

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING

Thursday, November 29, 2007
9:35 a.m. - 12:50 p.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

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Mary McCarty, Commissioner
Karen T. Marcus, Commissioner
Burt Aaronson, Commissioner
Bob Kanjian, Commissioner
Jess R. Santamaria, Commissioner

Verdenia Baker, Asst. County Administrator

Bevin Beaudet, Utilities Director

Barbara Alterman, Director, PZ&B

Jon Mac Gillis, Zoning Director

Wendy Hernandez, Acting Principal Planner,
Zoning

Carrie Rechenmacher, Senior Planner,
Zoning

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Barbara Pinkston-Nau, Principal Planner,
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Bob Banks, Assistant County Attorney

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Gerald B. Gawaldo, Senior Transit Planner

Jim Choban, Engineering Dept.

Ken Rogers, Director, Land Development
Division

Allan Ennis, Asst. Director Traffic
Division

Audrey Wolf, Dir. of Facilities
Development & Ops

Linda Monroe, Monitoring Division

Bob Kraus, ERM

Kenny Wilson, Health Department

Julie Burns, Clerk

Lorraine Cuppi, Senior Secretary, Zoning
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P R O C E E D I N G S

VICE CHAIRMAN KOONS: The Board of County Commissioners Zoning meeting for November 29th is going to come to order. A call to order.

Roll call, please.

CLERK: Commissioner Aaronson.

COMMISSIONER AARONSON: Here.

CLERK: Commissioner Greene.

CHAIRPERSON GREENE: (No response)

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.

VICE CHAIRMAN KOONS: Can we have a motion for proof of publication?

Oh, we got the prayer. I'm sorry.

I'm Commissioner Koons. Commissioner Greene is out today.

If you could please stand for the prayer and pledge.

We're going to start, have a moment of silence, please, for the officers, Manuel and Wallace, that were killed in the line of duty last night.

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

VICE CHAIRMAN KOONS: Okay. Proof of publication.

MR. Mac GILLIS: Yes, Mr. Chair.

COMMISSIONER MARCUS: Move to receive and file.

VICE CHAIRMAN KOONS: Second?

Discussion

All those in favor, aye.

COMMISSIONERS: Aye.

VICE CHAIRMAN KOONS: Okay.

Swearing in. Mr. Banks.

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

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

MR. BANKS: Thank you.

VICE CHAIRMAN KOONS: Okay. Adoption of the agenda.

Yes, sir.

MR. Mac GILLIS: Okay. We're ready to begin Page 1 with postponements.

Item 1, Lake Harbor Quarry.

Item 2, Yamato Court, MUPD.

Page 2, Item 3, South Bay Quarry.

Item 4, The Residences at Haverhill.

Item 5, Faith United Methodist Church.

Page 3 of your agenda, Item 6, Lipkins PCD.

Item 7, Status Report 1998-061, Jupiter Farms Baptist Church.

And Item 23 on your add and delete, Status report 1984-058D.5, Peachtree.

COMMISSIONER MARCUS: No. 23?

MR. Mac GILLIS: Yes.

COMMISSIONER MARCUS: On what page?

MR. Mac GILLIS: It's on your add and delete. It's on Page --

COMMISSIONER MARCUS: Ten?

MR. Mac GILLIS: -- Page 11.

COMMISSIONER MARCUS: Eleven? Okay.

VICE CHAIRMAN KOONS: Okay. So there's
a --
COMMISSIONER McCARTY: I'll make a motion
to postpone the items listed by staff.
We're postponing them to the next meeting
in --
MR. Mac GILLIS: As indicated on the
agenda. Some are for 30 days, and a couple of
them are for 60 days.
COMMISSIONER McCARTY: As indicated on the
agenda.
I would just ask the Chair if he has any
cards for any of the postponed -- any cards for
the postponed items before we vote.
COMMISSIONER MARCUS: He doesn't know, but
I don't think so.
COMMISSIONER McCARTY: All right. So I'll
make that motion.
COMMISSIONER KANJIAN: I'll second it.
VICE CHAIRMAN KOONS: Second.
Discussion.
(No response)
VICE CHAIRMAN KOONS: All those in favor,
aye.
COMMISSIONERS: Aye.
VICE CHAIRMAN KOONS: Okay.

VICE CHAIRMAN KOONS: Next item is the
consent agenda.
MR. Mac GILLIS: Okay. We'll go through
these one by one.
COMMISSIONER MARCUS: Well, Mr. Chairman,
in order to make it easy, since I'm the one that
pulls them, I can just tell you the ones I want to
pull.
MR. Mac GILLIS: Okay.
COMMISSIONER MARCUS: Eight, nine and 10.
VICE CHAIRMAN KOONS: Okay. Okay.
Any other public -- did you find any
public cards for consent agenda?
COMMISSIONER MARCUS: Yes, just No. 10,
which I pulled.
VICE CHAIRMAN KOONS: No. 10?
Okay. Board --
MR. Mac GILLIS: Actually --

VICE CHAIRMAN KOONS: -- public, staff.

MR. Mac GILLIS: We're on your add and delete, Item 27 found on Page 13 of your agenda, Friendship Baptist Church, would also like to move that to the consent agenda.

VICE CHAIRMAN KOONS: Okay. Those are all our friends in the back rows there, right?

COMMISSIONER McCARTY: All right. I'll make a motion to approve the consent agenda, minus Items 8, 9 and 10 and adding Item No. 27.

VICE CHAIRMAN KOONS: No. 27.

COMMISSIONER AARONSON: I'll second that for discussion.

VICE CHAIRMAN KOONS: Okay. Yes.

COMMISSIONER AARONSON: I have an item over here that I would like to move to consent agenda. All parties agree to it. That's the Boca Grove -- Shops at Boca Grove.

All parties have agreed to everything, and I see no reason to have it on the regular agenda when everybody is in full agreement.

MS. HERNANDEZ: There's a condition I need to read into the record based on one of the applicants.

COMMISSIONER MARCUS: What number is it on the agenda?

MR. Mac GILLIS: It's the last item.

MR CHOBAN: Twenty-nine.

COMMISSIONER MARCUS: Thank you.

VICE CHAIRMAN KOONS: Okay. So right now there's a motion and a second.

We're going to hear a condition on 29.

COMMISSIONER MARCUS: The motion has to be amended to add 29.

COMMISSIONER McCARTY: And --

VICE CHAIRMAN KOONS: Add --

COMMISSIONER McCARTY: I will agree to that motion, as long as we include that outstanding condition --

VICE CHAIRMAN KOONS: Which the seconder agrees to that?

COMMISSIONER McCARTY: -- which you're going to read.

COMMISSIONER AARONSON: I agree to that.

VICE CHAIRMAN KOONS: Okay. Can you read the condition, please?

MS. HERNANDEZ: It'll be Landscape Condition No. 3 added to Page 405 of that particular application. It'll be zoning landscape right-of-way for Powerline Road.

"In addition to code requirements, prior to the issuance of a building permit, the applicant shall also include a 48-inch continuous hedge within the affected area along Powerline Road."

COMMISSIONER AARONSON: And I believe that the applicant has agreed to that.

MR. Mac GILLIS: Yes.

COMMISSIONER McCARTY: And let me just ask.

Is there -- this is one of those situations where Burt's on the west side of Powerline Road and I'm on the east side.

That 48 inches, is there a time frame that you're giving them to get to the 48 inches so that it's not 48 inches 10 years from now, but --

MS. HERNANDEZ: At time of installation.

COMMISSIONER McCARTY: Oh, at time of installation. Okay. Oh, good. All right. Thank you.

VICE CHAIRMAN KOONS: Okay.

MR. BANKS: And we need disclosure for the consent agenda.

COMMISSIONER AARONSON: Disclosure? Everybody.

VICE CHAIRMAN KOONS: I didn't -- not me.

COMMISSIONER McCARTY: After reading it in the paper I called everybody and found out about it.

COMMISSIONER KANJIAN: This is the Starbucks; correct?

COMMISSIONER MARCUS: We didn't have any contact.

COMMISSIONER KANJIAN: Yeah, I met with the applicant.

VICE CHAIRMAN KOONS: That's reversed.

MR. BANKS: Okay. This is for the entire -- for the entire consent agenda, so --

VICE CHAIRMAN KOONS: Yeah, consent.

MR. BANKS: Okay.

COMMISSIONER McCARTY: That's not a way you want to find out about an issue that affects your district, so --

VICE CHAIRMAN KOONS: I hear you.

COMMISSIONER McCARTY: Reading it in the paper.

COMMISSIONER MARCUS: On the entire consent agenda? Is that what you want to have disclosure on?

MR. BANKS: Yes.

COMMISSIONER MARCUS: On the entire consent agenda. I had nothing.

VICE CHAIRMAN KOONS: I'm trying to look here.

COMMISSIONER McCARTY: Well, can we call the -- can we call the vote and then do whatever --

VICE CHAIRMAN KOONS: Yeah, okay. There's a motion and a second on discussion, pulling eight, nine and 10, adding 27, adding 29 with the conditions as amended. Okay.

All those in favor, aye.

COMMISSIONERS: Aye.

VICE CHAIRMAN KOONS: All those opposed.

(No response)

VICE CHAIRMAN KOONS: I think we're going to change that process now that's going to say anybody opposed. After talking to staff about some of the issues we've had, so the Chair is going to suggest that if we have a unanimous motion, I'll ask if anybody's opposed.

Okay. So just correct me when I -- when I goof it up so just -- as talking to the clerk and the staff we've had some issues about maybe what hasn't been there.

So there's a motion, second. So everybody -- that's unanimous. Okay.

So that leaves us to the regular agenda item.

COMMISSIONER MARCUS: You want to do the consent first?

MR. BANKS: We just --

VICE CHAIRMAN KOONS: Oh, we just did consent.

COMMISSIONER MARCUS: No, no, no, the three items I pulled.

VICE CHAIRMAN KOONS: Oh, yeah, I'm sorry.

MR. BANKS: We need to finish disclosure on the consent agenda.

VICE CHAIRMAN KOONS: Okay. Trying to get through the consent here.

I met with the Solid Waste Authority, so -

-

COMMISSIONER MARCUS: On consent?

VICE CHAIRMAN KOONS: On consent, that's -

-

COMMISSIONER MARCUS: Okay.

VICE CHAIRMAN KOONS: That's consent.

Yeah.

COMMISSIONER McCARTY: I didn't meet with anybody other than the one --

COMMISSIONER MARCUS: You have to --

VICE CHAIRMAN KOONS: There's Angelocci. This goes back over a period of time. This is just not --

COMMISSIONER McCARTY: I met with no one, other than on the Starbucks issue.

VICE CHAIRMAN KOONS: Okay. Commissioner Kanjian.

COMMISSIONER KANJIAN: Just to clarify, me, as well, No. 29, the Starbucks issue's the only one I met with the applicant on.

VICE CHAIRMAN KOONS: Okay. I think SWA was the only one for me.

Karen.

COMMISSIONER MARCUS: No one.

VICE CHAIRMAN KOONS: Commissioner Santamaria, you're all set?

COMMISSIONER SANTAMARIA: Yes.

VICE CHAIRMAN KOONS: Okay.

MR. BANKS: Okay. Thank you.

VICE CHAIRMAN KOONS: Okay?

VICE CHAIRMAN KOONS: Item 8.

MR. Mac GILLIS: Okay. Item 8, Status Report 1996-026.7, Bagels to Go.

Linda Monroe will present this.

COMMISSIONER MARCUS: Well, just since -- I can try to move this along.

The reason I pulled this one, because it says in there that the site plan does not meet the requirements of the community, Westgate Community Redevelopment Agency.

So I was curious as to why we'd give it an extension if it doesn't meet the Westgate plan.

MS. MONROE: If you'll notice, Item 2 under the staff recommendation, we have recommended the amendment of conditions of approval to require a new site plan that meets those requirements of the CRA.

COMMISSIONER MARCUS: So you fixed that --

MS. MONROE: We fixed the problem.

COMMISSIONER MARCUS: -- inconsistency with that?

MS. MONROE: Yes.

COMMISSIONER MARCUS: Okay. That's fine. Yeah, I'll move approval.

VICE CHAIRMAN KOONS: Motion --

COMMISSIONER AARONSON: Second.

VICE CHAIRMAN KOONS: Discussion.

Anybody opposed?

COMMISSIONER MARCUS: Well --

VICE CHAIRMAN KOONS: Show it unanimous. Second, Commissioner Aaronson.

COMMISSIONER MARCUS: Mr. Kerr only --

VICE CHAIRMAN KOONS: Marcus, Aaronson.

COMMISSIONER MARCUS: -- wanted to speak if there was any objection.

Where is David Kerr? You okay? We're approving it.

MR. KERR: For Destiny on Donald Ross?

COMMISSIONER MARCUS: No, no, no. No. 10, the Westgate.

VICE CHAIRMAN KOONS: No, number --

MS. MONROE: That was No. 8.

VICE CHAIRMAN KOONS: -- eight.

COMMISSIONER MARCUS: Eight, I'm sorry. Wrong card for you. Sorry, sorry. Okay.

VICE CHAIRMAN KOONS: Okay. We're all set? There's a -- and that's approved. No. 9.

COMMISSIONER AARONSON: Did we vote on eight?

VICE CHAIRMAN KOONS: We voted on eight. It was unanimous. Marcus, Aaronson.

VICE CHAIRMAN KOONS: No. 9.

MR. Mac GILLIS: Okay. No. 9, Status Report 2000-061A.2, Able's Residence.

MS. MONROE: This item has only had one administra- - I mean, rather, one two-year time extension is the reason we recommended a time extension.

It is also a residential parcel. It's not a case of being able to rezone from commercial to residential. We couldn't -- we also could not rezone it to a lower residential district.

VICE CHAIRMAN KOONS: Yes.

COMMISSIONER MARCUS: I guess my questions were this is -- is this the one on Haverhill, near Haverhill?

MS. MONROE: Six hundred feet west of Haverhill Road on the south side of Nash Road.

COMMISSIONER MARCUS: I guess my question would be for Engineering -- Engineering, Allan, Engineering, is we just initiated a CRALLS for Haverhill and some other issues.

So I'm curious as to why we're -- this falls under the insignificant, and yet the *de minimis* or the CRALLS addresses that, so I'm not sure if we're contradicting ourselves.

MR. ENNIS: Yeah, actually under state law I believe the single family homes are exempt from the *de minimis* requirements, anyway, so, you know, this is an approval for just a single family house.

COMMISSIONER MARCUS: What does this do, though, to the CRALLS we're asking for on Haverhill?

Does it make us need to have the CRALLS on Haverhill because we're holding traffic for this project because it's insignificant?

MR. ENNIS: No, it wouldn't have any bearing on that.

COMMISSIONER MARCUS: Are you counting their traffic when you come forward with the CRALLS for Haverhill? You're counting this traffic in there?

MR. ENNIS: Yeah, it would be counted in the overall total for traffic, but I mean we're talking about only one single family home, so we're talking like one peak hour trip.

COMMISSIONER MARCUS: Well, no, I thought it was going back to something else.

VICE CHAIRMAN KOONS: Business is so slow we're working on one house at a time here, folks.

COMMISSIONER MARCUS: No. I'm sorry. I thought it was going to something else, and maybe I misread it.

Oh, it's MR -- Residential 5. Is it a daycare? It's just a house.

I'd move approval.

MS. MONROE: It's just one single family house.

COMMISSIONER MARCUS: Just wanted to ask the question about the traffic.

VICE CHAIRMAN KOONS: Okay. There's a motion, Marcus.

COMMISSIONER AARONSON: Second.

VICE CHAIRMAN KOONS: Second, Aaronson. Anybody opposed?

(No response)

VICE CHAIRMAN KOONS: Show it unanimous.

VICE CHAIRMAN KOONS: Okay. No. 10.

MR. Mac GILLIS: Item 10, Status Report, 2003-016, the Destiny International Worship Center.

MS. MONROE: This item has only had -- or this approval has only had one administrative time extension of one year.

VICE CHAIRMAN KOONS: Okay. We have one card on this. David -- David Kerr. Yes, want to come forward?

MR. KERR: Good morning. David Kerr, Seminole Bay Land Company, representing Church of God of Prophecy.

Church of God of Prophecy bought the Destiny International property so it is a new

owner, and this project did -- was in for site plan review. The new owners bought it under the understanding that there was a site plan approval in place or certainly imminent.

VICE CHAIRMAN KOONS: So we've been -- we've been through this. We agreed on a site plan.

COMMISSIONER MARCUS: Well, is there -- is it moving forward, Linda?

MR. KERR: Yes, ma'am, it is. We had some Health Department issues. It had to do with the swimming pool that was there. We have agreed to fill that swimming pool in.

We've also made some, I think, improvements in the site plan to make it function a little bit better, such as eliminating one of the driveways out to Donald Ross Road, et cetera.

We should be in for applying for a site plan approval January, at the latest. I don't know if we'll make the December deadline.

COMMISSIONER MARCUS: So can we give them a one-year approval, instead of two?

MR. KERR: I think that would be acceptable.

COMMISSIONER MARCUS: Okay. Why don't we give it to August of '09 -- I mean '08?

MR. KERR: No, that would certainly be fine. I believe we can --

COMMISSIONER MARCUS: Okay.

MR. KERR: -- be done.

VICE CHAIRMAN KOONS: Okay. That's a motion?

COMMISSIONER MARCUS: I would move that.

COMMISSIONER AARONSON: Second.

VICE CHAIRMAN KOONS: Motion, second, Marcus, Aaronson.

Anybody opposed?

(No response)

VICE CHAIRMAN KOONS: Show it unanimous. Okay. That's --

MR. KERR: Thank you very much.

VICE CHAIRMAN KOONS: Okay.

VICE CHAIRMAN KOONS: Okay.

MR. Mac GILLIS: DOA/EAC2007-1182, the Florida Power and Light, Pages 169 to 206.

Staff is recommending approval with 79 conditions.

Carrie Rechenmacher will give you a presentation on this item.

MS. RECHENMACHER: Okay. Good morning, Commissioners.

This proposal is to modify one condition of approval to increase the megawatts from 3300 to 3800. It's an increase of 500 megawatts. It was expedited because it's for that one condition.

It is not changing the footprint of the building. It's actually going to allow greater efficiency for the site.

The project is on a 220-acre parcel of land. The overall acreage is 28,000 -- 2841 acres, and it also is the Palm Beach Aggregates and the South Florida Water Management District also utilizes total area.

There is -- it's been brought to my attention there's one new condition that the agent is wanting to provide, and all of you have a copy of that.

It has been approved through the Water Utilities, and it is to utilize reclaimed water for the cooling water for the energy center, and it has specific conditions on how that's going to be done.

I know there's technical experts here if you want -- have any other questions.

And at the time of publication we did not have any letters of objection, but, as you know now, we have quite a bit of objection to this.

Staff is recommending approval. The conditions are on Page 183. The modified condition is also on Page 183, and it's 79 conditions.

I'm here for any questions. Thank you.

VICE CHAIRMAN KOONS: Okay. Could we have a specific discussion in terms of the agreement on the condition on the reuse of the water? People -- it seems to be a hot button.

Do we have someone that can specifically discuss what that agreement is so we're aware of it so people who are --

MR. BEAUDET: Yes, Commissioner. This is Bevin Beaudet. I'm the Utilities Director for Palm Beach County.

The east central region wastewater treatment plant located between the Turnpike and Haverhill Road north of Okeechobee Boulevard is the largest wastewater treatment plant in Palm Beach County.

That plant has an ultimate capacity of about 75 million gallons a day. It's currently operating at around 38 million gallons a day.

The City of West Palm Beach has some plans to recycle water from that plant. They are currently operating a six million gallon a day advance waste treatment system that goes into their wetland and down into their wellfield.

They do have plans to expand that in the future as growth occurs; however, other than another three million gallons a day that the County has just completed for irrigation to Century Village and Cypress Lakes, there are no other plans to recycle water from that facility.

That is a very difficult facility to recycle water from. It's located away from most development. It's across the street from the Solid Waste Authority. It's really not -- it's a very difficult plant to get reused water from, and currently less than 25 percent of that water is being recycled. The rest of it goes down to deep wells and is wasted.

When FPL had their project approved, one of their conditions was that if it became economically feasible, they were to use reuse water instead of the deep aquifer water or the surface water that they're currently permitted for.

So they came to see us about three months ago. We took a look at the project. We looked at how it might work. We've been talking about business arrangements, and we have come to a conceptual agreement with them on Monday of this week, and it's a very favorable agreement for the County, as well as FPL.

We'll be able to provide them 22 million gallons a day on the average of reuse water. What's good about water for industrial use is it's 24/7. It's not like the kind of reuse that you do on irrigation where when it's wet, no one takes the water. This is a 24/7 use of water.

It will replace water that FPL would otherwise take out of the aquifer and -- or the surface water for which they're permitted for.

In order to make this project work we've got to build an additional extension to the plant at West Palm Beach and a pump station and a pipeline of approximately 15 miles. That total project cost would be about \$75 million.

However, the deal between FPL and us is the County will -- if the Board agrees, and I'll be bringing you this agreement, hopefully, in January.

The County would borrow the money at our favorable rate, tax-free rate. We would build the plant and the pipeline. FPL will pay us back on

the capital on a monthly basis until the bonds are paid so we have no risk on the capital side, and then they will pay us our actual costs for the commodity.

That's a much better situation than we get from our normal reclaimed water, which is basically subsidized heavily because the users really can't afford it.

So we're very pleased with it. I believe that we can make this work. The route has not been selected. We still need to do a bunch of work on that, but from my perspective we will be able to bring the Board an agreement that would make this possible in January.

COMMISSIONER McCARTY: Mr. Chairman.

VICE CHAIRMAN KOONS: Yes.

COMMISSIONER McCARTY: So basically the bottom line is FP&L currently has a permit to pull water out of the aquifer.

MR. BEAUDET: That's correct.

COMMISSIONER McCARTY: Which we hear every week is something we need to be paying attention to and we need to try and avoid, and we need to work on, we hear from the public, people up here every week.

So as a result of this agreement, 22 million gallons of water that would have been pulled out of the aquifer no longer will be pulled out of the aquifer, and we will, instead of wasting water, be using reused water.

MR. BEAUDET: That's correct, Commissioner.

COMMISSIONER McCARTY: So it's a win-win.

MR. BEAUDET: It's very much a --

COMMISSIONER McCARTY: And it's an environmentally friendly thing because we are now preventing water from coming out of the aquifer and using reuse water, which is what we hear from the environmental community is something you need to be doing.

