

MINUTES

BROWARD COUNTY PLANNING COUNCIL February 23, 2012

MEMBERS PRESENT: Mayor Lamar Fisher, Chair
Commissioner Anne Castro, Vice Chair
Tim Bascombe
Commissioner Claudette Bruck
Frederick Burton
Sara Case
Vice Mayor Bobby DuBose
Kenneth Fink
School Board Member Patricia Good
Mary D. Graham
Dan Hobby
Commissioner Keith London
Commissioner Michael S. Long
Commissioner Rita Mack
Commissioner Lisa Mallozzi
Sharon P. Ragoonan
Louis Reinstein
Mayor Michael Udine

MEMBERS ABSENT: Commissioner Sue Gunzburger

ALSO PRESENT: Henry Sniezek, Planning Council Executive Director
Barbara Blake Boy, Planning Council Deputy Executive Director
Andrew Maurodis, Legal Counsel
Jeff Halsey, Division Director for Broward County Pollution Prevention, Remediation and Air Quality Division
Nancy Cavender, The Laws Group

(A sign-in sheet reflecting those present is filed with the supplemental papers to the minutes of this meeting.)

A meeting of the Broward County Planning Council was held at 10:00 a.m. on Thursday, February 23, 2012, in Room 422 of the Broward County Governmental Center, Fort Lauderdale, Florida

CALL TO ORDER:

Chair Lamar Fisher called the meeting to order.

CHAIR FISHER: Good morning, ladies and gentlemen. I'd like to call to order the Broward County Planning Council meeting this Thursday, February 23rd, 2012, at 10:00 a.m., close to it. After the call to order, we'll please rise for the Pledge.

THE PLEDGE OF ALLEGIANCE WAS LED BY COMMISSIONER CASTRO.

CHAIR FISHER: Thank you.

ROLL CALL:

CHAIR FISHER: Nancy, welcome back. Please call the roll now.

THE REPORTER: Yes, sir.

Mr. Tim Bascombe.

MR. BASCOMBE: Present.

THE REPORTER: Commissioner Claudette Bruck.

COMMISSIONER BRUCK: Here.

THE REPORTER: Mr. Frederick Burton.

MR. BURTON: Present.

THE REPORTER: Ms. Sara Case.

MS. CASE: Here.

THE REPORTER: Commissioner Anne Castro.

COMMISSIONER CASTRO: Here.

THE REPORTER: Vice Mayor Bobby DuBose.

VICE MAYOR DUBOSE: Here.

THE REPORTER: Mr. Kenneth Fink.

MR. FINK: Here.

THE REPORTER: School Board Member Patricia Good.

MS. GOOD: Here.

THE REPORTER: Ms. Mary Graham.

MS. GRAHAM: Here.

THE REPORTER: Commissioner Sue Gunzburger. Mr. Dan Hobby.

MR. HOBBY: Here.

THE REPORTER: Commissioner Keith London.

COMMISSIONER LONDON: Present.

THE REPORTER: Commissioner Michael Long.

COMMISSIONER LONG: Here.

THE REPORTER: Commissioner Rita Mack.

COMMISSIONER MACK: Here.

THE REPORTER: Commissioner Lisa Mallozzi.

COMMISSIONER MALLOZZI: Yes.

THE REPORTER: Ms. Sharon Ragoonan.

MS. RAGOONAN: Present.

THE REPORTER: Mr. Louis Reinstein.

MR. REINSTEIN: Present.

THE REPORTER: Mayor Michael Udine.

MAYOR UDINE: Here.

THE REPORTER: Mayor Lamar Fisher, Chair.

CHAIR FISHER: Here. Thank you. Obviously, Commissioner Gunzburger is excused. She's on a family trip, and we hope that she is doing well. Also, congratulations to Commissioner Long, who has been elected to President of his City Commission, Lighthouse Point. Congratulations, Commissioner.

CHAIR FISHER: All right. At this time, we always like to do this when we have new Board members come on. We have a photographer here today, so if we kind of -- just kind of gather around this way, we'll have a wonderful photo.

COMMISSIONER MALLOZZI: Who's new?

CHAIR FISHER: Well, we have some folks who have not been in the picture yet, I believe. Has Ken been in the picture before?

CONSENT AGENDA

AGENDA ITEMS C-1 THROUGH C-4:

CHAIR FISHER: Okay. Consent Agenda, C-1 to C-4. Anyone wish to pull? Otherwise, is there a motion?

COMMISSIONER BRUCK: Move to approve.

MR. HOBBY: Second.

COMMISSIONER MALLOZZI: Second.

CHAIR FISHER: Been moved and second. Everyone say aye. Opposed? Consent Agenda passes. Thank you.

VOTE PASSES UNANIMOUSLY.

