

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING

Thursday, January 24, 2008
9:35 a.m. - 11:30 a.m.
301 North Olive Avenue
Jane M. Thompson Memorial Chambers
6th Floor
West Palm Beach, Florida

Reporting:

Sophie M. (Bunny)

Springer

Notary Public

A T T E N D E E S

_____ Addie L. Greene, Chairperson

Jeff Koons, Vice Chairman

Karen T. Marcus, Commissioner

Burt Aaronson, Commissioner

Mary McCarty, Commissioner

Jess R. Santamaria, Commissioner

Robert J. Kanjian, Commissioner

Verdenia Baker, Asst. County Administrator

Barbara Alterman, Director, PZ&B

Jon Mac Gillis, Zoning Director

Wendy Hernandez, Acting Principal Planner,
Zoning

Maryann Kwok, Chief Planner, Zoning

Ron Sullivan, Senior Site Planner, Zoning

Ora Owensby, Senior Site Planner, Zoning

Anthony Wint, Site Planner II, Zoning

Carrie Rechenmacher, Senior Site Planner,
Zoning

Carol Glasser, Site Planner II, Zoning

Joyce Lawrence, Site Planner II, Zoning

Barbara Pinkston-Nau, Principal Site
Planner,
Code Revision

Bob Banks, Assistant County Attorney

Leonard Berger, Assistant County Attorney

Lorenzo Aghemo, Planning Director

Bryce Van Horn, Planning

Erin Fitzhugh, Senior Planner, Planning

Gerald B. Gawaldo, Senior Transit Planner

Isaac Hoyos, Planning Dept.

Jim Choban, Engineering Dept.

Ken Rogers, Director, Land Development
Division

A T T E N D E E S

 Allan Ennis, Asst. Director Traffic
 Division

Linda Monroe, Monitoring Division

Jon Pancoast, Monitoring Division

Bob Kraus, ERM

Kenny Wilson, Health Department

Linda Federico, Clerk

Lorraine Cuppi, Senior Secretary, Zoning

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P R O C E E D I N G S

CHAIRPERSON GREENE: Good morning. We'll have roll call, please, and then we'll have opening prayer and Pledge of Allegiance by Commissioner Santamaria.

CLERK: Commissioner Aaronson.

COMMISSIONER AARONSON: Here.

CLERK: Commissioner Greene.

CHAIRPERSON GREENE: Here.

CLERK: Commissioner Kanjian.

COMMISSIONER KANJIAN: Here.

CLERK: Commissioner Koons.

VICE CHAIRMAN KOONS: Here.

CLERK: Commissioner McCarty.

COMMISSIONER McCARTY: Here

CLERK: Commissioner Marcus.

COMMISSIONER MARCUS: Here.

CLERK: Commissioner Santamaria.

COMMISSIONER SANTAMARIA: Here.

(Whereupon, the prayer and Pledge of Allegiance were given.)

CHAIRPERSON GREENE: We have proof of publication, please.

MR. Mac GILLIS: Yes, Madam Chair.

VICE CHAIRMAN KOONS: Move to approve proof of publication.

CHAIRPERSON GREENE: You've heard the motion by Commissioner Koons.

COMMISSIONER AARONSON: Second.

CHAIRPERSON GREENE: Second by Commissioner Aaronson.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

Mr. Attorney, can we have the swearing in, please?

MR. BANKS: Yes. Would anyone wishing to testify at today's hearing please rise.

CHAIRPERSON GREENE: That's everybody in the audience.

(Whereupon, speakers were sworn in by Mr. Banks.)

MR. BANKS: Thank you.

CHAIRPERSON GREENE: Only two people were sitting. The next time when we do swearing in say people who are going to testify stay seated.

Okay. Adoption of agenda.

COMMISSIONER AARONSON: So moved.

CHAIRPERSON GREENE: You've heard the motion by Commissioner Aaronson.

COMMISSIONER KANJIAN: Second.

CHAIRPERSON GREENE: Second by Commissioner Kanjian.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0

CHAIRPERSON GREENE: Are there any postponements, withdrawals or remands from the agenda?

MR. Mac GILLIS: Yes, Madam Chair.

Begin on Page 1 of your agenda, the postponements, Item 1, PDD2007-731, Cypress Point MUPD, request to postpone to February 28th, 2007 [sic].

Item 2 on your agenda, PDD2006-1682, 112 Northlake Office, postponed to February 28th, 2000 -- I'm sorry, those should read eight, not seven, on your agenda.

Page 2 of your agenda, Item No. 3, DOA/TDR2007-1398, Aspen Square PUD, postponed to February 28th, 2008.

Item 4, CA2007-205, Lake Harbor Quarry, request to postpone to March 27th, 2008.

Item 5, Z/CA2006-1914, The Residences at Haverhill, a request to postpone to April 24th, 2008.

And Item 10 on Page 4 of your agenda, DOA/R2007-528, Yamato Court MUPD, a request to postpone to February 28th, 2008.

Those are the only postponements.

CHAIRPERSON GREENE: Thank you.

COMMISSIONER MARCUS: You need a motion?

MR. Mac GILLIS: We only need a motion actually on Item 10. The request were by request, so --

COMMISSIONER AARONSON: So moved.

COMMISSIONER MARCUS: Second.

CHAIRPERSON GREENE: You heard the motion by Commissioner Aaronson, second by Commissioner Marcus.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

CHAIRPERSON GREENE: Consent agenda.

MR. Mac GILLIS: Consent agenda begins on Page 3 and go through each item one by one if you'd like to pull any.

Item 6, the Jupiter Farms Baptist Church.

Item 7, status report, JEM Interprises.

Item 8, Mounts Rezoning.

Page 4, Item 9, Gulfstream Villa.

Item 10, that was postponed.

Page 5, Item 11, Dunsworth [sic]

Office-Warehouse.

Item 12, Delray Marketplace TMD.

COMMISSIONER MARCUS: Madam Chair, just for the -- there is a card on Item No. 9, No. 9 from a resident if you want to pull that one.

MR. Mac GILLIS: Okay. Do you -- we'll pull that one.

So we're on Page 6, Item 13, Dubois AGR-PUD.

Item 14, WFLX Tower.

Page 7, Item 15, the Groves MUPD.

Item 16, the Canyons Town Center TMD.

Page 8, Item 17, Town Commons PUD.

Items 18, Charleston Square.

Item 19 are corrective resolutions for the Glades Replacement Hospital.

Page 9 -- and that concludes the consent agenda.

COMMISSIONER AARONSON: Madam Chair.

CHAIRPERSON GREENE: Commissioner Aaronson.

COMMISSIONER AARONSON: Do we need disclosure on the consent agenda?

MR. BANKS: Yes, we do.

COMMISSIONER AARONSON: Okay. On -- I've spoken to the developer on Canyon Town Center. That's Item No. 16.

COMMISSIONER MARCUS: Seventeen.

COMMISSIONER AARONSON: Sixteen.

COMMISSIONER MARCUS: Okay.

I met with the applicant on 17.

COMMISSIONER AARONSON: I have it right over here --

COMMISSIONER MARCUS: Is this the Commons, the -- with the landscaping issue?

COMMISSIONER AARONSON: Canyon Town Center.

COMMISSIONER MARCUS: Pardon me?

COMMISSIONER AARONSON: Canyon Town Center.

MR. BANKS: They're two different items.

COMMISSIONER MARCUS: Okay. Well, mine -- mine -- staff said I did 17, so you did 16.

COMMISSIONER AARONSON: Well, I'm reading right from the sheet.

COMMISSIONER MARCUS: Okay. Me, too, so hopefully they're listening, and if we're wrong, they'll straighten us out.

COMMISSIONER AARONSON: Well, which one is it, 16 or 17?

MR. BANKS: Well, there's --

VICE CHAIRMAN KOONS: Two separate ones.

COMMISSIONER AARONSON: It's 16.

MR. BANKS: Sixteen is Canyon Town Center TMD, and 17 is Town Commons PUD.

COMMISSIONER MARCUS: I did the Town Commons PUD where it was a landscape issue.

MR. ROGERS: That's 17.

COMMISSIONER MARCUS: Is it here? Oh, there it --

COMMISSIONER AARONSON: Well, I met on 16, so that's -- I'm disclosing.

CHAIRPERSON GREENE: Okay. Any other disclosures?

COMMISSIONER McCARTY: I don't remember. Did you meet with me on 16? No, okay.

VICE CHAIRMAN KOONS: I met No. 1. I guess it's --

COMMISSIONER AARONSON: Now, I also want to disclose 17, as well.

COMMISSIONER McCARTY: Yeah, me, too, on 17. I'm told from the audience I met on 17.

COMMISSIONER AARONSON: Right. I have 17 here as a disclosure, as well.

COMMISSIONER McCARTY: I just meet with everybody. I don't know.

CHAIRPERSON GREENE: I don't remember.

COMMISSIONER McCARTY: Anybody wants to meet with me, they can disclose if they met with me.

CHAIRPERSON GREENE: I don't remember seeing you. You met with me?

Okay. I met with him, too.

COMMISSIONER MARCUS: He met with everybody on --

CHAIRPERSON GREENE: He met with everybody.

COMMISSIONER AARONSON: Sixteen and 17.

COMMISSIONER McCARTY: I just don't remember it being a landscaping issue, but I guess it was.

CHAIRPERSON GREENE: Okay. If there are no other disclosures --

COMMISSIONER AARONSON: I got --

COMMISSIONER MARCUS: Can I ask a question, though?

CHAIRPERSON GREENE: Oh, I'm sorry.

Commissioner Marcus.

COMMISSIONER MARCUS: Aren't we supposed to fill out forms and give them to you, Bob?

COMMISSIONER McCARTY: On who we meet with?

COMMISSIONER MARCUS: Yeah.

COMMISSIONER McCARTY: We fill it out in our office. They sign in.

MR. BANKS: Right, that's really up to the commissioner.

COMMISSIONER AARONSON: Well --

COMMISSIONER MARCUS: Oh.

COMMISSIONER McCARTY: Yeah, I don't have any form.

COMMISSIONER MARCUS: So I just want to make sure. So we're not supposed to. We can do it if we want to.

MR. BANKS: I mean some -- I think about six months ago it was kind of discussed by the Board, and there's a form that was developed, and some of the commissioners are filling it out and some aren't.

But the legal requirement by law is that the disclosures be made, you know, at the meeting.

COMMISSIONER MARCUS: Okay. Thank you.

VICE CHAIRMAN KOONS: Well, just -- can I ask a comment? I'm doing it.

MR. BANKS: The Board never -- the Board never established a formal policy to go beyond the law.

VICE CHAIRMAN KOONS: Let me just ask a question. How many -- I'm -- I'm trying to do it.

COMMISSIONER McCARTY: Well, we're -- we're keeping a log of everybody.

VICE CHAIRMAN KOONS: We're keeping a log out front --

COMMISSIONER McCARTY: Yeah.

VICE CHAIRMAN KOONS: -- and I keep a log in my office.

COMMISSIONER McCARTY: No, we're keeping our log in the office --

VICE CHAIRMAN KOONS: Yeah --

COMMISSIONER McCARTY: -- but filling out more paperwork is not something I'm --

VICE CHAIRMAN KOONS: You're doing it, too?

COMMISSIONER MARCUS: I'm doing a form, too.

VICE CHAIRMAN KOONS: I'm doing that. Are you doing that?

CHAIRPERSON GREENE: I just told my staff I need to start doing it 'cause I'm not doing this.

COMMISSIONER AARONSON: We're doing a form --

CHAIRPERSON GREENE: I didn't know we were supposed to.

VICE CHAIRMAN KOONS: You doing it?

COMMISSIONER AARONSON: -- a form and sometimes if it's missed, we disclose, but we're trying to fill out as best we can with the form.

MR. BANKS: Regardless if you fill out the form, you have to disclose --

COMMISSIONER McCARTY: Right.

MR. BANKS: -- you know, at the meeting. You have to tell the -- you have to disclose in public.

VICE CHAIRMAN KOONS: Commissioner Kanjian, are you using the form? Are you using the --

COMMISSIONER KANJIAN: No.

CHAIRPERSON GREENE: I will be doing it now.

COMMISSIONER KANJIAN: No. And I'm looking forward to seeing it 'cause it'll be a lot easier to remember who you met with when you came here.

COMMISSIONER AARONSON: Well, here. Here's what the form looks like.

COMMISSIONER KANJIAN: I'm all excited.

COMMISSIONER AARONSON: It's a very easy form.

MR. BANKS: Okay. And if the Board --

COMMISSIONER KANJIAN: Well, I --

MR. BANKS: If the Board wants to establish a policy, it can, but it just -- it discussed it but never established a formal policy.

VICE CHAIRMAN KOONS: Well, here's the issue. All right.

For example, if the secretary's not there, the person rolls in, they generally hand it to them, and then they sign it, they walk away.

I sometimes miss it so I don't want to go into some process where some guy, you know, forgot to fill it out, but a very good effort we will do it so it's a good procedure to use, but I don't know if I want to formally adopt it in case somebody --

MR. BANKS: Okay. I think the -- I think the current procedure is that you're -- by law you're required to disclose at the meetings, and if you want to fill out a form to provide you a reminder and then --

VICE CHAIRMAN KOONS: Okay.

COMMISSIONER KANJIAN: Madam Chair, I have a question for you on that.

Is it possible then with this form that we can bring that -- the form to this meeting --

MR. BANKS: Yes.

COMMISSIONER KANJIAN: -- and have it entered into the record? That way it'd be done one time for everybody.

VICE CHAIRMAN KOONS: That's exactly what we should -- that's what we -- that's what I'm doing.

COMMISSIONER McCARTY: For those that have forms.

COMMISSIONER KANJIAN: Right, well, yeah. I think that way it might be -- encourage us to do them, too, if it'll --

VICE CHAIRMAN KOONS: Yes.

COMMISSIONER KANJIAN: -- be quicker for us instead of going through.

COMMISSIONER McCARTY: Yeah, I --

COMMISSIONER KANJIAN: Madam Chair, I'd also like to let you know that I did meet with the folks on No. 18.

CHAIRPERSON GREENE: I think what you're doing makes it easier, but this is the first time I've seen it.

I didn't know you were doing this, but if -

-

VICE CHAIRMAN KOONS: Oh, yeah.

CHAIRPERSON GREENE: If they fill them out when they first enter the -- to come on the 12th floor and we get a copy of this, then I know to bring this with me to the office --

COMMISSIONER KANJIAN: Right.

CHAIRPERSON GREENE: -- and I know to check this with the agenda before I get here.

VICE CHAIRMAN KOONS: Yes.

COMMISSIONER McCARTY: Has there ever been a -- you know, we've had a lot of scandals in this county.

Has there ever been a scandal about who somebody talked to? I don't think there's ever been a scandal about that.

I just -- just for the record. I know we legally for the State have to disclose, but while we're all discussing this, you know, the scandals go in much different directions than who people talk to.

COMMISSIONER AARONSON: Well -- well, the law -- according to Bob, the law says that you have to disclose --

COMMISSIONER McCARTY: Yeah.

COMMISSIONER AARONSON: -- whether you disclose here or disclose on the form.

COMMISSIONER McCARTY: Right.

MR. BANKS: Right.

COMMISSIONER AARONSON: My staff and I find it just as easy to put it down on paper, but there are times if I were to meet somebody in a hall on the way down here and I didn't have a form, I would have to disclose that I --

MR. BANKS: Okay.

COMMISSIONER AARONSON: -- met --

MR. BANKS: But, regardless, the legal requirement is that you --

COMMISSIONER McCARTY: Say it here.

MR. BANKS: -- out loud disclose at this meeting.

COMMISSIONER KANJIAN: Oh, it is? So we -- so a form entered into the record wouldn't do it, either.

MR. BANKS: No.

