

MEETING: BOARD OF COUNTY COMMISSIONER, REGULAR/WORKSHOP

I. CALL TO ORDER: December 10, 2002, at 9:30 a.m., in the Palm Beach County Governmental Center, West Palm Beach, Florida.

1.A. ROLL CALL

MEMBERS AND OFFICERS PRESENT:

Chair Karen T. Marcus
Vice-Chair Tony Masilotti
Commissioner Burt Aaronson
Commissioner Addie L. Greene
Commissioner Jeff Koons
Commissioner Mary McCarty
Commissioner Warren H. Newell - Arrived later
County Administrator Robert Weisman
Assistant County Attorney Marlene R. Everitt
Deputy Clerk Judith Crosbie

2. AGENDA APPROVAL

2.A. ADDITIONS DELETIONS, SUBSTITUTIONS - None

2.B. ADOPTION

MOTION to adopt the agenda. Motion by Commissioner Masilotti, seconded by Commissioner Koons, and carried 6-0. Commissioner Newell absent.

2.C. UNSCHEDULED ITEMS

2.C.1.

REQUEST FROM CONSTITUENTS FOR THE CHAIR TO SEND A LETTER, SUPPORTING ACQUISITION OF THE PALM BEACH AGGREGATES SITE COMMONLY KNOWN AS THE ROCK PITS, TO HENRY DEAN, EXECUTIVE DIRECTOR OF SOUTH FLORIDA WATER MANAGEMENT DISTRICT. APPROVED 12-10-2002

Commissioner Marcus said her constituents had requested a letter be sent to South Florida Water Management District (SFWMD) Executive Director Henry Dean in support of the acquisition of the Palm Beach Aggregates site to be considered as part of the Comprehensive Everglades Restoration Plan. She said the SFWMD governing board would be reviewing the issue this week.

MOTION to authorize the chair to send a letter to the SFWMD board and its Executive Director Henry Dean in support of the acquisition. Motion by Commissioner Masilotti, seconded by Commissioner Aaronson, and carried 6-0.

Commissioner Koons suggested the letter be copied to the governor as well.

UNSCHEDULED ITEMS - CONTINUED

2.C.2.

APPOINTMENT OF SCOTT BRENNER TO THE HOUSING FINANCE AUTHORITY. APPROVED 12-10-2002

MOTION to approve the appointment. Motion by Commissioner Aaronson, seconded by Commissioner Masilotti, and carried 6-0. Commissioner Newell absent.

3. PUBLIC HEARING WORKSHOP - 9:30 A.M. - See pages 4-8.

4. WORKSHOP - 2:00 P.M. - See pages 8-11.

5. See item 6.

6. REGULAR AGENDA

(CLERK'S NOTE: The regular agenda was inadvertently labeled as item 6. The documents and/or backup are marked 6.A., 6.B., and 6.C.)

6.A. CLERK

6.A.1.

WARRANT LIST DATED DECEMBER 6, 2002. APPROVED 12-10-2002

COMPUTER CHECKS	\$ 9,290,892.32
WIRE TRANSFERS	2,748,329.88
MANUAL CHECKS	226,879.72
EFT TRANSFER	<u>4,979,240.73</u>
	\$17,245,342.65

MOTION to approve the warrant list. Motion by Commissioner Masilotti, seconded by Commissioner Koons, and carried 6-0. Commissioner Newell absent.

6.A.2.

CONTRACTS ON THE CONTRACT LIST EXECUTED BY THE PURCHASING DIRECTOR:

a.

TERM CONTRACT WITH ARBOR TREE AND LAND, INC., AND COMMUNITY TREE & LANDSCAPE INC., FOR \$460,000 FOR TREE REMOVAL SERVICES ON AN AS-NEEDED BASIS FROM FEBRUARY 1, 2003, TO JANUARY 31, 2004. APPROVED 12-10-2002

b.

TERM CONTRACT WITH LUIS CINTRON'S LAWN SERVICE, INC., FOR \$40,524, AND DAVIS LAWN CARE & MAINTENANCE FOR \$96,900, TOTALING \$137,424, FOR GROUND MAINTENANCE SERVICES AT VARIOUS FIRE-RESCUE STATIONS FROM JANUARY 1, 2003, THROUGH DECEMBER 31, 2003. APPROVED 12-10-2002

REGULAR AGENDA - CONTINUED

6.A.2. - CONTINUED

c.

