four problems: Omitting the half-mile on the Commercial Boulevard with four stoplights between the missing Turnpike exit and the omitted 441 intersection and our two related trouble exits and

Sunshine Plaza exit. All these are not included in the maps you get from the county, from the city. The agencies don't see this.

It is unfair to build this private community with no through traffic to back up our exits, trespass through our streets, destroying our five legally planned over 55 communities of 35 years. No solutions are provided for the safety of our elderly using canes, walkers in the streets. Ten plus are on electric wheelchairs and scooters. Their safety and independence to shop and socialize are in jeopardy. Endangered by the 147 daily vehicles, school buses, dodging 159 children on bicycles and skate boards, making it an F-rating on our local streets, failure to use. Obviously it is not compatible to the establishing status living. The boomer generation is seeking our kind of community. Less than 50 percent of the 1,300 homeowners voted on the offer.

MAYOR EGGELETTION: You need to bring your comments to a close immediately, ma'am.

MS. TOMAS: Yes. How can you be asked to ignore 2,000 some residents under your protection and call it progress?

MAYOR EGGELETTION: Okay.

MS. TOMAS: This is all about money? Will you plan to increase dwelling units and vehicle traffic?

MAYOR EGGELETTION: Ma'am.

MS. TOMAS: Declaring hardship by the developer.

MAYOR EGGELETTION: Ma'am.

MS. TOMAS: Yes.

MAYOR EGGELETTION: Ma'am, I didn't start the clock on you at first. You really need to end your comments now. Everybody will have two minutes, and if I let you keep going, everybody will say: Well, you let her go, so, please, end your comments. Thank you.

MS. TOMAS: Thank you.

MAYOR EGGELETTION: Thank you.
Ms. Constance Ramos.

MS. RAMOS: Good afternoon. My name is Connie Ramos. I live at 4808 Northwest 49th Court in Tamarac. I live in the middle of the golf course.

MAYOR EGGELETTION: Which phase?

MS. RAMOS: On Monterey, Mainlands Section 5.

MAYOR EGGELETTION: Okay.

MS. RAMOS: Currently those of us who live on the golf course are enjoying a very nice quality of life. However, if the developers are allowed to build the townhouses of two, three, or four bedrooms, we will all seriously be affected, especially those of us who are on the golf course. We will be surrounded wall to wall with townhouses. The quality of life that we enjoy, the golf course, would, of course, be removed.

And of course we won't be able to enjoy it anymore. It will be taken away from us. Hundreds of the residents who live on the government course are of course affected as well.

Our concern is if these townhouses are allowed to develop when we are taxed, a certainly amount is focused on the fact that we live on the golf course, so if these townhouses are allowed to develop and now I go outside my Florida room and see the wall to wall townhouses, is there going to be any type of reassessment to the point of a decrease subject to tax on those seriously affected? Somebody?

MAYOR EGGELETTION: It's not appropriate for us to comment now.

MS. RAMOS: Oh, I beg your pardon. Is there an avenue that I can contact to learn of this, because what I pay taxes now, the fact that I live on the golf course comes into my tax bill. Now at what day, stage, point do they say: We're going to reassess your house. You're going to get less taxes because guess what, there's no more trees out there. What avenue do I contact? Whose door do I knock on? Is there an agency I can contact?

MAYOR EGGELETTION: The property appraiser.

COMMISSIONER GUNZBURGER: The property appraiser.

MS. RAMOS: In the meantime while the developing is going on and there's all those construction sites, I'm paying all these high taxes and this is highly unfair for me and so many others. Thank you.

MAYOR EGGELETTION: Thank you. Walter Ulan. Now just before you start, let me call the next three if you don't mind, okay? The next three, and I don't know if these persons signed up for this item or the other one, but I have a Raymond Foucoult, Jack Claus, and Rose Lyn, it looks like Charles. Okay. You will be the next three in that order. Yes, sir, you may begin, sir.

MR. ULAN: My name is Walter P. Ulan. I live in Mainlands 4 for 15 years, and I'd like to ask our Vice Mayor here: What happened to the green? What I mean by that is, we were trying to get rid of our shuffle board courts to make more room for our parking and it was voted down because the City of Tamarac wanted more green. Now they're giving all the green away. I live on the golf course. They took and removed all the trees and shrubberies along the Turnpike. If you come and stay in my community, you could hardly live there with all the noise taking place there. I'd like to have Ed Portner go there now after he had lunch several times at the golf club, see what the difference is. Thank you.

MAYOR EGGELETTION: Thank you so very much, sir. Mr. Jack, I guess this is C-I-a- -- is this Claus?

MR. CLAUD: Yes, sir. I want to yield my name is Dorothy Murphy. Thank you.

COMMISSIONER LIEBERMAN: We don't yield.

MAYOR EGGELETTION: We don't yield, time. You can either use your time, but you don't have to speak if you don't want to, sir. Thank you so very much. That would bring up Rose Lyn, pronounce your last name for me, please.

MS. CHALE: Chale.

MAYOR EGGELETTION: Chale. Yes; ma'am, you're recognized, Mrs. Chale.

MS. CHALE: I live at 4903 Northwest 45 Avenue in Tamarac. I am not on the golf course.

MAYOR EGGELETTION: Which phase are you in, ma'am, which section?

MS. CHALE: I'm in 1 and 2.

MAYOR EGGELLETON: You're in 1 and 2?

MS. CHALE: Yes, 1 and 2 are combined.

MAYOR EGGELLETON: Okay.

MS. CHALE: This will affect our walking ability. I will cite two incidents, one this morning at a quarter after 6 in the morning, I was woken up to helicopters because the man who sells the newspapers was hit by a car on the junction of Commercial Boulevard and 441, thrown in the air and ended up on the passenger's side window. I did not appreciate that. The other incident -- I don't think the man did either.

COMMISSIONER LIEBERMAN: I think he feels worse.

MS. CHALE: You have to understand, I don't go to sleep until 3, 4:00 in the morning, and I had just fallen asleep. It's not a funny thing but the man was very seriously hurt. The other incident, a lady lost control of her car. She went into the canal in Section 4. Two people came to her rescue and they got her out. The paramedics and the police were there after the fact because they could not get through the traffic on Commercial Boulevard to get to that lady. If these people didn't see her, she would have been dead. Commercial Boulevard is at 110 percent capacity now. I don't know where you're going with this, but I don't approve it.

MAYOR EGGELLETON: Thank you very much. Chet Tomas, Deborah Allen, and Sherry L. Taylor.

MR. TOMAS: I thought there was another gentleman before me.

COMMISSIONER LIEBERMAN: Who is this?

MR. TOMAS: I'm Chet Tomas.

MAYOR EGGELLETON: Yes, sir, you're recognized, Mr. Tomas.

MR. TOMAS: Chet Tomas, Mainlands 1 and 2, 4111 Northwest 47th Court. Let's address the most important issue, the destruction of our senior communities. So far the builder is paying approximately \$6,000,000 to help in that destruction that took 40 years of our determination to achieve what we have would be gone with no thought of the consequences. What will you have when you reach our level of life?

I have an article here that was printed on July 14th of 2005. Residents unhappy with golf course plan. They're talking about 75 and the dozens of people that were opposed to this development. If we hadn't said it before, we had over 300 people at the planning and zoning in Tamarac in opposition to this, and they had the same crowd at the commission meeting when this was presented.

I'm going to quote some of the article here from that July meeting last year. Commissioner Ed Portner, whose district includes the Mainlands, said such an applicant would likely be rejected in light of the residents' objections. Portner says at one of the developers' presentations, the city has no interest in changing anything. We're not going to rezone that area, period. So much for Mr. Portner's words.

MAYOR EGGELLETON: Thank you, sir.

(Applause.)

MAYOR EGGELETTION: Your name, sir?

MR. FOUCOULT: I think you missed me, Raymond Foucoult.

MAYOR EGGELETTION: Yes, I called you earlier. Yes, sir. Did I call you earlier?

UNIDENTIFIED SPEAKER: No.

MR. FOUCOULT: No.

MAYOR EGGELETTION: Let me just be sure. Raymond, yes, I did call you, sir. Yes, are you here on that item?

MR. FOUCOULT: Yes.

MAYOR EGGELETTION: Yes, sir, you're recognized then.

MR. FOUCOULT: Mr. Mayor and Mrs. Commissioner, my name is Raymond Foucoult. I live on 4925 55th Court in Tamarac, 6 and 6th. I'm right on the golf course, right on it. Now, I'm a Canadian. My trade, I used to be a home builder. Okay. I used to build houses in Canada. And the gift that the contractor is giving, you know, he's not giving; he's investing, because if it passes, he's going to make millions and millions and millions before he starts to build. That's before. Okay.

I just want to mention that the traffic there, I see it every day. Every day I see it. From 5:00 o'clock until about 7:00 o'clock every night is blocked solid. The cars are stopped, you know. How is it going to be when you put that many units in there? It's going to be just awful. Okay. So that's one thing.

The other thing, when I bought the property, I bought it because it was nice. It was on a golf course. I had a lot of -- there's a lake there. You know, there was a lot of duck, birds, all kinds of things in there. They're not going to be any more because I was told that they're going to fill up that water. You know, they're going to fill it up. So what's it going to be, you know? I'm losing a lot of privilege, but I'm not talking just about me. I'm talking about all the people that are going to lose that, you know. Everybody is going to lose. So I'm just putting that to your attention, and I thank you very much, you know, for having the chance to speak to you. Thank you very much.

(Applause.)

MAYOR EGGELETTION: Deborah Allen, followed by Sherry Taylor, followed by Keith Wargo.

MS. ALLEN: My name is Deborah Allen, and I live at 4807 Northwest 42 Avenue in northwest Tamarac. That's Mainlands 1 and 2, and not all of us voted to approve this building. I moved to Florida exactly one year ago just in time for Hurricane Wilma in the Prestige Development for which I was unaware of at the time. I just wanted to live in this lovely retirement area. So I had to do some homework and I did my studying and I've listened and listen and listened.

What you are being asked to do is to build the biggest and most dangerous cul-de-sac in the State of Florida with one working road only that connects to a retirement community. Think about that. What will happen to these working families that are going to move in there when they have their cars and the kids' school buses and truck deliveries and ambulances maybe? Our State Road 7 already moves 1,000,000 cars a week according to the BSO. They already know the traffic disaster that this overbuilt area has produced, and I think you do too.

Prestige builders plan for the Monterey cul-de-sac residents to use Mainland Drive. It's a two-lane road with no gutters, no sidewalks in a chartered retirement community. You already know this from my previous letters. I've written to everyone that I can, and I thank Ms. Lieberman for answering me. Thank you. The real issue is no longer a question of how much money will go into the city. It's your responsibility to do what is safe and best for the people that you represent.

As I said before, you are being asked to promote the biggest and most dangerous cul-de-sac in the State of Florida. And I'm looking at the picture, and it dawned on me, that's exactly what it is. I ask for your common sense and your good judgment and your best decision-making experience by refusing the Monterey Golf Course development. Thank you.

(Applause.)

MAYOR EGGELLETON: Please, ladies and gentlemen, do not clap. We just don't allow that here at the County Commission. I could appreciate your enthusiasm, but if you could just follow with us.

Mrs. Taylor will be followed by Keith Wargo, followed by Bob, this looks like Bob Shock, followed by Pamela Bushnell. Storch.

MR. STORCH: Storch.

MAYOR EGGELLETON: Storch. Okay. Mrs. Taylor, you're recognized.

MS. TAYLOR: My name is Sherry Taylor. I'm vice president of Section 4 Association. I'm here representing all the members in our association. Mr. Knight might have a letter from the president from Section 4 that was not approved by our board of directors. He also had a bunch of letters from a survey that was taken, and he only showed up with just the ones that said yes. He didn't show up with the ones that said no, and that was still -- that was illegal also.

But what I'm here to say to you today, Commissioners, and I know your jobs are very hard and you have a lot of work, you spend a lot of time here. You go over multiple, multiple ideas for the community. But have you ever turned anyone down? It didn't seem like today you had. Everything was passed or put on the shelf. Right now you have in your hands 1,300 homes with their lifestyles that's going to be tremendous to these people. I'm 74 years old. I might have six years to go. I might have less, but I don't want to fight the rest of my life traffic and the Commissioners of Broward County.

So if it's in your heart anywhere, if you could take a good look at this again and see what's going on. The last meeting we had here, there was a comment that you were supposed to let us come back and let us know how they were going to egress in and out of our association. That has never been brought up. We haven't heard a word on that yet. We would like to know if. There's so many questions that we still have to ask the builder, we still want to know about the park that's going to be there. We have heard nothing from the City of Tamarac of what kind of park it's going to be, how it's going to be organized or anything, but whatever you decide, I hope that God's in your heart. Thank you.

MAYOR EGGELLETON: Thank you so very much.

Keith Wargo.

MR. WARGO: Good afternoon. My name is Keith Wargo. I own a property at 4506 Northwest 47th Terrace in Section 4. My parents live there, who are 81 and 74 years old. Make no mistake, if this project goes through, you're totally going to ruin the lives of 1,300 families that live in this project. If you look at the map, this Monterey Golf Course is totally surrounded by other lands and the Turnpike. There's

absolutely no way that you can get traffic in or out of there. There's no way you can put a wall around it. There's no way you can knock down houses. There's no way you can get on to the Turnpike. This project is going to totally ruin at least Section 4, probably Section 1 and 2. There might be one section that might be saved from this traffic. You know, I jotted down some comments and I wish I had more time, but I don't, that the lawyer said. I want to underscore a few things. Never has a traffic study been done on this, never. They always talk about traffic analysis.

(Applause.)

MAYOR EGGELETTION: Please, please, please.

MR. WARGO: Never has a traffic study been done. That intersection between 441 and Commercial is the worst stretch of road in Broward County, the worst, and now you're going to be putting, what, 250 homes into this area? It's probably going to need at least 3 or 400 cars. Some of these homes are going to be three or four bedrooms in status, so they're going to have a huge amount of people in there. And I really want to thank the comment that the lawyer said that this is going to have a positive impact upon the Mainland residents, like he really knows.

These people have been following everything here. It's not going to have a positive impact. These people are old. They're 70, 80 years old. They're not going to be able to get up and move. I mean, yeah, they might be able to sell their property. Where are they going to go? I mean there's nowhere for these people to go.

And you know, and the lands that they're so generously going to be giving away for parks and everything like that, they can't build on this land, it's protected land, wildlife, water land. They can't build on it so they might as well give it away. This is really going to ruin a lot of people's lives, and it's not going to take --

MAYOR EGGELETTION: Thank you.

MR. WARGO: Thank you for listening to me, but it's really not going to benefit anybody.

MAYOR EGGELETTION: Thank you, sir. Pamela Bushnell, followed by Judy Margolis, followed by Kenneth Zeilberger. Yes, you're recognized, Ms. Bushnell.

MS. BUSHNELL: Thank you. Pamela Bushnell, 4706 Northwest 43rd Terrace, Tamarac, and I sent you an e-mail this morning, so if you're like me and didn't read it, I'm going to summarize it for you.

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. BUSHNELL: I am 1 and 2, yes, and I am the secretary for the board of directors and president elect. As appointed spokesperson for Mainlands 1 and 2, I wanted to report the results of a vote taken in July of 2006. I gave you this report also in August. We have 529 homeowners in our section, and they were either mailed, e-mailed, or had hand-delivered an offer of composition by Bruce Chait, President of Prestige Homes. Not all residents chose to vote but of those who did 157 voted to accept the offer, 78 voted to turn it down. I represent the majority.