So we are actually doing what we've been asked to do, but we may be doing it with somebody that you're not ever supposed to do something with, maybe? Is that why there's people upset about this?

MR. BEAUDET: As a technical person, Commissioner, I really can't answer that question.

COMMISSIONER McCARTY: If we didn't know who we were doing this with, we'd probably all be here cheering this on, but since it's who it is, then there's a problem.

MR. BEAUDET: Right. I mean this is the kind of project that we've been urged to do by South Florida Water Management District, by the State of Florida, DEP. It would provide a great benefit --

COMMISSIONER McCARTY: So how could I sit here and say oh, no, I want to continue pulling water out of the aquifer when I have an alternative?

Okay. I'm just trying to --

MR. BEAUDET: Good question.

COMMISSIONER McCARTY: I'm willing to hear what people have to say, but I just don't get the controversy here.

Thank you.

VICE CHAIRMAN KOONS: Commissioner Kanjian.

COMMISSIONER KANJIAN: Thank you, Mr. Chair.

Commissioner McCarty, I think that's -- even a greater discussion we had is right now the water's being put in a deep injection well currently.

MR. BEAUDET: That's correct.

COMMISSIONER KANJIAN: If the water goes and is reused, if I recall, the briefing that I got had about 80 percent of the water being evaporated; is that correct?

MR. BEAUDET: That's correct.

COMMISSIONER KANJIAN: So the amount of water going into the deep injection wells will be greatly reduced today or in the future if this is done than is happening right now.

MR. BEAUDET: More than 80 percent it would be reduced.

COMMISSIONER KANJIAN: And then I had concern that, well, if we're -- what happens to this water when it goes through the plant, and what's the risk? Is the water going to be contaminated in any way, shape or form?

The briefing I got, and I'll be very happy to hear from all sides and have done so in this one, told me that the water's actually going to be better when it goes into the deep injection well than when it got to the plant because of the way it has to go through the processes before it gets put back in.

So not only is it -- makes sense 'cause it is reused water, but we're now going to put a lot less water back into the ground because of the evaporation process that's going to happen with it.

Now, you mentioned you're the technical person -- be technical for me so I can --

MR. BEAUDET: And better quality water, as you have pointed out.

COMMISSIONER KANJIAN: Yeah, well, but important for us to share that with the viewing public and the folks here because I appreciated the time that we spent going through this process

and understanding it. I'd like everyone else to know that, as well.

So it's not just what we're going to save, it's now no longer going to go into the ground, which a lot of people have concerns about what goes into the ground.

COMMISSIONER McCARTY: And what goes into the ground will be cleaner than what currently goes into the ground.

COMMISSIONER KANJIAN: Right, so if you would just share a little bit with us on that, some of us may not have gotten that briefing, and some of us I think will be very appreciative, as well as the public.

MR. BEAUDET: The reclaimed water quality is quite good. It meets all the state standards. Even when it is evaporated, the quality of that water will be equal to or better than the evaporated water that comes out of the Floridan Aquifer because that contains a lot more salt.

So, you know, from an environmental perspective this is a tremendous -- tremendously positive project.

VICE CHAIRMAN KOONS: Commissioner Aaronson.

COMMISSIONER AARONSON: I agree with the water. I certainly -- I think what intrigued me, also, is the business deal that you're working on. Actually, it's going to be no cost.

MR. BEAUDET: That's correct. It will have no impact on our rate --

COMMISSIONER AARONSON: It will have no impact on anybody, no additional charge to the consumer of water because of this.

MR. BEAUDET: That's correct.

COMMISSIONER AARONSON: So -- and possibly a gain.

MR. BEAUDET: Yes, it could be, if we operate efficiently, and it's a net gain if we compare it to the irrigation water. We would lose water if we did that.

COMMISSIONER AARONSON: So now I'd like to hear what the objections are.

VICE CHAIRMAN KOONS: Well, I got 20 cards, so --

COMMISSIONER KANJIAN: Mr. Chair, just one quick thing, just to clarify.

Again, it's more than just dead even because currently we're paying for the water at the reclaimed facility that we're actually putting in the deep well injection because we can't use the water.

VICE CHAIRMAN KOONS: Correct.

COMMISSIONER KANJIAN: So now we'll actually be able to use the water, which we will get dollars for from FPL, so it is not just even,

it's actually a gain because until we can figure out a way to use the water we're currently paying for the capacity and not using it -- isn't that correct, Mr. Beaudet?

MR. BEAUDET: That's correct. We're paying right now all the electric cost to dispose of that water, all the operational cost to -- of that water, and it's being wasted.

COMMISSIONER KANJIAN: So it is -- it's actually a positive, not just even. Even better.

VICE CHAIRMAN KOONS: And just a comment. In terms of this plant, it's a wastewater plant that handles the waste from Riviera Beach, Lake Worth, Town of Palm Beach, South Palm Beach, West Palm Beach and a large section of unincorporated Palm Beach County, so almost all central Palm Beach County goes there, and so this is -- this is -- this is really a good deal.

And I want to thank the Water Utilities Department, FP&L for putting this together in a very timely manner, and we are specifically adding this as a condition of approval on this project. That's why we spent some extra time talking about this. This is as good as you could possibly have in terms of having a water resource and tying it into an energy facility. This is very, very positive.

So I wanted to spend a little extra time, and that condition is one of the conditions we just added today.

I have 20 cards. I don't know if the petitioner wants to talk now or afterwards, but I do have 20 cards. We're going to do three minutes, so -- what's that?

Do we hear the cards first?

COMMISSIONER KANJIAN: If we could, I'd like to hear the cards first because that way the petitioner might be able to answer some of the --

VICE CHAIRMAN KOONS: Correct.

COMMISSIONER KANJIAN: -- issues that are brought up if that's possible.

VICE CHAIRMAN KOONS: Okay. Staff can keep questions and take a look at it.

So we're going to get started. My official clock keeper isn't here.

Shane Bernard can come up, please, and then, Shane, three minutes, and after that, Bonnie Brooks. Bonnie, if you could come up and take this other mic.

Shane, can you give us your name and where you live?

MR. BERNARD: I live in West Palm, in Olympia.

VICE CHAIRMAN KOONS: Okay.

MR. BERNARD: DuPont Place.

I think you should pull the plug on the power plant for all the animals, for all the animals. I'd like them to live and not be wasted.

Is the water going to be contaminated, it could be poisonous, could make the animals die, and they should keep the -- pull the plug, not make the power plants.

MS. BROOKS: Thanks, buddy.

VICE CHAIRMAN KOONS: Shane, thank you very much.

Okay. Bonnie Brooks, and then after that is Darryl Bowen. Darryl, if you can come over here.

Bonnie.

MS. BROOKS: Good morning, ladies and gentlemen. Than you all, first of all, for letting us speak and I'm representing --

VICE CHAIRMAN KOONS: Can you bring your mic up a little bit, please? Thank you.

MS. BROOKS: I'm representing Palm Beach Central High School's Equestrian Club and our Environmental Club, and I brought some children with us because we're not only making decisions for us, we're making decisions for generations to come, and they're not allowed to speak yet because they're not old enough to vote, but we have to understand that we're making decisions for these children, their generations and generations to come.

And the generations that are behind us are looking at green, keeping the earth clean and usable for everyone, not just our generation, and we have to keep that in mind when we're making decisions such as these because, again, they're not allowed to vote yet.

They're not allowed to have a voice at this point because they're young. I mean they're just learning the governmental system, and we need to be aware that we're making decisions that will impact them.

I would like to just make several points and, again, thank you for your time.

We oppose the entire FP&L West County Energy Center, oppose it completely, and, of course, we definitely oppose any additional things that they're asking for, a 15-mile water -- that's ridiculous.

You're taking things from the earth that shouldn't be taken. You're putting water back in that's been absolutely touched and shouldn't be done.

We're looking for green ways. We want to make things liveable for generations and generations to come.

My back yard is -- happens to be that area. I live in Fox Trail, and I consume that

water. I now have a well that I drink from that water. Do I want the same thing to happen that happened in the community across the street where they were drinking mud for months at a time? No, I really don't.

I love my horses. I love my five acres. I bought back there because I wanted it to stay clean and the environment to be a place where I'm proud of that I could eat and drink and know that Florida's going to be a wonderful place to live, not only this day forward, but forever.

So I want to thank you all for your time and your effort, and I want you to understand that there -- I have over 300 signatures in that book that I brought of Palm Beach Central High School children, and we just started the campaign that is totally against even building the power plant.

I just recently finished building a home in the Fox Trail community. I could not dig a hole without having permission or my permits pulled and approved, and I understand that they're building a power plant already without permits. I just don't understand --

VICE CHAIRMAN KOONS: Ma'am, that's not true.

MS. BROOKS: -- how that can be happening.

VICE CHAIRMAN KOONS: That's not true.

MS. BROOKS: Okay.

VICE CHAIRMAN KOONS: They have all the permits that they're required to have right now to undertake construction.

MS. BROOKS: Well, and --

VICE CHAIRMAN KOONS: I didn't want misinformation.

MS. BROOKS: Well, that's not the understanding that I have. They're starting, and they shouldn't even be building yet because they don't have the proper permits.

VICE CHAIRMAN KOONS: That's not correct.

MS. BROOKS: I just want to thank you for your time, and, remember --

VICE CHAIRMAN KOONS: Thank you. Would you like your students to stand up, and we can put them on TV?

MS. BROOKS: Stand up, guys.

VICE CHAIRMAN KOONS: Stand up. Can we make sure we get them -- don't sit down 'til our camera can show you so you can show your parents.

And, by the way, if anybody wants to talk, you can talk. Don't kid yourself. If you -- if you're not allowed to vote yet, you can talk and express your opinions.

MS. BROOKS: Well, they're --

VICE CHAIRMAN KOONS: And I bet you you do have your opinions.

MS. BROOKS: They've asked me to do that for them.

VICE CHAIRMAN KOONS: Okay.

MS. BROOKS: Thank you very much.

VICE CHAIRMAN KOONS: Thank you so much.

Okay. Next is Darryl Bowen, and then after that is Ronald Latavator [sic] from Cypress Creek.

MR. BOWEN: Okay. I'm Darryl Bowen. I'm a resident and business owner in Wellington, and I'm here today representing the Wellington Chamber of Commerce as its president, and I'm going to read to you a resolution that our Board of Directors adopted, and I might add our Board of Directors represents over 400 businesses in the Wellington community.

"A resolution of the Wellington Chamber of Commerce in support of the change to the Palm Beach County development order to allow Florida Power and Light to produce 3800 megawatts of power at a clean burning, natural gas electric-generating power plant located on Southern Boulevard -- am I done already -- in Palm Beach County, finding that change to the existing development order will be to the benefit of the residents of Palm Beach County.

Whereas, the Wellington Chamber of Commerce recognizes the benefits of a clean burning, natural gas electric generating power plant and associated facilities in Palm Beach County.

Whereas, the Wellington Chamber of Commerce recognizes Florida Power and Light Company will include state of the art G-class combustion turbines that are more efficient than other models originally contemplated in the original proposal.

Whereas, the Wellington Chamber of Commerce recognizes the G-class technology uses less fuel for each megawatt of electricity generated while generating more power from each of the combustion turbines creating better efficiencies and even more reliable power.

Whereas, the Wellington Chamber of Commerce recognizes that greater power plant efficiency also means lower emission rates, and that this effect will promote the general health, safety and welfare of the residents of Palm Beach County.

Whereas, the Wellington Chamber of Commerce acknowledges a real need exists at generating capacity to serve the growing energy needs of the Florida Power and Light customers.

Whereas, Florida Power and Light Company has the obligation to provide adequate, safe and efficient electric power to its customers, and

Florida Power and Light Company recognizes a responsibility to provide safe, reliable, affordable electricity while keeping environmental concerns in consideration.

Now, therefore, be it resolved by the Wellington Chamber of Commerce of Palm Beach County, Florida, that support for the proposed amendment to the Palm Beach County development order is approved, and we encourage the Palm Beach County Board of County Commissioners to rule in favor of Florida Power and Light Company's request as submitted."

I might just add this is just a win-win for everybody.

Thank you.

VICE CHAIRMAN KOONS: Okay. Thank you so much.

Ron, and then after that is Ms. Miranda, Jaene.

MR. LAVATER: Good morning. My name is Ron Lavater. I live at 15776 Cypress Creek Lane in Wellington. I'm here as a private citizen and an environmentalist.

I've been active in environmental causes and with the Nature Conservancy for over 15 years, and I live out in the western community, and I've also had an opportunity to work with, in different aspects, with FP&L and review this plan with them, and it makes sense, and I'd like to echo the other comments.

It is a win-win, both from a business standpoint and development of the area, but also from an environmental standpoint.

Thank you.

VICE CHAIRMAN KOONS: Thank you so much. Jaene, and then after that is Joanna Boynton.

MS. MIRANDA: Good morning, Vice Chair, members of the commission. My name is Jaene Miranda. I'm the executive director for the Palms West Chamber of Commerce.

Representatives of our chamber board came before you in 2004 supporting the original proposal for the West County Energy Center. Our board is still in support of the project and the proposed changes.

To that end, the Palms West chamber board approved a new resolution which I -- for the sake of time, not going to read it all. I just -- I'll read the number of the resolution and then enter it into the record so that we could save a little bit of time.

But the Palms West Chamber of Commerce Resolution No. 0702 in support of the amendment to the development order related to the West County Energy Center, the resolution of the Palms West

Chamber of Commerce in support of the change to the Palm Beach County development order to allow Florida Power and Light Company to produce 3800 megawatts of power at a clean burning, natural gas electric generating power plant located on Southern Boulevard in Palm Beach County. Finding that change to the existing development order will be to the benefit of the residents of Palm Beach County.

I'll read the end just -- now, therefore, be it resolved by the Palms West Chamber of Commerce Board of Directors of Palm Beach County, Florida, at the October 10th Board of Directors meeting that support for the proposed amendment to the Palm Beach County development order is approved, and we encourage the Palm Beach County Board of County Commissioners to rule in favor of Florida Power and Light Company's request as submitted.

It's done and adopted the 10th day of October, and it's signed by Joanna Boynton, president of the chamber, and myself, the executive director.

Thank you.

VICE CHAIRMAN KOONS: Do we move to receive and file on that? I guess --

COMMISSIONER KANJIAN: So moved.

COMMISSIONER MARCUS: Second.

VICE CHAIRMAN KOONS: Second.

Discussion.

(No response)

VICE CHAIRMAN KOONS: Okay. Show that received and filed.

Joanna Boynton, and then after that Alexandria Larson. I'm getting the Alexandria right.

Yes.

MS. BOYNTON: Good morning. Thank you for being here, Vice Chair and County Commissioners.

My name is Joanna Boynton, and I live in the western communities.

As Jaene indicated, I am the president, current president of the Palms West Chamber of Commerce that represents 850 or so small, medium and large businesses that mostly reside in the western communities.

I also have been a resident of the western communities for the last 14 years and have recently moved closer west to the power plant.

As a small business owner in Wellington I recognize, I think we all do, that over time technology does change, and with this comes increased efficiency and, hopefully, higher output.

I'm sure many of you can relate to a PC computer that maybe you've even owned five or 10

years ago, just like I can in my business, and I continue to update my office with more updated technology that runs cleaner, more efficient, and it definitely takes up a lot less space on my desk top.

The Western County Energy Center construction is well underway, and so this is not a location issue here today.

FP&L's request to increase their overall wattage seems reasonable. FP&L would be able to build their third unit with this more efficient turbine technology. The visual impact would be lessened, and FPL's fuel cost per megawatt could be lower as a result of the increased efficiency without increasing the overall emissions and perhaps from a water perspective become a more environmentally friendly concept.

I am here to recommend that the County Commission approve FP&L's requested amendment. Thank you.

VICE CHAIRMAN KOONS: Thank you so much. Alexandria, and then Dan Larson, please.

MS. LARSON: Okay. In this whole little backup here it says nominal. Thirty-eight hundred megawatts is not nominal. It's enough to facilitate 2.75 million homes. Where are those homes going, guys? West? West of 20-Mile Bend?

I mean I'm worried about us. Nominal it is not. The nominal is not a good word.

Lennar is not building Highland Dunes. Lennar backed out. So some of these development orders -- the funny thing about this development order, it's always been under Palm Beach Aggregates.

No one could follow this puppy because when I went to Planning and Zoning and asked for everything on the FPL plant, they rolled out a dolly with 12 boxes because it was all under the Aggregates.

We, the County taxpayers, everywhere, 16 counties, paid 212 million bucks for a hole in the ground for CERP, and that's going to be the waterfront property for this plant. That's insane.

I want to know how this even got done because did anybody look at 3800 megawatts, the size of the plant? It's on 220 acres. It's on the Aggregates.

They've set the price at 100 -- they paid 40 million bucks for 220 acres when you guys only paid 60 million bucks for, what, 2,000 acres, 1900 acres? Some really strange stuff out here. I'm glad Wellington likes this since Carmen Priori's (ph) son's going to run the plant. I'm sure they are happy that it's going to be done, you know.

Right at the end here of your development order it says all these things will be treated separately, the South Florida Water Management pits, the FPL plant and the Aggregates are separate issues, yet this thing has always been done under the umbrella of the Aggregates.

Even Highland Dunes was done under the umbrella of the Aggregates' zoning documents, the DOA, the development order. So we got some real problems here.

This thing is going to have -- it says in traffic there's no traffic impact, except for those giant diesel trucks that are going to have to take the 12.6 million gallons of diesel out to the plant.

They do not have all their permits, Commissioner Koons. They don't. They're in the process of getting their natural gas pipeline that's 35 miles long and 900 psi between two blasting operations, and it is not separate. The gas pipeline is part of the plan.

I have the resolution. Fox Trail couldn't be here today so I have their resolution. It's against the upping of the wattage and the entire plan. I'd like you to do a motion to receive and file.

COMMISSIONER AARONSON: So moved.

VICE CHAIRMAN KOONS: Motion to receive and file, Aaronson.

COMMISSIONER KANJIAN: Second.

VICE CHAIRMAN KOONS: Kanjian. Move it received and filed.

MS. LARSON: I have that. I also have 400 signatures in opposition to the plant. I'd like that put into the record.

This has been, you know, and this is only two days --

VICE CHAIRMAN KOONS: Motion to receive and file, second, Commissioner Kanjian.

Give that to the clerk. Move it filed.

MS. LARSON: There's only -- this was only two days of collection. Imagine if we went out there every day.

Do you think I could get all 45,000 people against this? I do. So I'd like that, you know, in the record.

VICE CHAIRMAN KOONS: Thank you.

MS. LARSON: Thank you.

COMMISSIONER McCARTY: Commissioner Koons --

VICE CHAIRMAN KOONS: Yes.

COMMISSIONER McCARTY: -- just so that people don't get confused.

You said that they had the permits necessary to be where they are today. You didn't say they had all their permits.

VICE CHAIRMAN KOONS: No, I just --

COMMISSIONER McCARTY: The process that is out there for everyone in the country allows for them to get permits at various stages. They are following the law, and it may not be one that people agree with at the microphone, but they have the permits to be where they are today.

VICE CHAIRMAN KOONS: Yeah, they're -- they're --

MS. LARSON: But if they make --

VICE CHAIRMAN KOONS: They are constructing under existing permits that they're allowed to do.

MS. LARSON: Well, some of the --

VICE CHAIRMAN KOONS: There was some discussion about they're --

MS. LARSON: Well, that wasn't --

VICE CHAIRMAN KOONS: -- constructing out there illegally.

MS. LARSON: That isn't what you said. You said all -- they have all their permits. And I was just correcting that. That's all. No --

VICE CHAIRMAN KOONS: Okay.

MS. LARSON: No problem, you know. Thank you.

VICE CHAIRMAN KOONS: Dan Larson. After that is Kenneth Lutz.

MR. LARSON: Yes, my name is Daniel Larson. I live in Loxahatchee, and I disagree with FPL being out there at all.

It doesn't belong there. There should be alternative sites like out in Glades where they shut that one down because it was coal, but why don't you put it out there or something because this is definitely in the wrong spot, and there is no win-win situation here whatsoever.

So I totally disagree.

VICE CHAIRMAN KOONS: Thank you so much.

Mr. Lutz, and then after that is Terry Wescott.

MR. LUTZ: Kenneth Lutz, Belle Glade Chamber of Commerce and Lake Okeechobee Regional Alliance (phon.) of Palm Beach County.

I was not prepared to speak today; however, you called me so I'll tell you that we are in favor of the addition to the wattage of the Florida Power and Light plant and think it will be a benefit to the County.

Thank you.

VICE CHAIRMAN KOONS: Okay. Thank you so much.

Terry Wescott, and after that is Gary Hines.

MS. WESCOTT: Good morning. I apologize. I didn't put on the card to speak, but I will.

I am a resident of Royal Palm and have been for quite some time, 12 years, and I do support the project, FP&L, and have through various aspects of my involvement in the local government, as well as the chamber.

So thank you very much.

VICE CHAIRMAN KOONS: Thank you.

Next is Gary Hines, and after that is Josette Kaufman.

MR. HINES: Good morning, Mr. Vice Chair and Commissioners. Thank you for this opportunity.

I am here to encourage you to vote in favor of the amendment that FPL's requesting as already has been mentioned by water experts, the environmental efficiencies by using the reused water. There are a number of other benefits that would follow the approval of this amendment.

By employing and developing the new technology, the most efficient technology available today means use of less fuel for this facility.

There will be no increase in overall emissions, no additional fuel storage required beyond what's already been approved, no significant change in water use with the increase in generation capacity at the site, and that generation is needed not just by the thousands and thousands of homes in Palm Beach County, but by the thousands of businesses in Palm Beach County.

More generated power close to population growth increases reliability for customers.

As a member of the business community for over 20 years I can understand the benefits of living in an area that has a reputation as a place where visitors want to come.

Likewise, working with many businesses, actually interviewing thousands of CEOs and business executives over a number of almost 18 years, I can tell you that while some are small to mid-size companies, some are large corporations, typically their shopping list when they're looking for a new site for a relocation or expansion is the same.

The same two or three questions keep popping up, and in that list of one or two key questions that will determine whether they choose to relocate their business to this community or expand the businesses that are already here, like Florida Turbine Technologies (phon.), Barron Sign Manufacturing, IBM.

They say will Palm Beach County be able to supply sustainable, efficient electric power I need to run my business or run my production facility, to run my research lab. The answer's been yes.

I think most of us in the room today can recall not too many years ago when areas of California had rolling blackouts because the generation -- power generation companies out there were not able to keep up with the demand.