**DOCUMENT R-2002-2208
(AMENDS R-2000-1390)**

AMENDMENT 2 TO CONTRACT WITH ERMIC II, LP, FOR \$4,405,869.84 FOR MAINTENANCE AND REPAIR SERVICES AT PALM BEACH INTERNATIONAL AIRPORT, INCLUSIVE OF ALL PARTS, ON AN AS-NEEDED BASIS FOR INSTALLATION OF SEVEN BAGGAGE CONVEYORS FROM OCTOBER 1, 2000, THROUGH SEPTEMBER 30, 2003. APPROVED 12-10-2002

MOTION to approve the contract list. Motion by Commissioner Masilotti, seconded by Commissioner Koons, and carried 6-0. Commissioner Newell absent.

6.B. HOUSING AND COMMUNITY DEVELOPMENT

6.B.1.

DOCUMENT R-2002-2209

HOME PROGRAM RENTAL ASSISTANCE LOAN AGREEMENT WITH AKI & COMPANY, INC., DBA HOBBS REALTY, FOR \$310,000 FOR ACQUISITION OF A 24-UNIT MULTI-FAMILY RENTAL COMPLEX LOCATED AT 3225-3237 AVENUE J IN RIVIERA BEACH. APPROVED 12-10-2002

MOTION to approve the agreement. Motion by Commissioner Koons, seconded by Commissioner Masilotti, and carried 6-0. Commissioner Newell absent.

6.C. COURT ADMINISTRATION

6.C.1.

a.

DOCUMENT R-2002-2210

RATIFY THE CHAIR'S SIGNATURE AND RECEIVE AND FILE A VICTIM OF CRIME ACT AGREEMENT WITH THE STATE OFFICE OF THE ATTORNEY GENERAL FOR \$93,364 FOR DOMESTIC VIOLENCE INTAKE UNIT/DESTINY BY CHOICE PROGRAM FROM OCTOBER 1, 2002, THROUGH SEPTEMBER 30, 2003. APPROVED 12-10-2002

b.

BUDGET AMENDMENT 2003-0347

BUDGET AMENDMENT OF \$93,364 IN THE GENERAL FUND TO PROVIDE REVENUE FOR DOMESTIC VIOLENCE INTAKE UNIT/DESTINY BY CHOICE PROGRAM. APPROVED 12-10-2002

c.

BUDGET TRANSFER 2003-0346

BUDGET TRANSFER OF \$23,341 IN THE GENERAL FUND FROM THE FAMILY SUPPORT SERVICE FOR THE REQUIRED COUNTY GRANT MATCH FOR THE DOMESTIC VIOLENCE INTAKE UNIT/DESTINY BY CHOICE PROGRAM. APPROVED 12-10-2002

REGULAR AGENDA - CONTINUED

6.C.1. - CONTINUED

d.

DOCUMENT R-2002-2211

CONTRACT WITH DESTINY BY CHOICE, INC., FOR \$116,705 TO PROVIDE CONSULTATION IN SOCIAL SERVICES FOR DOMESTIC VIOLENCE VICTIMS IN BELLE GLADE AND SURROUNDING AREAS FROM OCTOBER 1, 2002, THROUGH SEPTEMBER 30, 2003. APPROVED 12-10-2002

MOTION to ratify the chair's signature on, and receive and file, the Victim of Crime Act agreement, and approve the budget amendment, budget transfer, and contract with Destiny by Choice. Motion by Commissioner Masilotti, seconded by Commissioner Aaronson, and carried 6-0. Commissioner Newell absent.

(CLERK'S NOTE: Commissioner Newell joined the meeting.)

3. PUBLIC HEARING WORKSHOP - 9:30 A.M.

(CLERK'S NOTE: No motion had been made to receive and file proofs of publication 1998500 and 6757324 that were filed with the clerk's office.)

ACREAGE RELIEVER ROAD/STATE ROAD 7 EXTENSION/PERSIMMON BOULEVARD. (P.O.P. 1998500 AND 6757324) DISCUSSED WITH DIRECTION TO STAFF 12-10-2002

County Engineer George T. Webb addressed the board as follows:

- Staff recommends a conceptual alignment for the Persimmon Boulevard/State Road 7 Extension from 110th Avenue North to Okeechobee Boulevard.
- The project had been on the thoroughfare plan as an extension between Okeechobee Boulevard and Northlake Boulevard, known as the State Road 7 Extension.
- The Department of Transportation (DOT) studied the area and took into consideration the sensitivity of properties of private ownership, the West Palm Beach catchment area, and the Pond Cypress Natural Area. DOT evaluated and developed 27 alternatives.
- After DOT met with focus and interest groups, and permitting agencies, the alternatives were narrowed.
- Before the next phase of the process began, the Metropolitan Planning Organization directed DOT to put the project on hold.
- The county commission determined that DOT's timing to provide a reliever road to Royal Palm Beach and the Acreage was unacceptable.
- The board also determined that it should fund a study and ultimately construct a reliever road that staff suggested would be best if it extended from Persimmon Boulevard south to Okeechobee Boulevard.