COMMISSIONER KANJIAN: Just trying to be --

MR. BANKS: You have to publicly announce it --

COMMISSIONER KANJIAN: Okay.

MR. BANKS: -- at the meeting.

COMMISSIONER KANJIAN: Oh, well, it doesn't work that way. Okay.

CHAIRPERSON GREENE: Okay. Learning something new every day.

VICE CHAIRMAN KOONS: I guess I need to --

CHAIRPERSON GREENE: Commissioner Koons.

VICE CHAIRMAN KOONS: On consent, Item No. 1, and then I guess it was 17, too. Guess that was it.

Yeah, I guess that was -- no, it wasn't 17. That was it. Okay.

CHAIRPERSON GREENE: Okay. Thank you.

VICE CHAIRMAN KOONS: So we're going to move consent minus No. 9?

COMMISSIONER MARCUS: Yes.

VICE CHAIRMAN KOONS: Is that the motion yet?

COMMISSIONER MARCUS: Yeah.

COMMISSIONER AARONSON: Have we come to the end of the consent?

MR. Mac GILLIS: Yes.

CHAIRPERSON GREENE: Yes.

COMMISSIONER MARCUS: Second.

COMMISSIONER AARONSON: Okay. There's a motion.

CHAIRPERSON GREENE: The motion by Commissioner Koons to approve consent --

VICE CHAIRMAN KOONS: Consent minus nine.

CHAIRPERSON GREENE: -- consent the agenda minus No. 9. Second by Commissioner Aaronson [sic].

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

COMMISSIONER MARCUS: It was me.

COMMISSIONER AARONSON: It was Marcus seconded it.

COMMISSIONER MARCUS: My voice isn't that deep.

CHAIRPERSON GREENE: Second by Commissioner Marcus.

It was seconded by Commissioner Marcus.

COMMISSIONER AARONSON: Her voice has gotten a lot deeper.

CHAIRPERSON GREENE: Oh, we have some cards on No. 9?

COMMISSIONER MARCUS: Yes.

CHAIRPERSON GREENE: Mr. John Cimbaro.

MR. CIMBARO: Good morning. My name is John Cimbaro. I live at 4156 Foss Road. It 's a single story, single family home in a neighborhood of single family, single story homes.

My primary concern about Gulfstream Villas is, first of all, the fact that it's second story. I understand that is within zoning requirements, but the density of units that's going to be going into the property, twice what's originally planned and above and beyond what the existing zoning allows.

Obviously, the prospect of a two-story, six-unit housing complex has a lot of implications for local traffic, for peace and quiet, for privacy.

I attended the January 4th Zoning Board meeting, and they listened to my concerns. They decided that the commissioners would have the final say, and they decided to leave it up to you.

Their primary reason for approving the transfer of development rights was because it include -- inclusion of workforce housing, which they feel is in line with what the County Commissioners want for the county.

I'm not against workforce housing put in, a single family home on two parcels like most of the houses in my neighborhood, no problem at all if you include workforce housing in that.

Put in workforce housing in a single family home on one parcel, like my own home is, no problem whatsoever. Include it even in the originally planned three units, none of us would be dealing with this matter today. They wouldn't require approval of any kind, and I would be fine with that.

However, my concern arises from the use of workforce housing as it appears to me as a tool to allow developers to bypass existing zoning

requirements to dramatically alter a local neighborhood that's been the same for years and years.

Today's real estate market in 2008 is dramatically different than it was in 2005 when this issue first began being examined, also dramatically different -- my apologies -- also dramatically different than in 2006 when workforce housing were first implemented.

My primary concern is that it's not going to have the benefits today that it would have two or three years ago when housing was so high. Now prices are dropping. The *Palm Beach County Post* reports a four-year housing surplus in this county.

Workforce housing has also been incorporated in the adjacent Gulfstream Square, which is just south of that property.

What I would request of the commissioners and especially Commissioner Koons, who I know has been a big proponent of workforce housing, and who I also know got your start in public service as a leader of community neighborhood associations, I would request that you decide on this issue as if it was something coming into your own back yard.

Commissioner Koons, I ask that of yourself. Some of the questions I'm asking I know Commissioner Kanjian is also asking, as well.

I would ask you to make your decision based on that, and I request the remainder of the commissioners follow them likewise.

Thank you for your time.

COMMISSIONER MARCUS: Can I ask him a question?

CHAIRPERSON GREENE: Thank you.

Commissioner Aaronson then Commissioner Marcus.

COMMISSIONER AARONSON: Correct me if I'm wrong. You started off by saying that the Zoning Commission took no action and said they'd leave it up to the Board of County Commissioners; correct?

MR. CIMBARO: No, that's incorrect.

COMMISSIONER AARONSON: Well, that's what you said.

MR. CIMBARO: What I -- what I meant --

COMMISSIONER AARONSON: Okay.

MR. CIMBARO: -- by saying that was that they approved it and decided to let the County Commissioners have the final decision.

COMMISSIONER AARONSON: Well, it was approved four-nothing. There were four people present. It was approved unanimously by four people.

So when you said at the beginning of your statement that they said they were leaving it up

to the Board of County Commissioners, their recommendation was approval; is that correct?

MR. CIMBARO: Their recommendation was approval, but a statement -- I apologize. Continue.

COMMISSIONER AARONSON: Well, their recommendation was approval.

There was -- one representative spoke in opposition of the application. The Zoning Commission voted unanimously, four-nothing, in support of the request, subject to a revision to the site plan to add additional parking spaces; is that correct?

MR. CIMBARO: That is correct. What I was referring to was a statement that was made to the effect that the County Commissioners will have the final say on this matter, let's approve it here and let them make the final decision.

COMMISSIONER AARONSON: County Commission always has the final approval, but we have a Zoning Commission who makes recommendations.

We don't always take the recommendations, but they did recommend, and the way you started off was as if they said no, we're going to leave it up to the County Commission.

The final judgment is in the hands of the County Commission. So I just wanted to correct that statement.

MR. CIMBARO: Okay. I apologize. Something was -- a statement was made to that effect. I'm -- I'm not sure now what was meant by it.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: So is your objection the two-story versus -- are you in a single story home?

MR. CIMBARO: I'm in a single story home, and naturally, due to a loss of privacy --

COMMISSIONER MARCUS: So you -- you're objecting more to the single -- two-story design looking down onto your existing residential?

MR. CIMBARO: I'm not objecting to that because I know that's within the Zoning Code. I know I'll experience a loss of privacy, based on my own experience living adjacent to two-story properties, but like I said, I know that's within Zoning Code.

The only grounds I have to stand before you here and object is the density. I'd rather have three two-story homes in my back yard than six two-story homes in excess of the existing zoning.

COMMISSIONER MARCUS: Okay. Thank you.

CHAIRPERSON GREENE: No.

COMMISSIONER MARCUS: No, this is on consent for approval.

VICE CHAIRMAN KOONS: Madam Chair, I'll make a motion to approve No. 9.

COMMISSIONER AARONSON: Second.

CHAIRPERSON GREENE: You've heard the motion by Commissioner Koons.

VICE CHAIRMAN KOONS: I guess it's a -- we got three -- three separate motions, different?

COMMISSIONER AARONSON: Yeah.

VICE CHAIRMAN KOONS: Okay. The motion to adopt a resolution approving a Class A conditional use to allow the transfer of development rights.

COMMISSIONER AARONSON: Second.

CHAIRPERSON GREENE: You've heard the motion by Commissioner Koons, second by Commissioner Aaronson.

Commissioner Marcus.

COMMISSIONER MARCUS: Well, I -- is -- the applicant is here. He's standing behind us.

Are you going to try to do something to buffer, maybe not enough for six units, but for the two-story?

I only say that 'cause I live in a two-story and there's a one-story behind me, and sometimes there are lighting issues and things.

MR. KIER: Good morning, Commissioners. My name is David Kier with Seminole Bay Land Company. It's my pleasure to represent this project called Gulfstream Villas.

To answer your question, Ms. Marcus, yes. We're not going to eliminate the second story, but if you look at the site plan, you'll see that we've worked very hard to place these buildings --

COMMISSIONER MARCUS: There's no way I can see that site plan, sorry.

MR. KIER: Okay.

COMMISSIONER MARCUS: I mean --

MR. KIER: And I apologize for --

COMMISSIONER MARCUS: That -- no, that's okay.

MR. KIER: We were more than --

COMMISSIONER MARCUS: You need the mic, and somebody needs to bring the easel over. Sorry.

MR. KIER: That's fine with me. I'm at your pleasure here.

What we've done as it's coming to you, we've set the buildings back from the adjacent single family residential to the west. We're more than 75 feet away from that, and, of course, a very heavy landscape buffer. I believe you're familiar with our work.

Arvis (phon) does not do code work. We always do substantially more so you're not going to see this building to the west.

To the east -- to the east we are across Gulfstream Road from single family residential.

COMMISSIONER MARCUS: Okay.

MR. KIER: And, again, setback, heavily landscaped, et cetera.

The profile of our units is very low. It's really more like a story and two-thirds, if you will, the very simple slope roof.

So the profile's down. A lot of the two-story work that you see here, and we all do, goes up 32 feet, 35. This is topping out, I believe at like 27 --

COMMISSIONER MARCUS: Okay.

MR. KIER: -- or something. There are no angles from this from a second story to look at anybody across the street --

COMMISSIONER MARCUS: You feel --

MR. KIER: -- behind, and then we have multi-family on the south and then an abandoned lot to the north, which more than likely will go multi-family, as well, 'cause it's more than an acre, I believe.

COMMISSIONER MARCUS: So are you doing a berm on the one side that does have the single family, or are you just doing --

MR. KIER: No, we're going to do a fence and heavy landscaping because what we're trying to do back there is actually create real on-site recreation, not green space or open space, but this is an actual play space with little bicycle, tricycle path and gazebo.

If I put the berm in here, it's just going to --

COMMISSIONER MARCUS: Okay.

MR. KIER: -- I'm going to lose everything.

COMMISSIONER MARCUS: Okay.

MR. KIER: So secondly was the issue of density, if I could just real quickly.

In this neighborhood, when we measure this off lot for lot, the density right now is four to six units per acre and as low as one because of the uses off of Lake Worth Road where you have some of the old farm parcels, things of that nature, that were one and two acres. So some of those houses are still there.

But most of this area here to the west and to the east has been developed about four to six units per acre.

Most importantly in our project, we're bringing things into this neighborhood. This is a plus for the neighborhood.

There are no sidewalks generally on Gulfstream Road, to my knowledge, or a lot of these areas. We're bringing that in.

We're bringing in decorative street lighting.

Like I said, we're actually providing recreation on site, so --

COMMISSIONER MARCUS: Yeah, I just wanted to make sure that there was a sufficient buffer for a two-story there.

MR. KIER: Absolutely. The buffers -- I think staff will tell you. I believe we've met beyond what code is and what is your -- normally conditioned. That's where we started.

COMMISSIONER AARONSON: Okay.

CHAIRPERSON GREENE: I've got a motion by Commissioner Koons.

COMMISSIONER AARONSON: We made that first motion, and it was passed.

CHAIRPERSON GREENE: Pardon?

VICE CHAIRMAN KOONS: No, we didn't vote yet.

COMMISSIONER MARCUS: We didn't vote yet.

COMMISSIONER AARONSON: First one we passed.

COMMISSIONER MARCUS: No, we didn't vote yet.

COMMISSIONER AARONSON: Oh, we didn't vote yet? I'm sorry.

CHAIRPERSON GREENE: Commissioner Koons made the motion, right.

VICE CHAIRMAN KOONS: Second, Aaronson.

COMMISSIONER AARONSON: I seconded it.

CHAIRPERSON GREENE: Commissioner Aaronson seconded.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

VICE CHAIRMAN KOONS: Madam Chair, I'll make a -- to adopt a resolution approving a transfer of development rights --

COMMISSIONER AARONSON: Second.

VICE CHAIRMAN KOONS: -- for three units, of which three are workforce housing.

COMMISSIONER AARONSON: Second.

CHAIRPERSON GREENE: Motion by Commissioner Koons, second by Commissioner Aaronson.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

VICE CHAIRMAN KOONS: Madam Chair, I'd like a make a motion to approve the reduced cost of one dollar per transfer of development unit rights.

COMMISSIONER AARONSON: Second.

CHAIRPERSON GREENE: You've heard the motion by Commissioner Koons, seconded by Commissioner Aaronson.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

That ends consent agenda.

We start our regular agenda.

MR. KIER: Thank you. Have a great day.

MR. Mac GILLIS: That'll take us to Page 9, Item 20, the PBSO K-9 training facility expansion. This is a deviation from code requirements, and the motion for this item is actually on the add and delete.

VICE CHAIRMAN KOONS: Oh, it is?

COMMISSIONER AARONSON: Is there a motion made?

COMMISSIONER MARCUS: Well, I tried to -- Yes.

I move the motion that's on the add and delete sheet.

COMMISSIONER AARONSON: Second.

VICE CHAIRMAN KOONS: To approve PO zoning restriction deviation, training facility expansion. Yes.

I second.

CHAIRPERSON GREENE: You heard a motion by Commissioner Marcus, second by Commissioner Koons. Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

COMMISSIONER AARONSON: I seconded it.

CHAIRPERSON GREENE: Seconded by Commissioner Aaronson.

COMMISSIONER AARONSON: My voice is changing.

CHAIRPERSON GREENE: All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

COMMISSIONER MARCUS: Audrey, thank you for the clock yesterday.

MS. WOLF: Oh, you're welcome.

VICE CHAIRMAN KOONS: What clock?

COMMISSIONER MARCUS: In the Cherry Road Supervisor of Elections office. It was -- there was a clock requested.

MS. WOLF: And we recycled it.

COMMISSIONER MARCUS: Oh, thank you for that, too.

CHAIRPERSON GREENE: Recycled a clock?

COMMISSIONER MARCUS: No, recycled ones and a clock. You got to keep on schedule there, so you can't when the clock's wrong.

MR. Mac GILLIS: That'll bring us to Item 21 on the agenda, Status Report 1992-007.8, Lipkins PCD.

Linda Monroe will present this.

MS. MONROE: Commissioners, I have with me today Jon Pancoast, who's been working in the Monitoring Section a number of years.

I will be retiring shortly, so he's going to get his first chance to -- well, I don't know if it's the first chance --

CHAIRPERSON GREENE: Excuse me.

MS. MONROE: But he's going to -- has the opportunity to present this next item to you.

COMMISSIONER AARONSON: Everybody's retiring.

CHAIRPERSON GREENE: Yes.

COMMISSIONER McCARTY: Have you and Commissioner Marcus met?

COMMISSIONER MARCUS: No, we know each other. I'm sure he's been warned. She begged me on the way in here to let him get up here and say something.

MR. PANCOAST: Good morning, Commissioners. The item that we have for today is to adopt a resolution approving a development order amendment to amend the conditions of approval for this resolution and approve a time extension until July 6th, 2009, for this project.

CHAIRPERSON GREENE: May I ask a dumb question?

What kind of fast food?

COMMISSIONER MARCUS: Like a Burger King or something, a drive-through.

MR. PANCOAST: That I do not --

CHAIRPERSON GREENE: No, I'm just --

COMMISSIONER MARCUS: Madam Chair.

CHAIRPERSON GREENE: We have enough fast food restaurants, but it's not -- I'm -- not my worry.

COMMISSIONER MARCUS: Well, then, Madam Chair, I would like to make a motion to authorize the staff to initiate a revocation of this.

It's a 1992 petition. It's been sitting out there for quite some time, and I think we ought to let that traffic go to somebody who wants to use it.

MR. PANCOAST: Excuse me, Commissioner. When we talk about a revocation, we're talking about the special exception?

COMMISSIONER MARCUS: Yes. This is part of the location where they tried to come in with a Wal-Mart, and that Wal-Mart did not get approval, if I read this right.

MR. PANCOAST: I think you're right, yes.