While all the residents remain concerned about the effect of the increased traffic will have in our community, we have supported the developers, Prestige Homes, as they requested based on the promises made by them to number one, pay off our existing recreation lease. We have 11 years left on our lease. That makes it about an \$850,000 payoff figure and number two, they will make a cash contribution of \$200,000 for unrestricted use of the homeowners' association of Mainlands 1 and 2.

We remain confident that the Broward County Commissioners are well aware of any problems that may be created by the development along this crowded corridor of the county, and we are hopeful everything will be done to require the builder to make the process as safe and efficient as possible.

Mr. Knight outlined some things that they are going to do. I was waiting for letter H, and I would like to request this very strongly of the commissioners. If approval is given today by the commission, we would like to request that such approval would contain a contingency that Prestige Homes would be required to fulfill the monetary offers made to the residents of Mainland 1 and 2 Civic Association, both in writing and in person during our civic meetings. I appreciate it.

MAYOR EGGELETTION: Thank you.

MR. STORCH: I'm Bob Storch, 4622 Northwest 45th Court in Section 4. I have a legal problem for the attorney. The letter of -- declaration of restrictive covenant, it does not meet what the School Board wants. It does not meet what the planning commission wants, and, therefore, before you can approve today, you have to comply with what the School Board wants and what the planning commission wants.

We're talking about Attachment Number 5. The only thing in Attachment Number 5 says we will not build more than 233 homes, right? Read what the School Board says. However, a condition for approval of the land use plan amendment application and final adoption by the County Commissioners and to obtain legal enforcement of the voluntary commitment. We're talking about \$10,000,000. It's not in here, ladies and gentlemen, Commissioners. We're talking about, for Section 4 for Mainlands, roughly 507,000 to be paid to the School Board for the 44 children that that property is going to produce.

There's also an attachment, Number 23, which says that after one year of completion the School Board has the right to go back and see how many children are in this development. It's not here in the declaration of restrictive covenant. Okay. He can get your approval today and tomorrow turnaround and the new builder that he sells it to has not a single commitment to anybody. Okay. I think you need to give serious thought to what's in this restrictive covenant. Thank you.

MAYOR EGGELETTION: Thank you. Sir, sir, which Mainland are you in, which section, sir?

MR. STORCH: Section 4.

MAYOR EGGELETTION: Okay. Thank you so very much.

Kenneth Zeilberger, followed by William --

COMMISSIONER GUNZBURGER: You forgot Judy.

MAYOR EGGELETTION: Who? Judy?

COMMISSIONER GUNZBURGER: You forgot Judy.

MAYOR EGGELETTION: I thought I called her. Let's see.

MR. ZEILBERGER: I'll yield.

MAYOR EGGELETTION: Okay. Why don't we let Judith go first. Did I call Judith? I didn't call a Judith.

MS. MARGOLIS: You did, but then you didn't call me up.

MAYOR EGGELLETON: No, what's your name, ma'am?

MS. MARGOLIS: My name is Judith Margolis.

MAYOR EGGELLETON: Yes, I did. I called you some time ago. Judith Margolis. I'm sorry.

MS. MARGOLIS: That's okay. I live at 4704 Queen Palm Lane in the Woodlands. I do not live in the Mainlands. However, as a resident of Tamarac, I have serious concerns about the development that's been going on in Tamarac. We moved here about 12 years ago into what was sort of a blue collar community in the unsophisticated way and it seems to be worsening since we've moved in because the amount of development seems to be out of control.

Why is this excessive development taking place? Well, one of our commissioners even gloated over the tax increases being generated by all the homes that are being built. This was at a city commission meeting. However, there's more to consider than income, and I think that we have heard a lot of the arguments that go against just considering income, so I will just skip to the bottom line. Change is inevitable, which was also one of the things that was told to us at a city commission meeting. However, it doesn't have to be bad, and I think that by building all of these homes on these two golf courses, it will be bad. Just a few of the concerns that others have shown I also am concerned about. I hope you also will show concern and turn thumbs down on this plan.

One last word. I happened to have to go into the Mainlands on Sunday, and I was appalled at the number of houses that are up for sale. People are running scared. These people wanted a certain style of living, and they developed it over 30 years or so, and it is being destroyed, or the plan is to destroy it around them. No way will it be an over 55 community if these developments go through. Thank you.

MAYOR EGGELLETON: Thank you so very much.

Kenneth Zeilberger.

MR. ZEILBERGER: Good afternoon. My name is Ken Zeilberger. I'm an attorney. I'm here on behalf of Mainlands 5, Incorporated. Mainlands 5 is a community of over 230 homes. I was previously here with two members of the board of directors, the president and secretary, who had to leave about 15 minutes ago. They had been here since 2:00 o'clock, but they did want me to indicate that to you.

The official position of the board of directors for Mainlands 5, Inc., is to lend its support to this project. For a relatively lengthy period of time, for close to a year, we have been discussing the association's concerns with the developer, Prestige. Prestige has been very sensitive, responsive, receptive to the association's needs and concerns, and, as a result, the board of the association is officially endorsing and lending its support to the project. Thank you.

MAYOR EGGELLETON: Thank you. The next three persons to speak would be William, and I don't know whether it's a V or a Y, but it looks like Villa. Michael Taylor, Don Kohlson, followed by Margaret Bara.

UNIDENTIFIED SPEAKER: Taylor and Bara were here on behalf of Mainlands 5.

MAYOR EGGELLETON: Taylor and Bara, you say, were here and they're now gone? So that would be Mr. Kohlson, followed by Mrs. Bailey, Elaine Bailey. Yes, sir, you're recognized.

MR. VILLEILLA: Mayor, Vice Mayor.

MAYOR EGGELLETON: Please pronounce your last name for me correctly.

MR. VILLELLA: My last name is Villella, V as in Victor, -i-l-l-e-l-l-a.

MAYOR EGGELLETON: Thank you, sir.

MR. VILLELLA: I appreciate the time from the commissioners.

MAYOR EGGELLETON: You're Mainland 3, right?

MR. VILLELLA: I live at 4605 Northwest 45th Street, Mainlands 3. I am the public relations, and I will be speaking on behalf of Mainlands 3 today. I think there's something missing here that everybody doesn't understand. We people who are on the board, we don't have no say about that property in the back. The only way this will ever come to be is the board of directors got involved, the members asked us to represent them. That's how we got involved. Mainland 3 speaks to it in our dockets, in our bylaws. I want to clarify that. You just don't have no say until membership gives you full approval.

On many occasions we had the opportunity to speak with Prestige Homes. We brought them in for some our meetings. We brought in the City of Tamarac park commissioner, Vice Mayor Portner, and we talked about on March 29th we had a meeting about what will go in the back on that 23 acres, a passive park for our seniors to walk around without having swing sets, without having kids on roller blades, and so on. That's what's going to go in there.

Excuse me for interrupting while I talk. That's one of it. We had -- many times we have called up and asked the owners to come forth. On April 22nd, we okayed their plan to pay off our clubhouse and give us money. We approved it with the membership, not by the board of directors. I'll tell you right now, Prestige Homes has done complied with everything we have asked for, and I ask you to approve it. Thank you.

MAYOR EGGELLETON: Thank you so very much, sir.

MR. KOHLSON: Thank you very much. My name is Don Kohlson. I live at 4409 Northwest 45th Street in Mainlands 3. I couldn't help but be reminded as I watched you wrestling with the budget issues at the beginning of your session today how much we take for granted. How lucky we are that there's a rescue unit and trained EMT standing by right now if one of us should need it, God forbid, how lucky we are that we have fire protection and police protection and other services, and we never think of it really until the tax bill comes in. These things cost money. Well, I'm retired. I'm on fixed income. I can't afford to pay more taxes. Oh, I hate change. I wish this weren't happening, but I have to be realistic about it. We have to look for new ways.

I'm gratified that you all look for new ways to increase the tax base, and I suspect that if we really look at all of this that we should say that we're very lucky that Prestige Homes is the one we're dealing with. We've never called them a single time that they've failed to respond to us, not one time. We've never invited them to a single meeting that they haven't come to, and they've come to several in spite of the fact that our residents were angry and in some cases abusive. They've been there every time. I don't know them at all. I don't know them very well, other than from those meetings but my impression is at this point that we are very lucky that Prestige Homes is the group that we're dealing with and I have stand up, I have no official standing but a resident in Mainlands 3, and I urge your approval of their application. Thank you very much.

MAYOR EGGELLETON: Thank you, sir. Mrs. Bailey, followed by Dorothy Murray, followed by Kathleen Turner, followed by George McCarthy. Mrs. Bailey, you're recognized.

MS. BAILEY: Good afternoon. My name is Elaine Bailey, and I live at 7211 Northwest 93rd Avenue in Tamarac. I do -- I have no affiliation with any of these properties you're talking about. I live in the community of Westwood 22. But I am a Tamaranian, and I am very concerned because this will set a precedence for other properties that will be coming up, and we will be continuously giving up our green space.

In spite of my birth year of the mid '30s, I consider myself a progressive thinker. Progress is good when it's for the good and the benefit of the existing community without raping our land and resources. I have heard all the money talk, all about the bottom line and the generosity of the builder. This is all well and good. I had a question, is this in writing? Obviously not.

More importantly, I come before you begging an answer: Where is all the additional water coming from? A question I have raised at other commission meetings in the past. We are all aware Broward County as a whole, not just Tamarac, has a critical water shortage now. Since this question has not been answered, I assume you have no solution to this problem. I urge you to vote no until you have this problem rectified and a solution. Thank you.

MAYOR EGGELLETON: Thank you. Mrs. Murray -- Mrs. Murphy, I'm sorry, Mrs. Murphy. Mrs. Murphy, there's a shorter mike if you want to stay in your chair, you can use the shorter mike if you'd like.

MS. MURPHY: Mayor, if I got this far, I'm going all the way.

(Laughter.)

MAYOR EGGELLETON: All right. I like that. All right.

MS. MURPHY: The name is Dorothy E. Murphy, better known as Dot Murphy. I live at 5008 Northwest 50th Court, Tamarac, Section 6. Mr. Ken Behring had a dream. His dream came true when he developed and created the City of Tamarac. He started at the east end and went west. He realized 40 years ago the need for recreation and open space. He left acres of land undeveloped for that purpose. Excuse me. He could have been greedy. However, he knew the economical value of open space and it would be utilized in the future. The baby boomers soon to retire will be flocking to South Florida for the same reason the seniors did years ago, paradise.

Progress has always been the object that volunteers from the east end were and still are and the foundation that helped build the west end. Some elected officials recognize the demographic changes now in play, however, the backbone is still the senior population. Without renewed strength in the principles laid down by Mr. Behring, Tamarac will become an overpopulated jungle where even the younger generation will struggle to survive. This is unacceptable. Thank you.

MAYOR EGGELLETON: Thank you so very much.

Mrs. Turner. And Mrs. Turner will be followed by George McCarthy, followed by Ben Roberts, followed by Fran, this looks like Kiester or Kister.

Just a minute, Mrs. Turner. Okay. You're recognized, Mrs. Turner.

MS. TURNER: I'm Kathy Turner. I live at 5301 Northwest 50th Avenue in Tamarac, Mainlands Section 6. I'm the civic representative and spokesman for the Mainlands Section 6 Homeowners' Association, a community of 538 senior adult homes. Our homeowners' association is here to apprise you of the results of a meeting that was held on August 17th of 2006, which Mr. Chait attended to solicit our support for his development project.

In exchange for our support, he offered the following: To pay off the outstanding recreation lease that includes the association's common area facilities, to make a cash contribution of \$200,000 to the association for future expenditures as deemed by the homeowners. Number three, to install traffic calming devices along Northwest 50th Avenue and Northwest 50th Street which are our main thoroughfares in Mainland 6 community. He also agreed to install a 28-foot buffer space around our community, along with a landscape berm placed between the new development and the portion of Mainlands Section 6A property. Number five, he also agreed to set the specific number of new residents constructed in declaration of covenant regarded in public record and that this number would not be changed by Prestige without prior written consent of the association.

The homeowners voted at this time to support the proposed development of Sabal Palm Golf Course in exchange for these specific items to which the developer agreed. A statement of support to the proposed development and a legal agreement indicating the agreed items was prepared by the association's attorney and submitted to Mr. Chait on August the 21st, 2006.

We are here to ask the commission that if you intend to vote to approve this item today that such approval would be contingent upon requiring the developer to fulfill his five-item agreement with Mainlands 6 Civic Association as recorded in the record of this meeting. Thank you for this consideration.

MAYOR EGGELLETON: Thank you. Mr. — I guess this is George McCarthy, followed by Ben Roberts, followed by Fran, I think this is Kiester. Mr. McCarthy, you're recognized.

MR. MCCARTHY: Thank you. My name is George McCarthy of 4811 Northwest 49th Road in Tamarac, and I am a director of the Mainlands Section 6 Civic Association which is surrounded by the Sabal Palm Golf Course. I am here to ask this commission to only approve the land use change application if the builder keeps the promises he made to our homeowners in exchange for our support for his application. He made these promises to us in a special homeowners' meeting of August 17th, 2006, and has yet to memorialize them with his signature, even though he has used our August 21st letter of support to influence your vote on this application. Thank you very much for your consideration to this request.

MAYOR EGGELLETON: Thank you so very much, sir. Mr. Ben Roberts.

Mr. Roberts, you're recognized.

MR. ROBERTS: Yes, hi. My name is Ben Roberts. I am the president of Mainlands 7. I represent 225 homes, and those homes are not a senior community. We are a family community. We made those changes some ten years ago, and change is something that we tend to live with more comfortably than some of the others that have arrived here prior to me.

I just want to say one thing and be on record, and I can speak for my community. The gentleman behind me, Mr. Ed Portner is my commissioner, and I'm proud of him, and our community is proud of him, and I just want to add one other thing. We have never taken an adversarial position in this case. Yes, there's been money suggested, et cetera. That is not our motivation. We basically have met these people, and we respect them, and we have, from the beginning, offered our hand as a neighbor, and we continue to take that profile. Thank you.

MAYOR EGGELLETON: Thank you. Now -- thank you so very much. Before I call the next person, I just noticed that you were listed for Item 23. So I'm going to not call you at this time and call you on Item 23. So that would bring on Item 22 -- I believe we only have three other persons. Phil Busey, are you 22 or 23, Mr. Busee, or are you both?

MR. BUSEY: I'd like to speak on 22.

MAYOR EGGELLETON: Twenty-two, okay. Yes, sir.

MR. BUSEY: Thank you very much, Mayor, and commissioners. My name is Phillip Busey, and I live at 837 Southwest 120th Way, which is Davie, and I'm nowhere near either one of these projects but I'll speak on Number 22. I'm very, very concerned about what's happening to our county, because this is our county, and although I do not live near the project, Monterey Golf Course, if we are to take up green space and replace it with impervious areas, we're going to lose or reduce our water recharge which is so important to preserving the water that we all drink, and so it's really an issue that I believe that all the county commissioners should be equally concerned with and not just those in that particular area.

So I would ask the commission to vote against Number 22 on the grounds that the water recharge would be reduced for all of Broward County residents. We've worked so hard through the '89 bond referendum to the 2000 bond referendum to save remaining green spaces. There's plenty of areas of progressive cities, like Lauderdale Lakes, Lauderhill, Town of Davie and others are doing to try to redevelop and improve areas that have gotten a little old and need some help, and I believe that there are creative developers that can add the additional homes to the areas where really we are not going to be taking up green space and reducing the water that we all drink. So, please, I urge you all to vote no, and thank you very much.