3. - CONTINUED

- The board hired a consultant that had been working to determine the impact of the road. The county-owned Pond Cypress Natural Area had been a major issue. A determination had to be made if a portion of the preserve could be used for roadway.
- The backup contained a letter from bond counsel stating that the bond fund could be reimbursed, therefore allowing the Pond Cypress Natural Area to be transferred to right-of-way or general county ownership.
- At the board's direction for an alignment, staff would begin the process of transferring ownership.

Mr. Webb, with the aid of a map, outlined areas of interest including the existing State Road 7, Royal Palm Beach catchment area, Baywinds project, Fox Development, Royal Palm Beach High School, and the LaMancha project abutting the Acreage.

- Alternative B being presented by staff was the extension of State Road 7 following the straight existing right-of-way and connecting at Persimmon in an east-west direction.
- Alternative A would go to Persimmon Boulevard, then head south holding about a 300-foot separation from the right-of-way at 110th Avenue. It would continue farther south, heading to the east, then wrapping around about 25 homes in LaMancha. It would again continue eastward behind the Fox property and connect into the State Road 7 right-of-way, ultimately into State Road 7.
- The road could exit unto Okeechobee at Wildcat Way; it would be negatively impacted by traffic, although the natural preserve would remain undisturbed. Staff, however, recommended the exit unto Okeechobee Boulevard remain in the original alignment at State Road 7.
- Staff was proposing a two-lane segment to Persimmon.
- Upon board approval of a plan, staff would file an application with the permitting agencies in an attempt to begin receiving formal feedback.

Commissioner Masilotti questioned the possibility of adding 60th Street as an alternative.

PUBLIC COMMENT:

Village of Royal Palm Beach Mayor David Lodwick said because of the growth in the Acreage and surrounding communities, Royal Palm Beach roads had been experiencing about 70,000 trips a day. He said that he supported staff's proposal. Ray Liggins, the Village of Royal Palm Beach engineer, expressed the village's concerns also.

3. - CONTINUED

Indian Trail Improvement District (ITID) Board of Supervisors Christopher Karch, Penny Riccio, and Myra Orlando addressed the board with their concerns. Mr. Karch said the Persimmon Boulevard alignment negatively would impact residents of the Acreage. He said three reliever road connections in the Acreage would cause uncontrollable traffic flow through Unit 1, therefore he supported a 60th Street connection. He recommended the road be extended to Northlake Boulevard. He contended that the Acreage did not have the road infrastructure to support the traffic flow that would be generated. He said he supported the original range-line alignment that could be built environmentally safe. He offered to seek the assistance of federal and state representatives in an attempt to bring the reliever road to fruition. He offered to also work with the board on the 60th Street connection idea.

Other residents of the Acreage, and Royal Palm Beach and persons from environmental and other interest groups who expressed their concerns and views were Daryl Tronnes, Stephen Lawrence, Elizabeth Harney, Julie Smith, Martin Levenson, Ted Van Istendal, Frank J. Ribarich, Marianne Young, Franklin G. Ashurst, Willodean Albrecht, John Koch, Rosa Durando, Frederick H. Klebar, Andrea Greico, Alan Parmalee, Joe Lavati, Vincent Cuomo, Joan Korvela, Barbara Susco, Steven Bell, and Robert Zalis. Geoff Sluggett presented resolutions from the Western Communities Council.

MOTION to receive and file the resolutions. Motion by Commissioner Aaronson, seconded by Commissioner Koons, and carried 7-0.

Others who added their comments were Mary Seader, Gene H. Klusmeier, Lisa Interlandi, Joanne Davis, Michael Yustin, and Jamie Udell, who read a letter from Bill Louda of the Loxahatchee Groves Landowners' Association.

MOTION to receive and file the letter. Motion by Commissioner Aaronson, seconded by Commissioner Masilotti, and carried 7-0.

Matt Anderson, Kathleen Gates, John Gates, and Loretta A. Furuan added their comments as well.

Commissioner Masilotti said the board had the obligation to protect residents and one of the ways to do so was for staff to explore multiple connections. He encouraged support for ITID to lobby federal and state representatives in its effort to get the road built in the original alignment. In the meantime, county staff could work on permitting for the reliever road, he contended. He said staff recommendation was the most responsible way to build the road and that he would support only two lanes.

