

PUBLIC HEARING OF NOVEMBER 13, 2008

(The meeting convened at 2:18 p.m., recessed at 4:13 p.m.; reconvened at 5:56 p.m. and adjourned at 6:20 p.m.)

PLEDGE OF ALLEGIANCE was led by Monica Cepero, new Assistant to the County County Administrator.

CALL TO ORDER: Mayor Wexler called the meeting to order and declared a quorum present.

<u>COMMISSIONER</u>	<u>DISTRICT</u>	<u>ATTENDANCE</u>
Josephus Eggelletion, Jr.	9	Present
Sue Gunzburger	6	Present
Kristin D. Jacobs	2	Present
Ken Keechl	4	Present
Ilene Lieberman	1	Present
Stacy Ritter	3	Present
John E. Rodstrom, Jr.	7	Present
Diana Wasserman-Rubin	8	Present
Lois Wexler	5	Present

**THE FOLLOWING ITEM IS CONTINUED FROM
THE AUGUST 12, 2008 PUBLIC HEARING, ITEM NO. 11, AND WILL BE
WITHDRAWN FOR RESUBMISSION IN JANUARY, 2009**

1. 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, RELATING TO RETAIL ESTABLISHMENTS; ADDING SECTIONS TO CHAPTER 21 OF THE BROWARD COUNTY CODE OF ORDINANCES CREATING THE RETAIL ESTABLISHMENT PARKING SECURITY ORDINANCE; PROVIDING FINDINGS; DEFINING "RETAIL ESTABLISHMENT" AND "RETAIL ESTABLISHMENT PARKING AREA"; PROVIDING FOR APPLICABILITY THROUGHOUT BROWARD COUNTY; REQUIRING CERTAIN RETAIL ESTABLISHMENT PARKING AREAS TO BE EQUIPPED WITH SPECIFIC SECURITY DEVICES; PROVIDING FOR COMPLIANCE DATES; PROVIDING FOR LICENSES; PROVIDING FOR ENFORCEMENT; AMENDING SUBSECTION 8½-16(f) OF THE BROWARD COUNTY CODE OF ORDINANCES TO PROVIDE CIVIL PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by Commissioner Josephus Eggelletion, Jr.)

ACTION: (T-2:41 PM) This item was withdrawn until resubmission of the item in January of 2009. (Refer to minutes for full discussion.)

2. MOTION TO CONSIDER renewal of licenses to provide Nonemergency Medical Transportation Services (NEMTS) to Allied Medical Transportation, Inc., Classic Non-Emergency Transportation, Inc., ED Transportation, Inc., Medex Transport, Inc., Support Management, Inc., and Ultimate Transportation, Inc.

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

VOTE: 9-0.

3. MOTION TO ADOPT Resolution 2008-825 of the Board of County Commissioners of Broward County, Florida, granting renewal of a non-exclusive franchise to TransMontaigne Product Services, Inc., for a five-year term, to provide vessel bunkering services at Port Everglades, providing for non-discrimination/applicable law; providing for severability; providing for an effective date; and authorizing the Mayor and Clerk to execute the franchise. The Resolution setting this Public Hearing was adopted on October 28, 2008 (Item 28).

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

VOTE: 9-0.

4. MOTION TO ADOPT Resolution 2008-826 of the Board of County Commissioners of Broward County, Florida, granting renewal of a non-exclusive franchise to Tropic Oil Company, for a five-year term, to provide vessel bunkering services at Port Everglades, providing for non-discrimination/applicable law; providing for severability; providing for an effective date; and authorizing the Mayor and Clerk to execute the franchise. The Resolution setting this Public Hearing was adopted on October 28, 2008 (Item 29).

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

VOTE: 9-0.

5. MOTION TO ADOPT Resolution 2008-827 of the Board of County Commissioners of Broward County, Florida, granting a non-exclusive franchise to American Guard Services, Inc., for a one-year term, to provide marine terminal security services at Port Everglades, providing for non-discrimination/applicable law; providing for severability; providing for an effective date; and authorizing the Mayor and Clerk to execute the franchise. The Resolution setting this Public Hearing was adopted on October 28, 2008 (Item 30).

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

VOTE: 9-0.

6. MOTION TO ADOPT Resolution 2008-828 of the Board of County Commissioners of Broward County, Florida, granting a non-exclusive franchise to Maxi Security and Investigation, Inc., for a one-year term, to provide marine terminal security services at Port Everglades, providing for non-discrimination/applicable law; providing for severability; providing for an effective date; and authorizing the Mayor and Clerk to execute the franchise. The Resolution setting this Public Hearing was adopted on October 28, 2008 (Item 31).

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

VOTE: 9-0.

7. MOTION TO ADOPT Resolution 2008-829 of the Board of County Commissioners of Broward County, Florida, granting a non-exclusive franchise to McRoberts Protective Agency, Inc., for a one-year term, to provide marine terminal security services at Port Everglades, providing for non-discrimination/applicable law; providing for severability; providing for an effective date; and authorizing the Mayor and Clerk to execute the franchise. The Resolution setting this Public Hearing was adopted on October 28, 2008 (Item 32).