MAYOR EGGELLETON: Thank you so very much. Cynthia Baker, followed by Patti Lynn.

MS. BAKER: Good evening, Cynthia Baker. I'm at -- what?

UNIDENTIFIED SPEAKER: We can't hear you.

MS. BAKER: Oh. Cynthia Baker, 4621 Northwest 45th Court, Section 4. I am the duly elected spokesman -- or spokeswoman, I should say, for Section 4. I want to clear something up. Art Stavros was told by our attorney he could not talk with the builder. He was not allowed to discuss everything with the builder on behalf of Section 4. So whatever you've got backup on or any letters you've got from anybody from Section 4, you can't consider those because they're not valid. They were not put by our board of directors.

Now we obviously don't want this development. Section 4 will be the most affected because these people's ingress and egress comes directly into Section 4. We can find no way to bring these people out of the cul-de-sac. We're at the very arc of the horseshoe and it all comes through us, and I ask you to consider something. He's tossing money at this, and it's like telling a wife beater that it's okay if he continues to beat his wife as long as he pays the hospital bill and pays the doctor. You know, it's like he's still going to beat his wife up, but he's going to pay for the medical care. Once you do this, we're beaten up. We have no place to go, and there's nothing left for us.

We can't do anything about the traffic. Once you use the green space, it's gone. The water is gone. We have not met with Mr. Chait because he refused to meet with us. We had a scheduled meeting. He did not want to meet with our attorney. He did not want to meet with us. He did offer a meeting at his house. I sent y'all all a letter sending all of that out. I sent you all of our questions. So I'm not going to beat a dead horse and say them again. I just would very much like for you to consider our lives, our community, and to vote no for this. Thank you.

MAYOR EGGELLETON: Thank you so very much.

(Applause.)

MAYOR EGGELLETON: Please, please. Okay. Patti Lynn.

MS. LYNN: Hi, I'm Patti Lynn and I live the 6411 Northwest 58 Street in Tamarac. That's Mainland Section 8. It does not abut the golf course, however, in order to get anyplace in an easterly direction, I am on Commercial Boulevard.

The State of Florida Department of Community Affairs said that they would object to this project, both projects, because it did not address the traffic issue and the roads were already an F issue. The attorney said that their engineers had said we have addressed it and it's only Turnpike traffic. No, that's their engineers. It has nothing to do with only the Turnpike traffic. Sixteen trips north and sixteen trips south each way morning and evening don't begin to address getting there.

The air quality hasn't been addressed yet, and we've been advised that there will be a moderate, just a moderate depreciation of the quality of the air. You will have five lanes going eastbound from Rock Island Road all the way to the entrance to the Florida Turnpike, five, two turn lanes and -- actually six because you're going to have the southbound lane, SunPass lane. You'll have six lanes. Some people say that: Well, you won't be in line as long. If you build the homes that they say they wanted to build, you figure the three- and four-bedroom townhouses will have maybe two people and the four- and five-bedroom homes will have a minimum of three. Let's say two cars. You're going to have 1,500 cars you're adding. Who is going to go to school? The school buses are not going to be able to get into this development to pick up the kids and you certainly can't ask them to walk out on to Commercial Boulevard and wait for the bus there.

It is a terrible situation, and we haven't discussed the water which the South Florida Water Management District has advised that in their recommendations to the state and to the Planning Council, they said that the developments do not meet the requirements and do not address the water issues. I'm sorry I ran over. Thank you.

MAYOR EGGELETTION: Thank you. Okay. That's the last speaker from the general public that have signed up to speak. Are there any other members in the audience who has not signed up that wishes to speak on Item 22? On Item 22 -- I'm sorry, I apologize, I did have City Commissioner, Ed Portner, Mr. Portner, you're -- and is there another lady? Is there someone else? On 22? This is only on 22 now, okay? On 22, all right. Sir, would you like to speak? I didn't see you, I'm sorry.

MS. McKENNEY: That's all right.

MAYOR EGGELETTION: Ma'am, you need to -- that's all right. Just sign up. Make sure -- after you speak, make sure you sign up, okay. You can do it after you speak. Just do it after you speak. Just give us your name and the section that you're from.

MS. McKENNEY: My name is Marilyn McKenney. I live at 4701 Northwest 45th Court, Section 4. I only have one question, and I'd just like to know if any of you Commissioners or you, Mayor, have ever been out to see the area that we're speaking of. That's all I would like to know. Has anyone paid a visit there?

MAYOR EGGELETTION: Well, we'll answer it in a minute, but I can tell you I have on many occasions.

MS. McKENNEY: Thank you. Thank you. At 5:00 o'clock.

COMMISSIONER LIEBERMAN: Yes, I live there. I live just west of there. I traffic it at all peak hours.

MAYOR EGGELETTION: Commissioner Portner, you're recognized.

COMMISSIONER PORTNER: Thank you very much, Mr. Mayor. Before I begin, I'd like to tell take a personal privilege, please.

MAYOR EGGELETTION: Yes, sir.

COMMISSIONER PORTNER: I'd like to congratulate the newly elected commissioners, Commissioner Keechl, the newly elected commissioner --

MAYOR EGGELLETON: Please, ladies and gentlemen, you know, everybody was patient. No one was rude to you. Please, let's not be rude to anyone. It's a matter of common courtesy and decency. Thank you.

COMMISSIONER PORTNER: Thank you, Mr. Mayor. I appreciate that. The rudeness that you all have is not appreciated, and I'd like to also congratulate with extreme personal pride a new commissioner elected to your Broward County Commission. Her name happens to be Commissioner Stacey Joy Portner Ritter, and I would like to say how much her mother and I are pleased that she sits on this commission. Having said that, let me continue, please.

COMMISSIONER GUNZBURGER: Am I chopped liver?

COMMISSIONER PORTNER: Oh, I beg your partner, Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: I'm newly elected too.

COMMISSIONER PORTNER: I know that you were elected, but I thought you were here forever, so I don't think about it. Thank you very much.

Let me first state the fact that I'm a senior, a super senior. I understand the concerns of the senior population. I am 81 years of age, so I know what it is to be a senior, but let me continue on. I was privileged to be transferred here from the cold windy City of Chicago 32 years ago, so I think I'm one of the founding residents of Tamarac. When I left Chicago, it was buried deep in snow and freezing cold. On my drive down, I kept thinking of all those people already here living in paradise, content with warm weather, beaches, a great place to work, and certainly a great place to raise your family, but 1974, we were in the start of a recession. There were condo buildings which were started, left abandoned, not completed due to lack of funds. There was the Gate on Commercial on Rock Island Boulevard, Concord on University Drive, builders and so on. Steel beams shot up into the air and into the sky and that's what we saw. It almost looked like Europe after World War II. It was nice and --

MAYOR EGGELLETON: Commissioner, to be fair to everybody else, you need to wrap it up.

COMMISSIONER PORTNER: I will wrap it up. What I will tell you this, Mayor and commissioners, when I moved here there was a population of 22,000. The City of Tamarac is now 59,000. When I moved here Commercial was a three-lane boulevard. It's now a six-lane. I love progress. I don't want to stop progress.

MAYOR EGGELLETON: Thank you, sir.

COMMISSIONER PORTNER: I ask you to please approve this amendment. Thank you.

MAYOR EGGELLETON: Thank you, sir. Okay.

Members, you have heard from the general public, and let me just advise you, there are some members here who came on a bus, they're going to have to go. So we're now starting our deliberation, and after our deliberation, there will be a vote. Okay. So comments from the commission.

COMMISSIONER GUNZBURGER: Point of order.

MAYOR EGGELETTION: Yes, Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: Before they have to go, I think the easiest thing is that those are here for Item Number 23 that if they'd raise their hand those that were in favor and those that were against, so that we'd have some idea of what their feelings were before they leave, at least --

MAYOR EGGELETTION: I only have four -- I only have four people on Item 23.

COMMISSIONER LIEBERMAN: Right.

UNIDENTIFIED SPEAKER: And they already spoke.

MAYOR EGGELETTION: Yeah, a lot of the persons have already spoke.

COMMISSIONER GUNZBURGER: Okay. I just wanted to make sure that we knew --

(COMMISSIONER RODSTROM RETURNED TO THE ROOM.)

MAYOR EGGELETTION: Okay. Thank you. Yes -- was that it, Commissioner?

COMMISSIONER GUNZBURGER: Yes, that was it.

MAYOR EGGELETTION: Okay. Commissioner Lieberman, you're recognized.

COMMISSIONER LIEBERMAN: If you don't mind, Monterey is not in my County Commission district. It's in Mayor Eggelletion's County Commission district. Sabal Palm is in my County Commissioner district, and there are some similar issues. There are some very dissimilar issues. So I just want to start by asking Mr. Sniezek to come forward.

Last Thursday, in addition to -- I've gotten a lot of e-mails from residents both for and against asking questions. Each and every time I've tried to get information and respond to everybody who had a question. Last Thursday I met with Patti Lynn. I met with her with Henry present, and the reason I asked Mr. Sniezek to be present is I wanted to make sure that every single concern, every one, was voiced and that our staff could check into it and advise us today whether, in fact, it was a problem or it wasn't a problem.

One of the issues with what's in front of us is there has been a lot of information in the community, not all of it accurate, some of it accurate, and I thought it was important to make sure that the information we got was accurate.

So, first, Mr. Sniezek, one of the issues that Ms. Lynn raised in my office and was raised by several residents here today was the issue -- and I'm going to ask you only because -- these issues I'm going to go to right now apply to both 22 and 23 so I won't need to ask you these for 23. They'll be in the record for both and if the minutes secretary just make sure that these refer, because these are the common issues between the two. There was a concern with respect to there being insufficient water capacity if one or both of these developments proceed. I asked you to specifically check whether, in fact, A, there was an objection by DCA to water, and B, whether or not there was sufficient capacity. Could you advise the word of what you learned?

MR. SNIEZEK: Yes, Commissioner. For the record, Henry Sniezek, Planning Council staff. Yes, first of all, the Department of Community Affairs did not on the to this amendment on the water issue. That issue was discussed by DCA and the South Florida Water Management District before they issued their objections, and the City of Tamarac did issue additional information to show that they do have water right

now and they do have a plan to increase their water supply in the future, and that satisfied the Water Management District, and that –

COMMISSIONER LIEBERMAN: Joe, I can't hear.

MAYOR EGGELLETON: Please, you just cannot interrupt. Thank you.

COMMISSIONER LIEBERMAN: What is their current usage for water at the city?

MR. SNIEZEK: The information we have from the city -- and this information I'm looking at was given to the commission.

COMMISSIONER LIEBERMAN: I know, but it wasn't given to the people who are here today and with all the letters that I've gotten, both pro and con, and the fact that we spent time with Ms. Lynn on Thursday, I think it's important -- they don't have what we have in our backup, so that's why I'm asking you to do this and I won't ask you again on 23, because these are the common issues.

MR. SNIEZEK: My pleasure, Commissioner. Right now, per the city, there's a current demand and a committed demand of 6.8 millions of gallons were day and they have withdrawal permit of 7.5 million gallons per day. This will add 2.3 millions of gallons per day.

COMMISSIONER LIEBERMAN: 2.3?

MR. SNIEZEK: Yes.

COMMISSIONER LIEBERMAN: To the 6.8?

MR. SNIEZEK: And as far as build-out, the city has given information that shows that at build-out they will need additional water supply, and they have budgeted \$10,000,000 to access the Florida aquifer, and they do have a plan to access that water, and that will take care of them at the long-range planning horizon.

COMMISSIONER LIEBERMAN: So is it your testimony here today that DCA issued no objection based on water?

MR. SNIEZEK: Yes, Commissioner.

COMMISSIONER LIEBERMAN: Is it your testimony here today that the impact from both of these developments combined is .23 million gallons per day?

MR. SNIEZEK: Yes, Commissioner.

COMMISSIONER LIEBERMAN: Leaving the city with sufficient capacity currently to deal with water impacts from one or both?

MR. SNIEZEK: Yes, Commissioner.

COMMISSIONER LIEBERMAN: Second issue, and I'm not sure whether to ask this to you or to ask this to Mr. Wilkins. The backup said that there was a moderate impact to air quality; is that true?

MR. SNIEZEK: Based upon the information they provided us, that is what they stated.

COMMISSIONER LIEBERMAN: Okay. Could we ask Mr. Wilkins to come forward, because apparently - Mr. Wilkins says that -- I'll ask Mr. Wilkins, because I really wanted to get to the bottom of all these issues. Mr. Wilkins. If I may, Ms. Brangaccio?

MAYOR EGGELETTION: Ms. Brangaccio.

Mr. Wilkins, you're recognized.

COMMISSIONER LIEBERMAN: Mr. Wilkins, in the backup it mentioned there's a moderate impact based on air quality. Have you had any reason to go back and look at what you based your opinion on?

MR. WILKINS: Yes, Commissioner. For the record, Rick Wilkins, Environmental Protection Department. I have with me Daniela Banu@ and Maribel Fields from our Air Quality Division who can respond to that.

COMMISSIONER LIEBERMAN: Okay.

MS. BANU@: Good evening. I'm Daniela Banu. I'm the director of the Air Quality Division at EPD. In response to your question, we have discussed your question earlier with Henry Sniezek. Mr. Sniezek.

COMMISSIONER LIEBERMAN: Daniela, could you put the mike closer? Thank you so much.

MS. BANU: All right. The answer to your question is that we have new information about the density at this development which would modify our initial decision that the air quality impact would be moderate. Based on the new information that we obtained today, we made the determination that the impact on air quality would be insignificant.

COMMISSIONER LIEBERMAN: Would be what?

MS. BANU: Insignificant.

COMMISSIONER LIEBERMAN: Insignificant. I'm going to ask them to tell you that, and the only reason -- I apologize to all of you, because Sabal Palm is in my district, I've spent a lot of time with these issues. My understanding is the new information, the difference in the two opinions is the old information was based on errors as to what the density was and that you were unaware that there had been restrictions placed on these two properties which reduces the density from the number of permitted units to a lower number; is that correct?

MS. BANU: That is correct. Our review was done in March 2006 and information has changed since that time as you described.

COMMISSIONER LIEBERMAN: So is it your opinion today that based on the two voluntary restrictions on density that the impact to the air quality is now insignificant from one or both of these developments?

MS. BANU: That is correct.

COMMISSIONER LIEBERMAN: Okay. Thank you. Third question -- and I apologize to my colleagues, I do, because I know you've read all this, but everybody hasn't seen it. Okay.

Two other issues were raised by Ms. Lynn in my office, and I'm going to do the easier of the two first because there is one remaining issue. The issue which was raised by Ms. Lynn had to do with two different types of traffic issues -- I'm sorry, there is one other issue beside that, but for you, Henry. One was the issue with respect to the objection issued by DCA on traffic and whether that applied to only the Turnpike or if it applied to Commercial Boulevard, Rock Island, or any of the other major arterials.

MR. SNIEZEK: Yes. We responded to the objection which was about the Florida Turnpike. We did contact DCA which issued the objection and also the Florida Department of Transportation to ask if they wanted to clarify that or if we were mistaken or something like that, and we did not receive a response from FDOT. We did receive a response from DCA and they basically said: Go check with FDOT. So we did not get an official response from them about that question. However, we still feel that we have adequately responded to the objection from DCA.