COMMISSIONER MARCUS: Okay. And so now this is just sitting out there, so I think we should revoke it and let them start from scratch since they've been sitting on this since 1992.

COMMISSIONER McCARTY: Looks like we have an applicant ready to respond to that.

COMMISSIONER MARCUS: Oh, there was no -- is there a card on this?

COMMISSIONER McCARTY: Well, they probably -- if you're going to revoke it, they probably got something to say.

COMMISSIONER MARCUS: Okay.

VICE CHAIRMAN KOONS: I remember this.

MR. BENTZ: Good morning. For the commissioner -- for the record, my name is Bob Bentz, with Land Design South, and I'm here today representing this eight-acre parcel which is on the northeast corner of Hypoluxo Road and Military Trail.

And part of what you've heard is correct, but I'll need to give you the whole story relevant to this request.

First off, as Jon has indicated, staff is recommending an extension to this request, time extension of the item.

We have worked with staff over probably the last five, six months on a revised traffic study, which we have done, and I know our client spent a significant amount of money towards, for this property for the -- to justify a time extension for the site so it does meet concurrency, and that

is why they are recommending approval of this application to you today.

In addition, the land use for the property is commercial high. The zoning is actually CC, which is actually a lower level zoning district within that category.

It is consistent with the Comprehensive Plan and the code.

In addition, the conditions of approval that have been placed on this project, the property owner has met those conditions of approval. There were requirements that were time certain to dedicate right-of-way. He has done that over the last period of time.

The major issue with the property, and the reason why it hasn't gone forward in the last several years, is as Commissioner Marcus began to allude to, was the fact that this has been part of a larger scale proposed development which was involving a Wal-Mart application. That has been up before you for the last four years.

If you may recall, the last two times it was before you in 2007 it was postponed both times. We're waiting the resolution of Wal-Mart in other areas of Palm Beach County, not on this particular site.

Subsequent to that, Wal-Mart has made changes. This Comprehensive Plan Amendment is still in the system. You're actually going to see it in about two months, and we hope the Board's going to approve it.

That amendment is for a much larger tract of land than what is actually the eight acres at the corner.

If the Board ultimately does not approve it, then the eight acres will proceed forward under its current approval, but the reason it has not been developed for the last several years is because of the larger Comprehensive Plan Amendment that has been in the process.

Maybe as a final comment and just as a note relevant to taxes, which I think is on everybody's mind, the property today, as a commercially zoned parcel, does pay \$52,000 a year in taxes.

The property just east of that, which is not owned by the property owner, in the larger tract pays under \$500 a year in taxes because it has an Ag exemption on the property.

So certainly this client has paid his way through property taxes over the years relevant to this property, and we would request the Board to be patient, give us an extension on the request relevant to the fact that we are waiting for the ultimate resolution of the Comprehensive Plan Amendment.

VICE CHAIRMAN KOONS: By the way, the Value Adjustment Board met two days ago.

MR. BENTZ: I think we're too late on this one.

COMMISSIONER MARCUS: Yeah, we --

VICE CHAIRMAN KOONS: No, that's all right.

COMMISSIONER MARCUS: We -- we would have -- that's an unusual technique, an argument, is like because he's generating a lot of taxes for us on this higher use, but they haven't done anything since '92.

I mean this whole Wal-Mart stuff was just in the last couple of years so --

MR. BENTZ: Last five -- yeah, four or five years it's been going forward, Wal-Mart. I mean it was denied by the Board a couple times.

I've represented it for the last year and a half, two years. It has been postponed twice, and we're again before -- actually, we're going to LUAB on February 22nd and then back to the County Commission for transmittal end of March for that item, so --

COMMISSIONER MARCUS: And how do you -- how does Engineering count the traffic for this? If you're vested with this, how do you count the traffic for Wal-Mart? You double count it?

MR. BENTZ: We have to do a whole brand new study, by the way, so we don't get any vesting for what we have reserved here, if that's correct, Allan.

COMMISSIONER MARCUS: Can Allan talk?

Allan, can you tell me what the -- usually we get the level of services on the surrounding roads, and that's not here, but also you said that you're changing the conditions of approval to give them an extension.

They can't get any building permits after December 31st, 2008, and then what happens, and why is that?

MR. ENNIS: Well, the traffic study for the current approval showed that they can only meet concurrency through the end of 2008, I believe.

So if this were to be made into a Wal-Mart project, then the site, because it is a post-1987 approval, would have to address the entire amount of traffic.

They would not get credit for the traffic for the site that we're talking about here today.

COMMISSIONER MARCUS: Okay. But I'm -- so you're saying --

MR. ENNIS: As long as the total amount of traffic is going to be greater, and I -- there's no doubt that it's going to be greater than what's there right now.

COMMISSIONER MARCUS: But we -- I'm still confused about no building permit shall be issued

on the site after December of '08 because they won't meet -- they won't meet traffic performance standards?

MR. ENNIS: That's correct.

COMMISSIONER MARCUS: So what happens after that? We got half of a project that we're now vesting?

MR. ENNIS: Well, there would be conditions that would kick in in order for them to meet concurrency beyond 2008.

You know, they would probably have to phase to the improvement of Hypoluxo Road from Military to Jog, for example. That would be one improvement that they'd probably --

COMMISSIONER MARCUS: Could we just give them an extension for six months so we figure out what happens with Wal-Mart?

COMMISSIONER AARONSON: Well --

COMMISSIONER MARCUS: Is that something -- I'm looking at the --

COMMISSIONER AARONSON: I'd like to bring you up to date on Wal-Mart if I could.

COMMISSIONER MARCUS: Okay.

COMMISSIONER AARONSON: Wal-Mart has presented plans to me and to the City of Delray of a new Wal-Mart in Delray, which was one of the sticking points, if everybody remembers, because they had made promises previous to that, and they never lived up to it.

They have come up with plans for -- and actually they have to get certain zoning from the City of Delray.

City of Delray has looked at it. They like the way the project looks. It's a complete new renovation, and I would certainly say that we should give them time because it will be an asset to the City of Delray and the western area, as well.

And that's what, if you remember, I was the one who said don't approve the Hypoluxo one because they made promises that they never lived up to, and they're now in the process, from what I understand -- I saw the plans for Delray, but I also understand that they're upgrading all of the Wal-Marts, the older ones.

If we can get the Wal-Marts upgraded all over the county, I think it's beneficial to give them the opportunity to continue with this.

COMMISSIONER MARCUS: Could we -- Jon, is it?

MR. PANCOAST: Yes.

COMMISSIONER MARCUS: Hi. Could we give them an extension from -- this is from July '07, to July of '09. Could we give them, since we're in January of '08, give them an extension 'til

August of '08, give them time to see if Wal-Mart comes through, and then bring it back?

MR. PANCOAST: Certainly.

COMMISSIONER MARCUS: Then I would --

COMMISSIONER McCARTY: I could support that.

COMMISSIONER MARCUS: I'd make that motion.

MR. BENTZ: There's a -- there's a --

CHAIRPERSON GREENE: There's a motion --

COMMISSIONER McCARTY: I'll second.

MR. BENTZ: As a comment, I'm sorry -- our traffic analysis is good to the end of this year, so I simply request that maybe you make your --

COMMISSIONER MARCUS: Okay, to the end of this year.

MR. BENTZ: -- motion to the same as this year.

COMMISSIONER MARCUS: I would amend my motion to make it from today until -- what is it?

VICE CHAIRMAN KOONS: December '08?

COMMISSIONER MARCUS: December '08.

COMMISSIONER McCARTY: December 31st.

COMMISSIONER MARCUS: Yes.

COMMISSIONER AARONSON: I'll second that.

CHAIRPERSON GREENE: You've heard the motion by Commissioner Marcus, second by Commissioner Aaronson.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0, for the extension.

Twenty-two.

MR. PANCOAST: Excuse me, Commissioner. What date was that?

COMMISSIONER MARCUS: It's from today's meeting 'til December 31st, '08.

MR. PANCOAST: Thank you very much.

COMMISSIONER AARONSON: Mr. Bentz, I would suggest that the Wal-Mart people come and show everybody on the commission the plans that they have for Delray and others.

MR. BENTZ: Actually, we're planning upon doing that. So we are going to be doing that.

Actually, we're beginning some meetings next week in fact relevant to that.

MR. Mac GILLIS: Okay. That brings us to Item 22, PDD/DOA/W2006-1934, Amestoy AGR PUD.

Commissioners, this item would have been on the consent agenda, but staff thought there may have been somebody -- we had gotten -- contacted our office that they were going to come to object to it. But I don't know, if you haven't got a card -- oh, you do have a card. Okay.

COMMISSIONER AARONSON: I have disclosure on this. I've spoken to the petitioner on the Amestoy project.

MR. Mac GILLIS: Just ask -- Ora will do a brief presentation.

MS. OWENSBY: Good morning.

This is the application of Amestoy AGR PUD. It's located on the northeast corner of Lyons and Boynton Beach Boulevard. It's a rezoning from AGR to AGR PUD for 153 acres.

It's currently owned by the South Florida Water Management District. This will be an additional 153 acres to the preserve area.

The additional acreage would allow them to add also 153 units to the development area of the PUD.

The Development Order Amendment is to add that rezoned land area to redesignate 12 acres of preserve to the development acre area, to modify Engineering conditions, to restart the development clock and add 153 units.

There's also a request for a waiver to exceed the 25 percent cul-de-sac limit in the code.

With this added land area the total development will be 793.042 acres, and the unit count will be 793, which is the one unit per acre maximum of the code for the Ag Reserve PUDs.

The applicant has provided a new traffic study which will allow them to restart the development clock, and they requested modification of conditions on road construction improvements at Atlantic and 441 and to extend the build-out date from 2010 to 2012.

The surrounding uses are other Ag Reserve PUD approvals, including Equus to the north, Lyons West to the south and Countryside Meadows to the east, and then to the west is Faith Farm.

The -- at the Zoning Commission meeting on January 4th, COWBRA indicated their support of the project, and we did have a neighbor who objected to the proposed increase in density, traffic and the proposed waiver.

The agent discussed the cul-de-sac waiver with the Commission.

If you need further information, then we can go to the agent.

COMMISSIONER AARONSON: Okay. I'll -- I'll disclose at this time.

CHAIRPERSON GREENE: Mr. Kilday, did you meet with all the commissioners?

MR. KILDAY: No, I haven't. I haven't personally that met with any, I think Kevin may have talked to Commissioner Aaronson's office.

COMMISSIONER McCARTY: Kevin met with --

MR. KILDAY: Kevin Ratterree of GL Homes.

CHAIRPERSON GREENE: Okay. Thank you.

We have one card, Ms. Barbara Katz.

MR. KILDAY: Well, let me -- I'll just do two things. I'll be very brief.

The conditions are all acceptable. As indicated we would have been on the consent agenda except for the fact that there was a gentleman at the last meeting. He doesn't appear to be here today.

For a matter of housekeeping I do have additional disclosure forms, and I need to have these received and filed by you. These are for the preserve parcel so that our file is up to date.

COMMISSIONER KANJIAN: Motion to receive and file.

CHAIRPERSON GREENE: Motion to receive and file by Commissioner Kanjian.

COMMISSIONER AARONSON: Second.

CHAIRPERSON GREENE: Second by Commissioner Aaronson.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

COMMISSIONER AARONSON: Okay. Madam Chair, being that it went through the zoning --

COMMISSIONER MARCUS: Can I ask a question?

COMMISSIONER AARONSON: -- let Barbara Katz speak, I guess.

CHAIRPERSON GREENE: Okay.

Commissioner Marcus.

COMMISSIONER MARCUS: Well, what did we just do?

MR. Mac GILLIS: Those are the standard disclosure forms that an applicant is required to disclose who owns the property that's part of the application coming in.

So apparently what we have on file when the application was accepted, he's submitting

additional documents to show that it's been changed from what came in --

COMMISSIONER MARCUS: Okay. So could they send that to us, since I think we were the ones that wanted to see that?

MR. KILDAY: Yeah I have a set --

MR. Mac GILLIS: Yes.

MR. KILDAY: -- for each of you. I'll just pass them out.

MR. Mac GILLIS: Because at the back of your package you'll have --

COMMISSIONER MARCUS: Right.

MR. Mac GILLIS: -- what was submitted as part of the original application.

COMMISSIONER MARCUS: Okay. I didn't know that you could amend them and -- okay.

MR. KILDAY: The reason they're here now is this project was in the pre-advertising for months and months before you adopted the standard.

So we've actually now brought them in to update it, but at the time we submitted we weren't required to submit them.

COMMISSIONER MARCUS: Okay. And can I ask one more question?

CHAIRPERSON GREENE: Sure.

COMMISSIONER MARCUS: Could the staff comment on the waivers to the cul-de-sacs? Are you lovingly doing this or --

MS. OWENSBY: Yes. The -- at the time this application was submitted the cul-de-sac waiver maximum was 25 percent.

The code has recently been amended to allow 40 percent, and they're actually proposing a 52 percent number of streets to end in a cul-de-sac or deadend.

COMMISSIONER MARCUS: So -- so you're supporting it?

MR. Mac GILLIS: Yes.

MS. OWENSBY: Yes, uh-huh.

COMMISSIONER MARCUS: Thank you.

CHAIRPERSON GREENE: Oh --

COMMISSIONER AARONSON: Madam. Chair.

CHAIRPERSON GREENE: Commissioner Aaronson.

COMMISSIONER AARONSON: If nobody's going -- anybody else going to speak on this issue?

CHAIRPERSON GREENE: Ms. Katz hasn't spoken yet.

MS. KATZ: Actually, if you look at the card -- I'm Barbara Katz, president of COWBRA.

If you look at the card, I simply indicated that we are here to support.

We came -- we supported it at the Zoning Commission hearing. We have not changed our mind. People love cul-de-sacs. They can't wait to move into them.

We understand GL's reasons for changing to a family community and adding units, and we hope, as they do, that this will be a new dawning for the housing market.

So we're just here to support it.

CHAIRPERSON GREENE: Thank you.

COMMISSIONER AARONSON: Okay. Madam Chair, I'll make a motion to adopt a resolution approving an official zoning map amendment from the Agricultural Reserve Zoning District to the Agricultural Reserve Planned Unit Development Zoning District.

COMMISSIONER KANJIAN: Second.

CHAIRPERSON GREENE: You've heard the motion by Commissioner Aaronson, second by Commissioner Kanjian.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

COMMISSIONER AARONSON: Madam Char, I make a motion to adopt a resolution approving a Development Order Amendment to add land area, restart the commercial clock -- commencement clock, redesignate preserve to development area, modify conditions of approval, add units and to allow a model row.

COMMISSIONER KANJIAN: Second.

CHAIRPERSON GREENE: You've heard the motion by Commissioner Aaronson, second by Commissioner Kanjian.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

COMMISSIONER AARONSON: Madam Chair, I make a motion to adopt a resolution approving a waiver from performance standards to allow more than 25 percent of the street to end in cul-de-sacs or deadends.

COMMISSIONER KANJIAN: Second.

CHAIRPERSON GREENE: You've heard the motion by Commissioner Aaronson, second by Commissioner Kanjian.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

F.23.

MR. KILDAY: Thank you.

MR. Mac GILLIS: This brings us to Page 11, Item 23, DOA2007-737, Pinewood Square, Pages 437 to 467. This item would have been on the consent agenda as well, except we got a call from an individual who expressed that he would be here to speak to this this morning.

We don't have a card.

Would the Board like a presentation on this then?

VICE CHAIRMAN KOONS: No, we're okay.

I'd like to approve a resolution approving a Development Order Amendment to add square footage and reconfigure site plan.

COMMISSIONER AARONSON: Second.

CHAIRPERSON GREENE: You've heard the motion by Commissioner Aaronson --

COMMISSIONER KANJIAN: Madam Chair.

CHAIRPERSON GREENE: Yes, sir.

