

PUBLIC HEARING OF JULY 13, 1999

(The meeting convened at 2:15 p.m. and adjourned at 5:15 p.m.)

NOTE: Items 79, 80; 103 (tabled); and 116 thru 126 were transferred from the 10:00 a.m. meeting to the 2:00 p.m. public hearing for consideration.

PLEDGE OF ALLEGIANCE was led by Attorney General Bob Butterworth.

CALL TO ORDER

NON AGENDA

127. CITY OF MIRAMAR - MINNET FUNDS: The Chair referred to correspondence dated July 12, 1999, from Jamie Alan Cole, attorney, representing the City of Miramar regarding underpayment of "Minnet" Funds. In his letter, Mr. Cole commented on the insufficient notice given by the County with respect to a Chapter 164 meeting. On behalf of the City of Miramar, Mr. Cole advised that the City would be willing to agree to extend the time period under Chapter 164 for an additional 45 days, provided that the County will agree to have the meeting on a mutually convenient date in late August or early September and in a room conducive to a meaningful discussion. Due to the receipt of Mr. Cole's letter, the Chair requested that the Board consider deferring item 1 from this day's public hearing to another date.

ACTION: (B-0219/C-0883) By way of a motion, the Board extended the time period by 45 days, as requested by the City of Miramar, to hold the required Chapter 164 meeting. (The motion will entail the City agreeing to forego any claim they have against the County for not holding the meeting within 30 days, and the County Commission, in turn, would agree to toll the 45 days for statute of limitations.)

2:00 P.M. PUBLIC HEARING

1. DISCUSSION: of correspondence from City of Miramar pursuant to Chapter 164, Florida Statutes.

ACTION: (B-0216) Deferred to another date for discussion.

2. MOTION TO ADOPT Resolutions 1999-916 thru 1999-975 to assess land clearance liens.

ACTION: (B-0270) Approved.

3. MOTION TO ADOPT Resolution 1999-977 to vacate and abandon a road right-of-way, lying and being in Broward County, Florida, and located at NW 74th Place between NW 51st Trail and U.S. 441 in the City of Coconut Creek. Petitioner: Broward County Parks and Recreation Division. (McLaughlin Engineering Co. - Agent) 11-V-99.

ACTION: (B-0277) Approved.

4. A. MOTION TO ADOPT Resolution 1999-978 to vacate and abandon a drainage easement, lying and being in Broward County, Florida and located at 3700 West Hallandale Beach Boulevard in the City of Pembroke Park. Petitioner: Seneca Land Company, Inc. (Consul-Tech Engineering, Inc. - Agent) 4-V-99.

ACTION: (B-0284) Approved.

B. MOTION TO ACCEPT Drainage Flowage and Storage Retention Easement executed by Seneca Land Company, Inc., a Florida corporation; authorize Chair and Clerk to authorize acceptance and recordation of easement.

ACTION: (B-0284) Approved.

5. MOTION TO CONSIDER enactment of an ordinance, the title of which is as follows:

AN ORDINANCE CREATING A SECTION IN THE CODE OF ORDINANCES OF BROWARD COUNTY, FLORIDA, RELATING TO ACCESS TO BROADBAND INTERNET ACCESS TRANSPORT SERVICES; REQUIRING CABLE TELEVISION FRANCHISEES TO PROVIDE SUCH ACCESS ON RATES, TERMS, AND CONDITIONS AT LEAST AS

FAVORABLE AS THOSE ON WHICH IT PROVIDES SUCH ACCESS TO ITSELF; CREATING A PRIVATE CAUSE OF ACTION AND ENFORCEMENT BY COUNTY; PROVIDING A MOST FAVORED NATIONS CLAUSE; PROVIDING FOR

SEVERABILITY, INCLUSION IN CODE, AND EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (B-0295) Filed proof of publication and enacted Ordinance 1999-41 to become effective as provided by law.

NOTE: The County Attorney was directed to notify the Board members, immediately, if there is a deviation in the defense agreement from Becker & Poliakoff.

6. 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 ARTICLE VI, ENTITLED SOLID WASTE FLOW CONTROL, SECTION 14-157, BROWARD COUNTY CODE OF ORDINANCES, BY CREATING AN EXCLUSION FROM FLOW CONTROL RESTRICTIONS FOR SOLID WASTE GENERATED IN BROWARD COUNTY WHICH IS SHOWN TO BE DESTINED FOR TRANSPORTATION TO ANY DESTINATION OUTSIDE OF THE STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR

INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (B-4574/4665) Filed proof of publication and enacted Ordinance 1999-42 to become

effective as provided by law.

QUASI-JUDICIAL HEARING

Please be advised that the following items on the Commission's agenda are quasi-judicial in nature. If you wish to object or comment upon these items, please indicate the item number you would like to address when the announcement regarding quasi-judicial items is made. All witnesses who will testify on any quasi-judicial item will be sworn. Participants who are members of the general public need not be sworn and will not be subject to cross-examination if they are not sworn. The Commission shall not assign unsworn testimony the same weight or credibility as sworn testimony in its deliberations.