COMMISSIONER LIEBERMAN: Okay. My understanding is that -- and I guess this goes to what the voluntary restriction is. My backup shows two different sets of restrictions. It shows, in one case, that the applicant has restricted -- as is said here today by Mr. Knight, to 200, I believe it is -- 233 units, but on Page 3 of the proposed amendment under Planning Council response dated October 27th, it says 40 and 184 units which comes to 224 units, not --

MR. SNIEZEK: That is a typo, I'm sorry. It should be 49 units.

COMMISSIONER LIEBERMAN: It should be 49 units. Okay. So you did evaluate it based on the 49 units number?

MR. SNIEZEK: Yes.

COMMISSIONER LIEBERMAN: And it's the 49 units that everybody has been using?

MR. SNIEZEK: Yes.

COMMISSIONER LIEBERMAN: So 233 is correct?

MR. SNIEZEK: That is correct.

COMMISSIONER LIEBERMAN: Okay. Now I want to walk you through what happens next. Am I correct in that there is only one objection and that objection is traffic?

MR. SNIEZEK: Yeah, it's a two-part objection. One is just about traditional traffic that's on -- well, it's just about the impact on the Turnpike and the distribution of the traffic that we analyze shows a de minimis impact. If you distribute it, it's less than -- it's .2 percent on the Turnpike, and then we also feel that that's within the interchange area also.

COMMISSIONER LIEBERMAN: Okay. With respect to the traffic impact on the Turnpike, it's less than 1 percent; is that correct?

MR. SNIEZEK: Well less than that, yes.

COMMISSIONER LIEBERMAN: Okay. And how is it being mitigated?

MR. SNIEZEK: Well, there's are two prongs to this test. One is just significance. We have a significance level which I think the applicant mentioned. Number two is the applicant, even though it doesn't meet the significance test, has offered to do a voluntary mitigation to the county to acquire advanced transportation management system which the applicant spoke of. And in accordance with the traffic engineering division, their opinion is that would mitigate the additional trips.

COMMISSIONER LIEBERMAN: Before I call Mr. El Eid, @ I have two other questions for Mr. Sniezek. One, there was a voluntary commitment from the applicant with respect to mitigating the impact on the

schools, both for Sabal Palm and Monterey. My understanding is the School Board is in the middle of creating new student generation rates; is that correct?

MR. SNIEZEK: That is correct.

COMMISSIONER LIEBERMAN: Will the applicant have to meet the new rates or the existing rates?

MR. SNIEZEK: They've offered to meet the new rates.

COMMISSIONER LIEBERMAN: They've offered to meet the new rates. So whatever those rates are, he would pay the additional money?

MR. SNIEZEK: That's my understanding, and that would be a condition of the amendment approval.

COMMISSIONER LIEBERMAN: Okay. Okay. So he has agreed that he would mitigate for the school impacts?

MR. SNIEZEK: Yes.

COMMISSIONER LIEBERMAN: All right. Next -- how are objections typically resolved at the adoption stage by the Department of Community Affairs? What happens next if there's an objection?

MR. SNIEZEK: Usually when there's an objection, there is dialogue between the review agencies and staff and the cities and the applicant, and it's usually a feeling out process, and then we develop our recommendation to the County Commission, and then that's adopted, accepted or rejected, and then if it's accepted, it's sent to DCA for their evaluation, and then they consult with the review agencies. That's the usual procedure.

COMMISSIONER LIEBERMAN: So hypothetically, if the commission were to approve the Monterey with the mitigation that the developer has offered, it would be sent to DCA. They would review whether that was sufficient. They would either say yes, it's sufficient or they would find them in noncompliance and issue a notice of noncompliance; is that accurate?

MR. SNIEZEK: That's the process, yes.

COMMISSIONER LIEBERMAN: If they issue a notice of noncompliance and the city adopts anyway, are there penalties to the city?

MR. SNIEZEK: The penalty would be that the amendment is not effective and the issues would still have to be worked out.

COMMISSIONER LIEBERMAN: Until such time as they come into compliance?

MR. SNIEZEK: Yes.

COMMISSIONER LIEBERMAN: And is that the process used a hundred percent of the time for land use amendments?

MR. SNIEZEK: At the county level, yes.

COMMISSIONER LIEBERMAN: Okay. Can I just ask Mr. El Eid, Ms. Brangaccio, with your permission? These are all the issues that people have asked us about. I've spent a lot of time in my office because it impacts -- these are the common issues.

MAYOR EGGELETTION: Mr. El Eid, you're recognized.

MR. EL EID: Good afternoon, my name is Jihad El Eid. I'm director Broward County Traffic Engineering Division.

COMMISSIONER LIEBERMAN: And the two issues, Mr. El Eid, which have been raised to me -- and several I've forwarded to you and you've evaluated and we've forwarded back to the residents, one was whether this \$300,000 to buy this new system really does mitigate any traffic or not.

MR. EL EID: We are confident that the implementation of an adaptive traffic signal system that will not only be implemented on Commercial Boulevard, but throughout the county will mitigate the impact of the development and significantly improve traffic on Commercial Boulevard.

COMMISSIONER LIEBERMAN: Can you tell me why it mitigates the impact?

MR. EL EID: Well, basically the existing signal at that time we have was built in 1980.

OPERATOR: You are the only person in the meeting now.

COMMISSIONER LIEBERMAN: God, that would be nice.

MR. EL EID: The signal system, as I said, that we have now was built in 1980 and has very limited capabilities, and we depend on signal timing based on a fixed amount of time to have progression along Commercial. The adaptive traffic control system that we are recommending that we will implement is a very dynamic system in which will use a cycle by cycle analysis for the traffic. Now this particular system or similar system that we are trying to implement actually was recommended by DOT around seven years ago. They put a trial system along Commercial Boulevard on that particular area, and they wanted to implement it seven years ago.

However, that particular system is heavily dependent on detection, and at that time we have loop detectors in the field and these have been very problematic for us. Now the county has really adopted a new system which is the video detection which we have allocated around \$16,000,000 to upgrade the signal detection throughout the county and that will really allow us to implement that adaptive traffic control.

COMMISSIONER LIEBERMAN: So in your professional opinion, it's your professional opinion that's on the line here. You're the head of this department?

MR. EL EID: Yes.

COMMISSIONER LIEBERMAN: Will this actually mitigate trips?

MR. EL EID: Yes, it will.

COMMISSIONER LIEBERMAN: Okay. And then the second issue is, I don't know about Commercial Boulevard and State Road 7. Of all of you, I live the closest to that intersection. I drive through it a minimum of twice a day, and even before either of those proposals, Mr. El Eid and I have been talking about that intersection.

MR. EL EID: Well, Commissioner, as we are all aware of this, for the last almost five years, Commercial Boulevard in this area has been going some kind of construction one way or another. So really, we never had an actual capability to really look at the traffic objectively because every time you go there, there is construction. There is access management. There is triple R project. There is widening of the Turnpike. Even now as we speak, there's a project that's going to on for three years to widen the Turnpike bridge.

So we have done the signal timing that we can. We have optimized the signal as we can now based on the system that we have, but if we implement the adaptive traffic control system and we implement ITS and include video detection, fiberoptic and the whole system, not only will we benefit that area, we can use that system throughout the whole county and any corridor that's having similar problems. We can implement an adaptive traffic control.

COMMISSIONER LIEBERMAN: So is it your testimony here today that you believe that same mitigation will also reduce the problem on Commercial and State Road 7?

MR. EL EID: That is correct. We have to synchronize the whole area.

UNIDENTIFIED SPEAKER: (Inaudible).

COMMISSIONER LIEBERMAN: Yes, at what year?

MR. EL EID: Well, basically we have an ATMS, Advanced Transportation Management System . We're going to go into construction within six months hopefully if we go through all the process. So the first phase of our implementation will go within a year. So if we get the system and we can -- actually it has taken DOT three years to analyze a software system for our signal system, and they are -- we're very close actually, within a week or so, of issuing a letter of recommendation for a system, and that funds will allow us to directly purchase that software.

COMMISSIONER LIEBERMAN: Okay. And I guess I just would tell all of you, the one thing that Mr. El Eid and I both 1,000 percent agree on is that area has always been under construction, has always been a work in progress.

MR. EL EID: Yes.

COMMISSIONER LIEBERMAN: And it's kind of hard to judge it, and this is not the first time we've looked at Commercial and 441, and I would suggest to you it's probably not the last.

MR. EL EID: We will continue to look at it.

COMMISSIONER LIEBERMAN: Okay. If I can, I'd like to ask Mr. Miller, who is the city manager, to come forward.

Thank you, Mr. El Eid.

MAYOR EGGELLETON: Mr. Miller, you're recognized.

MR. MILLER: Yes, Mr. Mayor.

COMMISSIONER LIEBERMAN: When we approved this item for transmittal, we directed the applicant to do a local traffic study of the internal roads within the Mainlands and within Sabal Palm -- I'm sorry, within the Monterey area, the area surrounding Monterey and the area surrounding Sabal Palm. My understanding is that they worked with city staff. So the question I have for you is whether you can tell me and the members of the board if, in fact, there are proposals that you believe will mitigate local traffic impact.

MR. MILLER: Yes, I believe so.

COMMISSIONER LIEBERMAN: And could you tell us what they are?

MR. MILLER: Well, the applicant, first of all, has committed to spending \$250,000 for both Sabal Palm and Monterey within those communities to mitigate neighborhood traffic. As you know and as you've heard from your transportation engineer, they've also committed to \$300,000 for the county to go ahead and synchronize those lights. And I can't agree with him more, we've been working on that problem with Broward County for the last seven years and with the state, and it's always under construction to improve it, and the Turnpike Authority. And so until that is actually accomplished, we'll never really know what the affect of all that is, but I do know one thing from having been out there and studied this issue myself, and that is that those lights have got to get synchronized up and down there, and once that happens, it's going to improve the situation greatly there.

COMMISSIONER LIEBERMAN: Is it your testimony today that you believe the installation of these speed bumps or speed humps or whatever you call them will reduce the traffic in --

MR. MILLER: Yes, it will slow the speed down and it will make it a much safer situation, yes.

COMMISSIONER LIEBERMAN: Tell me how you're handling construction traffic.

MR. MILLER: Well, we haven't gotten to that point where we've begun to review that because we don't know exactly what the developer has done. He may have had some conversations with our transportation engineers, but, as you know, we're in the more general phase of plan review now. Once we get down to the subdivision plats and down to that level, then we'll have a much better idea.

COMMISSIONER LIEBERMAN: So is it safe for me to assume that this is not over; that there's still site plan issues and other issues that are solely within the purview of the city to make sure that entrances, exits, traffic? Yes, no?

MR. MILLER: That's correct. There are several more layers of review that we'll go through at the city level, and we'll be doing the zoning. We'll be doing site plan review, building permit review. So there's several more layers, and, of course, transportation.

COMMISSIONER LIEBERMAN: Thank you. I have a question for the applicant.

MAYOR EGGELLETON: Would you like to speak to, the person who represents the applicant or the applicant himself?

COMMISSIONER LIEBERMAN: Whoever they want to send up.

MAYOR EGGELLETON: Okay. There he is. Go ahead.

MR. KNIGHT: I'll take the question and if we need to bring somebody up, we will.

COMMISSIONER LIEBERMAN: Do you have authority to bind your client?

MR. KNIGHT: It depends on what I'm binding them to.

COMMISSIONER LIEBERMAN: Does your client have authority to bind themselves?

MR. KNIGHT: They're here, so --

COMMISSIONER LIEBERMAN: Maybe you want to bring them up.

MR. KNIGHT: Okay. Shawn Chait.

COMMISSIONER LIEBERMAN: And I'm trying to walk through all the similar issues. I won't be asking these again on 23.

MR. CHAIT: Hi, Bruce and Shawn Chait, representatives of Prestige Homes.

COMMISSIONER LIEBERMAN: And you have the authority to bind Prestige Homes?

MR. CHAIT: Yes, we do.

COMMISSIONER LIEBERMAN: Okay. The first issue has to do with -- and I'm going to do Monterey first. On the Monterey development, there may or may not be sound walls constructed by the Turnpike. I want a firm commitment that wherever the Turnpike does not construct those sound walls that you will construct them as a condition of approval.

MR. CHAIT: Yes, we will.

MR. CHAIT: We will.

COMMISSIONER LIEBERMAN: Okay. I want the same condition for Sabal Palm, that wherever it's not constructed, you will close the gap and you will construct sound walls at your own expense.

MR. CHAIT: Yes, we will.

COMMISSIONER LIEBERMAN: Okay. Next, you have reached agreements, I believe with Mainlands 1 and 2, Mainlands 3, and Mainlands 5. I'd like you to commit to us today that whatever the terms are of those agreements, they'll be incorporated in this approval on a condition of approval.

MR. CHAIT: Absolutely positively.

COMMISSIONER LIEBERMAN: You've reached agreement with Section 6 and 7 in Carriage Hills with respect to Sabal Palm. I want the same commitment there.

MR. CHAIT: Absolutely positively.

COMMISSIONER LIEBERMAN: Okay. Now the way that you got your traffic impact down was you agreed to reduce the number of units, correct?

MR. CHAIT: We actually went from 1,760 grand total down to 728.

COMMISSIONER LIEBERMAN: Okay. I want a commitment from you today that you will not ask the city to give you any FLEX units.

MR. CHAIT: Absolutely.

COMMISSIONER LIEBERMAN: And that these numbers are the absolute fast and final numbers and that if you go to seek them, this approval is null and void.

MR. CHAIT: Absolutely, positively.

COMMISSIONER LIEBERMAN: For both Monterey and Sabal Palm.

MR. CHAIT: Yes.

COMMISSIONER LIEBERMAN: Okay. My understanding is that you're going to be installing speed bumps and Monterey and Sabal Palm and that's part of the agreement with the associations to reduce traffic; is that correct?

MR. CHAIT: We've been working very closely with the city on that and we will do that.

COMMISSIONER LIEBERMAN: Okay. So you are voluntarily committing that you will install speed bumps wherever directed to by the City of Tamarac?

MR. CHAIT: Yes, we will.

COMMISSIONER LIEBERMAN: In both Monterey and Sable Palm, wherever the city identifies that need?

MR. CHAIT: Yes, we will.

COMMISSIONER LIEBERMAN: School Board, you made a voluntary commitment to the School Board, my understanding is the generation numbers are different, no matter if they're higher, I want a voluntary commitment today that you will pay the higher number for students for both Sabal Palm and Monterey, whatever that number is.

MR. CHAIT: Yes, we already agreed to that.

COMMISSIONER LIEBERMAN: Okay. I want a voluntary commitment that whatever money you have offered to the city for Sabal Palm and Monterey to help mitigate impacts as well as to these associations will be a condition of approval and the failure to provide that money makes this approval null and void.

MR. CHAIT: Absolutely.

COMMISSIONER LIEBERMAN: Okay. This brings me to the last three issues. Here's the difference between Sabal Palm and Monterey. First, with respect to Sabal Palm, there is a piece of property on the corner of Rock Island Road and Commercial Boulevard on the northeast corner. I want a voluntary commitment that you will give that property in whatever acreage they need to the City of Tamarac to construct a fire station and an EMS at that location.

MR. CHAIT: Absolutely, we will donate that property to the city.

COMMISSIONER LIEBERMAN: And understand as you're making these commitments, should you welch on any of these --

MR. CHAIT: We don't welch.