COMMISSIONER KANJIAN: I have -- I did believe I met with the applicant on this.

VICE CHAIRMAN KOONS: Is this the -- this is the canal thing? Yeah.

MS. NIELSEN: Yes, it is.

VICE CHAIRMAN KOONS: I met with them, too, yes.

MS. NIELSEN: Arianne Nielsen, with Land Design South, on behalf of the applicant.

COMMISSIONER AARONSON: I didn't meet with her.

CHAIRPERSON GREENE: I didn't meet with her.

COMMISSIONER McCARTY: I met with you. Was it on this issue?

MS. NIELSEN: It was.

COMMISSIONER McCARTY: Yeah. Oh, yeah. Yes, yes, yes, Woolbright, right.

MS. NIELSEN: Yes.

COMMISSIONER McCARTY: Got it. I remember the people. I just --

VICE CHAIRMAN KOONS: That's true. I remember your face. I forget the issue.

CHAIRPERSON GREENE: You've heard the motion by Commissioner -- who made the motion?

COMMISSIONER AARONSON: Jeff made the motion. I seconded it.

CHAIRPERSON GREENE: You've heard the motion by Commissioner --

COMMISSIONER AARONSON: What are you blushing about, Jeff?

VICE CHAIRMAN KOONS: Oh, great --

COMMISSIONER AARONSON: He's too old to blush.

VICE CHAIRMAN KOONS: No, if I'm too old to blush, I'm in deep trouble, man. I'll be dead.

COMMISSIONER McCARTY: All right. Do we have a motion? Are we doing this?

VICE CHAIRMAN KOONS: Yes, we have a motion.

CHAIRPERSON GREENE: I'm trying.

COMMISSIONER McCARTY: Got a second? Okay. Let's go.

CHAIRPERSON GREENE: You've heard the motion by Commissioner Koons --

COMMISSIONER McCARTY: Let's move this sucker along.

CHAIRPERSON GREENE: -- second by Commissioner Aaronson.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

MR. Mac GILLIS: Next item is 24, an abandonment, 2008-014.

Items 24 through 28 are all the Palm Beach County biotechnical research. These are all the abandonments that --

COMMISSIONER MARCUS: Move approval of Item No. 24, motion to adopt a resolution approving a Development Order Amendment to revoke Resolution R-2004-2101.

COMMISSIONER AARONSON: Second.

CHAIRPERSON GREENE: You've heard the motion by Commissioner --

COMMISSIONER AARONSON: Marcus.

COMMISSIONER MARCUS: Me.

CHAIRPERSON GREENE: -- Marcus, second by Commissioner Aaronson.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

COMMISSIONER MARCUS: Madam Chair, I'd move on Item No. 25 the staff recommendation of approval.

COMMISSIONER AARONSON: Second.

COMMISSIONER MARCUS: Motion to adopt a resolution approving Development Order Amendment to revoke another resolution, 2004-2103.

CHAIRPERSON GREENE: You've heard the motion by Commissioner Marcus. Second by Commissioner Aaronson.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

COMMISSIONER MARCUS: Madam Chair, I'd move approval of Item No. 26, which is a motion to adopt a resolution approving a Development Order Amendment to revoke Resolution 2004-2104.

COMMISSIONER AARONSON: Second.

CHAIRPERSON GREENE: You heard the motion by Commissioner Marcus, second by Commissioner Aaronson.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

COMMISSIONER MARCUS: Madam Chair, I'd move approval of Item No. 27, which is a motion to adopt a resolution approving an official zoning map amendment from the Planned Industrial Park to AG Residential Zoning District.

CHAIRPERSON GREENE: You heard the motion by Commissioner Marcus.

COMMISSIONER KANJIAN: Second.

CHAIRPERSON GREENE: Second by Commissioner Kanjian.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

COMMISSIONER MARCUS: And I would move approval of Item No. 28, a motion to adopt a resolution approving an official zoning map amendment from the Public Ownership Zoning District to Preservation/Conservation.

COMMISSIONER KANJIAN: Second.

CHAIRPERSON GREENE: You heard the motion by Commissioner Marcus, second by Commissioner Kanjian.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

MR. Mac GILLIS: That will bring us to Page 14 of the agenda, Item 29, ULDC Amendments, Round 2007-02.

This is the second reading and adoption of amendments to the Unified Land Development Code

At the -- earlier this month the Board had approved all the amendments on first reading with the exception, there was concerns regarding the proposed amendments to the Land Use Advisory Board.

The Board directed staff to provide additional backup material on the attendance and the number of times the Board met.

Lorenzo Aghemo, the Planning Director, did provide you a memo which is in your backup material, and I believe Lorenzo is here --

COMMISSIONER MARCUS: He's right here.

MR. Mac GILLIS: Oh, I'm sorry.

Lorenzo's here if you have any questions regarding that item, and I can address any of the other code amendments that are before you this morning.

CHAIRPERSON GREENE: Questions?

Commissioner Marcus.

COMMISSIONER MARCUS: This would maybe be for Bob Banks.

If -- there are certain parts of the ULDC that I don't want to support. So can I -- do I just have to vote against the whole blasted thing or what? Yeah? Okay.

MR. BANKS: Yes. It's been advertised as one ordinance, so --

COMMISSIONER MARCUS: Okay.

COMMISSIONER McCARTY: It's sort of like that amendment on January 29th, you know.

COMMISSIONER MARCUS: Right. Yeah, exactly. Okay.

COMMISSIONER McCARTY: You know, you like some, you don't like some --

COMMISSIONER MARCUS: Right, right.

COMMISSIONER McCARTY: -- but you're stuck with the --

COMMISSIONER MARCUS: Okay. Thank you.

COMMISSIONER AARONSON: It's not a Chinese menu.

COMMISSIONER MARCUS: I went back and during my review of what was in the ULDC I didn't -- I wasn't aware that the *de minimis* discussion issue was in here, and I'm not excited at all about making *de minimis* easier to do so I'm going to not support the whole thing because I don't like the *de minimis* discussion.

But I didn't know it was in there the first time; otherwise, I would have raised it as an issue.

Engineering didn't come to my meeting, and so I've subsequently met with Mr. Webb.

Thank you.

COMMISSIONER McCARTY: I don't think you have any support on that *de minimis* thing. You had a little from Warren, and it's gone now. You have nothing.

COMMISSIONER MARCUS: *De minimis* is new, sort of.

COMMISSIONER McCARTY: Sort of. I think Warren was --

COMMISSIONER MARCUS: No, no, no. That's another one. That was TPS.

COMMISSIONER McCARTY: Okay. Anyway, I'll make a motion to approve this.

COMMISSIONER MARCUS: Well, don't you want to deal with the Land Use Advisory Board? We have cards.

COMMISSIONER McCARTY: Oh, is it in here?

VICE CHAIRMAN KOONS: Yes.

COMMISSIONER McCARTY: All right.

COMMISSIONER MARCUS: And you have two cards on that.

COMMISSIONER McCARTY: Yeah, all right.

VICE CHAIRMAN KOONS: Before we get to the cards --

CHAIRPERSON GREENE: Commissioner Koons and then Commissioner Kanjian.

VICE CHAIRMAN KOONS: -- in terms of do we want to keep the -- if we want to adjust the membership of the Land Use Advisory Board, when do we do that?

COMMISSIONER KANJIAN: That's part of this, isn't it?

VICE CHAIRMAN KOONS: I mean if we would direct -- right now it's -- this is proposed seven and two, is that what it is?

MR. AGHEMO: That is correct, Commissioner.

VICE CHAIRMAN KOONS: So if we want to -- if we don't support that, then we would direct staff to do what?

COMMISSIONER MARCUS: Yeah, keep it --

VICE CHAIRMAN KOONS: Something else?

COMMISSIONER MARCUS: Keep it in its current size.

MR. Mac GILLIS: You either -- it would have to be approved the way it is now or to pull it and request staff to bring it back to our advisory board to --

VICE CHAIRMAN KOONS: Pull that particular section?

MR. Mac GILLIS: You would take that section out. It's Exhibit -- it's the last exhibit in the backup material, or second to last.

COMMISSIONER McCARTY: But we can't take out Karen's --

MR. AGHEMO: Madam Chair.

COMMISSIONER McCARTY: How can you not take out *de minimis*, but you can take out this?

COMMISSIONER MARCUS: Yeah.

MR. BANKS: No, I mean --

MR. Mac GILLIS: You could take out --

MR. BANKS: You could -- the commissioner could propose taking an item out of the ordinance --

COMMISSIONER McCARTY: It's not fair.

MR. BANKS: -- but if the Board wants to approve it, we have to approve the entire ordinance at once.

So obviously the Board can make any changes --

COMMISSIONER McCARTY: Oh, she'd have to get authority to support her to take it out --

MR. Mac GILLIS: Correct.

COMMISSIONER McCARTY: -- which she may not have. Okay. Got it.

MR. BANKS: Correct, but it's not like it's like take it or leave it. I didn't -- I didn't mean to imply that, but if the Board wants to approve the ordinance, you can't vote against part of an ordinance. You either have to vote yes or no.

COMMISSIONER MARCUS: But we have to delete the Land Use advisory Board --

VICE CHAIRMAN KOONS: Yeah, okay.

COMMISSIONER KANJIAN: Madam Chair.

CHAIRPERSON GREENE: Commissioner Kanjian.

COMMISSIONER KANJIAN: Do we have cards on LUAB so if -- I'd love to hear those, and I have a comment after that.

CHAIRPERSON GREENE: Okay.

Lorenzo, were you going to say something?

MR. AGHEMO: I will wait, Madam Chair.

CHAIRPERSON GREENE: Okay.

MR. AGHEMO: Thank you.

CHAIRPERSON GREENE: Ms. Judy Davis and Mr. Dennis Lipp.

COMMISSIONER MARCUS: Judy Daversa.

CHAIRPERSON GREENE: Okay.

COMMISSIONER MARCUS: Daversa.

CHAIRPERSON GREENE: Judy Daversa. Oh. I know her, but I didn't know her last name.

COMMISSIONER McCARTY: Could y'all say whose appointee you are on there --

MS. DAVERSA: I'm on --

COMMISSIONER McCARTY: -- 'cause I'm assuming you're on there.

MS. DAVERSA: I am on there. I'm the new chair. I'm Karen Marcus' appointment. Next time you have to remember me.

Let's see. I didn't know I was going to be called so soon. I'm going to try to be brief, brilliant and be gone.

So what we're talking about here today is resurrecting a resolution that was designed in December of 1995, and the purpose is to streamline and restructure the LUAB.

Section 8 of this resolution excludes a Board from being affected by this resolution if the Board is created by statute. The LUAB is created by statute.

It also gives the Board of County Commissioners the option to exempt any board they choose to from these size limitations.

We are a diverse Board. We're a large Board, but we are a diverse Board, and we represent the huge area that is Palm Beach County, and as I've said before, our county is twice -- it has twice the size of the State of Delaware.

Our Board has conservation and environmental members. We have people who represent neighborhoods and business interests.

Palm Beach County has huge geographic, demographic and political diversity, and there's a representation of almost everything on our Board.

The LDRAB agreed with that. In September this issue came before them for a vote, and they didn't just vote to not support staff's position, they unanimously voted to not support staff's position.

When something like this comes up, I always ask myself two questions. Number one, what is the purpose, and, number two, who benefits. And the purpose here obviously is just to reduce the LUAB size.

It's a moving target. First it was seven members. Then Neil Merin (ph) from the Land Use Advisory Board wrote a letter to staff and said this makes absolutely no sense, and they changed it to nine members. Now it may be 10. I'm not

sure what the current member size recommendation is.

Who benefits? Well, this is the real head scratcher. Not the residents, because they lose people they know and have a connection with who are on this Board, who know their areas, who know all the intricacies of living in a certain place in Palm Beach County. And not you because you lose your ear to the ground.

You lose the person that you have appointed or the two people you have appointed to represent you on this Board that handles all land use changes. You will get less input, less representation for your particular area.

We function very well as a larger board. We know that, and we hope you know that, as well. And as Commissioner McCarty said, given the current political climate with residents possibly feeling less represented now than they have in the past, this would seem to be an unfortunate time to remove members who represent the broad spectrum of interests, voters and communities in our area.

Thank you.

CHAIRPERSON GREENE: Thank you.

Mr. Lipp.

MR. LIPP: Madam Chair. Good morning, Commissioners.

I'm one of the new appointees to the Land Use Advisory Board from Commissioner Santamaria last September, I believe, and as a new member to that I've been now to three meetings, and the meetings are run swiftly, they're run efficiently.

The people who do speak at the LUAB usually try to make a point.

At a recent meeting a small piece of property on Military Trail across from Atlantis, there was a unanimous vote by the Land Use Advisory Board to deny this. Staff recommended approval, and it basically boiled down to a -- there was a charrette held for this particular property. The people in Greenacres were there.

Treasure Coast Regional Planning sponsored it, and they came back with a -- with a suggestion that the land use -- that the land use along Military Trail be, you know, townhomes and workforce housing.

And the issue, when it comes down to planning, are we planning one little spot, or are we planning a whole area 'cause just north of there we're involved in the urban redevelopment area of all of Military Trail.

You know, so just as a -- as a newcomer to this and also as a town councilman in Loxahatchee Groves, you know, we're trying to look at big picture items.

So, you know, this will probably go ahead and be approved, but I think the message that we tried to send was unanimously from this Board was that we need -- really need to look at planning versus individual little -- little parcels.

So I would recommend that we try to keep this Board intact and use the diversity and the opinions that are generated, you know, from this.

COMMISSIONER McCARTY: Can I just ask you a quick question?

MR. LIPP: Sure.

COMMISSIONER McCARTY: Do you have as a policy in the Town of Loxahatchee Groves nobody that 's got an application before your council can talk to your council members, other than at the meeting?

MR. LIPP: A lot of us took that as a pledge to, you know, to --

COMMISSIONER McCARTY: To not inform yourselves before you get to the meeting?

MR. LIPP: We have the -- the reports, you know, which we get in, which are essentially the same stack of papers --

COMMISSIONER McCARTY: Yeah.

MR. LIPP: -- that you all get in. We get those in our -- in our agenda packs.

COMMISSIONER McCARTY: I just -- you know, you're new, you'll learn, but God bless you.

MR. LIPP: Probably will.

COMMISSIONER McCARTY: I mean unless --

MR. LIPP: Hard lesson.

COMMISSIONER McCARTY: I mean I guess if you're elected to just listen to staff, I guess that's what you -- but I thought you were elected to listen to the property owners and taxpayers and people like that, as well, before you get to the meeting.

MR. LIPP: If people call me on the phone, and I don't hang up on them.

COMMISSIONER McCARTY: That's good.

MR. LIPP: Thank you.

CHAIRPERSON GREENE: Commissioner Santamaria.

VICE CHAIRMAN KOONS: I think Kanjian's first.

CHAIRPERSON GREENE: No, Santamaria was first, then Kanjian was second --

VICE CHAIRMAN KOONS: Oh.

CHAIRPERSON GREENE: -- and then --

COMMISSIONER KANJIAN: I will yield to either --

COMMISSIONER SANTAMARIA: I guess this is one situation where I will disagree with my own appointee.

You know, based on the arguments presented, then perhaps this commission currently composed of

seven members representing 1.3 million population, maybe then we should increase it to nine, 11, 13. We should increase the number of commissioners, based on the same logic.

I believe that the seven members of this Commission represent the diversified group, and it's capable of handling diverse subject matters.

Based on my own personal experience over the last 35, 40 years, having been a member of several dozen boards, my experience is that when there's a large board of 11, 15 members, 21 members, there are two problems that I have personally experienced.

When I'm a member of a large board, it's very easy for me to say I don't need to attend the next meeting, you know, for any small reason I might have because there's going to be so many others that are going to be there, anyway. So my absence, you know, won't be a big deal.