Fortunately, that has not been the case here in Palm Beach County. FPL has had the foresight to build the facilities needed to supply the demand we have as residents, as businesses.

When I -- by the way, for the record, I'm a Palm Beach County native. I reside currently in the Village of Royal Palm Beach.

When I go home at night after a day's work, I like to walk in the door, flip the light switch on, and without giving it a second thought, the lights come on like they are in here. I like to turn the thermostat down a little bit and cool the home off. Without giving it a second thought that happens.

I don't think any of us want to give that up.

Again, I thank you for your consideration of the amendment and ask that you vote to approve it.

Thank you.

VICE CHAIRMAN KOONS: Thank you.

Next is Josette Kaufman. After that is James Schuette.

MS. KAUFMAN: Good morning. My name is Josette Kaufman, and I'm the executive director of the Arthur Marshall Foundation.

I'm not here to speak one way or the other regarding the Western County Energy Center. Location of such development, past, present and future, still begs for a Comprehensive Plan for the future of the Everglades Agricultural Area that will not interfere with CERP implementation.

I would, however, like to point out what an outstanding environmental partner FPL has been to the Marshall Foundation. Thanks to their support we've been able to reforest five acres of land with almost 2,000 native trees at the Arthur Marshall Loxahatchee National Wildlife Refuge in Boynton Beach.

With their help we've been able to promote energy saving tips for home and businesses in our community at such events as Earth Day.

With FPL's support our prestigious summer intern program has 23 graduates. FPL recognizes the need to educate the next generation of environmental stewards.

The Art Marshall approach was to address our state's environmental issues together. A part of the answer is to educate stewards who are willing to come to the table and work on solutions, and that, we believe, is the answer.

We also note that FPL is doing an outstanding job in going green with alternative energy sources, such as solar and wind power, as well as recognizing tree planting as a means of carbon sequestration.

VICE CHAIRMAN KOONS: Thank you so much. James Schuette, and after that is Dennis Lipp.

MR. SCHUETTE: Thank you. My name's James Schuette. I live in the western communities, Loxahatchee, I'm director with the Florida Wildlife Federation, and I just want to recommend that you deny this.

I don't think this is the time to be enlarging the power plant. There's a federal lawsuit that it's mired in. There's also administrative hearings against the permits for the gas pipeline which has yet to be issued, and also administrative hearings against the disposal of the sludge, deep well injections that have -- that permit has yet to be issued.

The question, main question for the Federation, is this power plant is looking to produce enough power for a million new homes. I understand the importance of development and the importance of planning for it; however, as this County has a little bit more interest than the rest of the state in the preservation of the Everglades, and the question remains where are these million new homes going to be built and what impacts is that going to have on the Everglades restoration.

Also, Judge Hoevler's recent decision down in Miami-Dade County as to the structure, the geologic structure, puts into question deep well injection and how water is separated down below the ground, and I don't think we currently have the answers to that question right now to be able to inject.

I understand the explanation this morning that this is better than reuse water. The question remains for me if it's so good, why are we putting it into deep well injection. If it's better than reuse water, we should reuse it.

Also, why -- it's interesting. Why wasn't this in the original request, and I have one question for FP&L. This is a question of size that somebody else brought up earlier.

How does this power plant, this gas power plant, compare in size to any other gas power plant in the world?

I have a feeling we have a misconception, both of the size and impact of this power plant, and the main problem with the Federation, its location and the impacts on the Everglades restoration.

Thank you.

VICE CHAIRMAN KOONS: Thank you.

Just before the next speaker, the Florida Power Plant Siting Act and the gas line permits are, again, a federal agency and a state agency that oversees it. It's beyond the scope of this, you know, this Commission going forward.

So I just -- there's some stuff we control, and there's some stuff we don't control. That is one of those issues that we don't control.

COMMISSIONER MARCUS: Can I ask?

VICE CHAIRMAN KOONS: Yes.

COMMISSIONER MARCUS: Will somebody from Florida Power and Light be able to answer that --

VICE CHAIRMAN KOONS: Yeah, we're going to --

COMMISSIONER MARCUS: -- about the size when we get done?

VICE CHAIRMAN KOONS: Yeah, we're going to -- we're going to track all the questions and have them come in and answer everything coming up.

Dennis -- Dennis Lipp, and after that, Mr. Goodlett, is he here? He -- does he want to speak? No? Support? Okay. Thank you. Support.

MR. LIPP: Vice Chair, Commissioners, good morning.

This power plant's going forward. I would just ask one -- I've not been able to read all the conditions, but 12 point -- well, 12.2, 12.8 million gallons of diesel fuel stored at the very top of the Arthur Marshall. If you've ever taken a drop of diesel fuel and put it on a pond, it's an amazing thing to see.

It's just that I think if we could have a condition -- I've not been able to read all of them and possibly FPL can answer this -- is that what sort of storage facility is the diesel, which is there for emergency generation in case the natural gas is then shut off, is this -- this is the last -- the Arthur Marshall is the last part of the Everglades left in a pristine form, and we just need to be sure that it's protected from any possible spill that may occur at the very headwaters of the Arthur R. Marshall.

VICE CHAIRMAN KOONS: Okay. When you're over, you can hook up with these people because you're -- now that you're a village or town, you get to step up.

Okay. That was Dennis, and then Mike Sexton, and then after that is Barry Silver.

Mike Sexton.

MR. SEXTON: Good morning. I'm Mike Sexton. I'm a Wellington resident and Palm Beach business owner. I've been in the area for about 25 years, and I'm in favor of FPL's proposal to increase the power capacity. This is increasing

the efficiency of the plant that's already been approved.

It's responsible engineering, good planning. I also compliment Palm Beach County Water Utilities in being able to work up a plan for reused water for the facility. I think that is very much a win-win for everyone.

I'd also like to note that Palm Beach County is very lucky to have FPL as our power supplier. They're one of the best in the nation, and as other speakers have said, are working towards greener energy in the future, and I believe this plant will help them towards that goal, and I encourage you to vote for it.

Thank you.

VICE CHAIRMAN KOONS: Thank you very much. Barry Silver, and then Michael Christensen.

MR. SILVER: Thank you. I want to compliment you on providing such a wonderful display of how government works to our young people.

Young folks, you'll notice that this power plant is going to spew between 8.5 to 13.5 million tons of greenhouse gases into the atmosphere which is going to help destroy your future. It's going to cause global warming to be exacerbated horrifically, but they're saying it's a win-win.

They're telling you that an unmitigated disaster is actually good for you. That's exactly how government works.

We have a horrible water shortage. By the time you get to be our age, who knows if there's going to be any water left. This plant will consume 6.5 billion gallons of water per year. Did you hear them mention that? I kind of missed that. But it's a win-win situation.

They say this is a wonderful thing because it's going to get better. This is like saying that you're about to get on the Titanic, but it's going to be a good thing for you because they're going to give you a discounted ticket.

VICE CHAIRMAN KOONS: Mr. Silver.

MR. SILVER: And before you go overboard, they're going to give you a cool glass of water to drink.

VICE CHAIRMAN KOONS: Mr. Silver, can you address us, please.

MR. SILVER: I'd rather address them, sir.

VICE CHAIRMAN KOONS: Well, then, you can go out in the audience and talk to them when they leave after this is over.

Please address -- have the courtesy to address us up here. We're the ones voting. They can hear this --

MR. SILVER: They're the ones that future's at stake. You guys stopped listening a long time ago. They're still available to be able to hear a message, and they have the right to hear a message, and I can direct it anywhere I want.

I'll direct it to you, and they can eavesdrop.

You folks --

VICE CHAIRMAN KOONS: I appreciate that very much for that courtesy.

MR. SILVER: You folks also are demonstrating to these young people what government is all about nowadays, unfortunately. You refuse to learn from your mistakes.

There was litigation going on dealing with Scripps on Mecca, and you acted like it was a joke, and I heard Mary McCarty saying, "Ah, we've been told by our attorneys it's nothing." It was something.

You dumped millions of dollars into a doomed project. Now you're dumping who knows how many millions or billions of dollars into a power plant to create fuel for homes that aren't even there yet so that you can have more people go in and plunder the Everglades and the last of our open space left so that there's nothing left for them to enjoy.

You're destroying the agricultural base, which is important for economy, and these chambers of commerce who come here and tell you and say that it's actually good for the economy to destroy the environment -- it's good for the economy to use solar energy. FPL is saying that they want to use solar energy. Do it. Don't go down a failed path that's going to destroy the environment and destroy these children's future when solar energy's around the corner.

Get rid of this power plant, stop the plans for the power plant. Put in a solar plant and actually join the future and join Governor Crist.

Do you know -- does anyone here on this panel know how many millions of tons of greenhouse gases will be emitted by this power plant?

It's estimated 8.5 to 13.5 million tons. I bet you don't know. I bet you don't care. I bet it's not regulated.

You better find that out because that's a significant factor that you don't even know about, and these people have the right to see how government works.

So thanks for giving them such a wonderful example of how government functions in this county.

VICE CHAIRMAN KOONS: Thank you.

Michael Christensen, and after that is Panagioti Tsolkas. I always butcher his name.

MR. CHRISTENSEN: Jupiter Farms.

I'd like to get one thing that's been spoke about that this is a plant. This is the equivalent of nine power plants by FPL's own words, so I think people are being misled in the clean gas and the emergency fuel.

FPL is allowed to burn 500 hours of diesel a year, not for emergencies or anything like that. They'll do it, and it's the equivalent of 64 million gallons of diesel.

So there's a lot of information that's being misrepresented as far as the impacts to the Ever -- to the Loxahatchee Wildlife Refuge, to the Corbett, to the surrounding residents.

One of those is the fact that the stacks have been lowered 100 feet. This is -- you can't get rid of ozone-creating gases, so these will be not as well dispersed, and they're going to be right in those sensitive areas.

In fact, it's -- this area is actually being punished because it has clean air, and I, again, as the young people here who have to deal with the impacts of this and who aren't -- haven't had a say or the wildlife and the creatures out in these areas that have no say, we can't be keep making a buck on their backs.

I'd also like to talk about this water -- this condition that's come up just suddenly. It's interesting that FPL and the County can cobble together a quick agreement to borrow \$76 million or \$75 million, and yet there's a plant out in Pahokee that for a decade or longer has been waiting for clean water.

Also, if this water is cleaner than the reuse, why isn't it being released into the -- you know, some other area, wetland or someplace, for -- to be allowed to perk back into the aquifer?

I ask the commissioners to hold this in abeyance or put it aside. There's no need to up the megawatts, you know, it might be more efficient technology, but you're just upping the megawatts.

There is no win-win. They're going to burn the same amount of fuels. They're going to -- if not more, as from my understanding, the third unit, and the water doesn't even take place until the third unit.

So let's be more realistic. Let's utilize the precautionary principle, which was signed in 1998, and let's look at it carefully.

Thank you.

VICE CHAIRMAN KOONS: Thank you very much. Mr. Tsolkas, and after that is Debbie Evans.

MR. TSOLKAS: Panagioti Tsolkas, with the Palm Beach County Environmental Coalition.

I just want to ask first. Have you all read the documents that have been distributed previously? I've handed some things in and just want to get a sense, a head nod. Okay.

Because it's hard to figure -- doesn't sound like they've been read, and so I want to make sure that they've been received and recognized.

I'm here -- just in the agenda it says that the affected site is a 220 acres. It's been made clear that that's not just the area of impact. In fact, the radius of the emissions is at least 12 miles, and that's been acknowledged, so we should at least recognize that.

The regional underground water supply where the deep well injection will travel is also a regional impact, and the global climate change is a global impact. It's been recognized multiple times by various public officials, including our governor, including our Fish and Wildlife Commission at the state level.

If you haven't read the International Panel on Climate Change documents, they've released some great summaries for policy makers. This is a huge deal. All over the world people are talking about it, and we should stepping up and setting a standard.

Number five in the back-up material again suggested there's minimal impact or no significant impact from this power plant but has been -- as been mentioned earlier the power plant is still unpermitted. You need deep -- they need this deep well injection for their wastewater, and they don't have the permit. They need the gas for the pipeline going along a sensitive area, along a canal related to CERP, and they don't have the permit. It's going to be challenged in Court, and that needs to be recognized.

I do think that there was misinformation presented from this dais today about the permits. They don't have the permits for this plant, and they're building it, anyways, the same way people thought Scripps was following the proper suit, and they weren't, and it'll be settled in federal Court, hopefully, but it'd be a shame if you don't step up and honor it while you have the chance now.

We still haven't seen the blasting agreements. It's a private blasting agreement that's going to affect us all, and we still haven't seen it. If you've seen it, please let me know, between the Aggregates and FP&L, because they haven't made it available to us.

If they can reduce emissions and clean it up, then why don't they? Why are they pushing it? They want more megawatts for the same -- this thing was already polluting to begin with. I mean the documents that I have, the significant deterioration indication from the state regulations was this is going to be 20 times, the nitrogen oxides, going to be 20 times the release of, you know, substantial quality by their own standards.

So this thing's dirty already. Why isn't it being cleaned up instead of just wanting to expand it?

You know, there's no Health Department review again. Why hasn't the Health Department looked at this? Palm Beach County was just designated eighth in the country, the eighth worst country [sic] for carcinogenic emissions, largely related to the sugar field burning, but the cumulative impact that this pollution is going into hasn't been considered.

The only document I've seen it in was an official wildlife document that never even made it to the state.

So there are questions here that aren't being recognized. You know, we don't want fossil fuel development here in Palm Beach County. We don't want deep well injection. We don't want more sprawl. We want conservation.

I also have some documents that I want to turn in for receive and file.

The teacher that spoke earlier asked me if I could get copies so you would have on record of the petition --

COMMISSIONER AARONSON: So moved.

VICE CHAIRMAN KOONS: Okay. There's a motion to receive and file by Commissioner Aaronson.

COMMISSIONER KANJIAN: Second.

VICE CHAIRMAN KOONS: Commissioner Kanjian, move it, received and filed.

MR. TSOLKAS: And I have a few documents. One is on the natural gas crisis and renewable alternatives, and the other is Science for Democratic Action on the Roadway for U.S. Energy Policy, and, hopefully, you can review this as well.

Thank you.

VICE CHAIRMAN KOONS: Those are covered by the motion, too.

Okay. Debbie Evans, please.

MS. EVANS: Yes. Thank you. I am a resident of Wellington, and I am also someone who has worked on energy issues here in the State of Florida since the mid-1980s, serving at one time as energy chair for the Sierra Club in the state.

During that time I intervened in the first ever conservation goal-setting dockets held in 1992 before the Public Service Commission.

At that time the energy test that the Public Service Commission chose, which serves as the benchmark for determining which conservation programs will make the cut that the public can use, was very limited.

We now have a governor in place who is addressing these very issues, and I want to ask you to give him and the Florida Energy Commission your support. They are doing some wonderful things here in this state at this time.

FP&L is building this plant too soon. I am very concerned that we are -- with the increase in natural gas consumption that we are seeing and the effect that it is having on our energy bills, natural gas now accounts for 49 percent of the energy use in FP&L's fuel mix, and that has meant 50 percent of our energy bills is due to the natural gas that is used.

In other words, over 50 percent of our energy bill is due to the fuel cost of our bills, and the majority of that is natural gas. So we're seeing more and more natural gas, which is very volatile in price, and we should all be very, very concerned about this.

I did submit a letter to each of you by hand delivery the other day. I hope that you have read it. I feel that it's pretty succinct.

Again, please give the governor and the Energy Commission your support. Our future lies with renewables and energy efficiency. We can screw in compact fluorescent light bulbs, fix leaky air conditioning ducts far faster than FP&L can build a power plant.

Past generations have shown what we are capable of doing, such as what our parents and grandparents did in World War II. It is our turn to show this generation what we can do to solve our energy problems today.

I do have two quick questions, one of FP&L.

First of all, it is my understanding that while you have a certificate of need from the Public Service Commission for the first two units which are under construction, that you have not yet applied for a certificate of need for this third unit. That's question number one.

Number two, I would also like FP&L to tell me how much money did you give the Wellington Chamber of Commerce?

I believe I saw a little article in our local paper that said you had given the Wellington Chamber of Commerce \$100,000. I'm not sure if

that is a misprint or not. Would you please clarify?

Thank you.

COMMISSIONER MARCUS: Mr. Chairman, can I -- Debbie, could I ask you a question?

Just in terms of -- and maybe I didn't hear you correctly, but when you said stop this power plant, the power plant's under construction.

MS. EVANS: The first two units.

COMMISSIONER MARCUS: Okay. So when you're talking, specifically you're talking about the third unit.

MS. EVANS: As -- yes.

COMMISSIONER MARCUS: Okay.

MS. EVANS: Yes, absolutely. That is what I am considering to be the expansion.

COMMISSIONER MARCUS: Okay. Because there's -- I hear a lot of people saying stop the power plant, and the power plant was approved in 1990 --

MR. Mac GILLIS: 2002.

MS. RECHENMACHER: 2002.

COMMISSIONER MARCUS: 2002, and nobody was here at the time to tell us that this is a bad thing to do and all that stuff.

So now we're down to the details of it, and now we're hearing the concerns of the public.

So I just wanted to make sure for your perspective that you're speaking specifically to this expansion.

MS. EVANS: To the third unit, yes.

COMMISSIONER MARCUS: Thank you.

VICE CHAIRMAN KOONS: And, Ms. Evans, I think that the Wellington people are making a comment that they did not receive --

COMMISSIONER MARCUS: You have to come to the microphone.

MR. BOWEN: Florida Power and Light is nothing more than a member of our Chamber. We have never received 10 cents more than their membership and the \$20 they pay when they come to one of our lunches.

COMMISSIONER MARCUS: You have to say it into the record if you don't mind.

MR. BOWEN: Okay. Yeah. I'm Darryl Bowen. I'm the president of the Wellington Chamber of Commerce.

Florida Power and Light is a member of the Wellington Chamber of Commerce, as they are probably every chamber of commerce in Palm Beach County.

They have never given us one dime more than their membership dues and, again, come to the luncheons and those sort of things.

We have not received anything. I want to make that clear.

VICE CHAIRMAN KOONS: Okay. Thank you.
Okay. That's the end of comment, public comment.

We're back to the Board if they have questions specifically now, and we'll ask FP&L, the petitioner to come up and answer the questions that were brought up and make their presentation.

Karen.

COMMISSIONER MARCUS: The only one with a light on?

VICE CHAIRMAN KOONS: Yes.

COMMISSIONER MARCUS: Well, yeah, I would like to ask some of the questions.

The size of the power plant, if somebody from Florida Power and Light.

VICE CHAIRMAN KOONS: Okay. Who'd like to come up?

COMMISSIONER MARCUS: The point was made that it was larger -- the largest, something along those lines.

MR. KILDAY: Just for the record, Kieran Kilday, representing FPL.

What we'll do is bring up an FPL person who can best answer the questions and just work through them. I don't think you need a presentation on where it is or what it is.

David Hicks from FPL can answer that question.

MR. HICKS: Yes, Commissioners.

It is similar in size to several of our other facilities. For example, our Martin facility is about between 3800 and 3900 megawatts, total.

COMMISSIONER MARCUS: So it's not the biggest one in the state?

MR. HICKS: No, it's not the biggest one in the state.

COMMISSIONER MARCUS: Okay. It's comparable to others that --

MR. HICKS: It's comparable to other -- to other ones, yes.

COMMISSIONER MARCUS: And can you also talk to us about the diesel storage, how it's contained? I think a council member raised that question.

How secure is it?

MR. HICKS: Yes, the engineering and design of it was done with safety first, and it includes extra containment. It is designed and engineered to be safe, to be efficient and to be used only as a backup for the natural gas supply in case there's some sort of outage, such as what we had in the Gulf during 2004, 2005 hurricane season.

COMMISSIONER MARCUS: But I means in terms of the container it's in, it's -- for spillage

purposes, for leak, for something like that, is it like an extra thick whatever?

MR. HICKS: Yes.

COMMISSIONER MARCUS: Oh, you don't do that?

MR. HICKS: Mr. Genetco, who's my plant engineer or my design engineer, can answer that question in more detail.

MR. GENETCO: Good morning. John Genetco.

The fuel storage tanks are designed for all the various wind loads, and they'll also be placed within a reinforced concrete containment area, both at the bottom and the sides, in order to contain any potential spills from the tank.

COMMISSIONER MARCUS: Okay. Thank you.

The -- oh, I was -- unfortunately, I had to take a phone call on the -- when you were doing the water issue, but I did ask the Water Management District -- I guess there's somebody from the permitting side here, because I've had assurances from Bevin -- where'd Bevin go -- that using the reuse water is a good thing, but making sure that we're not attaching ourselves to something that's, you know, practically un -- there may become a problem that we can't do this wonderful thing or this good thing that we think we're doing.

So from the Water Management District perspective I think there's somebody here that did the permitting.

The original permit was for the surficial aquifer, but then they reapplied for the Floridan aquifer; is that correct?

MR. BELL: Yes. Steve Bell, with the Water Management District.

The application originally came in for surficial water from the canal systems. It was later modified for the Floridan aquifer, the deep artesian aquifer as the primary source.

COMMISSIONER MARCUS: And so if we were to -- if the timing works where we can do the reuse water, then the permit for the Floridan aquifer would just be there as a backup or --

MR. BELL: That's correct. That's correct.

COMMISSIONER MARCUS: But it would continue to hold onto that capacity --

MR. BELL: Yes.

COMMISSIONER MARCUS: -- through the permit?

MR. BELL: That's correct.

COMMISSIONER MARCUS: And what does holding onto that capacity for that water do for the rest of the world here?

Does it -- when we have a drought and shortage, does that --

MR. BELL: The -- well, the deeper artesian aquifer, the Floridan aquifer is not considered to be, what we call a source of limited availability so it is not included in the -- any water restrictions.

COMMISSIONER MARCUS: But when we do the water restrictions, I think Jupiter uses the Floridan aquifer, and you put them in the restrictions. So I'm curious as to why that's not different.

MR. BELL: Jupiter has a combination of withdrawals from the hallow aquifer and the Floridan aquifer.

It was, I believe, difficult to differentiate which source was being used at the time. I wasn't involved in the -- in that decision, but I believe it was because it was just difficult to determine where the water was coming from and at what point in time.

COMMISSIONER MARCUS: So this won't affect everybody else's availability for water?

MR. BELL: No, it will not.

COMMISSIONER MARCUS: Because that was one of my concerns initially was that there was so much water.

And, Bevin, you're completely comfortable that this is very doable to do the reuse.