COMMISSIONER LIEBERMAN: I want you to understand --

MR. CHAIT: We don't welch.

COMMISSIONER LIEBERMAN: -- this will be null and void.

MR. CHAIT: That's fine. The property will go to the City of Tamarac.

COMMISSIONER LIEBERMAN: My understanding is you've made a financial contribution to the city to help offset the construction cost for that fire station. Is it a \$1,000,000, Mr. Miller?

MR. MILLER: The city will be getting a total of \$1,000,000.

COMMISSIONER LIEBERMAN: I want that as a condition of approval. Okay.

Now, here's where they're different. One of the big issues, and I think the reason you have consensus on Sabal Palm, everybody surrounding Sabal Palm has agreed that they want this to happen, and they've agreed today that all of the agreements they've reached with 5 and 6 -- I'm sorry, 5, 6, and 7 in Carriage Hill -- 6 and 7 in Carriage Hills would be incorporated. Here's the difference: In Sabal Palm, the entrances and exits to the development in Sabal Palm, never go through the streets.

MR. CHAIT: Six, we will -- we did disagree to that. 7, the only entrance is -- we are going to build a new entrance, but 7, some of the streets there --

COMMISSIONER LIEBERMAN: And they have consented to that?

MR. CHAIT: They have consented, yes.

COMMISSIONER LIEBERMAN: But the issue with respect to 6 is --

MR. CHAIT: Six, we're going to use our own streets.

COMMISSIONER LIEBERMAN: -- they're totally separate. They're distinct. You're doing the buffer, which is why we're incorporating everything you've agreed to with 6?

MR. CHAIT: Yes.

COMMISSIONER LIEBERMAN: Okay. What can you do for -- I have to tell you, I've known Ms. Baker, I would tell you more years that she and I would admit. It's probably close to 30. I believe her when she tells me 4 is the association that has the greatest impact of all of the associations around Mainlands. Vice Mayor Wexler, I believe you have a copy of an e-mail with respect to, we specifically asked you to explore with the City of Lauderdale Lakes whether you could do the same thing in Monterey that you could do in Sabal Palm.

MR. CHAIT: We will continue to meet with the City of Lauderdale Lakes and see if they can put it in front of their commission, I believe the e-mail and see where we go with that.

COMMISSIONER LIEBERMAN: Here's my concern. Ms. Baker sent us a letter and said if we want you to, will you do it? You had some minimal, I will tell you very minimal discourse with the City of Lauderdale Lakes and if Section 4 says: This is what we really want, it's got to be real and substantial. It just can't be, you know, a: Hey, by the way, kind of situation.

MR. CHAIT: We will continue to meet with them and we will present it to their city commission.

COMMISSIONER JACOBS: I'm confused.

COMMISSIONER LIEBERMAN: Yeah, here's why.

MAYOR EGGELLETON: No, no, no. Just wait a minute.

COMMISSIONER LIEBERMAN: Here's the issue.

COMMISSIONER GUNZBURGER: I'm confused, Joe.

MAYOR EGGELLETON: Well, let me just tell you, the development backs up to the City of Lauderdale Lakes.

COMMISSIONER LIEBERMAN: Lauderdale Lakes. Monterey only, not Sabal Palm. There's no portion. Monterey only. Okay. How are you going to handle -- I know construction traffic in Sabal Palm is a nonissue because you're constructing your own streets so it doesn't matter and they're not intertwining. Talk to me about Monterey.

MR. CHAIT: The City of Tamarac has a -- you can develop property seven days a week. We have limited that, and we are not going to go by the city's guidelines. We're going to reduce it and go by our own.

COMMISSIONER LIEBERMAN: But you're going to be taking construction equipment through their streets?

MR. CHAIT: We are.

COMMISSIONER LIEBERMAN: Well, I think we need a different plan.

MR. CHAIT: Commissioner Lieberman, we've already spoken to the City of Tamarac. If there is any damage whatsoever to any of their roads, whatever they will, they'll be brought up to brand new standards. I mean these roads right now are approximately 40 to 45 years old. These roads right now, I don't know if you've driven through there, but these roads actually do need to be replaced, some of them. We are also bringing in probably brand new waterlines to make their water pressure problems -- they have major water pressure problems. We've given the city money to bring the pressure up to where it should be. And as we do that, we will be chopping up some roads and as we chop up the roads, they will be replaced with brand new roads.

COMMISSIONER LIEBERMAN: Okay. Finally, two just last questions very fast, Mr. Bruce Chait, when you introduced yourself and said you could bind your company, I notice you have a person standing to your right who didn't make the same commitment and he's answered yes to some of the things. Do you adopt the same things he's agreeing to as your own?

MR. CHAIT: Commissioner Lieberman to be perfectly honest with you, I hope to retire very shortly and you're looking at the fellow that will be doing this.

COMMISSIONER LIEBERMAN: I just want to make sure that nobody ever comes back to us and says they didn't have the authority to bind us.

MR. CHAIT: I give him full authority to act on anything that Prestige Homes brings in front of the commission.

COMMISSIONER LIEBERMAN: Great. Then will you give him the authority to go see Section 4 and work out their issues?

MR. CHAIT: We would like to welcome speaking to Section 4. There are some things that we do have in mind: I know some people behind their houses do want the extra property. We did plan to put a berm up there. We did plan to put a fence up there. We do want to make them happy. I know there's been not a lot of dialogue between us and them. There's been a lot of misunderstandings between President Stavros and what's going on out there. I do welcome the opportunity to talk to everybody out there. We've been to their clubhouse twice. We weren't allowed to speak. I would like to speak to them, and that's all I could tell you.

COMMISSIONER LIEBERMAN: Then all I would ask -- Mayor, this is your district, not mine -- I would ask that they do meet with Section 4 and that we hear if they're able to reach an accord and that the city take notice of that should this issue be approved when it comes to them for site planning issues, Mr. Miller?

MR. MILLER: Yes.

COMMISSIONER LIEBERMAN: I'm done.

MAYOR EGGELETTION: Okay. Thank you very much. Okay. Anyone else to speak on the item?

Yes, Commissioner Jacobs, you're recognized.

COMMISSIONER JACOBS: Thank you, Mayor. My questions are basically the very same questions I had when this issue was before us before, and Mr. Chait and I spoke about my concern with the Turnpike and the noise impacts and the way that they do things up in Palm Beach County.

MAYOR EGGELETTION: Commissioner, I don't want to interrupt you, but -- and, you know, you were in back when we went through this.

COMMISSIONER JACOBS: I heard the discussion.

MAYOR EGGELETTION: Okay. Good. That's what I was going to ask you.

COMMISSIONER JACOBS: I was under the speaker.

MAYOR EGGELETTION: That's exactly what I was going to ask you.

COMMISSIONER JACOBS: So I wouldn't miss a word, but I did had to put something in my stomach. I promised when I left the house this morning -- in fact, my husband called to make sure that I'd, in fact, eaten something tonight. Okay.

Back to my question, when you and I spoke, you had talked about building whatever was necessary out there, and at the time that we spoke, the -- I guess the plan was to build a four-foot berm topped by a six-foot wall which would give you a total of ten feet.

(COMMISSIONER RODSTROM RETURNED TO THE ROOM.)

COMMISSIONER JACOBS: And my concern I shared with you at that time was that the abutting wall that's being built by the Turnpike, the studies that they do are taken from the center line of the Turnpike, and whatever is being built by the Turnpike either before or just after this project would fit within the needs of this section would be the same as what is just before or just after it according to the study.

So when we checked, the wall height that is being built over there is between 19 feet on the southern side and 20 feet, the small piece that's directly north. So that is less than -- what you had proposed was less than half of what the Turnpike Authority is building for the rest of the residents along the Turnpike. So my

question to you is: Will what you build match that which the Turnpike Authority is building because it contemplates double what you and I had discussed?

MR. CHAIT: I think after we reflected on our project and I spoke with everybody at the county and I think everybody at the county at least in my opinion felt that it was more valuable to go up from ten percent to 15 percent affordable housing and try to cut our costs somewhere, and that was one of the places we tried to cut our costs. We have agreed to build a four-foot berm and a six-foot wall above that, and I did go up and meet with the Turnpike Authority, and they were not helpful at all. I offered to pay for another sound test on this side. They wouldn't let me. I offered any kind of contribution I could make with them, and they had no -- they wanted no part of helping at all. So I think by us doing this, I think that was as much noise abatement with the berm and the six-foot wall as we --

COMMISSIONER JACOBS: Okay. I seriously could not disagree with you more. First of all, the Turnpike's position has been throughout the mainline Turnpike and throughout all of West Palm Beach, for example, and that entire county's position is that anything that gets built, the developers all throughout Palm Beach County, which enjoys much more space along the Turnpike than Broward County does, each one of those projects, the developer has paid for a sound wall that matches that which the Turnpike Authority builds.

To think that the residents that will end up living here because by virtue of their needing affordable housing should be subjected to more noise and pollutants, to me, is completely the wrong direction to go. There is no reason that you, as a developer, in my mind should not be stepping up to the plate as is my discussion with Mr. Chait, Sr., that you would protect these areas and do that which was already contemplated by the Turnpike Authority.

Now from the Turnpike's point of view, not that I completely agree with them and have had my own frustrations within the way the Turnpike works, but the way the Turnpike views this issue is that anyone that comes along after the fact and builds a subdivision or a housing division next to the Turnpike has to make those improvements, and if they were to accept half or a quarter or any portion of the total cost of building a wall, then they would, in essence, set a precedent and have to accept that same contribution the rest of the mainline Turnpike, which is something they refuse to do, which is most likely why you didn't get much headway with them in your conversations to contribute any portion of that wall.

So I guess what I need to understand from you tonight is that, are you in a position, are you at all willing to revisit the opinion that you just gave to me, or is that your final answer, that the Turnpike -- the wall that would protect these residents from the widening of the Turnpike remain at a total build-out of ten feet?

MR. CHAIT: Commissioner Jacobs, let me ask you a question. We had dialogue on this yesterday, and you expressed an interest and you wanted us to do this. It seems like it's very important to you. Let me ask you a question. Could we count on your support if we do this?

COMMISSIONER JACOBS: I'm going to -- I asked you a question first, Mr. Chait, and yesterday when you and I had this conversation, you told me that you would do what it took to guarantee that these homeowners had the same protections that the other homeowners along the Turnpike have. Now the person who you have said you're going to retire and give your company to has just said that that is not what the company is willing to do. So I'm hearing two different things here.

So there are -- I am not going to tell you at this moment how I'm going to vote until and tell me colleagues how I'm going to vote before I do it. But I ask you again the question: Are you willing to make those sound protections for these residents match that sound protection which the other side of the Turnpike is going to enjoy and other areas along the Turnpike are going to enjoy?

MR. CHAIT: Commissioner Jacobs, we had dialogue yesterday, and yesterday you told me if I went to the 15 percent and I went to the sound wall, that it was fine with you. If there's a different story today, I'd extremely appreciate if you would tell me.

COMMISSIONER JACOBS: Mr. Chait, I no way told you yesterday that I was trading my vote for that. Now what I said to you was, and in our conversation -- our conversation we had on multiple issues of which I did not have a problem. The issue, you know that I still had a remaining problem with was the wall, and in my discussions with you yesterday, you led me to believe that should Prestige Homes complete that wall, that should you look into this issue -- where we left it yesterday was I was going to investigate the height of the wall, that if you build a 10-foot wall, but the sound is happening at 12 or 15 feet that doesn't help the residents and, in fact, your 10-foot wall is a waste of issue.

MAYOR EGGELLETON: Commissioner --

COMMISSIONER JACOBS: Mayor, this is an important point for me.

MAYOR EGGELLETON: You shouldn't be repeating. I mean, you're repeating. If you listen, you're saying the same thing, you really are, and let me just ask this question, because your question gets to Commissioner Gunzburger who is not her, question. Both of you, when this originally came, had a real concern about the affordability of the homes in this area. I had a different concern in that I felt that all the homes that they were building were affordable. But y'all wanted them to set aside a certain amount. They offered 10 and y'all wanted 15, and they've gone up to 15. The only thing --

COMMISSIONER JACOBS: Mayor, with all due respect, my issue is not the affordability level right now. It is the issue of the wall.

MAYOR EGGELLETON: It's the wall.

COMMISSIONER JACOBS: And it has been my single remaining issue, and in my conversation with this gentleman yesterday, he understood that that was my single remaining issue, and I still --

MAYOR EGGELLETON: So the affordability issue is not an issue with you, right?

COMMISSIONER JACOBS: The affordable issue, it was an issue and has been resolved to my satisfaction. The only sole issue remaining was the issue of the wall. Now never did we say we will trade affordability for a wall. That was not part of the conversation. So the answer I'm seeking now is really a yes or a no.

COMMISSIONER LIEBERMAN: You know, I need a point of clarification, if I can just follow-up on what you're asking. My understanding is, and that's why I asked the question about the sound walls, that with respect to Sabal Palm, which is in my district, the Turnpike is building most of that. There's a very small section that they're not building and that the commitment from the developer with respect to Sabal Palm is what they're building will match and be equal to what the Turnpike is building.

So I believe your concerns are only for Monterey, because they've already committed that the sound walls, the very small portion that the Turnpike is not constructing -- and they may end up doing all of it on the west side. This is one of those areas where Sabal Palm and Monterey are being treated differently, that it's not an issue for Sabal Palm and I'd want them to clarify that in their response to you as well, because they've already committed that with respect to Sabal Palm, wherever the gaps are, they're building it equal in height to what the Turnpike has done.

COMMISSIONER JACOBS: Commissioner, I understand that but right now we're on 22, and we are discussing Monterey.

COMMISSIONER LIEBERMAN: No, I just want them to clarify both when they answer.

COMMISSIONER JACOBS: When we get to it, I agree.

COMMISSIONER LIEBERMAN: Right.

COMMISSIONER JACOBS: But for me, this is a hang your hat –

MR. CHAIT: I'm sorry for interrupting, but we will build a wall as high as the Turnpike's wall is building across the way in Sabal Palm.

COMMISSIONER JACOBS: Okay. We're speaking about Item 22.

MR. CHAIT: And Monterey.

COMMISSIONER LIEBERMAN: So that's the one issue. I just want to make that clear.

COMMISSIONER JACOBS: So back to my issue on Monterey --

MR. CHAIT: The wall will be as high as the wall at Sabal Palm.

COMMISSIONER JACOBS: No, that's not the correct answer. The Sable Palm is –

MR. CHAIT: The wall --

COMMISSIONER JACOBS: The Sable Palm wall is not the same and is handled differently because it's being built on the shoulder and it doesn't have any bearing to what's happening on Monterey.

MR. CHAIT: Okay.

COMMISSIONER JACOBS: What I'm asking you -- let me clarify my question one more time. What I asked for yesterday and what I'm asking for again today is that the wall that you build will have -- or whether it's a combination of berm and wall, whatever the finished height of that is will match that which is on the northern southern end of the Monterey project which is on the east side of the Turnpike.

MR. CHAIT: Yes, it will.

COMMISSIONER JACOBS: Thank you. Thank you.

Mayor, I have no further questions.

MAYOR EGGELETTION: Okay. Any other questions from board members?

Yes, Vice Mayor Wexler, followed by Commissioner Keechl.

VICE MAYOR WEXLER: I still –

COMMISSIONER GUNZBURGER: (Inaudible.)

MAYOR EGGELETTION: Someone else has been recognized.