REGULAR AGENDA

AGENDA ITEM R-1:

CHAIR FISHER: Regular Agenda. R-1, Henry.

MR. SNIEZEK: Thank you, Mr. Chair. Agenda Item R-1 is a local planning agency review for the County's update of the wellfield protection ordinance. This was discussed, had a good discussion at the Land Use/Trafficways Committee just before this meeting, and the Land Use/Trafficways Committee unanimously recommends that the changes be found generally in compliance with the Broward County Land Use Plan, and report that to the County Commission. We do have County staff here if you have any particular questions about the ordinance.

CHAIR FISHER: On the wellfield protection, any members have any questions to the staff? Ms. Graham.

MS. GRAHAM: Late yesterday, I got an e-mail from Vice Mayor --

COMMISSIONER MALLOZZI: I can't hear.

CHAIR FISHER: Can you get that mic on, please?

MS. GRAHAM: Late yesterday, I got an e-mail from Vice Mayor Kristin Jacobs on some legislation that's going on in Tallahassee regarding the South Florida Water Management District, and I guess some authorities for water oversight.

I'm sorry I didn't forward it to you, Henry. I should have. But does that have anything to do with the oversight and usage of wellfields here?

MR. SNIEZEK: I -- I'm not familiar with it. We have Jeff Halsey, who is the -- the County Director, and maybe he knows.

MR. HALSEY: Jeff Halsey, Division Director for the Pollution Prevention Division. I'm not exactly certain what the legislation is you're referring to, so I hesitate to make a commitment. But, in general, the ordinance we're talking about is a County ordinance, and South Florida Water Management District has no say in what we do under our County Ordinance.

CHAIR FISHER: All right. Okay. Anyone else have a question?

COMMISSIONER BRUCK: Move to approve it.

CHAIR FISHER: Commissioner Long?

COMMISSIONER CASTRO: Second.

CHAIR FISHER: Commissioner Long?

COMMISSIONER LONG: A question. How many wells do we have since 2001, February 16th?

MR. HALSEY: How many wells have been installed --?

COMMISSIONER LONG: Yes.

MR. HALSEY: -- newly? I believe it's on the order of about 50.

COMMISSIONER LONG: Okay. How many water supply wells do we have overall, that are functional?

MR. HALSEY: There -- we -- we have 39 wellfields, and I'm going to have to kind of guess here, because I don't know the exact numbers, but we're at about the 150 to 200 range for total wells.

COMMISSIONER LONG: And are all of them currently being used? Because I

know you have some –

MR. HALSEY: They -- they use and don't use depending on what the needs of the utility are, or what the various challenges that the utility has in terms of the volume of water, or salt water intrusion, or whatever. Sometimes they close them. But there's approximately that many wells that are being used to provide water right now.

COMMISSIONER LONG: Thank you.

CHAIR FISHER: Any further questions? Commissioner Mallozzi.

COMMISSIONER MALLOZZI: Mr. Halsey, just for the record, we had asked you some questions in our early meeting, Trafficways Committee. For the record, can you just tell everyone here how you monitor the chemicals, the potentially hazardous chemicals that could go into the well?

MR. HALSEY: There is a -- there's actually a number of ways we do that. The owner/operator of any facility is required to report to us what regulated substances they have on site.

The facilities in Zone 1 -- Zone 2 are required to do quarterly monitoring for these regulated substances, and they provide the results to us and we review them and enter them into our database.

And we have one inspector dedicated to inspecting the wellfield protection zones, and those are perhaps our most thorough inspections. We go through very carefully, looking at every material they have and the ingredients of every material they have to insure we properly identified any regulated substances.

COMMISSIONER MALLOZZI: Thank you.

CHAIR FISHER: Very good. Any further discussion? I'll entertain a motion.

COMMISSIONER BRUCK: Move to approve.

COMMISSIONER CASTRO: Second.

CHAIR FISHER: Moved by Commissioner Bruck and seconded by Commissioner Castro. All in favor, say aye. Opposed? Motion does carry.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM R-2:

CHAIR FISHER: R-2 is next on our list. And before we begin, I just want to personally thank the Task Force that was charged with this task, and especially

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Commissioner London, who chaired that task force committee. And it was a very, very, very well done committee. Other discussion? Had a lot of moving parts to it, but Commissioner London did a great job.
So, Henry?

MR. SNIEZEK: Thank you. I'll just give you a quick overview of it. I know half the Board was on the Task Force, and I don't want to beat it to death. But this is a follow-up to the May Planning Council discussion where we presented the study about the use of waterways and water bodies as park acreage.

And there were some other issues that were brought up at that time, so the Council created the Parks Task Force; they met six times and explored many, many topics. I tried to touch on them in the memo in the backup material.