MR. BEAUDET: Yes, Commissioner, I am.

COMMISSIONER MARCUS: Okay. Thank you.

Do --

VICE CHAIRMAN KOONS: Just before we go away, one of the things that's intriguing about this 22 million gallons a day that they'll be using is it's 24/7, and it's a consistent use, and it's not subject to dry seasons or wet seasons.

What we find out is on these systems when we go to the retail side of our people on the surface water, is if it's raining, they don't use this.

So it's actually advantageous for us to have a 24/7 user that could take this water no matter no matter it's wet or dry.

So it's actually a -- it's -- it's really, really good versus if it's wet, I'm not going to use my irrigation system, which is an RO system or something like that or an irrigation system like that, so it's actually really, really good for everybody, if -- you know, for the plant.

COMMISSIONER MARCUS: Okay. Thank you.

The last -- well, almost last question. The CON for the third unit was asked.

Does Florida Power and Light have the CON, or have you applied for it on the third unit?

MR. HICKS: Yeah. What we have to do on the -- as part of the Power Plant Siting Act, we first have to get the local approvals, and that's

what we're here today to do, is get the local approval.

Once we get the local approval, then we have to put that plant capacity out to bid. Once the -- once the bids are evaluated and if this plant proves to be the least cost alternatives, as units one and two proved to be the least cost alternative by over \$750 million net present value, as recognized by the commission in their decision, then we go before a need hearing before the Public Service Commission, and then if the Public Service Commission determines that this is the least cost alternative, they grant a need order.

In a parallel fashion we -- once we get the local approval, then we go before the DEP as part of the Power Plant Siting Act on our site certification application. That goes through two hearings.

The first is a land use hearing. The second is a general hearing, and then with the final ALJ recommendation from the DEP and the need order we go before the governor and the Siting Board to get final approval of the project.

So we still need to go through those processes. This decision today is the precursor or the condition precedent for us to go through the state process.

COMMISSIONER MARCUS: And what's the schedule for that? When is that completed?

MR. HICKS: We will file the site certification application next week, and we will begin the RFP and need process in the middle of December.

We estimate a governor Siting Board approval by May of 2009 which will allow us to initiate construction in June of 2009.

COMMISSIONER MARCUS: Okay. And if for some reason there was an issue with some of the litigation that's out there for you, you would just have to wait until -- like the gas line. Is that a --

MR. HICKS: The -- all the permits necessary for us to construct the unit are in place. We are -- we're still going through the -- Gulfstream is still going through their process to finalize the gas line. We estimate that that should be completed by the early spring.

COMMISSIONER MARCUS: Okay. Thank you.

And then the other question I had, and I'm not sure if it's for you or not, is as we're talking about trying to clean up the -- what we're burning and the air quality and stuff, the Riviera Beach power plant comes to mind, and I know that you're going to paint the towers, the stacks, gray, and that's nice, but it's been something

that's -- and I think all the folks in the audience should be concerned about is what -- the emissions that are coming out of there and what kind of schedule do you have.

And I read in the paper today where someone from Florida Power and Light said that Riviera Beach is on your radar screen, but I think we would like to see a little more specificity in terms of when you plan to go in there and clean that one up.

MR. HICKS: We are. We constantly evaluate. We're going through the 10-year site plan process right now, and we publish that report every year. We're going through that process right now.

Riviera and other existing plants, such as Port Canaveral, are on our radar screen, but we're looking in the 2014 to 2017 time frame for those for the --

COMMISSIONER MARCUS: So you do have a time frame, though, because I've not ever gotten a date or schedule of when you might be --

MR. HICKS: We have not come to any conclusions yet about what is the best alternatives to meet that 2014 to 2017 need, but older units, such as the Riviera unit, are part of that evaluation process.

COMMISSIONER MARCUS: Will this western power plant have the capability that if the Riviera Beach power plant has to shut down, it can take the future needs?

MR. HICKS: With both this plant, with all three west county units and the Riviera plant in 2011 when this plant comes on line, Palm Beach County will be a net importer of capacity.

This plant, the three west county units will increase our system efficiency by five percent. So that means five percent less fuel burned to produce each kilowatt hour of electricity.

COMMISSIONER MARCUS: But --

MR. HICKS: As a result of this plant the Riviera plant will operate less. It will operate less of the time of the year, but the Riviera plant will still be needed to provide reliable capacity during peak load periods.

COMMISSIONER MARCUS: And there was a question asked. What population are you -- how many people are you creating all of this energy for, this power for?

MR. HICKS: We don't create energy for people. We respond to future demand.

COMMISSIONER MARCUS: Okay. So you're putting it on us. If we build --

MR. HICKS: Now --

COMMISSIONER MARCUS: I mean you must have some idea whether you're overbuilding or whatever.

MR. HICKS: No, we -- what we do is we go through a power plant siting process, and the commission, the Public Service Commission, looks at our load forecast which come from the University of Florida, looking at our load forecast and looking at both our supply side and our demand side alternatives, it determines whether a unit, such as West County 3, is a needed unit, and that is a very extensive process that involves public hearing and a final decision.

COMMISSIONER MARCUS: But needed based on what population number? The one that University of Florida gives you?

MR. HICKS: The one that the University of Florida provides, augmented by other data sources that we have.

COMMISSIONER MARCUS: Okay. So if we don't build another home in Palm Beach County, you just won't have to burn that much -- you haven't overbuilt your plant?

MR. HICKS: If you never built another home in Palm Beach County --

COMMISSIONER MARCUS: Or business or whatever.

MR. HICKS: -- we'd have to look at our entire system.

Our system is growing. Even in the past couple years our system has grown by over 90,000 customers per year. So we have to look at our entire system.

COMMISSIONER MARCUS: So if you didn't sell the fuel to us or the energy to us, you'd send it to Broward or somewhere else, or is this plant capable of doing that?

MR. HICKS: This plant, along with all the other plants in our system, this plant will provide energy to all of our customers, but in being located centrally here in Palm Beach County on most days that power will be consumed in the general area because it 's so well situated being next to our Corbett substation, which is one of our major substations.

COMMISSIONER MARCUS: So if we flick the power plant on tomorrow and we have this population, your plant will work at -- operate at full capacity?

MR. HICKS: This plant will operate at full capacity, reason being, it'll be the most efficient plant in our system.

COMMISSIONER MARCUS: And then --

MR. HICKS: So this will be one of the first plants that's turned on.

COMMISSIONER MARCUS: And the Riviera Beach plant might decrease?

MR. HICKS: Absolutely will decrease as a result of this plant.

COMMISSIONER MARCUS: So some of the emissions and things like that will --

MR. HICKS: Yes.

COMMISSIONER MARCUS: Okay.

VICE CHAIRMAN KOONS: Just -- I just wanted to jump on the Riviera Beach thing, and Commissioner Greene's not here, and she's on that, and as you've come to our offices, this is -- I've been in Riviera Beach for 10, 12 years.

Something's got to be done, okay, and just painting it -- just painting it gray ain't going to cut it ' cause that -- that's a pretty high volume output of stuff, and we really need to have something done with that.

MR. HICKS: We recognize that, Commissioner.

VICE CHAIRMAN KOONS: One of the assumptions that I'm supporting, I understand the need for this new plant, but this is so much efficient than Riviera Beach so we really need to take a look at what's -- what Riviera Beach is now and what's going to be in the future. That's a -- that's a big deal for us up here.

MR. HICKS: Recognize and understand, Commissioner.

VICE CHAIRMAN KOONS: Okay.

COMMISSIONER MARCUS: Well, and I understood from some of the Florida Power and Light officials that you're going to do more than paint the stacks gray.

MR. HICKS: Yes. We're also going to do substantial landscaping at the site.

VICE CHAIRMAN KOONS: Gray.

Commissioner McCarty.

COMMISSIONER McCARTY: Just real quick. This power plant will supply power for more than just homes.

MR. HICKS: Yes, homes --

COMMISSIONER McCARTY: So if we don't build a single home in Palm Beach County forever, that doesn't mean we aren't trying to attract new businesses.

COMMISSIONER MARCUS: No, I said business. Sorry. I --

COMMISSIONER McCARTY: Oh.

COMMISSIONER MARCUS: I said it afterwards.

COMMISSIONER McCARTY: Okay.

COMMISSIONER MARCUS: And businesses.

COMMISSIONER McCARTY: Yeah, because --

COMMISSIONER MARCUS: I understand it does.

MR. HICKS: Yes.

COMMISSIONER McCARTY: So even if we didn't build another home, there may be other things that are very positive for the county that we might need electricity for.

MR. HICKS: Right. All of our customers, our residential customers, our commercial customers, our industrial customers and our government customers are served efficiently, reliably, safely and effectively by this facility and our other facilities.

COMMISSIONER McCARTY: Thank you.

VICE CHAIRMAN KOONS: Commissioner Kanjian.

COMMISSIONER KANJIAN: Thank you, Mr. Chair.

Can you tell me when the last time you built a power plant in Palm Beach County was?

MR. HICKS: I believe it was 1963, and that was the Riviera --

COMMISSIONER KANJIAN: 1963.

MR. HICKS: -- facility, and our demand has increased, I think, 760 percent in this county alone since then.

COMMISSIONER KANJIAN: And let me just clarify 'cause I think you said it fast.

We are a net importer currently; correct?

MR. HICKS: Yes, net importer.

COMMISSIONER KANJIAN: So all the power -- we buy power for our customers in Palm Beach County, it comes from other places.

MR. HICKS: It comes from other plants in our system.

COMMISSIONER KANJIAN: Right.

MR. HICKS: Yes.

COMMISSIONER KANJIAN: And even with this plant we'll still be a net importer of power.

MR. HICKS: In 2011 when this plant comes on line, Palm Beach County will be a net importer of capacity.

COMMISSIONER KANJIAN: So when people are concerned that this is being built to accommodate growth, at least as to Palm Beach County, it has nothing to do with growth, it has more to do with catching up with 40 -- over 44 years of growth without putting another power plant in.

MR. HICKS: That's right. FPL has an obligation to serve. It's an obligation to serve all our load, and we need to keep up with that growing load.

COMMISSIONER KANJIAN: And while you're up here, 'cause one of the things I was concerned about was FPL almost runs like the government. They decide how much stuff costs them, and then they get to make a profit, goes through the Public Service Commission, and they get paid.

So the less expensive things cost for them to do, the more dollars not to go in the pocket of FPL, but more dollars that stay in the pocket of people who live in Palm Beach County.

And I asked the question specifically what this would mean to the people in Palm Beach County based on the efficiencies that FPL will get from this power plant.

I was told, and you please clarify this for me, approximately \$25 million difference for the people of Palm Beach County each year in their bills because this plant goes in.

Now, everyone's going to benefit across the state, but based on the numbers, \$25 million for the taxpayers of Palm Beach County is going to stay in their pocket because of the efficiency of this system. Is that what --

MR. HICKS: That's -- you know, it depends on different forecasts of gas, but under our normal forecast of gas, you're correct, Commissioner.

COMMISSIONER KANJIAN: So if we do this, \$25 million stays in the pockets of the people of Palm Beach County each year. If we don't do it, it's going to need to be produced somewhere anyway. We're already a net importer.

Quite frankly, we're not -- in Palm Beach County, the people that are here today, we have not been the best stewards. We're telling other people that they have to have the plants in their back yards, and we're going to import it in.

So, quite frankly, it's not us helping everyone else. It's us doing our own fair share.

So I wish we didn't have to have any power plants, but we've been using it for 40-some years and using it on other people's backs. We should be fair in what we do in Palm Beach County.

And I want to just make a quick comment, my last comments before -- I guess we'll be voting shortly.

I want to thank the folks that come and -- call it a protest, call it giving their opinions. I want to thank folks like Alexandria who has spoke about this issue and Mr. Tsolkas and others, Mr. Silver.

I don't think when you leave out of here, whether we vote for this or not, that you're -- you don't have an impact. This project would have been very different but for the fact that we have folks that bring up big issues and big concerns.

This issue originally was a coal power plant, and -- but for us -- well, it was a coal power -- it was going to be done with coal power, but for folks who get concerned about it, those changes are made.

So you've had a big impact, irrespective of whether you think you did or not. I believe you did, and I welcome you continue to come speak with me and appreciate the time that we spend together, and I have been educated quite a bit on this from both sides, having spent a lot of time.

Thank you, Mr. Chair.

VICE CHAIRMAN KOONS: Thank you.

Mr. Kilday, there's some other questions that the people brought up that you may wish to answer.

I'm -- I don't have any lights on up here to comment.

MR. KILDAY: Just walking down I made notes, and some of them were answered just now.

Regarding local wells, there will be no effect. I think that was pretty well explained in the discussion of the water and the aquifer where the water was initially planned on and now with the reclaimed water, but that's never been an issue that we were never going to be tapping the surface level water where local wells come from, to answer one person.

Permits has been well discussed and further explained as where we are so I don't think we need to deal with that.

The 2.75 million homes, I think we've clarified as to it's not just homes, and in fact Palm Beach County is going to be absorbing all of the electricity that's produced at build-out at this plant.

Diesel, we talked about containment. I should probably point out -- one additional thing is the diesel storage is already approved, and it's not being expanded as a result of this condition change today so that is not a change to the plan resulting from the additional megawatts.

And the deep well injection was brought up, and, again, it was indicated that it's already deep well injected, and this would cause a reduction in current deep well injection.

The reason for going from 33 to 38 and why didn't FPL ask for it to begin with, the technology has changed and improved. That's the answer.

At the time the project came before you several years ago the best technology would provide 3300 megawatts using three units in the same space area. Better technology, better efficiency allows you to still have the three units in the same space but get the extra 500 megawatts, and there is actually a reduction in emissions -- and I guess you want to throw that one slide up while I'm talking.

The emissions of the 3800 megawatt facility using the new technology is 25 percent

less than 3300 which was originally approved on the site.

And as regard to the towers, the exhaust stacks in the initial site was 12 stacks for 3300. The new higher technology, better efficient system is reducing those stacks to nine stacks. So that's a 25 percent reduction, as well.

With regard to the size of the plant, I think that was already answered by David.

Permitting process was answered.

I'd have to turn to someone there to address -- do we have blasting agreements in place.

MR. GENETCO: Good morning. John Genetco.

Yes, we do have blasting agreements with Palm Beach Aggregates. They emulate the blasting requirements that are in Palm Beach Aggregates' development order as they exist today.

The reason why we put a blasting agreement together with Palm Beach Aggregates was just to make sure that they were not able to change any of the conditions in the development order in the future, that those would basically set the ceiling for blasting at the facility.

COMMISSIONER MARCUS: Can I follow up with him?

VICE CHAIRMAN KOONS: Yes, and then --

COMMISSIONER MARCUS: And the reason --

VICE CHAIRMAN KOONS: -- Commissioner Santamaria.

COMMISSIONER MARCUS: The reason you did that was so that you could design the plant and facility around whatever the vibrations are caused from the blasting?

MR. GENETCO: Absolutely. What we did --

COMMISSIONER MARCUS: So if they were to increase them or change them, that's why -- they can't do that.

MR. GENETCO: They cannot, right, and what we did is we actually put instrumentation on the property itself where the power plant would be located, and we monitored it and used that information in order to design the power plant.

COMMISSIONER MARCUS: Is that one of our conditions, or can we address this as a condition in terms of making sure that, you know, because it's an agreement between them and Aggregates?

I don't know if we should be considering that.

MS. ALTERMAN: We, Commissioner, we -- there are conditions of approval for blasting, and in order to change those, they would have to come back to the Board in order to do anything with that.

COMMISSIONER MARCUS: They, being the Aggregates?

MS. ALTERMAN: Yes.

MR. KILDAY: I can expand on that.

There are conditions regarding blasting currently in the approval, and the FPL has based all their design on the basis that they stick by those agreements. So the only thing that could ever change it is if they came back to you and said we want to change blasting --

COMMISSIONER MARCUS: Okay. I just wanted to make sure --

MR. KILDAY: -- then FPL would be here saying you can't do that.

COMMISSIONER MARCUS: -- because the comment was made that it was a private agreement, and yet if it's a condition of approval for Aggregates, then it's still a public --

MR. KILDAY: Right. They are conditions in the existing resolution, and they stay in the resolution.

MS. RECHENMACHER: Yeah --

VICE CHAIRMAN KOONS: Staff.

MS. RECHENMACHER: Yeah, I'd like to add that there are conditions --

VICE CHAIRMAN KOONS: Who are you? Can you say who you are?

MS. RECHENMACHER: There are -- there are conditions concerning blasting in our -- in the staff report, but since this originally was approved, the state Fire Marshal regulates blasting, and we've had other excavation since then, and we don't even put the amount of conditions we have on this one because the state fire marshal steps in.

VICE CHAIRMAN KOONS: See, I learned that today. I'm on the Mining Task Force, so now I know who monitors blasting.

COMMISSIONER MARCUS: So I can't -- I'm not sure I understand that.

Did you -- so are there conditions in here about blasting?

MS. RECHENMACHER: There are conditions concerning blasting, but also the state Fire Marshal regulates blasting.

COMMISSIONER MARCUS: Right. Well, I know they do, but since there are so many agreements going around, we want to make sure that they're comprehensively being -- they're somewhere so everybody can review them.

But because the comment was made that it was a private agreement, it's actually the public that has to -- we -- there would have to be a public hearing to change the blasting, based on the Aggregates' approval.

MR. KILDAY: Just, furthermore, we have to actually submit reports to the County showing that

we are meeting those conditions, and those are available as public record.

VICE CHAIRMAN KOONS: Commissioner Santamaria.

COMMISSIONER SANTAMARIA: Thank you.

I, too, would like to address the young men and women students who are here today. My hope is that because of what you've seen here today, it will motivate all of you to be more -- more attentive to what's going on with respect to government, and, hopefully, in the next 10 years I would expect -- most of you are 17 or 18 years old. In 10 years you'll be 28. You'll have your own college degrees behind you.

Hopefully, one or two of you will decide to run for office and replace some of us here.

None of us here today are going to be here 10 years from now, and my hope is that one or two of you will make a decision to make a difference and run for office and make a difference and make the changes after you've -- after you've heard, you know, both sides of situations, make decisions that will change what you feel is necessary to improve the community.

I decided after 33 years. Last year I decided after 33 years to run for office for the first time, and that's why I'm here today, and, you know, most people who know me know that I am somewhat pro-environment.

I also happen to be a -- I do have an engineering background. I do have a chemical engineering degree, and I was hoping today to really hear scientific evidence to turn down this application.

So I was hoping there would be somebody here who would be able to provide us commissioners here scientific evidence why this additional megawatts, these additional 500 megawatts, is worse than what already has been approved in the past.

So I was really waiting for some concrete evidence to make me vote against it. Unfortunately, I did not see that scientific evidence presented.

You know, I -- those of you who oppose this project, for future -- this is not the first -- this is not going to be the last application that's going to be affecting our environment.

Those of you who opposed it, you know, I am willing to join you in funding, personally funding financially studies to be able to oppose any applications that's going to harm our environment.

So I make that, you know, that offer to those of you who have -- who want to continue

your, you know, your attempts to improve our community.

I will join you in any project to provide scientific evidence so that when you do come before the elected bodies, you will have some concrete evidence to either support something or oppose it.

I was thrilled when I heard that Al Gore had gotten the Nobel Prize, and, of course, you know what he has been known for in the last years, is that he has been strongly working towards protecting our, you know, our environment. I was hoping he would change his mind and run for president because I certainly would have been one of those who would have supported him this time around as President of the United States.

So as far as protecting the environment, you know, I am as interested as most all of you are.

Again, I did hope to hear today someone come forward and provide us a real concrete evidence why the change of the existing approved -- the existing approved application from the 3300 megawatts to the 3800 megawatts was going to be worse than what's already been approved. Unfortunately -- unfortunately --

MR. TSOLKAS: That's an outrage.

COMMISSIONER SANTAMARIA: Unfortunately --

MR. TSOLKAS: Read the IPCC reports.

COMMISSIONER SANTAMARIA: Unfortunately, I -- I did not find that.

MR. TSOLKAS: Read them yourself.

COMMISSIONER SANTAMARIA: And, therefore, you know, once again, this is the way the democratic system works.

We present -- we present the facts as best we know them, and we make the decisions as best we can based on the evidence, and, again, I urge all of you youngsters here today to use this as an example of how the democratic system works, and, hopefully, it'll encourage you to be more active from here on in participating in the process.

Thank you.

VICE CHAIRMAN KOONS: Thank you.

Commissioner Aaronson.

COMMISSIONER AARONSON: I also wanted to address the young people because, number one, I'm a father, I'm a grandfather, and very shortly I'll be a great-grandfather.

I do have the interest of the young people at heart, but what I object to is having young people only hear one side of a story.

I think that when whoever is teaching a class not to impose their viewpoints on the students they're teaching, but to give other people an opportunity to state their position. So

I'm very happy that you're here today to hear the other side of the story.

In some cases there are three sides to a story, one side, the other side, and maybe the total truth.

But the fact of the matter is don't be influenced by one person's opinion. Find the facts. I'm glad you're here today to hear the other side of the story.

Thank you.

VICE CHAIRMAN KOONS: Just before we get a motion, Mr. Macon, can you step up for a second? There's a couple other things we've -- I think we've lectured you long and hard about Riviera Beach.

Last -- yesterday afternoon we had a meeting with Martin County, Palm Beach County and the Water Management District, Environmental Resources.

We need to bring to closure the location of the substation off of Indiantown Road out at Pine Glades?

MR. MACON: Right.

VICE CHAIRMAN KOONS: So somehow that's -- we need to make sure that gets done in a timely manner, and Rich Wolesky (ph) is very willing to do that.

MR. MACON: We're -- we'd be happy to work with Mr. Wolesky.

VICE CHAIRMAN KOONS: Just -- I'm just trying to connect the dots here.

MR. MACON: Right.

VICE CHAIRMAN KOONS: We don't get too many --

COMMISSIONER MARCUS: He's been working with him.

VICE CHAIRMAN KOONS: Well, it's -- now he's going to work harder.

COMMISSIONER McCARTY: What meeting was that with Martin County that we were at?

VICE CHAIRMAN KOONS: We -- well, it was -- we were discussing the north end of the county in terms of water resources.

COMMISSIONER MARCUS: He and I and three Martin County commissioners and Water Management District.

COMMISSIONER McCARTY: And it was -- we were all invited?

VICE CHAIRMAN KOONS: No, we're not allowed to meet with Martin County 'cause of the trauma stuff, so we were --

COMMISSIONER McCARTY: So just you are.