COMMISSIONER GUNZBURGER: Oh, okay. Then I'll finish chewing.

VICE MAYOR WEXLER: Finish chewing.

MAYOR EGGELETION: You've got two other persons in front of you.

COMMISSIONER GUNZBURGER: Okay.

VICE MAYOR WEXLER: Thank you. I just have a couple of -- one statement I would like to make regarding what I heard many of the speakers say this afternoon, and I don't know that there is a way to even address the concern about the -- their belief that there's going to be a reduction in the value of their homes because of the younger families and the children that would be coming to the new community that you would be building potentially. I want to say that to you because that really was the flavor of many of the correspondence, the e-mails and the statements made today. I don't even think it needs a response unless -- what could you say?

MR. KNIGHT: Well, the situation is now that the two golf courses are closed. Some of the people gave the impression that they're living on a golf course. They're not living on a golf course anymore. Those two golf course are closed. They're not re-opening the golf courses.

VICE MAYOR WEXLER: Have they been maintained?

MR. KNIGHT: They have been maintained. These gentlemen are maintaining them very well. Now when the -- so whatever premium, for instance, that the golf course front lots had have been lost as a result of the closing of the golf courses. We had an appraiser that testified at some of the hearings through this process that by -- when this project is built, the waterfront -- those will become waterfront lots, that that premium will be restored as a result of that. Also that the building of these new homes in this community will raise -- Mayor Eggeletion may remember this because you asked this question to the Planning Council, that building these homes will generally raise the value of homes in the area because they'll just have a spreading effect on the other homes in the area.

VICE MAYOR WEXLER: Well, I'm glad you responded.

MR. KNIGHT: So it will be beneficial.

VICE MAYOR WEXLER: I'm glad you responded, but there seems --

MR. CHAIT: Can I say one thing?

VICE MAYOR EGGELETION: Fine with me.

MR. CHAIT: Section 7 left already. They are the ones that have dropped their deed restrictions. There are children living in that community. It's not a senior citizen community. The houses in there are the same identical houses sell for 15 to 20 percent more than the other Mainlands communities.

VICE MAYOR WEXLER: I recognize that reality for probably if not all of the age restrictive communities in Broward County -- yes, you are absolutely correct. However, I think that it's really important to recognize that there is a lifestyle --

MR. CHAIT: Absolutely. Absolutely.

VICE MAYOR WEXLER: – that many of these resident have signed up for, and that their lifestyle will be impacted through -- what would be occurring through development, and I refer to the golf course because it's my understanding that it is definitely an open area but it hasn't been maintained as it had been pre-Wilma as far as an amenity is concerned.

MR. CHAIT: Actually if you want to ask Mike Cernech, the assistant city manager, I think he'll tell you exactly how they've been maintained.

VICE MAYOR WEXLER: Okay. May we, Mayor?

MAYOR EGGELLETON: Yes. Ask anybody you'd like. State your name for the record.

MR. CERNECH: Sure, for the record, Mayor and members of the commission. I'm Mike Cernech, @ Deputy City Manager, City of Tamarac. I'm sorry, I only heard half of your question. Could you repeat it?

VICE MAYOR EGGELLETON: After Wilma, it was my understanding that the golf courses, Sabal Palm, and Monterey, were not maintained. As a matter of fact, they became somewhat neglected and although they may be open space, they're not to the -- they're not manicured as they had been previously. I don't know if that's a true statement or not. Will you verify that that's a correct statement or not?

MR. CERNECH: Sure. Vice Mayor Wexler, going back to 2001 when I began my career with the City of Tamarac, we've had ongoing code compliance and maintenance issues with both golf courses. Now the Monterey course has been closed for some time and has been an ongoing code compliance problem for the City of Tamarac and for the residents that live on that golf course. Now we have, through the code compliance process, required that it be maintained. It has been maintained to a higher level since the current property owners took ownership of that course. They have consistently cleaned and maintained it. After the hurricanes, they did, I think, a very good and certainly adequate job of debris removal on the Monterey course.

The Sabal Palm course is just a little bit of a different story. That golf course was a golf course up until maybe 24 months ago. Now having said that, it was a golf course that they had a very difficult time even growing grass in the fair ways because it was worn out which is why it closed ultimately and is no longer a golf course.

After Hurricane Wilma, there was a tremendous amount of damage to that course, a tremendous number of Ficus trees and Banyan trees overturned and uprooted, which did have to be removed, and they were removed very quickly. And I will say that when Sabal Palm was a golf course, we had terrible issues with the prior ownership trying to maintain the drainage ditches and the other areas out there that actually the city was responsible to maintain because we couldn't get appropriate easements and things and with fluctuating water levels really limited our use of aquatic pesticides and the like, and, as such, we had terrible problems over the years with that.

Since the golf course has closed and since the new property owners have taken over, we've certainly had a much better go at it and I've commended them in several public meetings and will continue to do so for our consistency and maintenance of the golf course as it is today. So to answer your question, yes.

VICE MAYOR WEXLER: Thank you.

MR. CERNECH: Thank you.

VICE MAYOR WEXLER: Wow. That's a lot of words to get to yes. But the second issue, the second issue is really one that still troubles me. Commissioner Lieberman addressed it. She made reference to the e-mail from -- between Mr. Chait and the assistant city manager from Lauderdale Lakes. And I just

don't know how you're going to -- someone else made reference to the biggest cul-de-sac in the area, and really when anyone would look at a map and see how even construction traffic, and if you remember at the transmittal hearing is where I brought up about the construction traffic in particular impacting this community and the lifestyle of this community and how it was going to be mitigated. I still have not had that addressed and I'm really very, very concerned about that.

The Sabal Palm, Item Number 23, is a much simpler issue, much simpler issue for me personally than Item Number 22 is, and it's only that one section there that I know you've made an attempt, but it looks like the door is closed. Now maybe you need to be more aggressive in the City of Lauderdale Lakes. I don't know what the solution is, but to have construction traffic going through the residential community is very troubling.

MR. KNIGHT: A couple of points, Vice Mayor. As stated previously, we'll continue to explore those possibilities with the City of Lauderdale Lakes. We've provided information to the city regarding the traffic, the local traffic impacts of this project and also the traffic calming and mitigation measures we'll be taking with respect to the local streets. The final analysis, the City of Tamarac has that concern as well, and they have the jurisdiction over those local streets. They're city streets. They're public streets. Somebody earlier said private streets. They're not. They're public streets and they're under the jurisdiction of the City of Tamarac, and we'll continue to work with the City of Tamarac and the City of Lauderdale Lakes to try to address this issue and implement the mitigation and calming measures that we talked about.

VICE MAYOR WEXLER: You can implement the calming measures and that might slow down traffic, but a dump truck is a dump truck is a dump truck and the hours in which they might go through a residential neighborhood is a significant impact. So as you would begin and continue to mitigate this, I really hope that you're cognizant of those hours of operation, that construction, and that they would -- this is a retirement community, and that, to me, has really not been addressed aggressively. The best answer you've given me so far is that you're continuing to have this conversation with the city. I wish that you could stand here and say: We've done this, this, this, and this, and this is what we have committed to, and you're not prepared to do that today.

MR. KNIGHT: We've committed to implement the mitigation and calming measures that the city approves. We've submitted a plan to them. We're waiting on their -- we're going back and forth on those measures and what they deem appropriate for that area we will implement.

VICE MAYOR WEXLER: Would the calming devices be installed then prior to construction?

MR. KNIGHT: No, because if they are, they'll --

VICE MAYOR WEXLER: Exactly.

MR. KNIGHT: But you're talking about construction traffic?

VICE MAYOR EGELLETON: Yes.

MR. KNIGHT: But we're talking about implementing the calming devices such as -- well, we could put temporary ones in for the construction traffic.

VICE MAYOR WEXLER: I'm just concerned at this point --

MR. KNIGHT: We'll work with the city on coming up with those types of things that will help with that construction traffic.

VICE MAYOR WEXLER: It's that construction, the impact on the quality of life that I'm very concerned about with construction traffic.

MR. KNIGHT: Right. We plan on working with the city anyway on our construction traffic, finding the appropriate location for access, finding -- and taking the measures that we need to take to make sure they're not having an impact on the neighborhood.

VICE MAYOR WEXLER: You know, you're very kind with the dollar amount that you have committed to the various communities in Sabal Palm and Monterey in Mainlands. However, maybe you need to be more aggressive with your kindness financially with neighboring communities, because I was hoping you'd stand before us today and transmit today, and this is not what I was hoping to have, and it's been five, six months before you stood before and I asked the same questions there. You know, and -- let me see. This is December. It's this month that you reached out to Lauderdale Lakes. It's like it really didn't matter. It matters to this Commissioner, it really does, and I don't have resolution on that item yet.

MR. CHAIT: Vice Mayor, if I can indulge you for one second, the hours of construction in Tamarac I believe is 7:00 o'clock in the morning to 7:00 o'clock at night, am I right? 7:00 o'clock in the morning to 7:00 o'clock at night, 7 days per week. We have limited that already from 8:00 o'clock in the morning to 6:00 o'clock Monday to Friday, no work whatsoever on Sunday and half a day on Saturday. So, in other words, Saturday will be until 1:00 o'clock in the afternoon, absolutely no construction on Sunday and we limited from instead of 7:00 o'clock, 8:00 o'clock, and not only from 7:00 o'clock at night, we've limited it to 6:00 o'clock at night.

VICE MAYOR WEXLER: Well, that's something. Thank you. I'm done.

MAYOR EGGELLETON: All right. Commissioner Keechl.

COMMISSIONER KEECHL: Thank you, Mayor. Before I make my comments, and I'll try to be as brief as possible, I first want to say to the commissioners whose districts encompass this project that I don't take lightly my opposition today to both of these projects, but I do believe that there are times when you must make a policy decision and stand by it, and anybody who knows the three or four tenets that I ran on understands that it's my position that in Broward County we should not be converting golf courses to residences because we don't have a lot of green space left, and quite honestly, I don't find a lot of sympathy for owners who purchase property understanding that the comprehensive land use plans prohibit the uses that they want, and so when a landowner comes before me who owns a golf course over the next four years and says: I'm going to voluntarily limit the number of homes on that property, I'm going to remind him or her that they don't have a right to have those homes on the property to begin with.

Now we can sit here all night and we can go over the traffic issues. We can go over the water issues. But the bottom line is, as confirmed by our attorney, this is a policy decision, and each of us up here have to make a decision as to whether or not we believe that changing the Comprehensive Land Use Plan of Broward County from commercial recreation to residential in whole or in part is what's best for Broward County and the residents of Broward County, and that's why the proposed ordinance talks about in addition to the proposed plan being consistent with the appropriate law, that it is also in the best interest of the health, safety, and welfare of the residents of Broward County, and I don't believe that this application is.

It doesn't take a genius -- let me go back for a second. We have limited green space in our county. We have a bond program where we're trying to capture as much as we can, and I applaud this commission for its progressive nature with regard to green space, but I don't think we've ever done a study, and if we have, I'd like to know, with regard to the overall effect of the loss of these golf courses on Broward County as a whole.

I also have concerns with regard to, just as an aside, with regard to contamination on the property. Many of us know that these golf courses have been sprayed with arsenic laden herbicide for years. MSMA is

the appropriate name and I'm concerned in regards to building homes on them and it's my understanding DEP doesn't check the arsenic levels unless they're asked to. And although I think under these projects, no property is being given to the county for a park, I would think that the cities may want to check into that as well.

There is no doubt in my mind with regard to this specific project that the neighboring landowners are going to be effected and we've heard from them today. There are no roads directly hitting the Turnpike or Commercial and we know the level of service is already unbelievably bad. I appreciate the fact that the developer has come forward and has offered to pay monies and attempted to do traffic calming measures, but this Commissioner is not going to vote for this land use change. Thank you.

MAYOR EGGELLETON: Okay. Before I weigh in, I'm going to let everybody else talk. Commissioner Gunzburger, followed by Commissioner Rodstrom.

COMMISSIONER GUNZBURGER: I think this was a tough decision, but listening to the people who came here today, I came to the conclusion that the one part that really bothered me besides the loss of open space is also the loss of a lifestyle for people who buy homes on golf courses expecting that green space to be there, and even though a water feature may or may not add to the value of their home, that wasn't what they chose. They didn't choose, as I did, to live on the water. They chose to live where there was green space.

And what Commissioner Keechl just said about open space and herbicides would -- wooden picnic tables and benches that go into the ground also have the same miserable chemicals because of the way that the wood has been treated and also add to arsenic as a problem in parks. I don't know if you knew that, but I was quite aware of that as well.

I have concerns. I really feel that we have so little open space left to preserve. We had so many spaces we tried to purchase, and the people just saw dollar signs rather than open space, and I don't blame them. As property owners, they have every right to see the dollar signs, but we also have a right to preserve this, as much green area so that there's water recharge, as much preservation as we can for the future generations because once it's built on, it's gone. You can't get it back. It isn't there anymore.

MAYOR EGGELLETON: Commissioner Rodstrom, you're recognized.

COMMISSIONER RODSTROM: Yes, Commissioner Keechl, I recognize how important these golf course issues are to you, so I promise to have this situation cleared up as quickly as possible. In visiting with some folks in my office this morning, it occurred to me that I potentially have a conflict in that that I am an owner, part owner of a golf course and it didn't really dawn on me, but clearly that my voting to eliminate golf courses in this county has a direct relationship, at least in my mind, and that's what matters, because it would affect the value of my membership and my ownership in the golf course that I own. So I'm abstaining, and the attorney has told me that he hopes to have an opinion for me soon. He could not have one for me today, but in the abundance of caution I am abstaining from this vote, and I have filed the appropriate forms.

MAYOR EGGELLETON: Okay. Commissioner Ritter, you're recognized.

COMMISSIONER RITTER: Thank you, Mr. Mayor. Boy, I thought we made hard decisions in Tallahassee. I have -- I don't have any questions. I just want to make some comments about some of the things I've heard today. Some of which were extremely disturbing to me from the residents of this community, and I will remind the commissioners that we all already voted to change the comp plan from commercial recreation to residential and community facility to residential this afternoon on Items Number 20 and 24. So if you're opposed to it, generally then you should be opposed to it all the time and not pick and choose which items you want to vote yes on and what you want to vote no on. The policy should be a blanket policy, not --

COMMISSIONER LIEBERMAN: No, but it goes to the (inaudible).

COMMISSIONER RITTER: Okay. But I have the floor. I have the floor right now. My understanding is that the developer did, in fact, meet with Ms. Baker who is either the self-designated golf course liaison or she's been elected by her board as the golf course liaison. I don't know which it is but she does sign her documents as golf course liaison. They did meet with her not too long ago actually, and the meeting turned out to be not particularly beneficial to either side from what I'm told.

This absolutely benefits Broward County as a whole, and I'm sorry that the residents of this community don't think the bottom line is important, but as someone who was elected to wisely spend the taxpayer dollars, the more that we have, the less there is a burden on those of us who currently live in Broward County. I moved here 32 years ago, and let me tell you something, if you don't think Broward County looks different than it did 32 years ago, you have your heads stuck in the sand. There is not a single one of us that lives in Broward County that has not had a dump truck in our neighborhood every now and then at 8:00 o'clock in the morning to 6:00 o'clock at night moving dirt, whether it's putting a new roof on a property that was blown away as a result of Hurricane Wilma or someone is upgrading their property and they're building something on the back end and the dump trucks come and the backhoes come and there's noise. Broward County is not a small place anymore. It's a large urban community.