ACTION: (T-2:45 PM) Approved. (Refer to minute for full discussion.)

VOTE: 9-0.

8. MOTION TO ADOPT Resolution 2008-831 of the Board of County Commissioners of Broward County, Florida, denying a non-exclusive, non-restricted franchise to Metro Cruise Services, LLC, to provide stevedore services Port Everglades. The Resolution setting this Public Hearing was adopted on October 28, 2008 (Item 73).

ACTION: (T-2:45 PM) Approved. (Refer to minutes for full discussion.)

VOTE: 9-0.

9. A. MOTION TO ADOPT Resolution 2008-830 of the Board of County Commissioners of Broward County, Florida, granting renewal of a non-exclusive franchise to Port Consolidated, Inc., for a five-year term, to provide vessel bunkering services at Port Everglades, providing for non-discrimination/applicable law; providing for severability; providing for an effective date; and authorizing the Mayor and Clerk to execute the franchise.

ACTION: (T-5:59 PM) Approved, as modified, to extend the franchise agreement for a five-year period for Port Consolidated, Inc. (Refer to minutes for full discussion.)

VOTE: 8-0. Commissioner Wasserman-Rubin was out of the room during the vote.

- B. MOTION TO DISCUSS whether or not to remove the special franchise conditions contained in the non-exclusive vessel bunkering Franchise Agreement of Port Consolidated, Inc. as amended on March 13, 2007, which states that the Franchisee shall not, during the term of its franchise, employ Michael A. Simmons to perform any duties relating to vessel bunkering franchised activities and services at Port Everglades, Broward County, Florida, nor shall Michael A. Simmons be involved in the management of or have operational control over the vessel bunkering franchised activities and services at Port Everglades, Broward County, Florida or serve as a director or officer of Port Consolidated, Inc., and that in the event Franchisee shall be found by Broward County to have knowingly violated any of the aforementioned restrictions or understandings relating to Michael A. Simmons, the Franchise Agreement shall be deemed null and void. Resolution setting this Public Hearing was adopted on October 28, 2008 (Item 27).

ACTION: (T-5:59 PM) Approved, as amended as to the proposed revised franchise restriction, as well as limiting the restriction on management duties for the first three years of the franchise. (Refer to minutes for full discussion.)

VOTE: 8-0. Commissioner Wasserman-Rubin was out of the room during the vote.

10. MOTION TO ENACT an Ordinance to adopt a proposed amendment to the Capital Improvement Element of the Broward County Comprehensive Plan, the title of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN BY AMENDING THE CAPITAL IMPROVEMENT ELEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-6:15 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law.

VOTE: 8-0. Commissioner Wasserman-Rubin was out of the room during the vote.

11. A. MOTION TO DETERMINE whether population increases in Broward County justify the issuance of six new taxicab and two new luxury sedan certificates of public convenience and necessity (certificates) and accompanying permits.

ACTION: (T-6:15 PM) No Board action taken. (Refer to minutes for full discussion.)

- B. MOTION TO ADOPT Resolution directing the County Administrator to publish Notice of Public Hearing for April 28, 2009, at 2:00 P.M. in Room 422 of the Broward County Governmental Center, for the purpose of holding a drawing to award new taxicab and new luxury sedan certificates to qualified applicants.

ACTION: (T-6:15 PM) Denied. (Refer to minutes for full discussion.)

VOTE: 0-8. Commissioner Wasserman-Rubin was not present during the vote.

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, PERTAINING TO FIRE PREVENTION AND PROTECTION; AMENDING VARIOUS SECTIONS OF CHAPTER 12, "FIRE PREVENTION AND PROTECTION," ARTICLE II, "EXPLOSIVES," OF THE BROWARD COUNTY CODE OF ORDINANCES, PROVIDING FOR CONSISTENCY WITH STATE REGULATIONS, UPDATING DIVISION NAMES, AND ADDING PROVISIONS REGARDING DEMOLITION IMPLOSIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-6:18 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law.

VOTE: 8-0. Commissioner Wasserman-Rubin was not present during the vote.

13. MOTION TO CONSIDER adoption of a Resolution 2008-832 amending the Administrative Code, the title of which is as follows:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE CREATION OF THE ANIMAL CARE ADVISORY COMMITTEE; AMENDING CHAPTER 12 OF THE BROWARD COUNTY ADMINISTRATIVE CODE RELATING TO ORGANIZATIONS, COUNCILS, BOARDS, AND COMMITTEES; CREATING THE BROWARD COUNTY ANIMAL CARE ADVISORY COMMITTEE; PROVIDING FOR MEMBERSHIP AND APPOINTMENT; PROVIDING FOR TERM OF APPOINTMENT; PROVIDING FOR OFFICERS; AUTHORIZING THE ADOPTION OF RULES OF PROCEDURES; ESTABLISHING THE FUNCTION, POWERS, AND DUTIES OF THE COMMITTEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE ADMINISTRATIVE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: (T-6:19 PM) Approved. (Refer to minutes for full discussion.)

VOTE: 8-0. Commissioner Wasserman-Rubin was not present during the vote.