COMMISSIONER MARCUS: I think you were -- you were notified about it.

COMMISSIONER McCARTY: I don't remember knowing anything about it.

VICE CHAIRMAN KOONS: We'll -- we'll make sure --

COMMISSIONER McCARTY: I just -- I just -- when we're talking about decisions that were made at meetings I don't know about, I just want to -- just curious.

VICE CHAIRMAN KOONS: The discussion point was that they own some land in an area. We need to trade them out on the edge so we can complete the environmental restoration of Pine Glades, which is a very large area.

So it's just -- it's just -- it's just setting people up to make sure they're connecting the dots to --

COMMISSIONER KANJIAN: Commissioner McCarty, you can read about it in the paper tomorrow.

COMMISSIONER McCARTY: You know how I love that.

VICE CHAIRMAN KOONS: We -- yeah. So, anyway.

And the second thing is --

COMMISSIONER AARONSON: All of us will read about it in the papers.

COMMISSIONER MARCUS: The press was there yesterday.

VICE CHAIRMAN KOONS: Yeah. Also --

COMMISSIONER McCARTY: It's nice that they knew about it. I just don't -- anyway, Jeff, if you could just get us information on who was there and what was the agenda and just --

VICE CHAIRMAN KOONS: We have a policy at this Board that we're not supposed to meet formally with Martin County because we haven't reached agreement on the trauma center, so it wasn't a formal --

COMMISSIONER McCARTY: Okay. Except for Commissioner Koons and Commissioner Marcus? Is that the policy?

COMMISSIONER MARCUS: I didn't know we had that policy.

But, anyway, it was just a meeting to talk about greenways and northern Palm Beach County and southern Palm Beach County and how we need to coordinate better and all that stuff. That's what it was about, and --

COMMISSIONER McCARTY: Southern Palm Beach County? I kind of live there.

COMMISSIONER MARCUS: No, no. Southern Martin County, northern --

COMMISSIONER McCARTY: Oh, southern Martin. Okay.

VICE CHAIRMAN KOONS: Southern Martin and north Palm Beach County.

COMMISSIONER MARCUS: There was an agenda, and he can get it to you.

COMMISSIONER AARONSON: Fact of the matter is it should be -- all of us should have been notified about it, and when we have a policy that we're not meeting with Martin County because of certain things, such as trauma and other thing, no two commissioners should meet with them on a separate issue.

And if we meet, we should meet all together with their entire Board and our entire Board.

VICE CHAIRMAN KOONS: Okay. We'll make a motion to change the policy that this Board can meet with Martin County on any particular issue. Is there a motion to that?

COMMISSIONER MARCUS: I didn't know we had that policy.

VICE CHAIRMAN KOONS: We did. Last time we met.

COMMISSIONER McCARTY: No, I like the idea that we're not meeting with them until we get the trauma thing worked out. I like that policy, but that didn't exclude any commissioners, I didn't think.

VICE CHAIRMAN KOONS: It doesn't exclude any commissioners, and --

COMMISSIONER McCARTY: Okay.

VICE CHAIRMAN KOONS: -- if you all were not notified --

COMMISSIONER McCARTY: I like the --

VICE CHAIRMAN KOONS: -- I'll take the -- I'll take the blame for that.

COMMISSIONER KANJIAN: Mr. Chair, I believe we are off subject.

COMMISSIONER McCARTY: Yeah, I know.

COMMISSIONER KANJIAN: Let's get the motion out of the way.

COMMISSIONER McCARTY: It's just if you're --

VICE CHAIRMAN KOONS: The second thing is, Mr. Macon, I'm holding here a copy of NENA which is a county-adopted, by every member here, Northeast Everglades Natural Area, and we have adjacent to your plan is the Corbett-Loxahatchee Wildlife connector area, and we'd like your corporate support when we go to implement this program.

I just want to get in the record, we want you to be a good neighbor, and that's been identified before you guys bought that site out there so you want to take a look at it.

MR. MACON: We'd like to know more about it. We'll be happy to talk to you about that.

VICE CHAIRMAN KOONS: Again, that's another DERM thing.

Okay. We're done with public comment. Any staff comment?

(No response)

VICE CHAIRMAN KOONS: That's Rob Macon from FP&L.

Okay. Ready for a motion.

COMMISSIONER KANJIAN: Mr. Chair, I'll make a motion we adopt a resolution approving a development order amendment to modify the condition of approvals, including all the conditions on staff recommendation.

COMMISSIONER McCARTY: Second.

VICE CHAIRMAN KOONS: Second.

Discussion.

(No response)

VICE CHAIRMAN KOONS: All those opposed.

(No response)

COMMISSIONER MARCUS: No, he wants the --

MR. BANKS: Okay. And that it's with the added condition --

COMMISSIONER KANJIAN: With the added --

VICE CHAIRMAN KOONS: With the added condition of the water.

COMMISSIONER KANJIAN: -- condition of the water reclamation.

VICE CHAIRMAN KOONS: Are there any other conditions we missed with the add the water condition?

COMMISSIONER MARCUS: Did we do a disclosure?

MR. BANKS: We need disclosure, yes.

VICE CHAIRMAN KOONS: Disclosure. Numerous conversations with --

COMMISSIONER KANJIAN: Mr. Chair, I met with more people than this is going to serve, I think.

VICE CHAIRMAN KOONS: Okay. Commissioner Aaronson.

COMMISSIONER AARONSON: I was contacted. I have not met, but I was contacted by Tony Newbolt (ph), Neil Schiller (ph). I will turn that in.

VICE CHAIRMAN KOONS: Okay. Commissioner McCarty.

COMMISSIONER McCARTY: I did meet with FP&L.

VICE CHAIRMAN KOONS: Okay.

COMMISSIONER SANTAMARIA: I, too, met with representatives of FPL.

COMMISSIONER MARCUS: Yeah, I met with FPL, and I know Alex and I talked about this.

VICE CHAIRMAN KOONS: Yeah, FP&L and also some other citizens involved.

COMMISSIONER MARCUS: And, Mr. Chairman, could I also say, since we're talking not just to the students, but to the audience, you know, we were kind of painted with a broad brush about how we don't care about things in the environment.

Just so you know, we've purchased 35,000 acres of preserve. We're going green in terms of building construction and fuel for our fleet and things like that, so we really are making -- our Solid Waste Authority does more recycling than anybody.

And I see the teacher shaking her head, and I'm disappointed that as you -- as you talk about issues, there's always two sides, I think, as Commissioner Aaronson said, as to a proposal -- to see the things that we really are trying to do.

As Commissioner Santamaria said, we are aware of the climate change issues out there, and we want to be a partner with the governor and what he's doing, and I think Florida Power and Light does, too, with all the new solar that we're going to see and the windmills and all those things that we've talked about for a long time.

So there is a lot of things that we have done in the county that are good, and you don't have to wait 'til you're 28 to run for office. Once you're registered to vote and you've done it for six months, you're registered for six months, you can run at 18, so --

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

Commissioner Aaronson, do you have a comment on the motion?

COMMISSIONER AARONSON: I wanted to say one other thing.

Everybody talks about the environment, and we're all in favor of the environment, but when we had the hurricanes and we didn't have power, we didn't have air conditioning, we didn't have lights, people forget about talking about that, and when that happens and you don't have enough power, everybody was complaining that they didn't have air conditioning and they didn't have Publix open, and they didn't have the other places, so you know something, sitting up here, you have to weigh all the things.

I think that power's a very important thing, not only for the economy of the county and the country, but I think it's very important to keep the citizens of this county with power, and I believe that we do work up here to do whatever we can to help the environment.

VICE CHAIRMAN KOONS: Well, I'll just make a comment. Tomorrow's the last day of hurricane season. I'm personally glad I didn't bump into any FP&L people this year because if I do, we have a hurricane, or we will have a hurricane.

There's a motion and a second.

All those in favor, aye.

COMMISSIONERS: Aye.

VICE CHAIRMAN KOONS: All opposed.

(No response)

VICE CHAIRMAN KOONS: Show that unanimous,
6-0.

VICE CHAIRMAN KOONS: Okay. Do we --
okay. Public ownership, zoning --

MR. Mac GILLIS: Mr. Chairman, the court
reporter's asked for --

VICE CHAIRMAN KOONS: -- district
deviations.

MR. Mac GILLIS: Is it possible --

VICE CHAIRMAN KOONS: Oh, yeah, we'll take
a -- we'll break. We'll come back at 11:30.

MR. Mac GILLIS: Okay. Thank you.

(Whereupon, a short break was taken in the
proceedings.)

VICE CHAIRMAN KOONS: Okay. We're going
to get started. I want to call my commissioners
and staff to get back.

MR. Mac GILLIS: That brings us to Item
21, PCN 2007-1736, West County Jail Expansion.

COMMISSIONER MARCUS: Move approval.

MR. Mac GILLIS: This is -- just so you
know, we did a Code amendment last year to allow
the Board additional authority to grant deviations
for only PO projects for --

VICE CHAIRMAN KOONS: I -- I wouldn't
trust those people. Let's just be really honest.
I -- oh, that's us. I'm sorry.

COMMISSIONER MARCUS: Mr. Chairman, I move
approval on whatever -- you want to give an update
or --

VICE CHAIRMAN KOONS: Can I ask a question? And I discussed this, and this might be really controversial, but let me just say this.

I had a discussion with Audrey, and I appreciate it.

About 10 years ago there were two cogeneration plants that were put out in the Glades, and they had half a million dollars worth of landscaping out in the middle of no place, and we worked on an agreement that that money, those monies were actually given by the private sector to the three cities that they could use for trees and in some cases maintenance materials.

And our site -- one of the things we're doing here is waiving the landscaping requirements. It's something we could do if anybody wants to do it.

We -- it was a great deal worked for Keep Palm Beach County Beautiful, worked with the cities. They did a series of landscapings and parks and stuff like this, but basically what we're doing is we're waiving all the landscaping, so -- okay. That was a nice try.

Huh?

COMMISSIONER MARCUS: But -- I'm sorry. So what do you want to do? You want to make the jail -- give money to Belle Glade and Pahokee --

VICE CHAIRMAN KOONS: Yeah.

COMMISSIONER MARCUS: -- for landscaping?

VICE CHAIRMAN KOONS: Yeah. At least it doesn't --

COMMISSIONER MARCUS: But the jail is us.

VICE CHAIRMAN KOONS: I know.

COMMISSIONER MARCUS: But we're already giving them money for the water plant and all that stuff.

VICE CHAIRMAN KOONS: Okay. I just was bringing it up, run up the flagpole. Probably couldn't spend it, anyway, but I'm just trying to be green, plant trees out in an area that doesn't have a lot of money to do stuff, parks or neighborhoods or roadways.

MS. WOLF: Even with the deviation we will still be planting 627 trees and 1800 shrubs on the site, and if the Board does want to consider that, I would suggest that you do it in your proprietary capacity and just direct me to do that as part of the capital project and not tie it to the deviations.

COMMISSIONER MARCUS: I move the staff recommendation on the deviation.

COMMISSIONER KANJIAN: Second.

COMMISSIONER MARCUS: We'll do the proprietary thing later during our budget session.

VICE CHAIRMAN KOONS: Trying to get the big money people to put a little bit in those poor cities that need a little help.

There's a -- there's a motion -- who is -- I have to say -- who made the motion?

COMMISSIONER MARCUS: I made the -- I did.

VICE CHAIRMAN KOONS: Marcus.

COMMISSIONER MARCUS: Right.

VICE CHAIRMAN KOONS: Second, Kanjian.

Discussion?

(No response)

VICE CHAIRMAN KOONS: All those in favor, aye.

COMMISSIONERS: Aye.

VICE CHAIRMAN KOONS: Anybody opposed?

(No response)

VICE CHAIRMAN KOONS: No.

COMMISSIONER AARONSON: By the way, your flagpole just went to half mast.

VICE CHAIRMAN KOONS: Okay.

MS. WOLF: Thank you.

VICE CHAIRMAN KOONS: Okay.

MR. Mac GILLIS: This brings us --

VICE CHAIRMAN KOONS: Items pulled from --

MR. Mac GILLIS: There's Item 22.

MR. BANKS: Okay. Were there any disclosures on that item?

VICE CHAIRMAN KOONS: Yeah, I met with Audrey.

COMMISSIONER MARCUS: I met with Audrey.

VICE CHAIRMAN KOONS: And I was trying to save the trees. I'll disclose that, too.

COMMISSIONER MARCUS: Commissioner McCarty, did you meet with Audrey on the last item, the West County Jail?

COMMISSIONER McCARTY: No.

COMMISSIONER MARCUS: Commissioner Santamaria, did you meet with any staff on the West County Jail, the item -- deviation item we just did? Jail deviation. You did.

COMMISSIONER SANTAMARIA: Yeah, I did.

COMMISSIONER MARCUS: Okay. I did.

VICE CHAIRMAN KOONS: Did you meet with Audrey? Yes.

COMMISSIONER MARCUS: Or talk to Audrey?

COMMISSIONER AARONSON: Not on this subject. I met with Audrey yesterday at the park. It was a wonderful opening and the library --

COMMISSIONER MARCUS: You didn't talk to any County staff about this?

VICE CHAIRMAN KOONS: Hey, was I invited to that park? Sorry.

COMMISSIONER KANJIAN: Yeah, I was going to say, I wasn't invited to the jail discussion.

COMMISSIONER AARONSON: You are all invited to everything.

COMMISSIONER MARCUS: We are out of control, Mr. Chairman. We --

COMMISSIONER AARONSON: You were all invited to everything.

VICE CHAIRMAN KOONS: I know. I'm sorry.

COMMISSIONER AARONSON: I think there are some of us on the floor that invite other commissioners to everything.

VICE CHAIRMAN KOONS: I -- I'm just a glutton for punishment. Okay.

Commissioner Kanjian, did you meet with staff?

COMMISSIONER KANJIAN: No, and I'm disappointed about that.

VICE CHAIRMAN KOONS: Okay. Okay. That's it.

VICE CHAIRMAN KOONS: Twenty-two.

MR. Mac GILLIS: Twenty-two is request for permission to advertise the Unified Land Development Code Round 2007-02 amendments, found on Pages 223 through 280 of your backup material.

Would you like a brief presentation of what these amendments are?

VICE CHAIRMAN KOONS: Well, let's -- let's hear some public comment. Maybe we can be specific -- Alex Larson and Kevin Ratterree.

MS. LARSON: Oh, God. I'm going to be talking about Kevin. I'm so excited.

VICE CHAIRMAN KOONS: Now wait a second.

MS. LARSON: I'm worried about the ULDC. You know I always worry about the ULDC because in this document on Page 236 it says this was inspected by Ken Rogers, County Engineer, and Kevin Ratterree.

When did GL Homes become part of our Planning and Zoning Board?

VICE CHAIRMAN KOONS: I think for disclosure we -- everybody that was working on this was disclosed.

MS. LARSON: Because I mean --

VICE CHAIRMAN KOONS: That's why his name is in there.

MS. LARSON: -- we already had a, you know, a rumor that GL wrote the Sector Plan. I'm

kind of worried about that. You know what I'm saying?

VICE CHAIRMAN KOONS: Let's focus on task.

MS. LARSON: No, this is part of the ULDC. Any of the amendments that are done in this county affect all of us. Okay. And that -- I'm sorry. I want to be invited to the brown bag lunches. I want some more public input on some of this stuff going on at Planning and Zoning.

VICE CHAIRMAN KOONS: You are on the list for the brown bag meeting.

MS. LARSON: I am? I'm so excited.

VICE CHAIRMAN KOONS: Yes, you are.

MS. LARSON: On Page 244 I'm really concerned. You extend the time that people can be working 'til 10:00 p.m. due to the fact of what we just dealt with about five minutes ago. I don't want them out there at 10:00 o'clock at night working.

COMMISSIONER MARCUS: What?

MS. LARSON: They're talking about, you know, they say from 7:00 a.m. to 10:00 p.m. is acceptable to be doing building and construction and stuff. It's not acceptable. It's not acceptable if there's a small lot being built next to a subdivision or whether it's a big project. Do you know what I'm saying?

Ten p.m.'s kind of late. You're putting your kids to bed at 8:00 o'clock if you're normal human beings. Maybe some people's kids go to bed really late, but it does say 10:00 p.m.

It's in the middle of the page, Verdenia. It's too small for me to see it, but I have it underlined there.

And 7:00 to 10:00 p.m. is insane. It should be 7:00 to 7:00 or 7:00 to 6:00. That should be the cut-off. You know, I'm sorry. That's --

VICE CHAIRMAN KOONS: Alex, wait. We'll answer your questions.

Mr. Ratterree --

MS. ALTERMAN: Yeah -- no.

MS. LARSON: No, this is on another page, dear. This is 244. Mr. Ratterree didn't do it.

VICE CHAIRMAN KOONS: No, no. I want you to have your questions answered, and staff wanted to comment.

MS. LARSON: Okay.

MR. Mac GILLIS: In reference to your first question, Mr. Ratterree was part of a citizen task team that we set up as part of the code amendments. We invite anyone. We post it on the web. We encourage anyone who's knowledgeable about the topic or interested, and we set up task meetings. They come in. We meet on a regular basis.

These notes are put on here to assist, especially the -- the advisory board, so when someone comes and is speaking at those meetings, when they are reviewing these amendments, they understand what their standing is, that this person has been meeting with staff.

Mr. Ratterree came in and with his experience working --

MS. LARSON: I'm learning.

MR. Mac GILLIS: -- in the industry he --

VICE CHAIRMAN KOONS: Okay.

MR. Mac GILLIS: -- gave us advice.

VICE CHAIRMAN KOONS: So, Alex, any brown bag meetings, she's going to be invited to.

MS. ALTERMAN: This isn't even brown bag, Commissioner.

VICE CHAIRMAN KOONS: I understand.

MS. ALTERMAN: This is --

VICE CHAIRMAN KOONS: I'm -- I'm -- I'm taking her comments and working my way south. Okay.

MS. ALTERMAN: We will put her on --

VICE CHAIRMAN KOONS: So we're 244, the 7:00 to 10:00?

MS. LARSON: Yeah.

MR. Mac GILLIS: This language -- do you want to address it, Barb?

MS. PINKSTON-NAU: Right. This is regarding staging of construction materials, and there were some issues and some concerns that folks were actually putting materials on sites in residential areas with no screening, no protection at all for the neighbors.

So what -- this is only to put the equipment there. It's not -- they're not constructing anything on that site. The construction is actually occurring in the right-of-way. This will allow them to store the materials on the site and actually provide screening and what not.

These hours of operation, that means after this time they cannot go on there and move anything around. This is just to put equipment there.

MS. LARSON: Too late.

VICE CHAIRMAN KOONS: Okay.

MS. LARSON: Ten p.m. I mean big old trucks -- have you ever heard a Low Boy at 10:00 o'clock at night? They're pretty loud, okay, and that's what's bringing big equipment in and big products, and I know, my -- big trucks are pretty loud things, so I just -- I hope you look at that real close.

MR. Mac GILLIS: This amendment was prompted by -- it's a current practice that has been going on in the county for many years now.

MS. LARSON: Change it.

MR. Mac GILLIS: Where the -- when you're doing road construction, where do you put the material? Generally, 80 percent of the material is kept within the road construction areas; however there are certain areas where they -- there's absolutely no area within the right-of-way so they have to use either a vacant site.

If you will recall, when they were doing Southern Boulevard, there was a site near the I-95 where they put a fence up, and it kept some of the equipment and stuff in there.

So what this -- these amendments were to address. Engineering had contacted the Zoning Division and said we need to actually codify something in here and put some regulations in to protect the residential development. So that's what these regs are actually to protect the residents.

MS. LARSON: Not in residential.

VICE CHAIRMAN KOONS: Verdenia Baker.

MS. BAKER: For the record I wanted to respond to a comment Alexandria made, Ms. Larson.

MS. LARSON: Just say Alex.

MS. BAKER: Kevin Ratterree did not write the sector plan.

MS. LARSON: That was a rumor. I said rumor.

MS. BAKER: This is for the record. Did not write the Sector Plan.

Staff worked many hours on that Sector Plan. Consultants wrote the sector. We revised it based upon direction from the Board, and, yes, we did receive input from Kevin Ratterree, but we also receive input from you, Mrs. Larson, along with the people from the environmental community -

VICE CHAIRMAN KOONS: Okay.

MS. BAKER: -- and we --

MS. LARSON: My name is on the record in public.

VICE CHAIRMAN KOONS: Okay. This --

MS. ALTERMAN: Okay.

VICE CHAIRMAN KOONS: We're okay.

MS. LARSON: I don't want to -- you know, I just said rumors. I didn't say they did it.

VICE CHAIRMAN KOONS: Okay. I think Barbara Alterman had a comment --

MS. LARSON: And one more question.

COMMISSIONER AARONSON: You in the habit of making statements and always saying they're rumor or I heard it or I'm sorry.

MS. LARSON: It was in the paper, Mr. Aaronson.

VICE CHAIRMAN KOONS: Wait. Just -- just let's get -- settle down.

MS. LARSON: I just have one more question, and I'll leave you alone.

VICE CHAIRMAN KOONS: Barbara Alterman.

MS. ALTERMAN: I just wanted to comment again on this temporary structure, the Code section we're looking at.

There were no regulations previous to this. So whatever was going on was going on. This is actually putting in some sort of regulation over that activity that we didn't have before.

VICE CHAIRMAN KOONS: Okay.

COMMISSIONER MARCUS: Well, I guess --

VICE CHAIRMAN KOONS: Yes.

COMMISSIONER MARCUS: Well, the question would be is instead of just making legal what they were doing illegally, did we assess it and say oh, these are appropriate times of operation and all that stuff?

MR. Mac GILLIS: Barb.

MS. BAKER: We actually had a subcommittee meet on this. We had Code Enforcement. We had folks from the drainage district.

COMMISSIONER MARCUS: Okay. Just so that they know that we aren't -- didn't simply -- okay.

MS. BAKER: Right. So this was based on their input.

VICE CHAIRMAN KOONS: Okay. Thank you.

MS. LARSON: No. I have one more question.

You guys went off, and I just figured I'd get all my questions out.

With LDRAB it says that odds get three years and evens get two years. Why did you come to that conclusion about the LDRAB Board?

VICE CHAIRMAN KOONS: 'Cause we're odd fellows.

MS. LARSON: I know, but it's, you know, District 1, 3, 5 and 7 get three years, and then -- I'm just curious about that. Shouldn't they all be equal and above --

VICE CHAIRMAN KOONS: Then there'd be rotations, everybody going off.