The City of Tamarac supports this development. The entire city commission is on board as supporting this particular development, and I heard somebody today, whether on this dais or in the audience, I can't recall, say that the developer isn't stepping up to the plate. They're paying off the rec. leases. They're putting in traffic calming that they don't have to do, speed bumps, and you heard them say today that anything the City of Tamarac wants with respect to speed bumps, they'll put in. They're putting in new roads so that the residents of Mainlands 4's road are not impacted by this new development. They're building less units than originally proposed. They're assisting in increased water pressure in the City of Tamarac. They're putting a 10-foot barrier along the Turnpike both at the Monterey and Sabal Palm part of this development. They're finishing the sound wall in Sabal Palm. They're limiting the construction sometimes more than the City of Tamarac requires.

I don't -- I'm sort of baffled by this. I know that the impact of these residents' lives will change, but Broward County has changed, and the fact that you don't want younger families moving into your neighborhood is insulting to this mother of three teenagers. I'm sorry, if you believe that your roads are going to be congested because teenagers whip through there at all hours of the day, I would suggest to you that the parents that are raising those children are not responsible and that is not this commission's problem. That is the neighborhood's problem.

Younger families do, in fact, do not reduce the cost of your home. They increase the value of your home. I have never lived in a senior community. And I'm a baby boomer, and I do not intend to live in a senior community and I'm sorry these people do not want children around. I do not want to live apart from them. I hope they live near me and I hope we live in the same kinds of communities.

I'm going to support this project. Broward County has changed significantly in the 32 years I've been here, and while I understand that some of the commissioners are concerned about the disappearance of open space, I grew up in this area, and if you don't think I travel it on a regular basis, I do and have since I received my driver's license. I know how clogged the roads are. I know that the roads have been clogged for 30 years. I drove Commercial Boulevard as a kid and I continue to drive it today because my parents do not live far from this community.

And let me say this: I don't appreciate the personal comments about my father who happens to be the Vice Mayor of the City of Tamarac. If you don't like an issue he takes, if you don't like a position he takes on an issue, you are more than welcome to come in front of this commission and express your disapproval, but I am personally insulted that you would come to this commission and speak about my

father in the ways that you have. It is insulting to me, it is insulting to him. It is insulting to my family and quite frankly it's insulting to those of you who live in this development because it was unnecessary to make personal attacks against my father.

I hope that the commission will support this project, Broward County needs to continue to be the progressive county that it is, and believe me, in eight years in the legislature, I have seen what it is like to live in a county that does not believe in moving forward. One of the reasons I ran for this commission was because I knew it was the progressive body that I could be proud to be a member of, recognizing that Broward has change. Change is hard. We all know change is hard. It is human nature, but change is coming, and I would suggest that you accept it. You welcome it, and you recognize that this is a positive thing for Broward County. Thank you.

MAYOR EGGELLETON: Okay. Before I weigh in, now one more time, Commissioner Jacobs, you're recognized.

COMMISSIONER JACOBS: Thank you, Mayor.

MAYOR EGGELLETON: No, Mr. Portner, the public comment session is closed.

VICE MAYOR PORTNER: Thank you.

MAYOR EGGELLETON: Commissioner Jacobs, you're recognized.

COMMISSIONER JACOBS: Thank you, Mayor. Commissioner Ritter, I understand your passion and your frustration with the rudeness that we've heard tonight, and I would put to you that the rudeness we've heard tonight was not isolated to those of the community. In fact, it was the developer himself as relates to me. I find his comments back to me untenable. I find that throughout this process since I am not the district commissioner, I have almost been ignored in my concerns because they didn't matter.

Now we come down to and I'm just going to say it, a 5/4, 5/3 vote. My vote actually matters tonight, and to think that a commitment or a concern that was raised by me was demeaned in the way that it was, I mean I just, I can't tell you how frustrated I am with that. However, I was always raised that others' behavior does not justify your own. No matter what. At the end of the day, you're stuck with your own commitments, your own honor, and your own idea about what is right. I've looked at this project.

I have many similar instances coming up in my district, and they are not the kinds of projects that have been suggested so far. They are still in their early stages, projects that I will most likely support. And, Commissioner Keechl, everything you said about golf courses in general I agree. I have some of the same situations in my district, but this golf course and this project to me is different than some that are being suggested in my community, and to the degree that the developer will not -- behaving very well today, I would say that has bent over backwards to try to accommodate the residents' concerns, and granted, Commissioner Keechl, as you said, it's because he has to. It's not because it's out of the goodness of his heart.

The amount of money that's being laid out here today means that there's even additional profits or, my God, you certainly wouldn't be bending over to the degree he has. The issues that I raised from affordable housing to noise impacts along the Turnpike, were not conditional that you solve one and then you're absolved of having the deal with the other. When you have a checklist, you start at the top and go to the bottom and if you get through all of them but one, it doesn't mean you don't have to do it because you solved the others, which was one of the questions about affordable housing that I should somehow give that up as a concern because a wall was being built.

I said it before and I still feel this very strongly, that those residents that are living here, that are either living in affordable or not affordable have the same right to quality of life than anybody else does and we

should never head down the road where we're going to compromise that. So I am, and due in part because of the binding commitment today made by the owner of Prestige Homes and hopefully his heir that a sound wall that matches the north and southern sound walls in this particular project, based on those assertions, I will be supporting this project.

COMMISSIONER LIEBERMAN: (Inaudible) a second chance.

MAYOR EGGELLETON: You want a second chance?

COMMISSIONER LIEBERMAN: Yeah.

MAYOR EGGELLETON: Okay. Go ahead.

COMMISSIONER LIEBERMAN: Here's the issue for me. You know, I would love -- in a perfect world, I would love us to be able to preserve every golf course. If you remember, and I believe it's before Commissioner Keechl and Commissioner Ritter joined us, and I believe Commissioner Jacobs seconded my motion originally, was we asked the County Attorney to talk to bond counsel about using the remaining funds in the parks and rec. bond issue.

COMMISSIONER JACOBS: (Inaudible).

COMMISSIONER LIEBERMAN: Right? If there was as willing participant to be able to acquire some of these golf courses. Not to be able to run them as golf courses because you can't do that under the bond issues, but to turn them into passive parks or open spaces or things of that nature.

As I said before, to me, Sabal Palm and Monterey are very different, but, be that as it may, we've made that offer to the communities, and, Commissioner Keechl, I would say to you with respect to concerns that you might have, is that I've e-mailed all of my cities to tell them -- and I hope I'm right, Commissioner Jacobs, that you were the seconder to that motion when we asked them to do that. I've e-mailed all my cities and said: If you have a similar issue, here's where it's at, and we have some funds. Now, granted, there's not a lot of funds. It's roughly \$12,000,000. So it's hard to say whether or not it will even meet demand in the community, but I think an unintended consequence clearly of the parks and bond issue as we bought these vast open spaces was that the development community turned elsewhere for housing because, like it or not, there are going to be new residents in Broward County.

So I'm going to support this project to go to the next level, which means DCA takes a look at whether or not they've cured those objections, and if they've not cured those objections, they're going to issue a notice of noncompliance. I would want the County Attorney to thoroughly rewrite the restrictive covenant to incorporate every one of the voluntary commitments in exact detail that were made today up to and including the height of the sound walls on both sides of the Turnpike up to -- you know, every single item.

And I guess I would also ask if there's some way that, you know, you're going to have minutes. You're going to review it. But I absolutely want to make sure that the city reviews that restrictive covenant and there's nothing missing from that document, because it will bind these two developments going forward, in my mind, 1,000 percent.

And then secondly, Ms. Brangaccio, in June of this year, I brought forth a concern to both the County Attorney and yourself which is I don't want to see golf course after golf course come in here, and though we'll review each on a case-by-case basis, and some may be different than others, clearly we've not seen anything come forward in terms of changes to our land use plan or County Attorney recommendations, and I would ask that you make that a top priority to come to this board as we requested in June before you joined us -- you came in July -- to give us some ability here to either help turn some of these into recreational, passive or active recreational, but I, for one, don't want to see golf course after golf course. These two are pretty far in the process. I think any other one is going to be really fair game, and I think

it's important for us to get the necessary tools in our land use plan and through the County Attorney to better deal with these situations.

MAYOR EGGELLETON: Okay. Thank you very much. Commissioner Wexler, you're recognized.

VICE MAYOR WEXLER: Thank you, Mayor. I guess that my statement I one to make is a little bit similar to Commissioner Jacobs, is that when something is requested and requested in a timely manner, it's really important to at least pretend to be working with us and paying attention. And I actually -- because of the dates that are on this e-mail, am a bit taken back by the fact that so many months went by, and there doesn't seem to be any effort that was made in order to try to find an alternate construction traffic access to the community. And I take as you all take your votes, very, very personally and very thoughtful in our deliberation of how we're going to vote, and I said that Item Number 22, which is Monterey, is definitely difficult. Item Number 23, which was Sabal Palm, was a much easier decision for me to make personally.

COMMISSIONER LIEBERMAN: Same here.

VICE MAYOR WEXLER: And I know that many of you echoed that same feeling. I also recognize, and so I am going to ask the three commissioners, and there are three of you that represent Tamarac, Commissioner Ritter, Commissioner Lieberman, and Mayor Eggelletion. I'm going to support this item today because I recognize that what I'm asking for is very much a city issue and something that you need to negotiate and request and work out with the city elected officials, and, Vice Mayor, you're sitting here today. Please provide that leadership in your fair city so that they understand because once it leaves here today, we don't see it again. We don't see it again, but I don't want to be disappointed. I want to feel comfortable that the city and the developer has made every effort with pure heart to address the concerns of this community, and I can't see a reason to not support it based on the merits of what's in front of me, and that's really what I'm -- I'm trying to separate the emotional piece and the logical piece, and logic wins out this afternoon. So I am going to support Item Number 22.

MAYOR EGGELLETON: Well, I guess it gets down to me, if any other commissioner have anything else to say? I guess it gets down to me. First of all, let me just take a moment of personal privilege. Commissioner Jacobs, earlier on the dais, when we were huddled with two other people, I said something that I shouldn't have said, and I want to personally and publicly apologize. I should not have said what I said the way I said because I was misled when I was told or read something, and I should not have done that, so I want to personally apologize to you personally and publicly, and I think it's the appropriate thing to do.

Now there's a lot of things I could say here today, I mean a whole lot, some things that haven't even been said, but let me just deal with a couple of critical issues, and I just want to say this from a commission perspective and from a public policy perspective: What the viewing audience, the cable audience as well as those of you that are here watching, I believe is a maturing of this commission when it comes to difficult land use issues. And what you're seeing is members weigh in on issues appropriately beyond what they are, irrespective of a commissioner's district, and that's what we're supposed to be about. We're supposed to be about a county commission looking at issues countywide, and that's important, and I can appreciate every single perspective that has been placed in front of us tonight in the debate. That is critically important to our growth. I appreciate that very, very much.

Secondly, you know, this commission today sat with our legislative delegation, and we heard from the members of that delegation, and one member of that delegation, although all of their votes are equal, but if the stars and the planets line up, it'll possibly, in the next 24 months, be the same president. And that person clearly said to us that his number one issue was affordable housing, clearly. I think that articulates the view of this commission. We have made affordable housing a priority here on this county commission and did it long before then. We did it, what, three years ago; is that right? So this commission has been on board and have pushed very hard on that issue.

In that regard, members in Tallahassee have come out and weighed in on that issue. We've had developers who do affordable housing for a living to come and stand in front of this commission and to warn us three years ago about some critical things that we needed to have put in place if we wanted them to stay at the table. Since that time, only one of those developers have come back to this county commission for affordable housing funds. The rest of them have all, all, every single one have gone to market-rate housing, and you know why? It's a money issue. It costs money to build homes and to keep them and make them affordable. It really does. I don't care how you cut it, slice it, or dice it, that is the case.

When this first came in, I thought this was going to be all market rate homes. I really did, and I will tell you that I was willing to support it being all market rate. You know why? Because this community has an abundance of affordable housing products, and I just believe that a cookie cutter approach simply does not fit every single neighborhood, that certain neighborhoods need market rate houses to lift the value, that it's inappropriate for us to put all affordable housing in a particular neighborhood because then you devalue the property for sure.

Now having said that, all of you weighed in on this issue, and you extracted things from the developer that the developer gave up. He said: Commissioners, I offered 10. Y'all want 15. I'm giving up 15. Fifteen percent affordable housing. That meets exactly what all of us said that we wanted. It meets it. Okay.

With respect to the wall, let me tell you something, I wished, I wished -- in fact, I'm telling you I'm looking for a person so if there's a person out there who lives near the Turnpike, particularly in Commissioner Rodstrom's and my district or Commissioner Jacobs' district that want to join us in a lawsuit filed against DOT, I think we can win that lawsuit because DOT certainly violates in my opinion the 14th Amendment of the Constitution, Equal Protection Clause, and I just believe they do it.

It's very clear to me that DOT pick and choose for no consistent reason where they decide to build their noise wall. I'm looking at somebody in this audience right now that lives in Lauderhill where DOT has decided not to build a noise wall despite the fact that the Turnpike is going to come up to their literal back door and that's fundamentally wrong. That's wrong. They have chosen not to build a wall in this area. However, the developer stood up to the plate and said that he wanted to do it.

Here's what I would have suggested, members, you know, to be honestly frank with you, because when you start driving up the cost, you know why DOT don't build those walls? Because they're tremendously expensive to do. They're very expensive. So this developer stood up to the plate and he answered everybody and said: Okay. Y'all want it this height and through much trepidation, and I can understand, Commissioner, where they're coming from because it's certainly going to drive up the cost of this development. There's no question about that. Big time, and that's why DOT don't want to do it, because it drives up their cost, so that person stood up and said: I'm going to build the height you want it and they're going to do so by adding a berm to it in order to get it to that height, and I guess it's going to be what, 12 or 16 feet or whatever it is. That's where they're going to get.

But let me say this to you, we had a committee here that three of you sat on and you came out with your guidelines for affordable housing. You said you were willing to provide density; you were willing to go along with what they wanted in the C Wit bill, and if you read that bill, many of the things that are in that bill on affordable housing is exactly what the developer say he's doing. It's exactly that. And so I'm sitting here and saying: Well, can we have it both ways? Do we want affordable, but we don't want affordable? You know, had it been left up to me, I would say let's give the developer our share in the construction of the wall at least to keep the homes affordable. Frankly I don't know how they're going to make money on this deal. I just simply don't know or it's going to be very, very little because they're giving so much away.

But having said that, let me say two other things, and I'm done. Here was the telling story to me on this deal. When I looked at how is this land -- well, before I get to that, let me get to the -- well, yeah, I

needed to know, how is this land currently zoned? I was told it was zoned commercial/recreational. That's the way this land zoned. And if I look at that zoning category, and I've heard from all the residents, and I mentioned this to several other people that have come into my office from Monterey. All of Monterey is in my district. I've represented that area since 1992. Okay.

When I looked at how it's zoned, the owner of this property without ever having to come here have the right to go and do commercial, recreational activities in that area. I wonder do y'all understand what that means, what they could do right now behind the homes of the very same people who say they want peace and quiet. They could put a hotel with recreational use, meaning that they could put an outdoor amusement parks on this facility without ever having to come here, without ever having to go to the city, and guess what? The city can't stop them because it's already zoned that way.