So it'll be -- the larger the board, the easier for me to refrain from attending for any personal reason I might have.

The second reason I have that I don't like large boards is that when there's a large board and most of them attend, it's really a -- quite a lot of discussions come -- a lot of minutiae is presented by the -- this large unwieldy group of membership so that, you know, to discuss one topic, if everybody wants to give their two cents worth of comment, it then creates, you know, a lot of wasted time on so many members giving their opinion on small topics.

So either way, those are the two reasons I don't like large boards. One is it's a -- large boards present an incentive for people not to attend, and large boards, if they do attend, then there's just too much unnecessary time wasted and not as much accomplished.

I would rather -- I believe in the statement that I would like quantity -- quantity of membership -- the quality, the quality of the membership, rather than the quantity of the number of members in a board.

CHAIRPERSON GREENE: Commissioner Kanjian.

COMMISSIONER KANJIAN: Thank you, Madam Chair.

I think one of the first letters I received from the public when I was appointed in August was about this issue and very concerning to the folks who had sent the letter. Many of you, I think, got the copy of the letter. It was a former chairman of the LUAB.

I did have an opportunity to meet with the staff and hear their concerns on this matter, and a lot of what I heard from the staff were things that if we as a Commission basically said to the

members of the LUAB this is the concern, these are the issues, you're on notice, fix this issue, or you're probably getting to be smaller because we think that might be a way that we're going to fix the problem.

It had to do with meetings taking longer, people talking on every issue, even if they agreed with the issue, and I asked about whether we had really gone to them and said guys, this is a problem, or we see this is a problem.

And some staff thought maybe that wasn't really their role, but maybe that is our role, and I think that would be good for us to move forward.

My concern with making this change is I reviewed the make-up of LUAB and including the make-up of the District 3 appointees. Well, I looked at it, and Dennis Koehler is the District 3 appointment, and I think he used to be on the County Commission, he tends to remind me that he was there.

So I think he's somebody that's probably important, brings -- yes, he heard the first Comp Plan, I think, too, but he -- he brings a lot of institutional knowledge.

COMMISSIONER McCARTY: So was Bill Boose, but he never takes the credit.

COMMISSIONER KANJIAN: Oh, okay. But there's a lot of institutional knowledge there, obviously business-related, and government related.

And then I have someone like Sandy Greenberg, who really has a great touch on the pulse of the community in the west Boynton Beach area, and as I look at it and I say now which one of those two voices do I not want to hear any longer.

Now, I probably would tease and say Dennis just off the top because I like Sandy so much, but -- but in any event, I think that he brings a whole lot to it, and as I look at it, I think your appointments, the other appointments on there are probably like that, that you really are getting a nice mixture there.

So I'm concerned that if we did this, that we would lose that extra voice there because we're going to cut one out, and notwithstanding what Commissioner Santamaria said, because I do agree, the bigger the board, the tougher it is, but I'm afraid here, at least from the District 3 and some of the other appointments that I've seen, that we would lose half of a voice somewhere along the line, and I think it would be helpful for us to have it.

So I would prefer we pull this one out, but put the LUAB on notice that things are taking too long. We don't need to hear from you on every

one. Make it by exception, and I did make the note, and I talked to some folks yesterday from LUAB about the issue.

There is a similar board called the Court Board at the -- at the School Board, which has to go through all of the building issues. And it's very, very intense, and it has the architects on it, the contractors, as well as just general members of the public, and they pretty much have a rule that you only speak if there's a problem with the issue, as opposed to just to tell us why you like it.

And I'm suggesting that maybe they talk -- several of the folks knew some of the leaders of that, then maybe they would talk to them, 'cause I sat on that Board as a School Board person, and those are meetings that could take several hours, but they did it by exception.

And so maybe if we give them the edict that, guys -- 'cause I'm sure they don't want to be there for five hours, but the problem is we're taking too long and people are talking too much, and if we tell them today your days are numbered if your -- if the clock goes too far, that might be a proper way of moving forward as opposed to just cutting out some opinions, and I'm concerned about not hearing from the full public.

So I would support if we pulled this out today and would hope some of the other members would do so.

CHAIRPERSON GREENE: Commissioner Koons.

VICE CHAIRMAN KOONS: I guess the -- to save time, I'll go ditto. You hit it right on the head, but I just -- I feel the same way. I came on -- I was on the County land use -- not on the Comp Plan but on the -- but on the Planning Board, and I really do value the amount of people here.

I did talk to the chair and maybe the vice chair. I said look, it's time to focus, get everybody on there, but I'm -- I'm -- I do not -- and I felt very uncomfortable from day one trying to take the Board down low, and I'm aware of the personalities and all that good stuff, but I've really never felt comfortable by taking the -- this Board back down.

I just -- and sometimes you got to go with your heart, and I just felt very strongly -- I just did not feel comfortable.

I personally would like to see more stuff done by this Board. I appreciate all the Planning staff and the redevelopment issues we've got. Personally, I'd like to have a subgroup of this that would be the Land Use -- Land Reuse Advisory Board as we go back and retrofit our urban areas and maybe have to deal in urban areas.

So mainly I'd like to see more -- more -- and I think one of the lessons that we're hearing from the State of Florida people working in there is they want more input, and this is the issue that may be going on the ballot, the Hometown Democracy. They want more input to be able to take a look at.

This Board does reflect our community, and, you know, we just have to have our people -- this is probably the most valuable board that we have. There's a lot of skill sets that are on here. I didn't know who to -- I wouldn't know who to kick off, I mean, or something like that.

And I'm adding -- I got one slot still open. I'm still waiting for this process, and I'm trying to find very skilled individuals who can go in here and contribute and move the agenda, and if there's some issues with staff, I think open communications are going to have to be real good, being able to, you know, self-police themselves and be more efficient, but I just never felt comfortable about lowering this Board back down.

And as we get deeper into the redevelopment strategies this Board, like I said, may have to have a subset to go in there. Where else would we go to form something like this? And I don't see another board being able to take a look at this going forward.

So I'm not in favor of taking it back down. I'm in favor of giving them more sharp direction to where they go, like Commissioner Kanjian said, and be able to get them focused on what's going to go in there and, you know, and move the agenda and maybe receive more responsibilities in terms of the redevelopment stuff.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: I think the group is probably under-utilized, and I would agree that we should give them another chance at staying the size they are and actually utilize them more.

I would like their comments on the -- prior to us having our February 26th workshop on should we do Comp Plan amendments annually versus, you know, twice a year or whatever, however we do it.

I think they need to be more in the process, and Commissioner Koons was talking about -- I think we asked the Land Use Advisory Board years ago to look at the redevelopment aspect of it, and I just don't know that -- I mean I know we hired Regional Planning Council and they came in and they did this specific area, but I really think that they're under-utilized, and that they should see more of the policy, philosophical, instead of, you know, five hours of individual Comp Plan change things.

So I would agree that we should keep them their size and give them a chance that they've so passionately fought for.

The only thing, though, that I think we should leave in there is that the chairmanship should be rotated, maybe not to everybody, but -- but that it, you know, it needs to change once every -- at least every two years like we do with our chairmanship. I think that's something that we should keep in there.

COMMISSIONER McCARTY: Well, I have a comment to that.

COMMISSIONER MARCUS: Okay.

COMMISSIONER McCARTY: If I may, Madam Chair.

I just -- and I actually was going to mention it for us.

I mean I think, because of term limits, that the maximum anybody in the future is going to be able to be on here is eight years, that our term as chairman should change to one year so that seven commissioners will get a chance to see the chairmanship, rather than just four.

So I mean this probably isn't the time to do it, probably next November is the time to do it, but I definitely think that we ought to change that to a one-year term, and I think that the LUAB, if they're going to continue to have as many members, I think that it needs to change every year so people get a chance to do it, and you get -- you know, they get a chance at that leadership.

It's up to them to decide who they want as their chairman, but I think it should change every year because there are so many of them, and I think two years is too long.

COMMISSIONER MARCUS: That's fine.

COMMISSIONER McCARTY: I think they have -- Zoning Commission has a year, too, right?

MR. AGHEMO: Yeah, they've got --

COMMISSIONER McCARTY: Yeah, one year, and they change.

MR. AGHEMO: They way it is proposed is to rotate every year.

COMMISSIONER McCARTY: Okay. So there's nothing to change. So I just --

COMMISSIONER MARCUS: But there is something in there that says that you can't be chairman again until everybody on there has been chairman.

MR. AGHEMO: That's correct.

COMMISSIONER MARCUS: And there may be somebody who doesn't want to be chairman. So we probably ought to take that component of it out and just let it -- let the Board themselves decide, but it's a one-year term.

COMMISSIONER McCARTY: Yeah, we don't want to see it go back and forth between two people.

MR. AGHEMO: Right.

COMMISSIONER McCARTY: You know, how -- I just think they ought to take a page, maybe, out of -- out of our book. We tend to look -- unless, there have been exceptions over the years. Dorothy Wilken was one, before all of us except for Commissioner Marcus were here.

But in the -- how we've traditionally done it, unless somebody is so egregious, they kind of go by seniority, and it's sort of their turn.

Now, if somebody's sort of been there the longest and they don't want it, then I would go to the next person and then just keep going 'til somebody wants it, that kind of thing, rather than having people lobby and jockey and all those breaking of the Sunshine rules they're not supposed to do.

I think there should be some sort of order to it, and if somebody wants to decline it, that's certainly their privilege.

So I think they should take a page out of how we have conducted ourselves, even though it's not a formal policy.

MR. BANKS: I mean the Zoning Commission on an informal basis they rotate so everyone can be chair.

COMMISSIONER McCARTY: Yeah.

MR. BANKS: That's not in the code --

COMMISSIONER McCARTY: Right.

MR. BANKS: -- but that's just -- the custom is that you're chair for a year, and if you're there for --

COMMISSIONER McCARTY: Well, the --

MR. BANKS: -- seven -- if you're still there eight years later, I guess you can be chair again.

COMMISSIONER McCARTY: Well, in the case of the LUAB we need to put it in the code because they had chairman for life --

COMMISSIONER MARCUS: Uh-huh.

COMMISSIONER McCARTY: -- and unless -- you know, we had that problem with the Housing Finance Authority, and you know where that led.

So we need in this case, I think, to put it in the code because that has not been their custom to do that.

VICE CHAIRMAN KOONS: We did solve that issue.

COMMISSIONER McCARTY: Yeah, after people got indicted.

COMMISSIONER MARCUS: No, no, no. On the -

-

VICE CHAIRMAN KOONS: We solved that issue, too.

COMMISSIONER McCARTY: So --

CHAIRPERSON GREENE: Commissioner Aaronson.

COMMISSIONER AARONSON: Rotating a board -- I happen to agree with Commissioner Santamaria.

It's a very difficult job for us to turn around and say take a look at who we appointed and politically one of the repercussions is if you left somebody off, but, you know, there's an old saying, you know what a camel is, don't you; a horse designed by a committee.

The fact of the matter is when you have too many people -- I've heard many of the comments. Commissioner Kanjian said he would speak to the people.

I have a policy, I don't direct my LAUB [sic] people to tell them what my opinion is of an item coming forward. I let them be free spirited, and I let them make whatever vote they want to make. They're supposed to be using their judgment.

I have seen many occasions where my two appointees, my two appointees vote differently. Okay. So here I have two appointees. One is voting yes, and one is voting no. Is that not correct? Do we see that a lot?

MR. AGHEMO: We do see that, Commissioner.

COMMISSIONER AARONSON: Okay. So it's very difficult to say well, let's have two, because if you have two from your district, one is canceling out the other if they vote separate -- differently.

There could be, not this year, but there could be a hybrid. There could be something that's worked out differently, such as if you don't want to have 15 on, and we're only seven commissioners, maybe work out something whereby we could have 11 on, okay, seven from County Commissioners, four at large.

The four at large would be determined by the Board, by what you recommend, whether it be somebody from the builders, somebody from the environmentalists.

There must be other formulas that possibly could work more favorably for staff, as well as the Commission.

But I think my recommendation would be not to have anything that you recommend to us of some sort of a hybrid go into effect for 2008, but go into effect for 2009, which gives everybody an opportunity to look over their representatives, let the representatives know that there may be changes, or that there will be changes.

There possibly will be changes on this Board come 2009 because of the elections.

So I think that my suggestion would be not to abandon it today, but to come up with some

other method of making it -- because what I've heard from staff, and correct me if I'm wrong, that it becomes somewhat unwieldy at times, and what we want to do is have it more streamlined and efficient.

And I respect every person who has been on that Board for what they've given and what they've done, but if we can make it better, I'm all for that.

So I'm in favor of going forward today and leaving it the way it is, but I would like staff to come back with some sort of a recommendation for some sort of hybrid.

MR. AGHEMO: Madam Chair.

Commissioner Aaronson, I think we were going to suggest as an alternative to the Board -- we know this is a difficult issue. It has been very difficult for all of you and for everybody involved in this issue.

And what we would like to offer to you is that you approve today as it is proposed, and you make the effective date of this ordinance or these changes to LUAB effective January 1st, 2009.

That will give sufficient time -- there are some board members, you know, that their appointment's going to run sometime in June, July. We do have the elections.

You know, maybe the Board of County Commissioners would change the composition like you have mentioned, Commissioner Aaronson. I think that will give sufficient time, you know, to adjust in transitioning to the new LUAB commission.

COMMISSIONER AARONSON: Well, the only thing I would say, Lorenzo, is this, that this Board hasn't voted on a hybrid, and until we see what kind of hybrid that you're recommending, you follow me, it -- I guess it would be difficult for anybody on the Board to vote on it.

So I would like to see some recommendations. Do you have any at this present time?

MR. AGHEMO: Well, the other thing, Commissioner Aaronson, would be for us to have seven members being appointed by each District Commissioner, and then instead of having two at large, have four at large, and that would be sort of the hybrid, you know, between the -- what is in front of you today and what we have, the current LUAB composition.

COMMISSIONER AARONSON: Any comments?

CHAIRPERSON GREENE: Commissioner Koons.

VICE CHAIRMAN KOONS: Well, I -- I -- let's -- let me suggest something.

Let's keep -- I'm going to suggest that I might make a motion to keep the existing Board as

we is -- as it is, 14, and that after November of '08, let's see what happens in the -- let's see what -- let's see what happens, what the state does to us in '08, and then we sit down and review the mission of this particular board and the opportunities of using them in some different way that we might wish to do that.

So let's get through the elections in November, and let's -- and then we'll maybe have a workshop and work -- have that Board and our staff and us figure -- if there's something else we wish them to do.

For example, I'm in the -- I think we need a redevelopment board, okay, or there's a subset going on, to take a look at that, or we will, hopefully, have some answer what's going to happen out west. You know, we only have a little bit left, and then what's the mission, the long-range strategic plan that Palm Beach County comes in for.

We're going to know a lot more after our elections and what the state's going to do for us.

So we just keep it going, and we spend the next nine months figuring out what we wish to do and have a workshop after the election and figure out what mission we wish to have this Board, 'cause I'm very happy to have people looking at stuff before it gets to us and be able to have a good constructive dialog on those issues.

And at the same time we will send a letter to that Board and say focus. This is an important Board for us. If you've got to meet more than six hours on a Friday, you got to stay there. If you can't do that, then we'll get somebody else to go do that.

So are we --

COMMISSIONER McCARTY: My question to you, Jeff, is -- I think the question before us today is the amount of members, not the mission. So if you -- if you want to discuss the mission after the November '08 elections, that's fine.

But I think for purposes of the staff and that Board and their feeling of where they're going with all this, I think this Board needs to either go with Commissioner Aaronson's suggestion or what I've heard from three of you, which is you want to keep the Board membership as is, and I don't know where Commissioner Greene is on this --

VICE CHAIRMAN KOONS: I'm going to make the motion to keep the Board as it is.