MS. ALTERMAN: That's the initial -- if I may, that's the initial term of office. Once they get through the first term of office, everybody serves the same three years.

MS. LARSON: Okay. Well, do think about the 10:00 o'clock thing when you're doing residential. Okay?

Thanks.

VICE CHAIRMAN KOONS: Okay. Mister -- uh-oh. Kevin Ratterree. Oh, geez.

MR. RATTERREE: Feel like I must defend my honor here.

For the record, Kevin Ratterree. I want to reiterate a few things that Jon said.

COMMISSIONER KANJIAN: Which County office do you work for, Mr. Ratterree?

MR. RATTERREE: I do not work for --

COMMISSIONER KANJIAN: Oh, okay.

MR. RATTERREE: -- a County office. I work for GL Homes. I'm a vice president. I also have been asked by both the community and Economic Development Council and the Gold Coast Builders Association to monitor and participate in the Code amendment process on behalf of the industry as issues go forward.

As the industry identifies issues with Code amendments, I then request through staff and through the LDRAB and through the public hearing process that those Code amendments be considered.

The staff can consider them. The Board of County Commissioners can consider them. It's simply the way the industry participates in the process, and I just wanted to make that clear.

Thank you.

VICE CHAIRMAN KOONS: Thank you for your efforts, and we appreciate your input.

Okay. Any -- Commissioner Marcus, did you have your card?

COMMISSIONER MARCUS: Yes, I believe that I spoke to the staff during the meeting that we had about adding a -- something to the ULDC about the temporary sign code?

MS. PINKSTON-NAU: Yes, for --

COMMISSIONER MARCUS: I gave you language that the home builders had asked that we include? Yeah, we -- I think we --

MR. Mac GILLIS: Is that --

COMMISSIONER MARCUS: For the temporary signs, temporary residential development, temporary residential signs --

MS. PINKSTON-NAU: Correct.

COMMISSIONER MARCUS: -- no more than two temporary residential development signs shall be permitted for frontage until 95 percent of the development has been sold?

I think we gave you copies of this in the meeting.

VICE CHAIRMAN KOONS: Yeah, we did this before --

MR. Mac GILLIS: Yeah, that's when I came to you, I think it was -- maybe even the last BCC meeting that we were going to do those through variances because the -- all the legal ads and everything had already gone out on this set of amendments.

So the Board agreed we could do variances until the next round, and we've already granted a variance to it. A developer did come in and --

COMMISSIONER MARCUS: Yeah, and I don't remember enough, because there's too much going on, about what we actually talked about in my office so I will -- I will -- I will withdraw until I can remember and have my staff remind me what we did.

MR. Mac GILLIS: Okay.

COMMISSIONER MARCUS: And, Mr. Chairman, there are some other things that I would just let the Board know that -- this is just to advertise for public hearing.

There are some things in here that were not brought to my attention that I am not happy about, so I would -- if the Board will go ahead and move them today, but I will be discussing them seriously when we come back and adoption and maybe requesting that the Board delete them, and they have to do with us reviewing and -- the monitoring conditions that I read all of those extensions that we give.

They're basically taking the extension process away from the Board and giving -- not completely, but giving longer times for the staff to give extensions, and I just found out about this this morning, so I will go ahead and allow -- not allow -- I won't object to it being whatever, but I may -- I'm just letting you know now I may seriously, strenuously, when I finally understand what the ramifications are, object to it when we have the hearing on it.

VICE CHAIRMAN KOONS: Well, let's get this in writing so we can understand -- everybody understands these issues 'cause this is -- this is big, and it's this --

COMMISSIONER MARCUS: It is in writing, but it's a lot of writing.

VICE CHAIRMAN KOONS: I mean, you know, I mean unless somebody else points it out to us.

COMMISSIONER MARCUS: I had a meeting with the staff about it.

VICE CHAIRMAN KOONS: Can I go to Commissioner Kanjian and then Commissioner McCarty?

Okay. Commissioner McCarty.

COMMISSIONER McCARTY: And I appreciate what Commissioner Marcus is saying and certainly do look forward to the discussion once she's gotten more information, but I think what -- and especially in the area she's talking about I think what we're starting to see are the ramifications of budget and staffing, and, you know, there's only so much work so many people can put out without hiring more people, and, of course, other commissioners want us to lay off additional people.

So I just think as we look at this, we need to make sure that everything we want done and everything we've had done takes money, takes people that make money to do it and staff, and so we just have to weigh those issues, as well.

Something's got to give somewhere, and I think this may be one of those issues, but you'll have the benefit of that discussion as you talk to the staff.

COMMISSIONER MARCUS: Yeah, and I think that, you know, some things get -- there may be other things that get discussed less that might be okay to not have as opposed to something that gets discussed.

It's almost like oh, we don't want her to talk about it anymore so we're going to change the Code, you know. Anyway.

VICE CHAIRMAN KOONS: There's no intent --

COMMISSIONER McCARTY: It's not at you.

VICE CHAIRMAN KOONS: Well, let's --

let's --

COMMISSIONER MARCUS: No, it's not at me.

No, it's not at me, I understand that.

VICE CHAIRMAN KOONS: She's going to start

kicking me so we're going to --

COMMISSIONER MARCUS: Okay. You ready for

a motion?

VICE CHAIRMAN KOONS: Yes.

COMMISSIONER MARCUS: Yes. Go ahead.

VICE CHAIRMAN KOONS: Commissioner

Kanjian.

COMMISSIONER KANJIAN: Motion to advertise

the ULDC proposed.

COMMISSIONER McCARTY: Second.

VICE CHAIRMAN KOONS: Second.

Discussion.

(No response)

VICE CHAIRMAN KOONS: Kanjian, McCarty --

Kanjian and McCarty, motion.

She corrected me earlier, so -- motion, second.

Discussion.

(No response)

VICE CHAIRMAN KOONS: All those in favor,

aye.

COMMISSIONERS: Aye.

VICE CHAIRMAN KOONS: Shows unanimous,

6-0.

Okay. So we'll get in writing some of your -- okay.

VICE CHAIRMAN KOONS: Status report.

MR. Mac GILLIS: We're on Page 11, Item 24.

VICE CHAIRMAN KOONS: Yes, we are.

MR. Mac GILLIS: Okay. Just give you a background on this, this item was on your September 24th meeting.

If you'll recall, the Board -- staff, Planning staff was recommending denial of this small scale Comp Plan amendment. The Board discussed it at length and was going to approve it, but they wanted to add a condition of approval to the small scale Comp Plan amendment related to -- there was neighbors on the north side of Belvedere and the King's Academy were concerned with some of the possible retail uses that go in - - could go into this proposed business.

So the Board requested staff to have the applicant bring back -- actually, it's a new application, which is Item 25 on your agenda, so the Board could impose a use limitation conditions not allowing the sale of liquor or adult entertainment.

So the applicant obviously agrees to the conditions imposed on Item 25.

So 24 maybe -- I'd recommend to the Board if you just want to open it again for public comments and then --

VICE CHAIRMAN KOONS: So you mean District 2 doesn't get another adult entertainment place? Geez, I'm frustrated now.

Dennis Lipp, No. 24. I'm sorry. Couldn't resist.

COMMISSIONER KANJIAN: Mr. Chair, a clarification then, but we need for 24 and 25 that -- they are connected; correct?

MR. Mac GILLIS: Yes.

COMMISSIONER KANJIAN: So the actual suggestion from staff is to deny 24, but if we deny 24, then 25's not in play or --

MR. Mac GILLIS: Planning staff was recommending denial on the small scale Comp Plan amendment. It didn't meet the Comp Plan.

COMMISSIONER KANJIAN: Right.

MR. Mac GILLIS: The Board was going to approve it.

Staff has to recommend denial on the zoning companion application because the Planning's recommending denial.

COMMISSIONER KANJIAN: Right. Okay. Then let me hear from the public, Mr. Chair, then I'll make the motion.

VICE CHAIRMAN KOONS: He put in 24, so I'll -- I didn't --

COMMISSIONER KANJIAN: We are on 24.

VICE CHAIRMAN KOONS: Yes.

MR. LIPP: Can I talk?

VICE CHAIRMAN KOONS: Yes, you can.

MR. LIPP: Good morning again. Dennis Lipp, Loxahatchee Groves. I'm also on the Land Use Advisory Board when this first came up, and with this -- I -- if we could somehow or other, you know, sort of clear away some of the fluff that gets into some of these designations, commercial high industrial is sort of a misnomer because how is there a commercial high in an industrial area?

I mean, you know, usually industrial, you think of cost per building of a -- you have a few dollars per square foot.

I've gone by this place, and it cost the builder probably somewhere around \$100 a square foot. The back door of this place is just a fire escape door, and so how can anything industrial be moved into these offices?

There's no overhead door to open up to bring in manufacturing equipment, you know, if they're going to build furniture to put in an industrial place with a storefront in place.

So this was a place that was built without, you know, with I think a clear designation that it wanted to be commercial high in an industrial zoned area.

We have so few industrial zoned areas throughout the county that I think that as we move forward, some of us on the Land Use Advisory Board's comment was well, maybe they need to tear it down and put in something that's more appropriate.

You know, so that as you decide on this, I think really a bigger picture looms because we look at things like we just dealt with in Loxahatchee Groves, is community commercial. Community commercial was granted to this piece of property in 1998 and they wanted another extension on it, and we did not grant that extension because community commercial really does not fit in Loxahatchee Groves because it's really sort of an open-ended thing.

The same thing applies to another issue. I'm just -- I won't go any further on this, but on a hotel in the Northlake Boulevard area, Roan Avenue, in, you know, giving this area commercial high for a hotel, the owner could go around and sell that to, you know, anybody with commercial

high. You know, a more appropriate use, there might be commercial low that might fit better with a medical office building for that particular community.

VICE CHAIRMAN KOONS: Good point.

MR. LIPP: So I would -- I would ask the Board that as we move forward, is it possible that we can, you know, maybe start changing some of these zoning designations so that they're not confusing to the builders and to those who need to make decisions.

COMMISSIONER MARCUS: Can I ask him a question?

VICE CHAIRMAN KOONS: Okay. Yes, Commissioner Marcus.

COMMISSIONER MARCUS: So what you're suggesting is that this building, the way it was built, because I was led to believe that it could be both industrial and commercial --

MR. LIPP: But you can't get a drill press into it.

COMMISSIONER MARCUS: So in other words, it can only be commercial because they didn't build it to configure or to make it easy for industrial to move in there?

MR. LIPP: Yeah, unless it's going to be needle and thread things, you know, which is certainly industrial.

COMMISSIONER MARCUS: Is there -- is there part of this condition that a percentage has to be commercial and a percentage has to be industrial?

MR. Mac GILLIS: No.

COMMISSIONER MARCUS: But maybe we could do something like that?

MR. Mac GILLIS: I'll give you just a little bit of history.

This project was approved in 1976 as a planned industrial development, which is no longer in the Code. It was all laid out -- this parcel that we're talking about is 2.15 acres. It's at the -- right at the southwest intersection of Belvedere --

COMMISSIONER MARCUS: Right.

MR. Mac GILLIS: -- and Sansbury.

There was a provision back in the PID provisions that allowed certain types of industrial uses of a commercial nature. It was very poorly written, the Code.

When the applicant came in, applied for building permits and -- well, came in and got a site plan for that parcel, I believe it's Parcel 3, the DRO staff approved it and with the configuration that, in all intents and purpose it looked like a commercial use, and when they went to the Building Division, the first thing they were trying to put in there was a Dunkin' Donuts,

and it was -- came back up to the Zoning Division to my attention.

There was an appeal made to the hearing officer. I objected to allowing the fast food restaurant to go in there, said it was inconsistent with the original industrial approval, which this entire site had.

The hearing officer at that time, and staff had recommended that they may speak to the Planning Division of taking that 2.15 acres and rezoning -- or a land use amendment to commercial high.

So the remaining portion of the site will keep the industrial designation with this 2.15-acre parcel having a commercial designation to allow the building, which in all intents and purposes was site planned, and the uses that are commercial in nature.

COMMISSIONER MARCUS: Okay. So the rest of the property will be preserved for industrial?

MR. Mac GILLIS: Yes, and it's already -- it's already built out.

COMMISSIONER MARCUS: Right.

MR. Mac GILLIS: So this was just the remaining parcel. The buildings are all brand new. Some of them are waiting. The tenants can't move into them until -- if this approval's not granted, it's going to have extreme limitations on the types of uses that could go into that strip center.

VICE CHAIRMAN KOONS: Okay. So explain to me how 24 ties in with 25 then, 'cause you're recommending denial, and then we're coming back and fixing it?

MR. Mac GILLIS: Twenty-four is the land use amendment which will allow that 2.15-acre parcel to have an industrial -- or a commercial high land use designation. Right now it has an IL.

VICE CHAIRMAN KOONS: Okay.

MR. Mac GILLIS: So that's what that approval -- the Planning Division was recommending denial on that.

COMMISSIONER MARCUS: Can they explain why?

MR. VAN HORN: We have -- we have -- Scott Rodriguez is here with the Planning Division, and he gave a presentation before to you two months ago, and if you'd like to hear another full presentation, that's up to you, but he can --

COMMISSIONER MARCUS: Is there --

VICE CHAIRMAN KOONS: Commissioner Kanjian, did you want to --

COMMISSIONER MARCUS: Well, I'm just curious as to why they're recommending still denial.

MR. RODRIGUEZ: For the record, Scott Rodriguez, with the Planning Division.

Our -- basically, the presentation that I gave two months ago highlights that the applicant or the amendment fails to meet Board of County Commission direction to retain properties with existing industrial land use.

COMMISSIONER MARCUS: All right. Got it.

VICE CHAIRMAN KOONS: Okay. Commissioner Kanjian.

COMMISSIONER KANJIAN: Yeah, Mr. Chair, as you know, I have to leave so I wanted to make the -- a motion. If it's something that we need more discussion on, I will obviously give way to that.

Notwithstanding the basic requirement that the staff has to deny this, we did speak about this quite some time, and Commissioner Santamaria had mentioned that he had been to the site and went through it. I recall that in detail.

So notwithstanding the staff's recommendation, I am going to make a motion that we approve the proposed amendment from industrial to commercial high, industrial use, for Item 24.

COMMISSIONER McCARTY: Second.

VICE CHAIRMAN KOONS: And then we'll fix this on 25 then, right? Twenty-five will come in and --

COMMISSIONER KANJIAN: Yeah, we have to do that one right after we do that.

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

Any more discussion?

COMMISSIONER MARCUS: Yeah.

VICE CHAIRMAN KOONS: Commissioner Santamaria, did you want to say anything, or you want to wait 'til 25?

COMMISSIONER SANTAMARIA: Yeah, I have already, of course, spoken on this before, and I'm going to basically say the same thing over again.

The issue here is the technicality versus the practicality. You know, I understand the planning group recommending denial because of the technicality, but anybody who goes to the site and looks it over, the practical thing is in fact what the applicant wants. That 's the practical, realistic thing to have.

The only thing I did not want is the ability to sell -- I think they wanted alcoholic beverage, and I said no because of the school diagonally across the street.

But -- so that -- if the applicant removes that use, then really I'm 100 percent in favor of it because it's really more apropos to the site.

VICE CHAIRMAN KOONS: I'm assuming 25th -- 25 is going to fix this?

MR. Mac GILLIS: Yes.

MS. HALPERIN: Yes, Commissioner.

VICE CHAIRMAN KOONS: So there's a motion and a second to deny.

COMMISSIONER MARCUS: No, to support.

VICE CHAIRMAN KOONS: To support, I'm sorry, support.

COMMISSIONER MARCUS: And under discussion, because this comes back to us when -- on other policy issues, could there be an asterisk about why the Board decided to, you know, not adhere to its industrial/no industrial conversion policy is because the -- of the DRO approving it, them thinking they could based on the way the language was written; therefore, it's a structure, and we're still preserving, you know, two-thirds of the site as industrial.

So somebody -- we don't come back to ourselves later and say well, you violated the policy there, so staff isn't sure what you want us to do.

We still support the industrial provision. Okay.

VICE CHAIRMAN KOONS: Okay. So a motion to add an asterisk.

There's a motion and a second on approval. All those in favor, aye.

COMMISSIONERS: Aye.

VICE CHAIRMAN KOONS: All those opposed.

(No response)

VICE CHAIRMAN KOONS: Showing it carrying, 6-0.

VICE CHAIRMAN KOONS: Twenty-five, concurrent zoning application.

MR. Mac GILLIS: And just on this, just to answer Commissioner Santamaria's question, Page 311 there's a use limitation condition that we've now imposed on this application which the applicant has agreed to limiting --

VICE CHAIRMAN KOONS: Okay. Commissioner Santamaria, you okay with this?

MR. Mac GILLIS: -- the sale of alcohol.

COMMISSIONER SANTAMARIA: Yes.

VICE CHAIRMAN KOONS: We're understanding what's going to go on.

I don't have any cards so this is what we've worked out with the petitioner?

MS. HALPERIN: Yes, Commissioner.

VICE CHAIRMAN KOONS: Okay. We're all set?

COMMISSIONER MARCUS: What's the language?

MR. BANKS: We need disclosure for this item.

MR. Mac GILLIS: "The following uses shall be prohibited on the 2.15-acre commercial Parcel 3, adult entertainment, the sale of alcohol, including sale of alcohol associated with a restaurant use and/or a cocktail lounge."

COMMISSIONER MARCUS: Okay.

VICE CHAIRMAN KOONS: Okay. Let's have disclosure. Mr. Kanjian.

COMMISSIONER KANJIAN: I met with the applicants a couple months ago.

VICE CHAIRMAN KOONS: Okay. Commissioner Aaronson.

COMMISSIONER AARONSON: I believe we met about four months ago on it, but --

VICE CHAIRMAN KOONS: I'm not too sure I did. I didn't? I didn't.

COMMISSIONER MARCUS: I did a couple months ago.

VICE CHAIRMAN KOONS: Okay. Commissioner Santamaria.

COMMISSIONER SANTAMARIA: And I did, too.

VICE CHAIRMAN KOONS: And Commissioner -- okay.

COMMISSIONER McCARTY: (Nods head affirmatively.)

MR. BANKS: I just want to state for the record adult entertainment wouldn't have been allowed on this site, anyway, because it's across the street from the school. So this --

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

Discussion.

(No response)

VICE CHAIRMAN KOONS: All those in favor, aye.

COMMISSIONERS: Aye.

VICE CHAIRMAN KOONS: The motion -- maker of the motion? Did we have a motion? Okay. Commissioner Kanjian.

COMMISSIONER KANJIAN: Motion for 25 --

VICE CHAIRMAN KOONS: Commissioner McCarty, I'm sorry.

COMMISSIONER KANJIAN: -- to approve.

VICE CHAIRMAN KOONS: Getting late. Sugar low.

Okay. There's a motion and a second. The clerk got that.

All those in favor, aye.

COMMISSIONERS: Aye.

VICE CHAIRMAN KOONS: All those opposed.

(No response)

VICE CHAIRMAN KOONS: Show it carrying,
6-0.

MS. HALPERIN: Thank you.

VICE CHAIRMAN KOONS: Okay. Twenty-six.

MR. Mac GILLIS: Item 26, Z/CA2006-022, Colonial Lakes, on Pages 317 to 344.

Staff is recommending approval of this application, subject to 58 conditions.

Anthony Wint will give you a brief presentation.

VICE CHAIRMAN KOONS: Okay.

MR. WINT: Good morning, Commissioners. Anthony Wint, Planner II, for the record.

We'll now turn to Item 26, which can be found on Page 317 of the agenda.

Before I begin, we'd like to turn to Page 320. There was a misprint. There's 58 letters of support, not 58 letters of opposition.

Proposed is the rezoning of 9.84 acres of land from the agricultural residential zoning district to the residential multi-family zoning district.

Also proposed is a Class A conditional use to designate this application as a receiving area for the transfer of development rights for 35 TDR units.

In addition, the applicant is proposing 31 workforce housing units and 78 units as a result of residential multi-family for a total of 144 dwelling units.

The site plan indicates six buildings, maximum height 34 feet, a 0.95-acre recreation area and 288 parking spaces.

Access to the site will be from Lake Worth Road.

As stated, this is a workforce housing unit, and staff is recommending approval, subject to 30 conditions in Exhibit C and four conditions of approval in Exhibit C.1.

I know the applicant has a presentation, and if there is no questions for staff, I would like to turn it over to the applicant.

VICE CHAIRMAN KOONS: Okay.

MS. GLAS-CASTRO: Good morning. I'm Kim Glas-Castro, with Ruden, McClosky, here on behalf of the property owner.

I'm having a technical difficulty here. I hit desktop, right?

VICE CHAIRMAN KOONS: Do we have our crack audio-visual staff could help her? I think they got caught in the budget cuts.

We can get started.

MS. GLAS-CASTRO: As Anthony was summarizing, this is 9.84 acres on the south side of Lake Worth Road just west of Haverhill. We're requesting rezoning from AR to RM, which is consistent with the HR-8 land use designation, and requesting Class A conditional use approval for 35 TDR units.

This project, which we're calling Colonial Lakes, is a workforce housing project. The applicant is committing to voluntarily deed restrict all 35 TDR units to affordable levels.

This property qualifies for 108 units per the County's density bonus program, but we're requesting just 144 on this site. Of the 144 units, 59 will be deed restricted to affordable levels.

As Anthony mentioned, there are 58 of our neighbors who signed a petition indicating that they're in support of the project. This was entered into the record at the Zoning Commission. This is a copy that I'll pass it to you, also.

The residents indicate that they're in support of multi-family residential and specifically that they do not desire commercial use on this property.

Planning considerations, if I had a site plan to show which -- I might have to whip out the --

VICE CHAIRMAN KOONS: Well, we have it in our records here.

MS. GLAS-CASTRO: -- a hard copy here.

Planning considerations include a quarter-acre tree preservation area, limitation so the access is to Lake Worth Road only, that we did not provide any access onto Westview Streets. The residents did not desire any access onto their local road.

Centralized recreation amenities interior to the project and a dry retention area adjacent

to the recreation area to provide additional leisure area during dry periods.

The buildings are three stories with grade level parking and two levels of residences above the parking. The total height of the structures are 34 feet, which is consistent with the RM zoning district.

The site plan consists of six buildings, each having 24 units.

The applicant agrees with all conditions of approval. The reason why we're not on consent is because the City of Greenacres has concerns about this project.