I mean they could put a number of outdoor recreational activities there that would generate a whole lot of noise, and there is nothing the city could do, and you know what? If you try to stop them, you know, they can invoke the Burt Harris Property Rights bill which is a taking, and guess what? You have to compensate them for the loss of the use of that property, and that would cost you a lot of tax money. And so when I looked at that, I said you know what? I remember back in 1989 when I was on the city commission in Lauderdale Lakes, a developer came to the city by the name of George Perez. It was a piece of property behind Florida Medical Center along the Florida Turnpike.

COMMISSIONER LIEBERMAN: I remember that.

MAYOR EGGELLETON: And guess what? They wanted to build affordable housing, the first sale project in Broward County, and this commissioner was against that, and you know why? For some of the very same reasons I've heard here today. I was against it, argued against it vehemently, but thank God I had a very wise individual who sat on that city commission. He's no longer with us, but he was my mentor, Sam Goldstein, a very wise and sharp and astute person. And I will tell you, Mrs. Brangaccio, you did not want to get into a negotiating session against Sam Goldstein. He was the best. He was literally the best and toughest negotiator I have ever seen, period.

Sam Goldstein said something and I've never forgotten it. He said: You know what, I live next to that development, and at that time Sam was in his 80's, early 80's. Okay. And Sam said this, he said: You know what, what might go there may generate noise. It may be affordable housing, but you know what? It's certainly sure better than what's there today, varmints, rats, overgrown woods, et cetera, et cetera. It passed. I voted against it, but it passed. All right?

Let me tell you something, on this morning's agenda, there was an item to refinance that property. If you were to go by and look at Woods Dale Oaks today, it look exactly the way it does when it was first built. It has been well maintained. It is one of the most beautiful affordable housing developments there is in a community surrounded by nothing but seniors. That's all was around it and still is around it today, nothing but senior citizens.

And, you know, my thing is, I'm quite sure that this is going to upset some people, but guess what? When I ride by the Turnpike and I ride by that neighborhood and I saw Monterey Golf Course before it was purchased. It wasn't pretty. The building was falling down where the clubhouse was. The golf course was overgrown, and this is coming from a golfer. The golf course was weeded literally. I don't even see how they putt on the greens. They were terrible. All right. Fact is, it may not be what you want, but I'm quite sure it's a whole lot better than what I see there today, a weed infested, overgrown area that really looks horrible. It really does.

So with that, I believe that what is being offered here today in the long run is going to be in the best interest of the residents of Tamarac, and it's supported by the entire Tamarac City Commission. I've had phone calls and letters and everything from all of them. I've had phone calls and letters from everyone else, and let me just say with respect to phase 4 -- or

COMMISSIONER LIEBERMAN: Mainland.

MAYOR EGGELETION: To Mainland 4, I do know for a fact that residents from that area stood in front of this commission and said in front of this commission, quote: Most of our residents are not here. They're snowbirds and they won't be here until late October, November, and they'll take a vote at that time. Until this day from what I understand, that the board of directors of that section have not allowed their residents to even vote on the issue.

Now, I hope the developer does, in fact, meet with Section 4, and I hope that the residents of Section 4 eventually let their residents weigh in on the issue. It is appropriate to do that. There cannot be a double standard. You've got to be fair and equal across the board irrespective of how you like it, whether or not it's fair or unfair, and here is what's important: All of the promises that they have made, they're moving with this agreement, and it's contingent, all of those promises, they are contingent that the developer -- our approval is contingent that the developer move forward with all of those promises. If they don't, guess what? It's over. He doesn't get to do what he wanted to do.

With that, I want to end my summation, and I imagine that Commissioner Jacobs is going to come back in a minute, and here she comes right now, and I will entertain a motion at this particular time for this item.

(COMMISSIONER JACOBS RETURNED TO THE ROOM.)

MAYOR EGGELETION: Commissioner Lieberman, you're recognized.

COMMISSIONER LIEBERMAN: Mayor, because I know you can't make a motion, I would move approval of Item 22 contingent upon all of the voluntary commitments offered by the developer in the backup as well as here today; that a document of restrictive covenants be drafted that incorporates each and every one of those voluntary commitments; that the city -- the commitment from the City of Tamarac that they will seriously pursue should Section 4 wish it somehow to have additional entrances or exits and to see whether or not that's viable; and that the developer meet with Section 4 to see how those concerns can be resolved.

MAYOR EGGELETION: Is there a second?

COMMISSIONER RITTER: Second.

MAYOR EGGELETION: The item has been moved by Commissioner Lieberman, seconded by Commissioner Ritter. Yes.

VICE MAYOR WEXLER: I also want to make sure that all of the obligations that they made to all of the other sections become part of the record as well. Is that one of the voluntary that you're referring to?

COMMISSIONER LIEBERMAN: When I asked them if they would voluntarily commit that for this one, 22, all of the agreements with Sections 1 through 3 and 5 would become part of this restrictive covenant, they agreed to that. On Sabal Palm, they need to agree for 6 and 7 in Carriage Hills.

MAYOR EGGELETION: Okay. All right. With that, I think for this -- those that are supportive of the motion, I think for the record, you need to raise your hand.

Those that are supportive, raise your hand.

MAYOR EGGELETION: Five.

Those that are opposed.

And the one abstention is Commissioner Rodstrom. Let the record reflect that the motion passes 5 to 2 with one abstention.

VOTE PASSES 5 TO 2 WITH COMMISSIONERS KEECHL AND GUNZBURGER VOTING NO AND COMMISSIONER RODSTROM ABSTAINING.

MAYOR EGGELETTION: Okay. Now –

AGENDA ITEM 23

COMMISSIONER LIEBERMAN: Mayor, if I can, I'll make the motion on 23 and then if you want you can open it up to the public.

MAYOR EGGELETTION: All right.

COMMISSIONER LIEBERMAN: Because all of the items --

MAYOR EGGELETTION: Let me open it to the public first.

COMMISSIONER LIEBERMAN: Oh, okay.

MAYOR EGGELETTION: I think according to Maite you've got to open it. We're on Item 23. Motion 23 is a motion -- I mean Item 23 is a motion to enact an ordinance amending Broward Comprehensive Code Land Use Plan Map Amendment PC 06-30. The item is now open for public comment on Item 23. Is there anyone from the public who wishes to speak on Item 23? Is there anyone from the public that wishes to speak on Item 23? Okay. I have some people who are here. I do have some people who are here, and let me call on those persons first. I'll get to you, Commissioner. All right. Go ahead.

VICE MAYOR PORTNER: Thank you, Mr. Mayor, commissioners. I just want to make one statement. About four years ago, I spoke to the city commission to buy both Monterey and Sable Palm. The city turned it down. I then went to Mainlands 6, 5, 4, and not 7, and I said to them, the city doesn't want to buy it. Why don't you buy it and run it. And they said, no, why don't you do it? So I want you to understand that we talked about open space. The residents turned it down. Not the city, but the residents. Commissioner Lieberman knows that that happened. So I just want to clarify that one issue, and I thank you very much, Mr. Mayor and Commissioners. Thank you.

MAYOR EGGELETTION: Okay. At this particular time, I would like to recognize Ms. Patricia Van Kzmpren. Is that person still here? Yes, Mrs. Henry.

MS. HENRY: Unfortunately she had to leave, and she asked me to share with you on her behalf that she would like for you to vote no on this item.

COMMISSIONER LIEBERMAN: Did she tell you which section she lives in?

MS. HENRY: No, she did not.

MAYOR EGGELETTION: All right.

Okay. Well then, Mrs. Patricia Lynn, Patty Lynn. Mrs. Lynn, you're recognized on Item 23.

MS. LYNN: Thank you. Do I need my address and everything again?

MAYOR EGGELETTION: No.

MS. LYNN: 6411 Northwest 58th Street, Tamarac, Florida, that's Section 8. I understand by your vote how you're going to vote, and so I won't go through all these things. I am sorry that you're voting that way. I thought maybe we could get into the 441 corridor with development. I am pleased that the City of Tamarac will be getting another fire station on the east side of the Turnpike, I mean on the west side of the Turnpike, but now we're going to have to look at stuff on the east side because that other one is in a bad place.

I am really sorry that the development is going in, and I've been here for 43 years, so I've seen it change. Not much green space left, guys. I appreciate your looking into golf courses coming up before you so this doesn't happen again. Thank you very much. I appreciate it.

MAYOR EGGELETTION: Thank you.

Fran, it looks like Kister. Keister. Mrs. Keister.

MS. KEISTER: I live at 5250 Rock Island Road. I'm not in any of the sections. I was there before it was ever built. At rush-hour every morning between 7:00 and 8:00 when members of my family are going to work, there is a string of traffic out on Rock Island Road, and there's no way you're going to get into it unless some kind person lets you, motions you to come in, and they stop and let you go through. And I just don't have any faith in these mitigating software things that can regulate traffic because it's already a nightmare. It already is a nightmare and that is my biggest and probably my only concern.

Commercial Boulevard is impossible, but Rock Island Road, I was up to my bank this morning, and my banker, who is Bank of America on the other side of Commercial says: I never come Rock Island Road anymore. It takes four traffic lights for me to get across Commercial. So, you add 600 dwellings, 900 more cars, I can't see how any software or anything can mitigate it and make it a desirable living space.

So I implore that you put some of this off until you get some more studies. I don't think you have enough studies. You only have their promise that it's going to work. Has the software ever proven to be what it says it's going to be? I just have no faith in it, and I just don't know how you can just guess and maybe have faith that it's going to work. I don't think it is, and I think in five or six years, you come to me or anybody who lives in that area, it's still going to be a nightmare, and I think you need to postpone and do more study on this. Really check out the traffic. That is the worst thing that it can be. Thank you.

MAYOR EGGELETTION: Thank you so very much. I don't know if he's still here, Representative Joseph Gibbons. Oh, is he still here? I didn't see you over there, Representative.

REPRESENTATIVE GIBBONS: Yes.

MAYOR EGGELETTION: You've been very patient.

COMMISSIONER GIBBONS: Mayor, Vice Mayor, I come to you today as a former member of the Broward County Planning Council and a former member of the ad hoc Affordable Housing Planning Committee of the Broward County Planning Council. I took my service on the Planning Council extremely seriously. When this issue came before us, we looked at it very, very hard. I voted in favor of it even though they only had 10 percent in for affordable housing. Now there's 15 percent in for affordable housing.

As the Mayor so eloquently said earlier, affordable housing is a critical, critical issue in our county and in our state. While I was sitting there, I was getting excited because I was notified by Blackberry that our

Delegation member, Mr. Mike Davis, is going to be the chairman of the Urban and Local Affairs Committee which deals with affordable housing.

COMMISSIONER LIEBERMAN: Wow, that's great.

COMMISSIONER GIBBONS: I was also notified that I was going to beat the ranking member on that committee which deals with affordable housing. I think that when we pass projects like this that set an example for the rest of our state, I can, with confidence, in Tallahassee, speak to the issues of affordable housing because we're not just talking the talk. We're walking the walk here in Broward County.

Earlier this year you passed the Villages of Gulfstream Park which is located in my district, 105. In that project there was 15 percent for affordable housing. So we are leading the way when it comes to affordable housing. We are recognizing the fact that, number one, land is crucial in this county and in the state. Affordable housing is crucial, and this developer has done what I consider to be a good job in coming up to the plate with 15 percent for the affordable housing.

I'll tell you, I'm very excited about being able to serve on the committees that I'm going to serve on in the state legislature because the number one issue is -- I'm on the number one committee as a ranking member with a fellow delegation member who is going to head that committee as chairman. So I'm looking for some exciting things, and I'll tell you, this board has done a good job at really, really identifying the issue of affordable housing and laying it out there so that everybody knows. Thank you very much.

MAYOR EGGELLETON: Thank you so very much, Representative. And one of the things I can tell you is when you get to the legislature, you'll get used to two-minute speeches because, as Stacey will tell you, that's all you're going to get, and they will just cut your mike off and you'll be just talking and talking and talking, and sometimes you might not even get recognized. And that's the truth. Okay. Is there anyone else in the audience that wishes to speak during the public hearing on 23? Yes.

MR. KNIGHT: Jerry Knight again on behalf of the applicant. We just want to incorporate the remarks we made on the prior presentation --

COMMISSIONER LIEBERMAN: I'm going to go through that.

MR. KNIGHT: Okay, and the commitments we made obviously are applicable here, and we'll be glad to answer any questions. Thank you.

MAYOR EGGELLETON: Okay. Item 23, Mrs. Turner, you're recognized.

MS. TURNER: I was called earlier when we were talking on Item 22.

MAYOR EGGELLETON: Right.

MS. TURNER: Do I need to reread my statement so it can become a part of the record?

MAYOR EGGELLETON: No, I think they're going to be definitely part of the record, the contingency issues.

MS. TURNER: Very good. Thank you.

MAYOR EGGELLETON: Yes. Thank you.

MAYOR EGGELLETON: Is there anyone else from the audience who wishes to speak?
Yes, sir.

MR. MCCARTHY: My name is George McCarthy, and I spoke earlier on the subject, and I really appreciate the commission voting to approve it contingent upon the conditions that the builder has. So I really thank you very much. This really is gratifying to see that you think about us that much. Thank you.

MAYOR EGGELLETON: Thank you so very much. Anyone else from the audience who wishes to speak on Agenda Item 23? Seeing that there is no one else from the audience who wishes to speak on Agenda Item 23, the public comment session is now closed.

Comments from the Board of County Commissioners?

Commissioner Lieberman, you're recognized.

COMMISSIONER LIEBERMAN: I want to put a motion to approve Item 23 to incorporate every one of the comments made by the public, the applicant, the Board of County Commissioners to be appended to Item 23 as well as Item 22, to direct the County Attorney's Office to do a declaration of restrictive covenants which incorporates all of the voluntary commitments, all of the terms of the agreements that the developer has reached with Section 6 -- with Mainlands 6 and 7 in Carriage Hills to be a part of this approval and that all of the other voluntary commitments which I've talked about including the sound walls being equal in height to fill in the gaps, equal in size and height to the ones on Sabal Palm, that the Turnpike is building, that there be no flex, that they have agreed to put speed bumps wherever so identified by the city as necessary, the School Board voluntary commitment, the separate entrances and exits for this development, the buffering, and the separate entrances for their construction, every comment. If I've left any out, simply look at all those voluntary commitments, including the fire station land going to the city at no cost, the \$1,000,000 contribution to the city to help them build the fire station, each and every one of those items to be incorporated into a declaration of restrictive covenants.

MAYOR EGGELLETON: Is there a second?

COMMISSIONER RITTER: Second.

MAYOR EGGELLETON: The motion has been made by Commissioner Lieberman; seconded by Commissioner Ritter. Okay.

Those in favor of the item, please raise your hand.

Those that are opposed, like sign.

Thank you. Let the record reflect that the item passes 5 to 2 with one abstention, Commissioner Rodstrom abstaining from voting.

VOTE PASSES 5 TO 2 WITH COMMISSIONERS KEECHL AND GUNZBURGER VOTING NO AND WITH COMMISSIONER RODSTROM ABSTAINING.

MAYOR EGGELLETON: With this, that concludes the 2:00 p.m. afternoon agenda.

MAYOR EGGELLETON: In 15 minutes, we will be reconvening the 10:00 a.m. morning agenda and taking up Item 70.

(THE MEETING ADJOURNED AT 7:33 P.M.)

(THIS IS NOT A VERBATIM TRANSCRIPTION OF THE MINUTES.)

(CD-06-144