MOTION to direct staff to look at the permitting issues of building the road on their alignment, minimizing the impact to residents and to the environmentally sensitive lands, and support ITID efforts to get state senators and representatives to build the road on its original alignment. Motion by Commissioner Masilotti and seconded by Commissioner McCarty.

Commissioner Koons suggested the motion include the taking of section 1.

3. - CONTINUED

Commissioner Aaronson suggested the county try to work with the state to build an elevated road through to State Road 7. He contended that an elevated road would protect the environmentally sensitive land while providing a pathway. He said the county should start its project and in the meantime, the board should talk with state representatives in an attempt to find out their plans for the road.

AMENDED MOTION to include direction to staff to also investigate the option of an elevated roadway on the original alignment. The maker and seconder agreed.

In response to Commissioner Marcus, Commissioner Masilotti said his direction to staff to work on permitting was still valid.

In response to Commissioner Marcus, County Administrator Weisman expounded on conservation easements. He said government could add and remove restrictions from a property but that problems developed whenever a third party became involved.

Commissioner Marcus directed staff to take the conservation issue involving the alignment to Conservation Land Acquisition Selection Committee (CLASC) and bring back recommendations.

Commissioner Marcus contended that opportunities were there to make improvements to the alignment. She recalled that the issue of acquiring some homes was talked about when the commissioners toured the area and that that discussion had not been presented at this meeting. She suggested a 30- to 60-day delay to get input from ITID and the Environmental Resources Management (ERM) staff.

Mr. Webb informed the board that the road would cost about \$40 million to \$50 million a mile along the environmentally sensitive land of about three miles.

Commissioner Newell commented that he did not anticipate state legislators taking on the project to build on the environmentally sensitive site because it would be costly. He said economics would become a factor and maybe it would be less expensive to look at creating new communities or areas.

Commissioner Koons said the board needed the flexibility to buy out willing homeowners. He suggested staff be directed to initiate the taking of section 1 because he did not want more houses built in the neighborhood and more residents accessing the road. He said State Road 7 was not physically or fiscally feasible. He said the ultimate dry spot of State Road 7 alignment might need to be removed and allow the watershed and wetland areas to merge, in an attempt to be attractive to permitting agencies. He suggested staff look at all the remedies available to solve environmental and residential issues.

In clarifying the motion, Commissioner Masilotti said it was to direct staff to use recommendation A as a general intent for the road surface but be able to modify it in a way where it better protected the residents and environment, including the opportunity of purchasing out homes. ITID and the state should work together in an attempt to find an alternative.

Commissioner Greene pointed out that there was a road being discussed for her district also. She stressed the need for residents to talk with their state representatives and request funding for county projects.

3. - CONTINUED

Commissioner McCarty said that the residents whose property would be taken should be made aware that the taxes on a new home would be much higher than the amount they were currently paying on their existing homes.

Mr. Webb pointed out that the permitting agencies strongly encouraged the county to purchase section I for mitigation but that he was unsure of the effects on the permitting process if the land was not acquired.

RESTATED MOTION to move along with the alignment presented by staff, give staff the flexibility of massaging that alignment in the best interest of the residents and environment throughout the area, and also for staff to consider the purchase of homes throughout that area if it has any adverse impact on the property values in those areas. The maker and seconder agreed.

Commissioner Aaronson said the motion should include ITID talking with the state and for the county to explore all avenues.

Commissioner Masilotti said staff should explore every opportunity while the permitting process was underway. He said he would like to see the homes purchased.

Mr. Webb summarized the direction to be as follows:

- Looking at permitting issues but minimizing the impact on the environment and homeowners, including the buyout of the homes as options and the purchase of section 1.

Commissioner Marcus suggested staff come back in 60 days with a report. The board directed staff to come back with timely status reports, however.

UPON CALL FOR A VOTE, the motion carried 6-1. Commissioner Marcus opposed.

RECESS

At 12:10 p.m., the chair declared a recess.

RECONVENE

The meeting reconvened at 2:04 p.m. with Commissioners Aaronson, Greene, Koons, Marcus, and Masilotti, present.

4. WORKSHOP - 2:00 P.M.

MOVING REGULATIONS ISSUES. DISCUSSED WITH DIRECTION TO STAFF
12-10-2002

Director of Consumer Affairs Division Dennis Moore requested the board to:

- Endorse an amendment to the state law that would allow local licensing of all moving companies performing moves wholly within the county.
- Authorize staff to negotiate an agreement with the state to enforce the new state law that went into effect earlier this year.