COMMISSIONER McCARTY: -- and I --

VICE CHAIRMAN KOONS: I want to wait to see what the -- what the state legislature does with growth management. It's going to be very specific. I want to wait and see what the voters do in November in terms of are we going to have

resources to be able to do anything, and we come back and we use that as a starting point for the redevelopment strategies for Palm Beach County or ultimate build-out --

COMMISSIONER McCARTY: All right. And --

VICE CHAIRMAN KOONS: -- and we're probably going to be required to go -- do our whole land use strategy over again by the state legislature, and we may end up changing Comp Plan strategies and --

COMMISSIONER McCARTY: But on the question of -- I mean Commissioner Aaronson and Commissioner Santamaria are sort of of a mind that there needs to be less members, from what I can gather here, as I'm trying to count noses and hoping to, dear God, I'm not a swing vote.

VICE CHAIRMAN KOONS: Uh-huh.

COMMISSIONER McCARTY: The --

VICE CHAIRMAN KOONS: We'll work on that.

COMMISSIONER McCARTY: I'm hoping that this decision gets made before I have to -- and so -- but I have not -- and then I'm thinking that Commissioner --

VICE CHAIRMAN KOONS: I'm 14 and focused.

COMMISSIONER McCARTY: -- Marcus and Koons and Kanjian are sort of in the 14 range, and --

COMMISSIONER KANJIAN: Well, if Commissioner --

MR. AGHEMO: Sixteen.

COMMISSIONER McCARTY: And then -- but I haven't -- I don't know where Commissioner Greene is on this, and so that's kind of -- and you don't -- but, see, you don't even have both of your people appointed on there. You only have one appointee.

CHAIRPERSON GREENE: Right.

COMMISSIONER McCARTY: So you probably are okay with shrinking it.

CHAIRPERSON GREENE: Un-huh.

COMMISSIONER McCARTY: Okay.

COMMISSIONER KANJIAN: Well, Commissioner McCarty --

COMMISSIONER McCARTY: Yeah.

COMMISSIONER KANJIAN: -- I know it sounded like it was a long time he was speaking for, Commissioner Koons, but if he was making a motion --

VICE CHAIRMAN KOONS: Yes.

COMMISSIONER KANJIAN: -- to adopt this ULDC amendments, less Article 17 --

VICE CHAIRMAN KOONS: Yes.

COMMISSIONER KANJIAN: -- then I would second that if that's what he had made or was making.

COMMISSIONER McCARTY: Can I just maybe amend that a little bit, I think if that's what

you're making -- I mean I'd like to make a substitute motion just to amend it technically, not substantively, and that is -- 'cause she's prepped me here -- on that article we want to leave the language as it originally was on the number, on the number. Leave the language as was, not the cross outs. Put it back as it was.

But then on the part that has to do with the rotation you just take out the end where it says "...until all other regular members have served each position." You just take that language out.

So that's my substitute.

COMMISSIONER KANJIAN: Okay to the seconder.

COMMISSIONER McCARTY: Or my suggestion for the --

VICE CHAIRMAN KOONS: Okay.

CHAIRPERSON GREENE: But we have three -- we have two commissioners who want to say something.

COMMISSIONER McCARTY: Sorry. Okay.

CHAIRPERSON GREENE: Commissioner Santamaria.

COMMISSIONER SANTAMARIA: How many members did we have in the CVB Board before it was recently changed?

COMMISSIONER MARCUS: That's a Verdenia question, like 35.

MS. BAKER: I'm sorry?

COMMISSIONER SANTAMARIA: How many members did the CVB Board have a couple of years back before the recent change?

COMMISSIONER MARCUS: I think it was 35.

MS. BAKER: Yeah, except they were -- they were not all appointed by the Board of County Commissioners.

COMMISSIONER SANTAMARIA: Just give me a number. Just give me a number.

MS. BAKER: I think it was roughly about 35.

COMMISSIONER MARCUS: Right.

COMMISSIONER SANTAMARIA: How many do we have now?

COMMISSIONER MARCUS: I think they took it down to 17.

MS. BAKER: Seven -- let's see, it's seven from our Board, five -- 17, total of 17. Each Board member appoints --

COMMISSIONER SANTAMARIA: Okay.

MS. BAKER: -- an individual, and then the group as a whole appoints five others, and then the hotel/motel association and those guys appoint five.

COMMISSIONER SANTAMARIA: Yeah. So that's one example where I guess the current Board of

Commissioners decided that the number was excessive, and it was reduced to somewhat a little less unwieldy and more manageable.

And, again, I just have to reiterate.

There's another tendency of, I guess, some boards are more desirable than others. Some are hard to fill up, and some we have more people who want to be on than others. Some are, you know, more popular than others, and the tendency of -- I mean the human tendency of commissioners is, of course, to -- especially the more desirable boards is to appoint our friendly residents in our communities that we associate with to put on the boards.

It's a human nature to get on the popular boards to place our buddies, so to speak, on boards, but my objective is to have -- for each one of us to really seriously consider putting really people who have either qualifications, we put serious thought to the qualifications to the people we place, especially when you appoint on boards like the Land Use Advisory Board and get people who are going to really help us make the right decisions and not just to try and place people that we feel comfortable with just for the sake of putting them on this popular boards.

So, anyway, my position is still the same, a quality rather than quantity. Again, the best example, I guess, is the fact that we have seven commissioners, not nine, not 11, not 13, for 1.3 percent -- 1.3 million population, and we do -- I would say we do a pretty good job of making the right decision with seven and not with a larger number.

VICE CHAIRMAN KOONS: Commissioner Aaronson.

COMMISSIONER AARONSON: I would like to ask two questions, one of staff and one, if I can -- Judy -- Judy, can I ask you a question?

And, by the way, I think that Judy Daversa does a tremendous job. I think she's very talented. I've met with her in my office, and I think she absolutely knows what she's talking about. So I'm going to give you that compliment.

But now I want to take the honesty test.

MS. DAVERSA: Okay.

COMMISSIONER AARONSON: Okay. Out of 15 people or 14 people that sit there, and you're the chair, if you were picking a Board, how many of those 14 would you retain?

MS. DAVERSA: Are you asking me --

COMMISSIONER AARONSON: I'm not asking you to mention names.

MS. DAVERSA: -- would I pick my friends, would I pick the people --

COMMISSIONER AARONSON: No, no, no, no, no.

MS. DAVERSA: -- who most agree with me?

COMMISSIONER AARONSON: I trust you enough to know that you would pick the cream of the crop, regardless if your friend or not your friend.

What I'm saying to you is how many of those 14 really know what they're doing and how many don't?

MS. DAVERSA: Well, first of all, just because I'm simply a housewife, I don't feel that I am the best person to judge; however, I would say that there has -- on occasion there are times when someone totally misses the point, but for the most part even, you know, Rosa Durando -- is she going to see this?

COMMISSIONER AARONSON: I haven't --

MS. DAVERSA: Rosa Durando, you know, used to be on the Board and --

COMMISSIONER AARONSON: I haven't mentioned a name.

MS. DAVERSA: -- even though some of us --

COMMISSIONER AARONSON: I haven't mentioned a name yet.

MS. DAVERSA: I know, but even though --

COMMISSIONER AARONSON: I just gave you all the compliments in the world.

MS. DAVERSA: I know, but let me finish.

Even though some of us got tired of hearing the same thing from a Board member that we thought, oh, boy, we really needed to hear what she had to say.

Now, had you said who would you take off the board, I might have said, oh, gosh, I'm tired of hearing from Rosa, but the real truth is I needed to hear what Rosa had to say.

So for every member on this Board from board meeting to board meeting I might say, golly, gee, I'm tired of hearing from the drama queen --

COMMISSIONER AARONSON: Okay. Okay.

MS. DAVERSA: -- or I'm tired of hearing from that one, but --

COMMISSIONER AARONSON: You're being as honest as you can.

Now, based upon what I've heard from staff, okay, there are certain people that are not contributors, and certainly Rosa 's not one of them. If anything --

MS. DAVERSA: No. I was just using her as an example.

COMMISSIONER AARONSON: If anything, she's an over-contributor.

COMMISSIONER MARCUS: She's in the hospital.

COMMISSIONER AARONSON: Yes, I know that, and I wish her well, and I think we all wish her well, although many times we --

VICE CHAIRMAN KOONS: Okay. Motion to send flowers. Amen. Okay. We're all set.

COMMISSIONER AARONSON: Well, I'll tell you what. You have my dollars, as many as you want, to send her flowers 'cause I think she has been an asset to this county.

MS. DAVERSA: She's -- she's been huge.

COMMISSIONER AARONSON: She's very redundant, but she's an asset to the county. Okay.

The fact is in speaking to staff --

COMMISSIONER MARCUS: Used to be with us.

COMMISSIONER AARONSON: In speaking to staff, staff feels there are many people that sit up there and just vote yes, no, or make comment that really is not relative to the conversation that we're having, and one of the frustrations that staff has is that the meetings go on and on and on like a drone because certain people get up there, and whether they know what they're talking about or don't know what they're talking about, they just keep on talking. Okay.

And what I was trying to do -- and my motion was to -- not motion, but my suggestion was to take a look at it and take a look at how we could be more efficient with seven and four at large, which make it 11, and you and I spoke about that in my office; correct?

MS. DAVERSA: Correct.

COMMISSIONER AARONSON: Okay. You didn't seem to object to it too much. You thought it did have some merit.

MS. DAVERSA: It did have some merit. I did not agree with it.

COMMISSIONER AARONSON: Okay. But it did have some merit.

So if something has some merit, I think you could try to explore it to see whether or not you can come out with the best solution.

MS. DAVERSA: Commissioner Aaronson, it's also my feeling, though, that there are many -- there are many meetings that when I agree with what staff has said in order to just move the meeting along, I don't make a comment. I don't feel that I have to jump on board and give my 18 reasons why this is a good idea.

And sometimes when people don't speak, that is their motivation. I don't know that that necessarily makes other members of the Board who choose to vote -- I would be more inclined to look at the accuracy of their voting record, whether it is consistent and makes sense, rather than --

COMMISSIONER AARONSON: Well --

MS. DAVERSA: -- do they speak or not speak.

And my feeling also is if the Board was whittled down to a very few, it would be the ones who tend to speak at length, who would probably be retained because in many cases they are the ones with the most --

COMMISSIONER AARONSON: Un-huh.

MS. DAVERSA: -- experience, and they're the ones with the most opinions.

So I think this is a very --

COMMISSIONER AARONSON: I don't disagree with you.

MS. DAVERSA: -- difficult balancing act.

COMMISSIONER AARONSON: I don't disagree with you, but the fact of the matter is it 's also -- I've seen in many of the votes that the people who vote do not vote -- they'll vote on an issue but contradict themselves on another issue.

In other words, it's not always a consistent vote that they have on land use. It's the applicants, as well, that affect them.

MS. DAVERSA: I think you'd find that, as well, in the Board of County Commissioners.

COMMISSIONER AARONSON: Exactly, exactly. Not denying that, either.

VICE CHAIRMAN KOONS: Yeah, same church, different pew, that's all.

COMMISSIONER AARONSON: So what I was trying to do to help our staff, because our staff is the one who initiated this, staff is the one that came and said it's taking too much time.

Maybe -- maybe --

MS. DAVERSA: Yeah.

COMMISSIONER AARONSON: -- just -- maybe the LUAB, if we leave it until 2009 and possibly think of paring it down at that time, maybe the LUAB, you as chair, could give us a -- and staff some confidence level as to how you're going to cut the meetings down and let them be more productive.

VICE CHAIRMAN KOONS: Who's next?

COMMISSIONER MARCUS: Me.

VICE CHAIRMAN KOONS: Okay. It's either Marcus or McCarty.

COMMISSIONER MARCUS: Me.

VICE CHAIRMAN KOONS: Okay.

COMMISSIONER McCARTY: You want to go? You go.

COMMISSIONER MARCUS: Yeah. I mean here we are, 45 minutes later.

Let me -- let me just say this, okay.

MS. DAVERSA: Sorry.

VICE CHAIRMAN KOONS: It's hereditary.

COMMISSIONER MARCUS: Let me just say this.

I -- I --

COMMISSIONER McCARTY: There's only seven of us.

COMMISSIONER MARCUS: I understand that -- I don't think it's appropriate for us to be talking about the personality and the style of the people on the commission, on the Land Use Advisory Board because we're here today supposedly because this is what the rules were for all the other committees, and this is --

COMMISSIONER AARONSON: Is it all right if I interrupt you?

COMMISSIONER MARCUS: I'm sorry. I didn't realize I was interrupting you.

COMMISSIONER AARONSON: I said three times I haven't finished.

COMMISSIONER MARCUS: I'm sorry. You --

CHAIRPERSON GREENE: You lost control.

COMMISSIONER MARCUS: She was --

COMMISSIONER AARONSON: I just asked the question whether or not do you think that you can come back and sit down with the staff and work out something where the meetings become more orderly and more organized.

COMMISSIONER McCARTY: Just say yes.

MS. DAVERSA: I will -- well, I can just say yes. It's not my nature, but I can say yes.

COMMISSIONER McCARTY: Just do that, please.

MS. DAVERSA: Okay.

COMMISSIONER McCARTY: Don't snatch defeat out of the jaws of victory here. Just --

MS. DAVERSA: I know. I know.

CHAIRPERSON GREENE: Did you finish?

COMMISSIONER AARONSON: Yes.

MS. DAVERSA: Are you done with me now?

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: Are you sure?

COMMISSIONER AARONSON: I'm positive.

COMMISSIONER MARCUS: Okay. Good deal. All right, 'cause I had two chairmen over here telling me what --

Anyway, this is supposed to be about the size and not the personality, so I don't think it's appropriate to talk about, you know, who talks too much and who doesn't, how they vote.

Having said that, there obviously were personality issues on this group, and I agree, Commissioner Aaronson, we need to give them the chance to show, they've been noticed, that they need to be diligent, they need to be meaningful. We appreciate that they want so hard to be on there, and we will revisit it if they don't behave, or perform or whatever the issues are.

However, I do think they are under-utilized. I do think that you all -- they're -- here's a venue of folks who want to work. You're always going to have somebody on

there that's going to tweak all the time, but you still have some talent on there. So use them.

You know, ask them about how they feel about February -- before you come to us on the February 26th on how often we ought to have land use, you know. Really let them do their subcommittee of the redevelopment component 'cause I think that is important.

We asked for that before and I don't know that that ever -- and they're hearing it now so they can go back to their meeting and say okay, we want to set up a subcommittee, we want to work with the staff. I think they're a vehicle for you.

So I would support the motion on the floor, and Mary's going to call the question.

COMMISSIONER McCARTY: I'm calling the question, but I do want to say one thing. I do think that the LUAB, five out of the last 14 meetings they've had to call a special meeting because nobody planned on staying past noon.

I do think that they need to clear their calendars for their board meetings once a month 'til 4:00 o'clock, and if they go home early, they go home early, but I don't think they ought to be -- the meetings end at noon unless otherwise notified. I think it ought to be they go 'til 4:00 unless they finish early, and --

COMMISSIONER MARCUS: And the staff can bring in lunch, and they can work through lunch and have --

COMMISSIONER McCARTY: And I just think they -- people that want to be at -- once a month, and if we are going to enhance their role, they need to clear their calendars 'til 4:00 o'clock, and if they leave early, it's a bonus, just like we do.

CHAIRPERSON GREENE: Commissioner --

COMMISSIONER McCARTY: You know, we turn into pumpkins at 4:30.

VICE CHAIRMAN KOONS: I just want to make sure that the chair and whoever the liaison is has an understanding on the notification when it's going to be a long meeting.

So I'm looking for a memo coming back about, hey, we're going to be long this particular day so everybody's noticed --

COMMISSIONER McCARTY: No.

MR. BANKS: No, but -- but part --

MR. AGHEMO: We usually let them know in advance.