And the discussions resulted in a draft proposal, proposed amendment which is in Attachment 1 in the backup material. And just the highlights, the proposal would restrict prospectively the County of water bodies as park acreage, just kind of clean up that issue; prohibits the use of private golf courses as park acreage. That would be retroactively, I believe. That would -- there are only a couple that are used right now, so they'd be taken off the list, and it would not affect the city's park acreage inventory significantly, and would not be allowed in the future.

We'd allow a limited use of conservation areas as park acreage. Right now, that's not permitted. And also just using the Council's website to disseminate information about municipal and County parks.

So right now, the Task Force is unanimously asking the full Council to initiate Attachment 1 for formal review as a proposed amendment. This means we're going to go out into the community, cities, County staff, interested parties and get comments. Maybe have a workshop or two. Also, I -- I talked to Sara Case. I won't speak for her, but she mentioned that she had -- had a comment about the definition of public access, which is actually in Attachment 2 on the second to last page in the definition.

And she had a comment that she thought the word "reach" in that definition can be removed. And Andy and I talked about it, and we didn't have any problem with that, so we'd like to fold that suggestion into the initiation, if it's okay with the Board. So a vote to initiate just as I said in the backup, it's not a vote to approve the amendment today. Even if you're a hundred percent for it, it's just a vote to just basically allow us to start the process. So, with that said, any questions? Or maybe Commissioner London has something to say?

CHAIR FISHER: Commissioner London, do you wish to make a comment or question?

COMMISSIONER LONDON: (No audible response.)

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MR. FINK: Say something.

UNIDENTIFIED SPEAKER: You've got to be on the record.

COMMISSIONER LONDON: Mr. Fink is encouraging me to speak. So, thank you, Chair Fisher. I want to repeat, first of all, what the Chair just said and -- and what Mr. Sniezek just said. We had a great Task Force. Half the people are here. And I'm not going to call everybody's name out, because everybody knows who was there.

The discussion was -- I thought it very engaging and very enlightening. And we had a lot of also public participation. People were coming and sharing and giving us their thoughts. So I thought that was important, too, that the Broward County Planning Council staff had reached out and let the cities know and invited people.

So we had representatives from the League of Cities who showed up, from Broward County Parks, from a couple of the municipalities. I thought that was a very important part of the public discussion.

Also, staff did a phenomenal job of listening to the ten of us dialoging, putting together revisions of documents, and really working hard. Everybody's laughing and shaking their heads. So staff did a really great job of getting information and putting it into coherent documentation that we needed.

But I -- I really need to reiterate what Henry said many times, and -- and Andy said many times during the meeting, which is none of this was to penalize anybody moving forward. The comprehensive plans had been approved in the past, and we're not looking to penalize people for the comprehensive plans that have been passed.

This is going prospective, moving forward, as to things that should be looked at and potentially, as new properties or new developments come forward, that that should be taken into consideration when we're doing this.

So I wholly support this, and I would hope everybody else would support this, that this is a process, and from my discussions with Mr. Sniezek and Ms. Boy that they're going to have to reach out to many municipalities and get this process started. So this is really just the baby steps in this, and I would encourage everyone to vote for this and move it forward. Thank you.

COMMISSIONER MALLOZZI: Is that a motion?

COMMISSIONER LONDON: I make a motion to move this.

MR. REINSTEIN: Second.

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UNIDENTIFIED SPEAKER: Second.

CHAIR FISHER: Moved and seconded. Any discussion on the motion?
All in favor, say aye. Opposed? Motion does carry.

CHAIR FISHER: Thank you, Commissioner London.

COMMISSIONER LONDON: Thank you, Mr. Chair.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM R-3:

CHAIR FISHER: Okay. R-3, Counsel's Report. Andy, do –

MR. MAURODIS: I have nothing today, Mr. Chair.

AGENDA ITEM R-4:

CHAIR FISHER: R-4 is Henry's report.

MR. SNIEZEK: No report today.

PUBLIC HEARING

AGENDA ITEM PH-1:

CHAIR FISHER: We'll move on to our Public Hearing Agenda. PH-1, does anyone wish to pull it?
If not, is there a motion?

COMMISSIONER MALLOZI: Move to approve.

COMMISSIONER CASTRO: Second.

CHAIR FISHER: It's been moved by Commissioner Mallozzi, moved -- and second by Commissioner Castro. Any further discussion on the motion? All in favor, say aye. Opposed? Motion does carry.

OTHER BUSINESS

NEXT REGULAR SCHEDULED PLANNING COUNCIL MEETING

CHAIR FISHER: That concludes our agenda. Our next meeting, of course, will be on March 22nd at 10:00 a.m., and I thank everybody for coming.

ADJOURNMENT

This meeting is adjourned.

(The meeting concluded at 10:28 a.m.)