Through the course of the review we've worked with the City to address their concerns. They're the first responder for emergency responses, so we've adjusted the site plan to accommodate their long 46-foot ladder fire truck so that the turning radii are accommodating this size of a truck, and we've added two emergency vehicle stabilized access points from Westview Street.

Chris, can you pull up the site plan so I can -- north is to the right. This is Lake Worth Road here (indicating).

We have a single driveway coming through the interior of the site so that we do not have any access onto Westview Street.

There are six buildings, each having 24 units.

We have a quarter-acre tree preservation area, a centralized recreation area, dry retention that's adjacent to the recreation area to accommodate leisure activities during dry periods.

And here's an aerial of the site (indicating).

To the north are commercial uses along Lake Worth Road. To the west is a mobile home park. To our east are single family residential uses along Westview Street.

As I had indicated, we have 58 signatures from neighbors who support the project.

This is an artist colorized rendering of the project.

This an indication of the building architecture from an artist's perspective.

This is looking south from Lake Worth Road.

This is looking from the recreation amenity.

This is looking between the buildings.

The architect is here to better describe the architecture if you'd like, and also we have Lee Worsham here to address the City's concerns, but it might be more appropriate for you to hear from the City first.

VICE CHAIRMAN KOONS: A card from Mr. Lanahan from the City of Greenacres.

MR. LANAHAN: Thank you. Good afternoon. My name is Thoms Lanahan, Planning and Engineering Director for the City of Greenacres.

The Greenacres City Council directed me to present to you the City's objections to this proposed development which is located near the center of the City of Greenacres, adjacent to the city along the property's north and east sides and within our future annexation area.

I do have a copy of -- which I believe was mailed to all the commissioners, but it's a letter from the City's Mayor, so if I could enter that into the record here for you, also.

COMMISSIONER MARCUS: Move to receive and file.

VICE CHAIRMAN KOONS: Move to receive, Marcus.

COMMISSIONER AARONSON: Second.

VICE CHAIRMAN KOONS: Aaronson.

All those in favor, aye.

COMMISSIONERS: Aye.

VICE CHAIRMAN KOONS: Show it's 5-0.

MR. LANAHAN: Just to touch on the two points that are made in the letter, the proposal is inconsistent with the City's vision for the Lake Worth Road corridor as a commercial area. The property should be developed to have commercial along the frontage in order to harmonize with the existing commercial uses that are adjacent to it along Lake Worth Road.

In addition, the density proposed at over 14 units an acre exceeds the Greenacres maximum density and our current Comp Plan of 10 units an acre and is not compatible with the surroundings.

Therefore, the City requests that you deny this proposal.

Thank you.

VICE CHAIRMAN KOONS: Thank you.

This is one of these Catch-22s we're in. I was at Greenacres a couple times, and we're focusing with them on the URA, and we bumped into these future annexation areas where they have one vision what they want, and it's coming through our process.

So I've suggested with Greenacres we have a -- some kind of a coordinated land use planning strategy. We go back and to take up -- so it's -- they've been objecting. It's been adjusted. These people have been going through this for a long period of time.

So I think it's -- they want commercial, and they're meeting some of our goals here, so this is for me it's a real toss-up here.

So Mister -- yeah.

COMMISSIONER MARCUS: Mr. Chair --

VICE CHAIRMAN KOONS: Lee.

COMMISSIONER MARCUS: -- do you want a motion?

VICE CHAIRMAN KOONS: It's just -- if you want to -- I think you need to get on the record your comments --

MR. WORSHAM: Right, yeah.

COMMISSIONER MARCUS: You need to give your name for the record --

MR. WORSHAM: Sure.

COMMISSIONER MARCUS: -- for the court reporter.

MR. WORSHAM: Lee Worsham, Ruden, McClosky, representing Colonial Lakes.

Basically, the client's been in this process for more than two years. The client met with the City originally.

We've taken care of basically every concern of the City's. These are all legitimate concerns. We've taken care of all of those with the exception of the land use.

The client can't really build commercial here. You're in charge. It's your vision that really matters. I mean I -- at the risk of sounding trite, I have a vision, too, but you're the vision that counts, and the client's been developing and planning the only way the client can plan, which is to be consistent with your LDRs. And so that's basically their position.

If you're going to abide by what the City is interested in, you're going to stop the project and I don't think that's correct.

VICE CHAIRMAN KOONS: Well, we do need to sit down.

I was at Greenacres, I guess a month ago, talking about the URA, updating with them, and we may need to take a look at this whole corridor.

We do need a -- we do need a local planning agreement with Greenacres so we don't bump into this in the future.

So I mean it's -- they want commercial. This is coming in under our --

COMMISSIONER McCARTY: Well, Mr. Chairman, why don't we in their future annexation area, why don't we see what their future view is and see where they conflict with our current view and then go through and change our Comp Plan to fix -- if we agree, to their future view.

But right now you can't hold this property owner hostage.

VICE CHAIRMAN KOONS: I agree, and I've been there. I've talked to the Mayor.

COMMISSIONER McCARTY: So let's look, so we all --

VICE CHAIRMAN KOONS: Somehow --

COMMISSIONER McCARTY: -- can get on the same page.

VICE CHAIRMAN KOONS: Yeah. I just -- Mr. Lanahan, you need to write us back and say we need to take a look at that. That would be very helpful for --

COMMISSIONER McCARTY: Well, just identify the future annexation area and identify the areas of conflict with their vision and our Code and our Comp Plan, and then let's go through each piece and --

VICE CHAIRMAN KOONS: Okay. That's fair. Okay. Looking for a motion.

COMMISSIONER SANTAMARIA: I have a --

VICE CHAIRMAN KOONS: Yes, Commissioner Santamaria.

COMMISSIONER SANTAMARIA: This meets traffic concurrency?

MR. Mac GILLIS: Yes, Commissioner.

COMMISSIONER SANTAMARIA: My only concern on this project is the high density.

I guess my question is if not for the workforce housing, what would your recommendation have been? If there were no -- if workforce housing was not an incentive, what would your recommendation have been on the density --

MR. Mac GILLIS: Well, I --

COMMISSIONER SANTAMARIA: -- 14.5 units per acre?

MR. Mac GILLIS: We look at what's the -- maybe Planning can give you the base -- what the base would be allowed, and then what Zoning does --

COMMISSIONER SANTAMARIA: No, not allowed, as a general rule. I just -- like I said, if -- my only concern on this application is the high density, and I just want to get your opinion if workforce housing was not an issue, how would you look at this application?

MR. Mac GILLIS: Well, the Planning Division determines, like I said, the base density. They give that to the Zoning Division, and based on the type of housing the developer is proposing, we compare that to the surrounding neighborhood.

So if the developer's trying to come in with a PUD, he obviously gets a higher density, and then we look at the exemplary standards that we apply there to mitigate any incompatibility.

If he's coming in with a straight subdivision, we're looking then at you're getting single family homes up against a mobile home park and single family homes, so the density would obviously be not a lot lower, but obviously it'll be lower than this workforce housing project they're proposing.

But I think the design they did with the two stories and considering the land areas that are surrounding it, even at its density now, it's compatible. That's why staff was recommending approval.

VICE CHAIRMAN KOONS: I think they've done a good job in outreach for the neighbors, too, and they've been going --

COMMISSIONER SANTAMARIA: The density's -- the density is compatible with the surrounding area?

MR. Mac GILLIS: Yes. If you -- I think we have the -- if you check on Page 322, we have the land use, surrounding land uses.

The site is HR-8. There's HR-8 all surrounding it to the west and MR-5 to the east. There's a small pocket of LR-3 in there, but generally, the pockets in the county are all at HR-8 or higher -- or LR-3, MR-5. So it is compatible.

COMMISSIONER SANTAMARIA: Well, it's quite a bit higher than the surrounding areas.

MR. Mac GILLIS: Well, no, the HR-8, if you'd look at 322, Page 322, actually, everything surrounding it on the west side is all HR-8, but most of it's single family homes, but it has HR-8 land use.

So those parcels there could come back in eventually in the future and be redeveloped at a higher density. Right now they're single family.

COMMISSIONER SANTAMARIA: Okay. Question for the architect.

What size units are this?

MR. BALLESTEROS: For the record, Christian Ballesteros, CBR Group, Architects.

We have four models that vary between 690 square feet and 1125 square feet.

We have Model A at 690, B at 860, C at 1,010 and D at 1125.

COMMISSIONER SANTAMARIA: Okay. So these are small dwelling units to accommodate the workforce housing pricing.

MR. BALLESTEROS: That's correct, sir.

COMMISSIONER SANTAMARIA: Okay. Thank you.

MR. BALLESTEROS: You're welcome.

COMMISSIONER AARONSON: Mr. Chair.

VICE CHAIRMAN KOONS: Yes, Commissioner Aaronson.

COMMISSIONER AARONSON: I'll make a motion to adopt a resolution approving an official zoning map amendment from the Agricultural Residential Zoning District.

COMMISSIONER McCARTY: Second.

VICE CHAIRMAN KOONS: Okay. There's a motion, Commissioner Aaronson. There's a second, McCarty.

Any more discussion?

(No response)

VICE CHAIRMAN KOONS: All those in favor, aye.

COMMISSIONER AARONSON: Aye.

COMMISSIONER McCARTY: Aye.

COMMISSIONER MARCUS: Aye.

COMMISSIONER SANTAMARIA: Aye.

VICE CHAIRMAN KOONS: Show one no, Koons, for my friend at Greenacres.

So that passes, 4-1.

COMMISSIONER AARONSON: Motion to adopt a resolution approving the Class A conditional use to allow the transfer of development rights for 35 units and to designate the subject property as the receiving area.

VICE CHAIRMAN KOONS: There's a motion by Commissioner Aaronson.

COMMISSIONER McCARTY: Second.

VICE CHAIRMAN KOONS: There's a second by Commissioner McCarty.

All those in favor, aye.

COMMISSIONERS: Aye.

VICE CHAIRMAN KOONS: Show that 5-0.

COMMISSIONER AARONSON: Motion to adopt a resolution approving the transfer of development rights at \$1 per unit.

VICE CHAIRMAN KOONS: There's a motion by Commissioner Aaronson.

COMMISSIONER McCARTY: Second.

VICE CHAIRMAN KOONS: Second by Commissioner McCarty.

All those in favor, aye.

COMMISSIONERS: Aye.

VICE CHAIRMAN KOONS: Show that 5-0.

Okay. And --

MR. BANKS: We need disclosure for that item.

VICE CHAIRMAN KOONS: Disclosure, met with Greenacres substantial times, met with the petitioner numerous times.

COMMISSIONER AARONSON: Met with nobody.

COMMISSIONER MARCUS: No one.

COMMISSIONER McCARTY: No one.

VICE CHAIRMAN KOONS: Okay. And I know this has been a long progress for them, so I appreciate the patience, and the system is not friendly to you all, and you got caught up in it.

And, Tom, make sure you go back and take up Commissioner McCarty's offer. I think that would be a good idea. If there's anything we need to do, let us know.

VICE CHAIRMAN KOONS: Okay. Twenty-seven.
Do we want to finish up today?

MR. Mac GILLIS: Item --

VICE CHAIRMAN KOONS: Okay.

MR. Mac GILLIS: -- 27 was on the consent
agenda. That brings us to --

VICE CHAIRMAN KOONS: Twenty-seven's gone.

MR. Mac GILLIS: Yeah.

VICE CHAIRMAN KOONS: Twenty-eight.

MR. Mac GILLIS: Twenty-eight, the
Z/CA2007-184, Florida Hindu, Pages 368, 388.

Ora Owensby will present this.

MS. OWENSBY: All right. This is a
2.74-acre parcel that's at the northwest corner of
Pioneer Road and Benoist Farms Road.

It is encumbered by 0.63 acres of an FP&L
easement and 0.73 acres of a tree preserve area.

So they're proposing a rezoning from the
current RE district to the RT district, which is
Residential Estate to Residential Transitional in
order to comply with the Comp Plan, and this
rezoning would allow them to develop a 6,000
square foot church and with 84 seats. Total of 31
parking spaces will be provided.

At the Zoning Commission hearing we had
two residents object to potential traffic on
Pioneer Road, and staff had responded that -- and
the agent also that the site plan has been
designed so that the church is at the north end of
the site to -- and only the accesses on Benoist
Farms Road and most of the traffic would occur on
Benoist Farms Road.

Staff has also received three letters in
objection based on traffic, and we are
recommending our approval, subject to 19
conditions of approval.

So if we could go to the agent.

VICE CHAIRMAN KOONS: I do have one --
Steve Linn.

Why don't we let him go, then we'll hear
from you. Is that all right? Okay.

MR. MCGINLEY: Good morning.

VICE CHAIRMAN KOONS: Mr. Church Man.

MR. MCGINLEY: Yes. Kevin McGinley. Can you hear me all right?

VICE CHAIRMAN KOONS: Yes.

MR. MCGINLEY: Good. Let me just give you an orientation of the property with this aerial. You have Benoist Farms Road, which leads north to Southern Boulevard, and Pioneer Road running east and west on the south end of the property.

Palm Beach County fire/rescue station's located immediately north of us. This is the FP&L easement which the staff referred to.

There's a large PUD under construction immediately to the east of us with no access to Benoist Farms Road because of the canal you can see here (indicating).

So this PUD accesses Benoist -- I mean, sorry, Pioneer Road. We're on Benoist Farms. You can see vacant lots to the west of us and one single family home under construction on the north side of Pioneer Road.

The site plan has been developed taking into consideration several factors, not the least of which is the FP&L easement which runs 160 feet on the north end of our property, which is basically unusable in terms of building and parking, landscaping, et cetera.

There is a wetland area, about four tenths of an acre, that we've preserved. We've already been through the Water Management District. We've agreed to preserve that, plus the planting around the wetland area.

There's an upland area that we've identified, although it's not certain whether it needs to actually be a preserve area or just something that we don't touch, but, anyway, we decided to leave it in its natural state.

And that's 0.3 acres to the south of us along Pioneer Road, leaving us with the 6,000 square foot place of worship oriented to the very north end of the -- north end of the site up against the FP&L easement with traffic flow coming in off of Benoist Farms Road and back out on Benoist Farms Road with no access onto Pioneer Road, therefore, minimizing any conflicts with the residential development along the south side.

So given the constraints of this site and the site plan, I'm not sure that we could have come up with a better plan, and indication of that is the staff report, which concurs with my judgment that it is a good plan, plus we've met all the standards.

The only reason we're rezoning the property is to be in compliance with the Comprehensive Plan. So, really, the conditional

use before you for a 6,000 square foot place of worship for the Florida Hindu Cultural Religious Association, two members which are here today, and they can address any specific questions you have.

Thank you.

VICE CHAIRMAN KOONS: Okay. I have a card from Mr. Steven Linn.

MR. LINN: Good morning, Commissioners. My name is Steve Linn, and I'm the secretary of the Whispering Oaks Property Owners Association.

Our property association has the property just north of the fire station on Benoist between the fire station and the Southern Boulevard canal.

I have just a few things to offer.

We were not notified of any of this until the little yellow signs went up on the property, which did not give us a great deal of time. We were not notified of any of the meetings and so forth because we're not within that 100-foot requirement.

The neighbors in our neighborhood and the neighbors in the adjacent neighborhood to this property that I have been able to speak to over the last several weeks have filed an objection to this petition, and I have 46 names right now and addresses, and they're objecting to the rezoning, mainly for the parking and for the additional traffic.

We're asking that the Board consider one of a few things. Because of the short period of time that this has gone down in, that we ask for a continuance to get additional information, get additional feedback from additional neighbors in the neighborhood.

This neighborhood is basically anywhere from one-half acre to five-acre lots. It is entirely residential. There is no commercial in the neighborhood.

No one is opposed to a church. Okay. I go to church. Everybody I've talked to goes to church, but we do not feel that a church belongs in a total residential neighborhood.

It is kind of like the Christ Fellowship thing that's happened in Palm Beach Gardens. We are not saying that that is going to happen here. It's just on a smaller scale. Okay.

But if you have talked to anybody of the Christ Fellowship Neighborhood, they don't oppose the church, either. They just oppose what has happened to their neighborhood, and what we are trying to do -- I have lived in that neighborhood for 15 years.

I loved having empty lots on either side of me. Right now I don't have any empty lots; however, we do have enough space out there that nobody's on top of each other.

You guys did approve the new development on the south side of that canal that Judge Mounts used to own, which I believe is called the Mounts Estates or something, and, you know, we've got like 100 plus new houses going in there.

They are widening the bridge on Benoist, but, you know, it's like still not really going to accommodate the additional traffic.

The other thing that we find really hard to believe is that a 6,000 square foot building is only for 84 people. Okay.

So what we're asking is that you grant an *ore tenus* motion to continue this hearing, and you guys don't make a ruling on it yet, and that, you know, you give it a month or so.

I believe this is the first hearing that they've come to you guys for, and that you give us additional time to kind of put our ducks in a row and be able to give you the correct information that you need.

I did find five other properties within two miles of this property, one that is already rezoned for what they're asking for that's only within a half a mile of this property, and four other properties that are within two miles that are already in the commercial area that have three churches around them. Okay.

So you understand what we're trying to say?

VICE CHAIRMAN KOONS: Okay. I got you. Thank you.

Commissioner Santamaria.

COMMISSIONER SANTAMARIA: I would consider a -- I would consider a postponement.

I'd like to hear -- before we go into that topic, I'd like to hear what type of buffering is being proposed.

MS. OWENSBY: Yes. They have the right-of-way buffers, 15 feet wide, because the -- sorry, the conditions of approval are on Page 381, so let me go to those conditions.

We do have the frontages of Benoist and Pioneer with conditions for a 20-foot landscape buffer, and that should have -- sorry, I'm missing part of the condition. Okay.

It's a 20-foot landscape buffer. We typically require the additional pines and palms, and the other buffers are the standard 15-foot incompatibility buffers because this is a non-residential use abutting a vacant residential property to the west.

And they will need an alternative landscape plan because of the FP&L easement across the northern 160 feet of the property because they need to move their buffers closer to the building

because they're not able to use that FP&L encroachment on their property.

So they are required to have trees 20 feet on center, a six-foot visual screen, and they are required to preserve the uplands and the wetlands that are on their west boundary.

So there will be a -- quite a bit of landscaping existing there, as well as the buffers that are required.

COMMISSIONER SANTAMARIA: Yeah, I guess my only regret is that neither the residents nor the applicant approached me to visit the site, because I would want to visit the site.

I have no problem at all with respect to having a house of worship within a residential area, as long as it's properly done.

So what I would like to do is I would want a short --

VICE CHAIRMAN KOONS: Thirty-day?

COMMISSIONER SANTAMARIA: -- 30-day extension, and I would like to --

COMMISSIONER AARONSON: I'll second that.

COMMISSIONER SANTAMARIA: I would like to meet with both representatives of the community -- of the residents, as well as the applicant within the next two weeks.

VICE CHAIRMAN KOONS: So is -- is -- we're all set? We could do that 30-day --

MR. Mac GILLIS: It'll come back January 3rd, 2008, but as you know, your meetings in December are carried over. You have two BCC meetings in January 'cause the -- because of the holidays you don't have a December zoning hearing.

COMMISSIONER SANTAMARIA: Yeah, I'd like to postpone it to the first available meeting in January.

MR. Mac GILLIS: January 3rd.

VICE CHAIRMAN KOONS: There's a motion by Santamaria.

There's a second by Aaronson.
Petitioner.

MR. MCGINLEY: And, sure, I would see no objection to the postponement, but let me just clarify a couple things.

Before this even -- was even notified by sending out the certified envelopes to adjacent property owners, the Hindu Association went out door to door and dropped a flier in all the neighbors' mailboxes identifying who they were, how they could contact us if they wanted to set up a meeting.

The gentleman representing a group here is north of the fire station, well outside the 500 feet. As a matter of fact, it's not even on that aerial that you can see.

We didn't think to go all the way down the block on the other side of a fire station to tell people we were going to have a small place of worship. Maybe that was an oversight on my part.

VICE CHAIRMAN KOONS: Okay.

MR. MCGINLEY: But, anyway, we made the -- we made those representations.

At the Zoning Commission there were two residents who are not here tonight because we took the time to go out, meet with them in the lobby, explain the project to them, and they are -- those that live on and own property on Pioneer Road, I believe that they're satisfied with the intensity of it.

I'd gladly meet with the commissioner, but I just want to let you know that we made efforts to contact property owners and make them aware of what we were going to do.

VICE CHAIRMAN KOONS: That sounds fair. There's a motion and a second.

You're going to -- you can connect up with him and Commissioner Santamaria.

So I'm -- we got a motion and a second. Discussion.

(No response)

VICE CHAIRMAN KOONS: All those in favor.

COMMISSIONER MARCUS: He'll meet with them.

VICE CHAIRMAN KOONS: We'll meet with them.

That's a 5-0 to -- is there a date on this so he could be aware?

COMMISSIONER MARCUS: January 3rd.

VICE CHAIRMAN KOONS: January 3rd.

COMMISSIONER SANTAMARIA: I'd like to suggest to meet on the site on December the 12th if that's okay with both parties. December the 12th, Wednesday, in the morning?

COMMISSIONER MARCUS: What time?

COMMISSIONER SANTAMARIA: Say 9:00, 10:00?

VICE CHAIRMAN KOONS: Meet at the fire station?

MR. MCGINLEY: Well, I'll tell you what. The only -- the only -- the only property that's cleared is the FP&L easement, so park along the north side of the property; otherwise, you need to bring your boots.

VICE CHAIRMAN KOONS: How about if you just meet at the fire station, and then you can go from there? How does that sound?

MR. MCGINLEY: I'll bring my kids.

VICE CHAIRMAN KOONS: Okay. Is that all right? Fire station?

COMMISSIONER SANTAMARIA: Fire station?

VICE CHAIRMAN KOONS: Yes, just right up there, directly north of the -- right. That'd be the easiest place to meet.

MR. MCGINLEY: Yeah, I'll need to talk to representatives of Florida Hindu, make sure they're available. Otherwise, all you get is me, but if that -- if that works for you, I can certainly make it.

COMMISSIONER SANTAMARIA: Okay. So right now 10:00 o'clock Wednesday, the 12th --

VICE CHAIRMAN KOONS: Okay. Thank you.

COMMISSIONER SANTAMARIA: -- for the -- would you get with me --

MR. MCGINLEY: I believe that might be a DRO meeting morning or submittal, so, I'm sorry, I'm going to have to --

COMMISSIONER MARCUS: You guys can work out the schedule. You call his office.

COMMISSIONER SANTAMARIA: Would you -- would you get with me on it?

MR. MCGINLEY: Yes, sir, I will.