VICE CHAIRMAN KOONS: Well, I'm looking for a formal process --

COMMISSIONER McCARTY: But can't they just assume that -- no. Assume it's going to be 'til 4:00.

They shouldn't have to -- the staff shouldn't have to judge. Look at 45 minutes for this item. How would they have ever thought this?

CHAIRPERSON GREENE: Oh, yeah.

COMMISSIONER McCARTY: So they need to clear their calendars for a period of time so they don't have to do special meetings.

MR. BANKS: The length of time an item takes depends on, one, how often the 15 members --

COMMISSIONER McCARTY: Speak.

MR. BANKS: -- speak --

COMMISSIONER MARCUS: Like this item?

MR. BANKS: -- like we had one item at the last meeting where no members of the public spoke, but it still took, let's say, an hour or an hour and a half, which is why we didn't get to the workshop.

So staff couldn't know that that item that staff recommended in favor was going to have an hour and a half discussion.

COMMISSIONER AARONSON: Why don't we get them the same clock that we have here.

VICE CHAIRMAN KOONS: They're hearing that very well.

COMMISSIONER AARONSON: And limit them to three minutes.

COMMISSIONER McCARTY: They need to clear their calendars 'til 4:00 o'clock once a month if they want to be on this Board. That's all.

COMMISSIONER AARONSON: And let them make a pledge to that.

COMMISSIONER McCARTY: Anyway, I'm going to call the question, and the question has to do with staying at 14 members and coming back to review their mission after the election.

MR. BANKS: Fifteen members.

MR. AGHEMO: Madam Chair --

COMMISSIONER MARCUS: Fifteen.

VICE CHAIRMAN KOONS: Fifteen.

COMMISSIONER MARCUS: Deleting the --

COMMISSIONER McCARTY: Fifteen members, whatever the hell it is.

MR. AGHEMO: It's 15 members and can I --

COMMISSIONER McCARTY: Keep it at the same.

COMMISSIONER AARONSON: It grows.

CHAIRPERSON GREENE: Lorenzo, you want to say something?

MR. AGHEMO: Yes. You want to leave the rotating chairmanship in?

COMMISSIONER McCARTY: Yes.

COMMISSIONER MARCUS: Yes.

COMMISSIONER McCARTY: That language is in -- stays in there except for the very last phrase that says, "...until all other regular members have served at each position."

We're not going to make it that -- we'd like them as a matter of course to ask the next senior person if they would like it, but -- but we're going to leave it open to them.

CHAIRPERSON GREENE: Okay.

Commissioner Koons.

MR. AGHEMO: In addition, I'd like to point out --

COMMISSIONER AARONSON: Can I -- can I ask one question?

COMMISSIONER MARCUS: But --

VICE CHAIRMAN KOONS: Let him finish.

COMMISSIONER MARCUS: -- he's talking.

COMMISSIONER AARONSON: I -- I -- go ahead.

MR. AGHEMO: Just call your attention that also is proposed to change the name of the Land Use Advisory Board to Planning Commission, and I want to know whether you're okay with that or not.

COMMISSIONER AARONSON: No.

MS. ALTERMAN: Change the name.

CHAIRPERSON GREENE: Why?

COMMISSIONER AARONSON: Why?

COMMISSIONER McCARTY: Well, if you're going to change the --

COMMISSIONER AARONSON: Mission.

COMMISSIONER McCARTY: -- mission and the scope, Planning Commission is more encompassing, but, you know, do you all care?

MR. AGHEMO: We would like to change the name.

COMMISSIONER McCARTY: To the Planning Commission.

VICE CHAIRMAN KOONS: I'm okay with that.

COMMISSIONER McCARTY: Can we throw them one bone here today? Yeah, let's do Planning Commission.

COMMISSIONER AARONSON: We're not talking about the dog issue.

VICE CHAIRMAN KOONS: No, we're not.

COMMISSIONER McCARTY: No.

VICE CHAIRMAN KOONS: Not yet.

COMMISSIONER McCARTY: No.

COMMISSIONER AARONSON: So take that bone back.

COMMISSIONER McCARTY: There's no -- there's no bark in my bite.

CHAIRPERSON GREENE: Okay. Commissioner Koons.

VICE CHAIRMAN KOONS: Okay. There's a motion and a second.

CHAIRPERSON GREENE: No, wait, wait. You got a question? But your light is on.

COMMISSIONER AARONSON: Yeah. As long as Jeff made the point of saying that this Board is -- and it is important, how many members of that board serve on other boards?

MR. AGHEMO: I don't know, but I could --

COMMISSIONER AARONSON: I know a few.

COMMISSIONER McCARTY: Well, Rosa.

COMMISSIONER AARONSON: I think that board, you know, when you're asking volunteers, and they are volunteers and they don't get paid, and you say they have to stay there 'til 4:00 o'clock and they don't get paid, and you say they have to bring their lunch and they don't get paid, maybe the thing to do is have them serve on one board and not on two boards, and that way they'll be able to devote more time to that one board than having them on two boards.

VICE CHAIRMAN KOONS: Well, let's review what boards they're on. I don't think there's a lot of overlap here.

I know Dennis Koehler serves on the, you know, on the Westgate.

COMMISSIONER McCARTY: It's up to them. If they feel they can't handle their other board --

COMMISSIONER AARONSON: Okay, fine.

COMMISSIONER McCARTY: -- assignments, they can resign.

CHAIRPERSON GREENE: Yeah, we aren't -- we don't need -- Commissioner Santamaria.

COMMISSIONER SANTAMARIA: Just a quick question.

Is my memory correct that I read that the average attendance at this LUAB meeting is 10?

MR. AGHEMO: Yeah, it's about nine or 10.

COMMISSIONER SANTAMARIA: Nine or 10, so I just point -- just another point.

The average attendance has been in the past year nine or 10.

VICE CHAIRMAN KOONS: Well, there's been two full-time vacancies, too.

COMMISSIONER MARCUS: So it's a 13 member Board.

CHAIRPERSON GREENE: Okay. Do we have a motion on the floor?

VICE CHAIRMAN KOONS: Actually, a 12-member board.

CHAIRPERSON GREENE: Who made the motion?

COMMISSIONER MARCUS: Mary McCarty.

COMMISSIONER AARONSON: Mr. Koons, second by Kanjian and --

CHAIRPERSON GREENE: Commissioner Koons made the motion, second by Commissioner Kanjian.

COMMISSIONER McCARTY: I -- all right. Whatever.

CHAIRPERSON GREENE: I don't even know what it was.

VICE CHAIRMAN KOONS: I think we know what the motion is; right?

COMMISSIONER McCARTY: Right. I did a substitute, yes.

COMMISSIONER KANJIAN: A substitute motion.

COMMISSIONER McCARTY: With Kanjian as a second; right.

CHAIRPERSON GREENE: Okay. You ready for the question?

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

VICE CHAIRMAN KOONS: Opposed.

CHAIRPERSON GREENE: Okay. Yeah, okay.

We'll start over.

COMMISSIONER McCARTY: Five to two or 6-1?

COMMISSIONER AARONSON: Five-two.

VICE CHAIRMAN KOONS: Five-two or 6-1?

COMMISSIONER McCARTY: Five-two.

COMMISSIONER AARONSON: Me and Santamaria.

CHAIRPERSON GREENE: Five-two.

VICE CHAIRMAN KOONS: Five-two?

Okay. Get to work.

MR. AGHEMO: One more thing before we leave the item.

Just that, Commissioner Koons, you know, I think you made a good point about giving maybe an expanded role to the Planning Commission, the new Planning Commission.

I would suggest -- I would recommend to you that you have a joint workshop with the -- with the members so that they can hear from you, and you can give the directions, you know, what items and what areas that you would like the board, you know, to be focused on.

MR. BANKS: Well, may I --

COMMISSIONER MARCUS: Put them on the February 26th --

MR. BANKS: Can I ask the Board a question? Did the Board approve the entire amendment to the ULDC, or is that --

COMMISSIONER MARCUS: No, we just --

MR. BANKS: -- just the change --

COMMISSIONER MARCUS: We deleted --

MR. BANKS: -- to the LUAB, and now we'll have a motion on the entire ULDC?

VICE CHAIRMAN KOONS: Yeah, it was the whole --

COMMISSIONER KANJIAN: It was everything --

COMMISSIONER MARCUS: No, no, no, no, no, no. No, no, no.

We -- the motion was supposed to be to delete that section from the Land Use Advisory -- the whole --

MS. ALTERMAN: Right. The motion --

COMMISSIONER MARCUS: So that's all I voted on.

MR. BANKS: Okay. So we're just -- so we're changing the ordinance to make fewer changes regarding the new Planning Commission --

VICE CHAIRMAN KOONS: Wait. Hold --

MR. BANKS: -- keeping the size and just --

VICE CHAIRMAN KOONS: A point of order.

MR. BANKS: Okay. And now we still need a vote on the entire --

COMMISSIONER MARCUS: Yes.

MR. BANKS: -- ULDC, including the --

COMMISSIONER MARCUS: Yes.

VICE CHAIRMAN KOONS: I think Commissioner Kanjian --

MR. BANKS: -- including the LUAB.

VICE CHAIRMAN KOONS: -- was minus this.

CHAIRPERSON GREENE: Let him finish.

VICE CHAIRMAN KOONS: No, he's got a point of order.

COMMISSIONER MARCUS: Commissioner --

VICE CHAIRMAN KOONS: I think the clerk will tell you that we voted on --

COMMISSIONER MARCUS: Commissioner Koons --

VICE CHAIRMAN KOONS: -- the whole thing.

COMMISSIONER MARCUS: No. Commissioner Koons, I wanted to have the opportunity to make my motion to delete the *de minimis* before we go to vote on the whole ordinance, so --

VICE CHAIRMAN KOONS: Then we have to make a motion to reconsider --

COMMISSIONER MARCUS: I understood it was --

VICE CHAIRMAN KOONS: -- because his motion was the whole thing minus this.

COMMISSIONER KANJIAN: Yeah, I'll be glad to reopen, but -- but the motion was encompassing less the Article 17, but I'd be very happy to do it, to allow for that, but that was the motion. I think we were trying to clear it out, but --

VICE CHAIRMAN KOONS: Okay. I -- we're going to need a motion to reconsider to bring this back up so Karen can vote no.

CHAIRPERSON GREENE: A motion to reconsider by who?

COMMISSIONER MARCUS: If it's on the whole ordinance, yeah.

VICE CHAIRMAN KOONS: Yes, that's what it is.

CHAIRPERSON GREENE: A motion to -- a motion to reconsider by Commissioner Koons.

COMMISSIONER KANJIAN: Second.

CHAIRPERSON GREENE: Second by Commissioner Kanjian.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

COMMISSIONER KANJIAN: Would you like to take something out?

COMMISSIONER MARCUS: Yeah, I would like to --

COMMISSIONER KANJIAN: If you're going to take it out, let's --

COMMISSIONER MARCUS: What I would like to do is make -- since we don't have anything on the floor right now, is to make a motion to delete the *de minimis* clarifications definitions and see if somebody supports that, 'cause I thought that's what we did with the last one, was delete the last one so that I could still vote for or against everything else.

VICE CHAIRMAN KOONS: No, we -- we --

COMMISSIONER MARCUS: No? Okay.

VICE CHAIRMAN KOONS: Yeah, we leaped over it.

COMMISSIONER MARCUS: Okay.

COMMISSIONER KANJIAN: Can we call the original substitute motion then, Madam Chair?

CHAIRPERSON GREENE: Okay. Now you want to go back to the original substitute?

COMMISSIONER McCARTY: Right, and so then -

CHAIRPERSON GREENE: There's a motion --

COMMISSIONER McCARTY: -- Karen, Burt and Jess will vote no --

COMMISSIONER MARCUS: Right. Okay.

COMMISSIONER McCARTY: -- because they have issues with what's going forward, not the same ones.

COMMISSIONER KANJIAN: That's fine.

COMMISSIONER MARCUS: Okay. I just didn't realize it was the whole ordinance. Thank you for clarifying that.

VICE CHAIRMAN KOONS: Yeah, it was. Yes.

COMMISSIONER MARCUS: So, yeah, show me voting no on the last motion.

MS. ALTERMAN: A new motion. There's a new motion.

COMMISSIONER MARCUS: Oh, okay.

CHAIRPERSON GREENE: Okay.

VICE CHAIRMAN KOONS: Okay. There's a -- Commissioner Kanjian.

CHAIRPERSON GREENE: Commissioner Kanjian.

COMMISSIONER McCARTY: That is the exact one that we did before.

COMMISSIONER AARONSON: Let's get some order in here.

CHAIRPERSON GREENE: Okay.

COMMISSIONER AARONSON: The motion is on the floor.

CHAIRPERSON GREENE: The motion is on the floor.

Commissioner Kanjian, would you make your motion again.

COMMISSIONER KANJIAN: Madam Chair, I'd like to make a motion that the -- we accept staff's recommendations to revise the ULDC, less the changes made in Article 17; however, we will change Article 17 to say that the rotation of the -- of the chairmanship of the LUAB.

Thank you, Madam Chair.

COMMISSIONER McCARTY: Second.

MR. Mac GILLIS: And the Board name to the Planning Commission?

VICE CHAIRMAN KOONS: Yes.

COMMISSIONER KANJIAN: And the Board name to Planning Commission.

MR. Mac GILLIS: Thanks.

CHAIRPERSON GREENE: Motion by Commissioner Kanjian.

COMMISSIONER AARONSON: Second by --

CHAIRPERSON GREENE: Second by Commissioner --

COMMISSIONER AARONSON: -- McCarty.

CHAIRPERSON GREENE: -- McCarty.

Ready for the question.

All in favor.

All opposed -- all in favor.

COMMISSIONER KANJIAN: Aye.

COMMISSIONER McCARTY: Aye.

VICE CHAIRMAN KOONS: Aye.

CHAIRPERSON GREENE: Aye.

COMMISSIONER AARONSON: You just raised your hand, Jeff.

VICE CHAIRMAN KOONS: Yeah, I'm in favor.

COMMISSIONER AARONSON: No, you said --

VICE CHAIRMAN KOONS: In favor.

CHAIRPERSON GREENE: One, two, three --

VICE CHAIRMAN KOONS: Four.

CHAIRPERSON GREENE: Four.

All opposed.

COMMISSIONER MARCUS: Aye.

COMMISSIONER AARONSON: Aye.

COMMISSIONER SANTAMARIA: Aye.

VICE CHAIRMAN KOONS: One, two, three.

CHAIRPERSON GREENE: Three. 4-3.

COMMISSIONER MARCUS: For reasons duly stated.

VICE CHAIRMAN KOONS: For reasons duly stated.

MR. AGHEMO: Thank you, Madam Chair, Commissioners.

COMMISSIONER KANJIAN: I'm going to tell Dennis Koehler that's why you did it.

COMMISSIONER AARONSON: I got news for you. She's really afraid of Dennis Koehler.

VICE CHAIRMAN KOONS: And I will be making my appointment for my one slot, hopefully, within a couple days. I'm recruiting someone.

And, Commissioner Greene, you've got one slot open, is that right, on this Board?

COMMISSIONER McCARTY: Can I use it?

CHAIRPERSON GREENE: I think. Sure.

COMMISSIONER MARCUS: Do -- could we also ask, since we talked about Land Use Advisory Board maybe meeting with us, could they come to our February 26th workshop since we're talking about the Comp Plan changes thing, and maybe that's an appropriate time for at least to have some -- our first face to face? It shouldn't take that long.

MR. AGHEMO: It's up to the Board, yes.

COMMISSIONER AARONSON: What did you say? It shouldn't take that long?

COMMISSIONER MARCUS: Well, just to say --

COMMISSIONER McCARTY: I thought we were going to do it in November.