4. - CONTINUED

- Accept a proposal for a licensing fee for moving companies.
- Approve a new moving advisory committee.

Mr. Moore briefed the board as follows:

- The board appointed a task force in 1999 to review complaints of issues relating to moving companies.
- The board adopted an ordinance in 2000 that included licensing and approved an enforcement staff.
- The ordinance increased vehicle and liability insurance for the moving companies.
- The moving companies were required to provide a detailed written estimate and a full disclosure on the bill of lading.
- A detailed written contract must be signed by the consumer and the mover at the beginning of the job and as the goods were delivered.
- The mover should provide a disclosure requirement for free inventory of goods.
- The minimum requirement for insurance should be 60 cents per pound for damages.
- The address and permitting number should be displayed on the vehicles and in advertisements.
- About 301 complaints were handled during three years prior to regulation and since then, about 455 had been processed.
- About \$13,000 had been refunded to consumers before the ordinance was adopted and about \$25,000 after regulation was instated.
- Fewer consumer complaints were being made and fewer referrals were filled from the board concerning issues relating to moving companies.
- In July a new state law that mostly mirrored the county's ordinance became effective.
- Six positions were allocated statewide to reinforce the new law.
- Most of the positions were clerical and will be assigned in the Tallahassee area.
- The law required \$300 a year as a licensing fee for companies doing interstate moves.
- The state recognized counties with moving ordinances and wanted them kept in place but it pre-empted local licensing of companies not based in the county. Of the approximate \$120,000 generated from 115 companies licensed with the county annually, only \$50,000 will be collected from about 50 companies for operating the new program.

4. - CONTINUED

- Staff had requested the board endorse and encourage the state legislature to amend its law to allow local licensing of companies performing household moves wholly within the county. About 64 percent of the complaints from consumers were from companies operating outside of the county.
- The state had no funds to offer the county to enforce the law. The state would allow the county to keep fines and would allow Consumer Affairs department to provide more direct and effective service to county residents, however.
- Staff recommended the licensing fees be reduced from \$1,000 to \$700 annually. The current fee in Broward County was \$375 and \$400 in Dade County. Palm Beach County collected \$1,000 to prevent from using ad valorem dollars. The state now added \$300.

Commissioner Aaronson asked why fees should be reduced if the state had no monies to fund the program. He said the county might be able to fund the program now but that he was concerned about later years. He commented that he had not received any complaints from the moving companies about the fees. He suggested excess monies be used to advertise county movers.

- The moving advisory committee would replace the moving taskforce of 1999. The committee would be under the Consumer Affairs Hearing Board and would consist of seven movers appointed geographically and two consumers, for a two-year term, with service for the maximum of three terms.

Commissioners Aaronson and Masilotti expressed concerns about having seven movers instead of consumers.

Commissioner Koons said it would be more advantageous to have representation from the industry than consumers. He said the industry representatives know the standards they want to maintain. He said he would accept staff's recommendation.

- The new committee would assist staff in recommending amendments to the current ordinance to bring it up to date with state law.

After a discussion on how the fine system works, Assistant County Attorney Dawn Wynn informed the board that the county had no jurisdiction over interstate moves and that they were regulated by the state Consumer Services Division.

PUBLIC COMMENTS:

Andy Newett, Tim Brown, and Ed Rubin, expressed their views in support of staff's recommendations.

In response to Commissioner Marcus, Todd Bonlarron, Legislative Affairs director, said the governor's staff looked at the bill last year and attempted to veto the initiative because the staff thought the bill would weaken the local government's authority. He said the bill now had the governor's staff support but he was uncertain if the legislature would address the issue this year.

4. - CONTINUED

STAFF WAS DIRECTED TO:

- Move forward with the amendment to allow local licensing of all moving companies to perform moves wholly within the county.
- Negotiate an agreement with the state Department of Agriculture, Consumer Services Division to permit the county's Consumer Affairs Division to enforce the state statute.
- Keep the fee at \$1,000 for now but review and come back with the possibility of a sliding scale with the cap to generate the total now collected.

Commissioner Greene suggested incentives be offered to get the companies to operate out of this county.

STAFF WAS FURTHER DIRECTED TO:

- Formulate a moving advisory committee with a makeup of five movers and four consumers. A quorum should be a minimum of seven members to vote on an issue.

6. ADJOURNMENT

The chair declared the meeting adjourned at 2:45 p.m.

ATTESTED:

APPROVED:

Clerk

Chair