7. MOTION TO ENACT an ordinance changing the zoning district classification of certain lands within the Unincorporated Area of Broward County, Florida. (This is the second of two quasi-judicial public hearings. The first public hearing was held on Tuesday, June 22, 1999 at 2:00 p.m.)

REZONING PETITION 2-Z-99

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTIONS 31 AND 32, TOWNSHIP 50 SOUTH, RANGE 42 EAST; FROM R-1C, ONE-FAMILY DWELLING DISTRICT; R-2, TWO-FAMILY DWELLING DISTRICT; R-2U, TWO-FAMILY DWELLING DISTRICT; R-3U, ROW HOUSE DISTRICT AND A-1, AGRICULTURAL ESTATE DISTRICT, TO RS-3, ONE-FAMILY DETACHED DWELLING DISTRICT, RD-10, DUPLEX AND ATTACHED ONE-FAMILY DWELLING DISTRICT; RM-15, MULTIPLE-FAMILY DWELLING DISTRICT; R-1T, MOBILE HOME DWELLING DISTRICT AND A-3, UTILITY DISTRICT; PROVIDING FOR AMENDMENT OF THE ZONING DISTRICT MAPS; PROVIDING FOR THE REPEAL OF ALL REZONING ORDINANCES AND ZONING RESOLUTIONS IN CONFLICT HERewith; PROVIDING THAT THIS REZONING SHALL NOT BE CONSTRUED TO CREATE A RIGHT TO DEVELOPMENT THAT FAILS TO MEET THE

REQUIREMENTS OF OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; AND

PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (B-5525) Filed proof of publication; accepted the recommendations of staff and the Broward County Zoning Board, and enacted Ordinance 1999- 12Z to become effective as provided by law.

8. MOTION TO ENACT an ordinance changing the zoning district classification of certain lands within the Unincorporated Area of Broward County, Florida.

REZONING PETITION 10-Z-99

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTION 14, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA;

FROM R-4A, PLANNED APARTMENT DISTRICT TO RM-10, MULTIPLE-FAMILY DWELLING DISTRICT; PROVIDING FOR AMENDMENT OF THE ZONING DISTRICT MAPS; PROVIDING FOR THE REPEAL OF ALL REZONING ORDINANCES AND ZONING RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING THAT THIS REZONING SHALL NOT BE CONSTRUED TO CREATE A RIGHT TO DEVELOPMENT THAT FAILS TO MEET THE REQUIREMENTS OF OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (B-5628) Filed proof of publication; accepted the recommendations of staff and the Broward County Zoning Board, and enacted Ordinance 1999- 13Z to become effective as provided by law.

9. MOTION TO ENACT an ordinance changing the zoning district classification of certain lands within the Unincorporated Area of Broward County, Florida.

REZONING PETITION 15-Z-99

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTION 13, TOWNSHIP 50 SOUTH, RANGE 41 EAST, BROWARD COUNTY, FLORIDA; FROM B-2, GENERAL COMMERCIAL BUSINESS DISTRICT TO B-3, INTENSE COMMERCIAL BUSINESS DISTRICT; PROVIDING FOR AMENDMENT OF THE ZONING DISTRICT MAPS; PROVIDING FOR THE REPEAL OF ALL REZONING ORDINANCES AND ZONING RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING THAT THIS REZONING SHALL NOT BE CONSTRUED TO CREATE A RIGHT TO DEVELOPMENT THAT FAILS TO MEET THE REQUIREMENTS OF OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (B-5695) Filed proof of publication; accepted the recommendations of staff and the Broward County Zoning Board, and enacted Ordinance 1999- 15Z to become effective as provided by law.

10. MOTION TO ENACT an ordinance changing the zoning district of certain lands within the Unincorporated Area of Broward County, Florida, the title of which is as follows: (Continued from June 22, 1999 Public Hearing, Item 18)

REZONING PETITION NO.13-Z-99

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTION 28, TOWNSHIP 49 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA; FROM A-3, UTILITY DISTRICT TO M-3, INTENSE MANUFACTURING AND INDUSTRIAL DISTRICT; PROVIDING FOR AMENDMENT OF THE ZONING DISTRICT MAPS; PROVIDING FOR THE REPEAL OF ALL REZONING ORDINANCES AND ZONING RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING THAT THIS REZONING SHALL NOT BE CONSTRUED TO CREATE A RIGHT TO DEVELOPMENT THAT FAILS TO MEET THE REQUIREMENTS OF

OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (B-5777) Filed proof of publication; accepted the recommendations of staff and the Broward County Zoning Board, and enacted Ordinance 1999- 14Z to become effective as provided by law.

END OF QUASI-JUDICIAL HEARING

Note: MOTION TO CONSIDER transmittal to the State of Florida Department of Community Affairs the second proposed 1999 amendments to the Broward County Comprehensive Plan to the State will be reset to August 24, 1999 at 2:00 p.m.

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