COMMISSIONER MARCUS: No, no. I thought -- Lorenzo just suggested that we meet with -- have a workshop with the Land Use Advisory Board to sort of give the message directly to them about what we just talked about here.

COMMISSIONER AARONSON: You mean the Planning Board?

COMMISSIONER MARCUS: Planning Board. Okay.

VICE CHAIRMAN KOONS: Planning Commission.

COMMISSIONER MARCUS: And so I was just trying to do that sooner than later and do it February 26th when the staff is coming to us, anyway, to talk about how often we want to do Comp Plan changes.

MR. AGHEMO: But maybe you want to expand more, you know, about other things that you would like the Planning Commission to --

VICE CHAIRMAN KOONS: My only comment is land use is in the -- from the State of Florida is going to be completely redone, and so that's going to be effective July 1st, maybe, and so Comp Plan changes, how many times it gets done, urban redevelopment, all that stuff is going to have to be done in the fall, and that's -- that's what we'll be talking to them about.

If they change the rules on us, we have to change the rules. They're going to be implemented.

COMMISSIONER MARCUS: But can they come on the 26th or no?

VICE CHAIRMAN KOONS: Yes.

COMMISSIONER MARCUS: Okay.

VICE CHAIRMAN KOONS: They can come on the 26th, and then there'll be this larger thing in the fall.

CHAIRPERSON GREENE: Okay. Item 30, status update on Palm Beach Transportation.

MR. Mac GILLIS: This is the last item on the agenda, status update on the Palm Beach Transportation.

Back on July 26th the Board approved this use. There was a partial rezoning of an existing site that originally supported the Department of Agriculture, the canker eradication program. They abandoned the site that -- the applicant moved onto the site to -- for Para-Transit Services, a dispatch office.

At that 20th -- on the July 26th meeting there was residents that showed up from the development to the north and to the west of this parcel, and that item was postponed a couple of times, and we worked everything out through conditions of approval.

The Board at that meeting asked for a status report to come back in six months.

We're here this morning to -- I provided you with a backup memo. The applicant -- we did meet with them on site. They are moving forward, putting in all the landscaping. The wall has been installed along the property line.

COMMISSIONER McCARTY: How's the noise?

MR. Mac GILLIS: There was -- Mr. Perry is here. Apparently he said he had got a call just from one gentleman, but he believes the call -- staff has never gotten a call on anything, other than to say that they're happy with the way the landscaping's put in, the wall.

They've restriped the parking lot. They're continuing to finish putting in -- replacing landscaping. The building has been painted. They've moved into the office part. They're still not doing any type of maintenance on the vehicles on this site, but they are adhering to all the conditions of approval in a timely manner.

As I said, we have not got any calls in our office from the applicant.

So I think that was the intent of the status report, just to update the Board that the

applicant -- because it was an existing site and you were giving the approval on it and the dispatch office, the residents were concerned that it had a variance to allow it to operate 24 hours a day, and there was going to be backing up of vehicles leaving the site early in the morning to pick up patients, but I think the applicant's been doing a good job at complying with the conditions and working with staff and the residents.

So also, they installed the wall that cut off the access that used to allow it through the north part of the site into the residential neighborhood. That was a major concern, but that wall has been installed and all the landscaping so now there's no vehicles leaving this site through the north end of the site.

And they are coming in and changing the address of the property so it will come in off the south property line which also -- a lot of the maintenance vehicles were going through the north end of the site.

So I don't know if you want to ask Mr. Perry if he's still here, if you have any other questions, but --

COMMISSIONER McCARTY: Well, I don't need to ask Marty anything, but I just -- you know, the -- one of the main issues was the noise and the backing up of the trucks, which you said is not -- you haven't gotten any complaints on.

MR. Mac GILLIS: Right, and I think what Mister -- Marty may want to address -- but I think there was a condition that the wall had to be soundproof, but I believe when they installed it, it was a panel wall, but it's like two feet thick, that he was asking for leniency on the condition that we wait at least a year because he has to get some -- either go to the Building Department to get some product approval to how to treat the wall or to see, because they put a huge thick wall in with the additional landscaping, that it might meet the same intent.

COMMISSIONER McCARTY: Okay. And that's -- and I don't have any problem personally with that, but since they haven't started the maintenance yet, we don't have the full effect of the noise and if there's a spillover, so I think it probably makes sense to wait for them to do any extra treatment on the wall if there's not any complaints on noise now, but let -- they just haven't -- they're not in full operation yet, so I think the jury is still out.

So I think we should wait to see if there's complaints or a year or whatever the time frame is, but -- because that's my main thing.

Status report is fine of how it looks, but it was the noise that I think people wanted to be

able to sit in their back yards on the weekends and not hear beep, beep, beep or those jackhammer things or whatever.

MR. Mac GILLIS: Right.

COMMISSIONER McCARTY: Whatever they are.

CHAIRPERSON GREENE: Any other questions?

(No response)

CHAIRPERSON GREENE: If there are no other questions or comments, may I have a motion?

COMMISSIONER AARONSON: So moved.

CHAIRPERSON GREENE: Motion by Commissioner Aaronson.

VICE CHAIRMAN KOONS: Second.

CHAIRPERSON GREENE: Second by Commissioner Koons.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

COMMISSIONER MARCUS: Motion on what? To receive and file?

MR. Mac GILLIS: Receive and file.

COMMISSIONER MARCUS: The motion was to receive and file.

MR. Mac GILLIS: Just to receive and file the status report that the Board requested by condition of approval.

CHAIRPERSON GREENE: Okay. Motion to receive and file, 7-0. All right.

CHAIRPERSON GREENE: Any comments from the attorney?

MR. BANKS: No.

CHAIRPERSON GREENE: Lorenzo disappeared. Commissioner comments?

MR. Mac GILLIS: No comments.

CHAIRPERSON GREENE: Oh, I'm sorry. I'm sorry.

MR. Mac GILLIS: No comments.

CHAIRPERSON GREENE: Lorenzo. That's all right.

Commissioner Kanjian.

COMMISSIONER KANJIAN: Since it was a holiday, I wish you a belated happy birthday.

COMMISSIONER MARCUS: Oh, yeah, that's right. Happy birthday.

CHAIRPERSON GREENE: Thank you very much. My birthday was on Dr. King's birthday. Isn't that great?

Zoning Director didn't have any comments. Planning Director had no comments. Commissioner Kanjian didn't have any comments.

Commissioner Aaronson, no comments?

COMMISSIONER AARONSON: No comments.

CHAIRPERSON GREENE: No, you don't have any comments.

VICE CHAIRMAN KOONS: I'm wandering to Tallahassee next week --

CHAIRPERSON GREENE: Uh-oh.

VICE CHAIRMAN KOONS: -- to do mining. Can you give me an update on where we stand with our -

COMMISSIONER MARCUS: Uh-oh. Mary.

VICE CHAIRMAN KOONS: No, I --

COMMISSIONER McCARTY: Can't we do that privately?

CHAIRPERSON GREENE: Yeah.

COMMISSIONER MARCUS: She hasn't gotten to her dentist appointment yet.

COMMISSIONER McCARTY: Give them the M word.

CHAIRPERSON GREENE: You can give him that privately.

COMMISSIONER McCARTY: Please, can't you get that privately? We don't need -- don't put us through this.

VICE CHAIRMAN KOONS: Just publicly can you state where we are? That's all I'm looking for. I don't want to wander up and --

COMMISSIONER AARONSON: You're wandering.

MS. ALTERMAN: We -- actually, Commissioner, we do have lunch with you today, but let me just briefly for the Board --

VICE CHAIRMAN KOONS: I'm buying, by the way.

MS. ALTERMAN: Don't cancel on me.

We actually -- ERM has been working with DEP to come up with some criteria for a pre-app meeting that extends beyond what their normal pre-app is.

Once we get all of that together, we intend to distribute that out to all the interested parties, gather that all together and bring it back to the Board for discussion again to make sure it's what your intent is, and then once we get that direction, we'll move forward with it.

VICE CHAIRMAN KOONS: So I can look at something that's draft all over it, so when I'm up there, 'cause --

COMMISSIONER MARCUS: Because the Board hadn't seen it.

VICE CHAIRMAN KOONS: Yeah, okay. I'm just looking at some draft stuff. Okay.

COMMISSIONER AARONSON: Madam Chair.

CHAIRPERSON GREENE: Commissioner Aaronson.

VICE CHAIRMAN KOONS: Thank you.

COMMISSIONER AARONSON: I would like permission from the Board for all of us to take money out of our funds and buy Jeff a miner's cap with a light and everything else on it.

Can I get approval of that? No, I guess not.

Thank you.

VICE CHAIRMAN KOONS: You -- you have no idea this mining --

COMMISSIONER MARCUS: Oh, yeah.

VICE CHAIRMAN KOONS: Oh, boy.

CHAIRPERSON GREENE: Okay.

VICE CHAIRMAN KOONS: Okay.

CHAIRPERSON GREENE: Oh, Commissioner Marcus -- oh, Commissioner McCarty.

COMMISSIONER McCARTY: Well, you can see if they have anything.

COMMISSIONER MARCUS: No, I don't have anything.

CHAIRPERSON GREENE: You don't have -- Commissioner Santamaria.

So now you're last.

COMMISSIONER SANTAMARIA: Yeah, I would like to reappoint Don Dufresne to the Palm Beach County Sports Commission.

CHAIRPERSON GREENE: You've heard the motion by Commissioner Santamaria.

COMMISSIONER AARONSON: Second.

CHAIRPERSON GREENE: Second by Commissioner Aaronson.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

COMMISSIONER McCARTY: We can do that at a -- we're convened, publicly convened -- yeah, all right.

CHAIRPERSON GREENE: Okay. Commissioner McCarty.

COMMISSIONER McCARTY: Okay. The -- sort of right church, wrong pew kind of thing. This is a Zoning meeting. We don't appoint that stuff at a Zoning meeting. No.

MR. BANKS: It is a meeting of the --

COMMISSIONER McCARTY: Because your staff doesn't know what they're doing.

MR. BANKS: But it is a meeting of the Board of County Commissioners.

COMMISSIONER McCARTY: But you can do it. You can --

VICE CHAIRMAN KOONS: Definitely the wrong pew.

COMMISSIONER McCARTY: You can do it. It's just not --

CHAIRPERSON GREENE: That's not nice.

COMMISSIONER AARONSON: Commissioner McCarty, what'd you have for breakfast?

VICE CHAIRMAN KOONS: She's got a comment.

COMMISSIONER AARONSON: You've got to stop with those jellybeans.

COMMISSIONER McCARTY: I know. It's the lack of jellybeans. Okay.

I do have -- at our -- I wish Lorenzo was here, but you can tell him.

The last time -- when we were initiating some amendments, there was a -- this has to do with the Southern Boulevard, State Road 7 CRALLS -

VICE CHAIRMAN KOONS: Yeah, I did.

COMMISSIONER McCARTY: -- and Commissioner Marcus -- and to get back to the word of the day, *de minimis*, Commissioner Marcus did ask that the *de minimis* CRALLS in her district be deleted, and we supported that.

Staff was apparently confused by that motion and thought that it was a motion to support staff's recommendation which would have deleted other *de minimis* CRALLS.

That was not the intention of the Board, nor was it the motion as I see this.

So apparently what I'm doing is just asking for the Board's confirmation that what they meant when they voted for Commissioner Marcus' motion, which was to support the *de minimis* CRALLS everywhere else in the county except for her district, that the staff understand that that was our intent, unless anybody thinks of it differently.

COMMISSIONER KANJIAN: Madam Chair, that was my intent.

COMMISSIONER McCARTY: I frankly -- that's the only reason I voted for her motion 'cause it was her district, whatever, and --

COMMISSIONER MARCUS: And it was the intent of my motion, I thought, to do -- only take those off, but to initiate all the rest of them, and I thought I'd clarified that, but --

COMMISSIONER McCARTY: Yeah, and Commissioner Koons specifically asked you, you

know, your district, and you said yes, and he seconded the motion based on that.

VICE CHAIRMAN KOONS: Correct. That's my understanding, too.

COMMISSIONER McCARTY: But I think staff was confused.

COMMISSIONER MARCUS: The confusion wasn't that. It was about -- 'cause this issue was not a *de minimis* issue. This issue was a something on the Southern Boulevard where they wanted to -- the master plan.

So it was two different subjects, but I think Commissioner Koons earlier had said he wanted to go ahead and initiate that --

VICE CHAIRMAN KOONS: Correct.

COMMISSIONER MARCUS: -- even though the staff was recommending that we not do it.

COMMISSIONER McCARTY: Right.

VICE CHAIRMAN KOONS: Correct.

COMMISSIONER McCARTY: We want to do the Ward Waldman (ph) --

COMMISSIONER MARCUS: Yes.

VICE CHAIRMAN KOONS: Yes.

COMMISSIONER McCARTY: -- project for -- so we're totally clear why I'm bringing this up, and nobody disagrees, including Commissioner Marcus, so --

VICE CHAIRMAN KOONS: Very clear on the record what it says.

COMMISSIONER McCARTY: -- we passed that.

VICE CHAIRMAN KOONS: Staff did come back and say well, this didn't get done, and I said no, it did get done, and that we knew exactly what we were voting for, and staff had some issues with it, and --

COMMISSIONER MARCUS: Can we ask the staff, are you actually working on this, or are you under the impression that we're -- we didn't initiate this Southern Boulevard?

MR. ENNIS: Commissioner Marcus, Allan Ennis from the Traffic Division.

I'm not personally working on this amendment. You know, Planning Division usually takes the lead in this, and --

COMMISSIONER MARCUS: They're gone.

MR. ENNIS: Yeah, they're not here.

VICE CHAIRMAN KOONS: Well, Barbara hears the sense of what we're trying to do.

MR. ENNIS: I'm not aware that they are actually working on this amendment.

COMMISSIONER McCARTY: Well, hopefully, they'll start.

MS. ALTERMAN: Yeah. This is -- we're aware of the issue, and we were waiting for the Board to take some action to give us some direction.

We believe at that point the direction was not to initiate the State Road 7 CRALLS because we had that corridor master plan.

VICE CHAIRMAN KOONS: No.

MS. ALTERMAN: But if it's the Board's wish, then we will start --

VICE CHAIRMAN KOONS: Yes.

MS. ALTERMAN: -- working on the CRALLS, in addition to the corridor master plan.

VICE CHAIRMAN KOONS: Yes. That's exactly right. You got the direction right.

COMMISSIONER AARONSON: Right. So being that you're handling it, you're now called Ms. De Minimis.

VICE CHAIRMAN KOONS: And I'll see you --

COMMISSIONER MARCUS: It's not a *de minimis* issue. That's a whole different subject; right? It's not *de minimis*.

MS. ALTERMAN: It was a totally different motion on the agenda.

COMMISSIONER MARCUS: Right.

CHAIRPERSON GREENE: I'm trying. You're all talking.

COMMISSIONER McCARTY: All right.

VICE CHAIRMAN KOONS: Okay. Move we adjourn.

Thank you.

CHAIRPERSON GREENE: Motion to adjourn.

(Whereupon, the meeting was adjourned at 11:30 a.m.)

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C E R T I F I C A T E

THE STATE OF FLORIDA)

COUNTY OF PALM BEACH)

I, Sophie M. (Bunny) Springer, Notary Public, State of Florida at Large,

DO HEREBY CERTIFY that the above-entitled and numbered cause was heard as hereinabove set out; that I was authorized to and did report the proceedings and evidence adduced and offered in said hearing and that the foregoing and annexed pages, numbered 6 through 66, inclusive, comprise

a true and correct transcription of the Board of
County Commissioners hearing.

I FURTHER CERTIFY that I am not related to
or employed by any of the parties or their
counsel, nor have I any financial interest in the
outcome of this action.

IN WITNESS WHEREOF, I have hereunto set my
hand and seal this 19th day of February, 2008.

Sophie M. Springer, Notary Public.