VICE CHAIRMAN KOONS: Okay. Thank you. So that's 28.

MR. Mac GILLIS: That's it.

VICE CHAIRMAN KOONS: Twenty-nine.

COMMISSIONER MARCUS: Was on consent.

VICE CHAIRMAN KOONS: Consent.

COMMISSIONER AARONSON: All done.

VICE CHAIRMAN KOONS: Director comments.

MR. Mac GILLIS: I just wanted to put this on here. We did get contacted from several aides just to notify the Zoning staff there was a conflict possibly on the June 26th meeting.

COMMISSIONER MARCUS: Right.

MR. Mac GILLIS: So we did contact your offices, and I think Lorraine found June 30th would work for everyone.

COMMISSIONER MARCUS: Right.

MR. Mac GILLIS: So if that's okay, we'll change the official calendar.

COMMISSIONER MARCUS: Right.

VICE CHAIRMAN KOONS: County Attorney.

MR. BANKS: No comments.

VICE CHAIRMAN KOONS: Okay. Planning Director.

MR. VAN HORN: No comments.

MR. LINN: I just wanted to --

VICE CHAIRMAN KOONS: Sir, come --

MR. LINN: Mr. Linn again, for Whispering Oaks Property Owners Association.

I just wanted to make it clear that it wasn't just people in our direct neighborhood. It's people on Pioneer Road and the surrounding neighborhood around this property, also, that is on this list, and I want to -- I guess I didn't quite finish, but I just wanted to make the motion for you guys to receive this list.

COMMISSIONER AARONSON: Motion to receive and file.

VICE CHAIRMAN KOONS: Motion to receive and file, Commissioner Aaronson.

COMMISSIONER MARCUS: Second.

VICE CHAIRMAN KOONS: Commissioner Marcus second, and make sure, Kevin, you get a copy of that.

All in favor, Aye.

COMMISSIONERS: Aye.

VICE CHAIRMAN KOONS: Show that received, 5-0.

COMMISSIONER MARCUS: And I think if you want to have other folks from those neighborhoods come to the meeting that Commissioner Santamaria set up, I'm sure he wouldn't mind, like to hear from everybody.

MR. LINN: Okay.

VICE CHAIRMAN KOONS: Okay. I think we were on Planning Director.

VICE CHAIRMAN KOONS: Commission comments.

COMMISSIONER MARCUS: Mr. Chairman.

VICE CHAIRMAN KOONS: Yes.

COMMISSIONER MARCUS: I'd just like to ask the Board for permission for next Tuesday's meeting -- Mr. Weisman has advised that this has to be done this way, that we add on the fire/rescue MSTU for Lake Worth just for discussion --

COMMISSIONER AARONSON: That's fine with me.

COMMISSIONER MARCUS: -- of the fire/rescue merger.

VICE CHAIRMAN KOONS: Fine.

COMMISSIONER MARCUS: Do we need a motion to do that, add it to the agenda?

VICE CHAIRMAN KOONS: Let's make a motion. There's a -- there's a motion --

COMMISSIONER MARCUS: I'd make that motion.

VICE CHAIRMAN KOONS: -- and a second, add to the agenda. This is the Lake Worth for the -- a possible reading on the --

COMMISSIONER McCARTY: Under discussion.

VICE CHAIRMAN KOONS: Under discussion.

COMMISSIONER MARCUS: No, let me -- before we get to her discussion --

VICE CHAIRMAN KOONS: Second for discussion.

COMMISSIONER MARCUS: -- to clarify what we're doing, we're adding on to next Tuesday's Board of County Commissioners agenda discussion of the Lake Worth merger into an MSTU because we have to do it by the end of the year.

When it comes back to us in the spring, that's when the Board can actually make the decision, but we have to take this action before the end of the year.

Correct, Mr. Weisman?

MR. WEISMAN: As I understand it, you have to take the formal legal action to include it in the MSTU before the end of December so that it will take effect January 1st, 2009, but there's an opportunity to cancel the action as long as you do so by April 2008.

COMMISSIONER MARCUS: Thank you.

COMMISSIONER McCARTY: Under discussion.

VICE CHAIRMAN KOONS: Discussion.

COMMISSIONER McCARTY: The action that we need to take by the end of the year is what?

MR. WEISMAN: To authorize the inclusion of the City of Lake Worth in the Palm Beach County fire/rescue MSTU.

COMMISSIONER McCARTY: And how do we authorize it?

MR. WEISMAN: By an ordinance, I believe.

COMMISSIONER McCARTY: So does that mean there's a public hearing?

MR. WEISMAN: Yes. There'll be a first reading on Tuesday, and a second one would be December 18th.

COMMISSIONER McCARTY: Okay. So in other words, it's just not adding it to the agenda to discuss it, we're looking at first reading on Tuesday; correct?

MR. WEISMAN: That'd be correct.

COMMISSIONER McCARTY: Okay. What are the people who would be interested -- who are the people that would be interested in this?

Commissioner Marcus?

COMMISSIONER MARCUS: Lake Worth.

COMMISSIONER McCARTY: Lake Worth. Would the -- okay. Would it just be Lake Worth, or would it be -- are we not -- when I met with Chief Bryce -- this is very important. I'm not just dragging this out here, but it 's very important to the process here.

When I met with Chief Bryce, he said that Palm Beach County rate payers -- and we talked about FP&L earlier about rate payers, trying to protect rate payers.

Palm Beach County unincorporated rate payers would have to subsidize the City of Lake Worth to come into the county system three to four million dollars; is that correct?

MR. WEISMAN: Yeah, the County's calculations are, at least about three and a half to four million dollars is the minimum.

COMMISSIONER McCARTY: Okay. And so we then in this first reading and public hearing that we're sort of rushing through before the end of the year, the people of Palm Beach County, the rate payers should come forward at this public hearing, and they should comment on whether or not they want to subsidize either with their increased rates the City of Lake Worth, or, if they 're not going to have increased rates, they're willing to have a lower level of service in order to have Lake Worth come into the city [sic].

Is that what they should be commenting on in their public hearing?

MR. WEISMAN: That would be an issue of our discussion.

COMMISSIONER McCARTY: Because we need to understand if we do this for Lake Worth and we agree to subsidize Lake Worth even one penny, Delray is waiting to come in. I believe the initial estimates are nine million dollars.

Riviera Beach is waiting to come in.

Are we going to -- as a county this is a major -- now, most of my constituents are incorporated. They're not going to get the hit that a lot of your constituents are.

But I just want to say this is a major policy decision that is being rushed through at a Zoning Meeting during the holidays whereby we are going to decide any city that wants to come in, are we going to take them in for any price, or is it going to be the cities that are connected, that have the clout, or is it going to be the cities that the firefighters can -- union can get four

votes on any given day, or are we going to make the opportunity for all the cities?

Because I can tell you, the way that the state is doing the property tax situation, and we talked about the budget on Tuesday and how the situation is -- all of the cities are finding it impossible to pay their union contracts for fire/rescue, and all of a sudden it's becoming very lucrative for them to turn it over to Palm Beach County because we're going to pay them more money, and our rate payers are going to pay the bill.

And I just think before we make this decision for Lake Worth, we ought to look at the possibility of the other cities, how much money are we -- is it going to be 50 million, 75 million, and are our rate payers willing to pay the cost?

Now, the way the state is going, they're saying that we have to have an override, so first of all, you got to get an override for that, and are they going to limit the override, and then is our only choice going to be lower level of service?

These are really heady questions that I think we need to think about. So to rush this through and to have a public hearing, and what I had heard through the grapevine was that there is a dispute about how much it will cost. Maybe it won't cost three to four million. Maybe it'll only cost a million, and we'll know that by April.

How are people supposed to come to a public hearing and comment if they don't know what the cost is? Is this just a formality that we're pushing through, just saying that there's a public hearing, and then the people have lost their right to speak?

I really think this is a serious, serious issue, and it needs to all be brought out in the spotlight. COWBRA, West Boca Community Council, Alliance, Boca Del Mar, they all need to be told.

Palm Beach County is going to honor the union's request to bring in fire/rescue from all over the county, because I don't think we should pick and choose between cities, frankly.

If we're going to do this, we need to explain to people what it's going to cost and what it's going to mean to them, either in service or in money.

And I just beg of you to slow down on this, and let's see what we're getting ourselves into because we are heading into uncharted waters with huge ramifications for the public safety if the residents were in favor of.

I have -- you know, Lake Worth can't afford their fire/rescue. I feel bad for them,

but right now I want to know what it means to the people here in Palm Beach -- in the unincorporated area and what they're going to have to pay, or are they going to have to settle for a lower level of service because the state won't let us go above a certain level.

I caution you all. This is, you know, just flippantly brought up at the end of the meeting, oh, let's just add it to the agenda.

This is a first reading where the public has no idea what the impact to them is going to be.

So I beg of you, do not do this. Let's schedule a workshop. Let's have all of the numbers, first of all, of Lake Worth, and then what the numbers could mean for the other cities.

Boynton's talking about it. Boca's talking about it. They can't afford fire/rescue anymore, and suddenly all of us are talking about budget cuts, and we can afford to subsidize everybody.

I just beg of you, don't do this to your residents. Let's make sure we go in with our eyes open.

They have an agenda. The agenda is for a bigger union to control it countywide. That's wonderful. We're the ones, and our residents, got to pay the freight for that.

So just, please, I would ask you not to put this on Tuesday's agenda. Don't shove this through without all the information so that we can make a reasonable decision.

VICE CHAIRMAN KOONS: Commissioner Aaronson and then Marcus.

COMMISSIONER AARONSON: Mary, I have no desire whatsoever to have the -- I have the greatest unincorporated area of all. I have no desire to have the people in my district or the people of the County in unincorporated area paying additional dollars just to subsidize Lake Worth.

But by the same token, I always try to have an open mind, and the open mind is I've been told that their financial figures will come forward and show to us that it will not cost additional dollars.

COMMISSIONER McCARTY: When?

COMMISSIONER AARONSON: We have the time until April --

COMMISSIONER McCARTY: By Tuesday? Well, the public hearing is before that. The public can't comment.

COMMISSIONER AARONSON: The public can come here, and we can explain to the public, as well, and I will tell the West Boca Community Council and COWBRA and all to be here asking -- asking, as well, to find out what the numbers are

and to state that they are in opposition to subsidizing Lake Worth, but they're willing to wait until April, which we can cancel out, and if fire/rescue and the Fire Department can prove that it's not going to cost the taxpayers additional money in the unincorporated area on their MSTU, then the thing is that we're going to be helping a city in need and people who we all represent, as well.

COMMISSIONER McCARTY: So --

COMMISSIONER AARONSON: So what I'm saying is what Commissioner Marcus did, she made the motion to bring it forward.

Our obligation is to let the people know that we're looking at it, but that on their back, on the people and the MSTU, on their backs in unincorporated area, we're not going to put an extra burden on them because then, as you said, it could be Boca, it could be Delray, it could be every one.

Let everybody know that no matter how many municipalities want to come in, and I think we're all in agreement that we want to save lives, save people, and if they can't supply the service to the people in their cities, then the County will, providing it doesn't cost us additional money, and they have to come up with the money to do it.

I think what you're -- what I'm looking at here is okay, you know, I'm from Missouri. Show me that it's not going to cost. I don't want to shut you out completely, and because of what Bob Weisman said, it has to be done before year end.

COMMISSIONER McCARTY: But, Burt, my understanding is that there is no dispute that it is going to cost Palm Beach County something. It's just a matter of is it one million, or is it four million. It isn't that it's going to cost Palm Beach County zero, and if you're saying, from what you just said in your remarks, that the policy of this County is if a city wants to come in, they can come in, as long as there is no impact to the current rate payers, I'm with you.

COMMISSIONER AARONSON: And -- and --

COMMISSIONER McCARTY: But that isn't what's happening here.

COMMISSIONER AARONSON: And I'm saying is I want them to show me a plan that will show that it will either cost no money or maybe even make money for the County, and there's a possibility in doing that.

So I say give somebody an opportunity to do it.

COMMISSIONER McCARTY: Well, they could have the opportunity, but, you know, to have a first reading -- when you're bringing it up at a Zoning meeting to have first reading next Tuesday

in December just is a little -- you know, the whole thing's being short of shoved through.

COMMISSIONER AARONSON: And I happen to agree with you, except for one thing. Because of year end and because of what Bob Weisman said, it has to be done, otherwise --

COMMISSIONER McCARTY: But we're not -- but we're not ready. We don't have the information.

COMMISSIONER AARONSON: Well --

COMMISSIONER MARCUS: Mr. Chairman --

COMMISSIONER McCARTY: And we shouldn't have a public hearing 'til we have the information and if it means another year, it just means another year. Lake Worth's going to have to make do.

COMMISSIONER MARCUS: Isn't it --

VICE CHAIRMAN KOONS: Commissioner Marcus.

COMMISSIONER MARCUS: Isn't it amazing. I'm being nice to the cities, and I think Lake Worth --

COMMISSIONER McCARTY: Well, I hope you're going to be nice to all of them.

COMMISSIONER MARCUS: Well, I'm -- in this issue I would be --

COMMISSIONER McCARTY: I'm sure Jupiter Farms would be happy to subsidize Lake Worth. Everybody will be thrilled about that.

COMMISSIONER MARCUS: There's -- there's two issues that when Commissioner Aaronson was talking about the level of service issue, and it's something we've been trying to address in the entire County about.

If Lake Worth doesn't -- has a big fire and they can't -- don't have the staffing and available, we're going in whether they're --

COMMISSIONER McCARTY: Well, we shouldn't because the Lake Worth residents have agreed that they're only going to pay taxes to not fight those fires. So let their stuff burn.

COMMISSIONER MARCUS: Okay --

COMMISSIONER McCARTY: If that's what Lake Worth wants. It's a free country.

COMMISSIONER MARCUS: Okay. Now it's my turn.

COMMISSIONER McCARTY: All right. Sorry, but I'm just -- why should we subsidize the fact that Lake Worth isn't doing their job?

COMMISSIONER MARCUS: That's --

VICE CHAIRMAN KOONS: I want this on the record. Lake Worth is not going to burn.

COMMISSIONER MARCUS: That is --

COMMISSIONER AARONSON: You want to know something, Mary. You don't believe let it burn, either.

COMMISSIONER MARCUS: Wait, wait.

VICE CHAIRMAN KOONS: Okay, Commissioner Marcus. I should not have interrupted.

COMMISSIONER McCARTY: It's not fair to our residents.

VICE CHAIRMAN KOONS: Okay. Commissioner McCarty.

COMMISSIONER MARCUS: The conversation that --

COMMISSIONER McCARTY: They shouldn't be a city if they can't do it.

COMMISSIONER MARCUS: The conversation that you're suggesting that we have is going to be a conversation that we do need to have.

I don't think Mr. Weisman knew that we had this end-of-the-year deadline, because I called him about it and he said he didn't -- I don't think you remembered, and then you talked to Chief Bryce, and he said you have to do it by the end of the year, but you have until April to have another public hearing to decide if you want to do this.

COMMISSIONER McCARTY: There's another public hearing required?

COMMISSIONER MARCUS: I believe so.

COMMISSIONER McCARTY: No.

COMMISSIONER MARCUS: In March or April.

COMMISSIONER McCARTY: No. Public's cut out after this, legally.

COMMISSIONER MARCUS: If we have to do an interlocal agreement with them, that comes to the Board. That's a meeting. That's a -- that could be made a public hearing.

VICE CHAIRMAN KOONS: I think --

COMMISSIONER MARCUS: That could be part of the discussion for --

COMMISSIONER McCARTY: Let Bob answer.

COMMISSIONER MARCUS: -- Tuesday.

MR. WEISMAN: I don't know what the legal format is of the April decision. It was my understanding the Board could make that decision, did not require a hearing at that point in time.

COMMISSIONER MARCUS: But I thought it took an interlocal agreement.

MR. WEISMAN: We would agree to that with Lake Worth.

COMMISSIONER MARCUS: Right.

MR. WEISMAN: That would be a condition of that.

COMMISSIONER MARCUS: You'd have to bring it back to us.

MR. WEISMAN: Yes.

COMMISSIONER McCARTY: It's just --

COMMISSIONER MARCUS: So that would be on a Board meeting.

COMMISSIONER McCARTY: It's just not a legal public hearing where it's noticed in the paper.

COMMISSIONER MARCUS: If we wanted to on Tuesday, we could make that requirement, so, anyway --

VICE CHAIRMAN KOONS: And I do think we need to schedule this for a workshop before April.

COMMISSIONER McCARTY: Yeah, how are we going to handle all the cities? I mean --

COMMISSIONER MARCUS: Before we do it in April or May, we should -- or whenever it is --

COMMISSIONER McCARTY: I mean if we're all agreeing we're not going to pay any extra money for somebody to come into the system, then I'm fine, but that isn't what their intention is at all.

Their intention is for Palm Beach County people to subsidize the union getting bigger, and I know we love unions up here and we're all, you know, got to do whatever the firefighter union wants to do. I sit through the negotiations.

It is really -- we're now doing it at the expense of our own people. I'm telling you, and this is wrong.

VICE CHAIRMAN KOONS: Okay.

COMMISSIONER MARCUS: Our people support good fire service.

COMMISSIONER McCARTY: Yeah, in their district, not Lake Worth.

COMMISSIONER MARCUS: That -- it's part of it.

VICE CHAIRMAN KOONS: Okay. Okay. We're going to --

COMMISSIONER MARCUS: It's part of the County.

VICE CHAIRMAN KOONS: Whoa, whoa, whoa. Okay. There's a motion and a second. I think we've gotten through --

MS. SPRINGER: Who made the second?

COMMISSIONER MARCUS: Commissioner Aaronson.

VICE CHAIRMAN KOONS: -- Commissioner Aaronson, second.

COMMISSIONER MARCUS: No, I made the motion.

VICE CHAIRMAN KOONS: Commissioner Aaronson seconded. Okay.

COMMISSIONER McCARTY: Okay. I just hope we're as concerned about the budget, we're consistent, and it isn't just when special interest groups that help us wave signs and help us put up signs and stand at precincts for us, that they all of a sudden get special treatment.

VICE CHAIRMAN KOONS: Mary --

COMMISSIONER McCARTY: Because Lake Worth is doing just fine without Palm Beach County fire/rescue there right now.

VICE CHAIRMAN KOONS: I'm skeptical --

COMMISSIONER McCARTY: They're doing just fine. They've been there a long time without Palm Beach County fire/rescue.

VICE CHAIRMAN KOONS: I'm skeptical like you are, okay, but I will give them the benefit as long as there's a decision which I understood, and I'm assuming before I vote for this on Tuesday, that there is an opt-out on this. Okay. I just want to make sure.

Okay. There's a motion and a second to add --

COMMISSIONER SANTAMARIA: Yeah, I basically concur with Commissioner McCarty's statements, and I think as long as we all agree that we're going to -- we're going to consider the concept, but we're not going to approve it until we are convinced that it's not going to cost our constituents any extra -- extra monies to add Lake Worth to our fire/rescue team.

So as long as we all concur on that, then I'm willing to go along with it.

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

COMMISSIONER McCARTY: And just one more thing, and Commissioner Marcus brought up level of service.

If the state caps the amount of money we can charge for these services, and right now fire/rescue is not exempted, if they cap that, our only other choice will be to lower the level of service for our residents.

VICE CHAIRMAN KOONS: Correct.

COMMISSIONER McCARTY: So it does have to do with level of service for the unincorporated Palm Beach County.

Please, this is a huge, huge issue.

VICE CHAIRMAN KOONS: All those opposed.

(No response)

VICE CHAIRMAN KOONS: Show that carrying, 5-0, to add it to the agenda and a second hearing --

COMMISSIONER McCARTY: No, it's not 5-0.

VICE CHAIRMAN KOONS: Four -- oh, I didn't see your hand. I mean I was -- okay.

COMMISSIONER McCARTY: 'Cause I know this is --

VICE CHAIRMAN KOONS: Four-zero, McCarty dissenting -- 4-1, 4-1.

COMMISSIONER McCARTY: Nobody acknowledges that this isn't going to cost Palm Beach County money. They're arguing about the numbers. They're not arguing it's going to cost more. So I'm not --

COMMISSIONER MARCUS: But -- but didn't we sort of do that with the Glades, though?

VICE CHAIRMAN KOONS: Wait a second.
Wait, wait.

COMMISSIONER McCARTY: Yeah.

VICE CHAIRMAN KOONS: We're done.

COMMISSIONER McCARTY: I --

VICE CHAIRMAN KOONS: We're done.

COMMISSIONER McCARTY: Because they're so poor I bit my tongue off for the Glades.

VICE CHAIRMAN KOONS: Okay. Any --

COMMISSIONER McCARTY: If our policy is to do it for everybody, let's say come on everybody, 'cause Delray's there with nine million waiting to come right forward.

They've already been negotiating, trying to negotiate with the union in Delray.

VICE CHAIRMAN KOONS: I was --

COMMISSIONER McCARTY: They're ready.

VICE CHAIRMAN KOONS: -- doing so well until the very end.

Okay. Any other --

COMMISSIONER MARCUS: Says who? I'm kidding.

VICE CHAIRMAN KOONS: Staff is going good job.

COMMISSIONER McCARTY: When Armand is trying to sneak stuff through the union at the last minute, don't expect me to sit here quietly. I'm going to make sure the whole world knows they're trying to sneak something through at a Zoning meeting.

It is un -- inappropriate. It is wrong, and they got their votes. Fine. They won. But I'm not going to sit down quietly, and I'm going to make sure everybody in this county knows what they're up to and how much it's going to cost them.

Oh, that's right. We don't know how much it's going to cost them.

VICE CHAIRMAN KOONS: Very clear. I -- I'm expecting numbers, too, and I'd like a workshop before we get here in April so we know exactly what's going to go on --

COMMISSIONER McCARTY: And I really planned on being calm on this issue. I really did. Oh, well.

VICE CHAIRMAN KOONS: Okay. Any other --

COMMISSIONER AARONSON: I knew you wouldn't.

VICE CHAIRMAN KOONS: Any other good commissioner comments for the good of the evening?

COMMISSIONER MARCUS: See you Tuesday.

VICE CHAIRMAN KOONS: It's the happy holidays.

Adjourned.

COMMISSIONER MARCUS: Move we adjourn.

VICE CHAIRMAN KOONS: I was going to make some comments, but I'm not doing that now.

(Whereupon, the hearing was concluded at 12:50 p.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 5 through 91, 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 18th day of December, 2007.

Sophie M. Springer, Notary Public.

