

PALM BEACH COUNTY  
CITIZENS TASK FORCE

Thursday, May 15, 2003  
2:17 p.m. ? 4:01 p.m.  
100 South Australian Avenue  
West Palm Beach, Florida

Reporting:

Shirley King  
Notary Public

ATTENDEES

Wesley Blackman, Chair  
Joanne Davis  
David Carpenter  
Stephen Dechert  
Stella Rossi  
Wayne Larry Fish  
Steve Bruh  
Maury Jacobson  
Bruce Kaleita  
Barbara Noble  
Carmela Starace  
Ron Last

Aimee Carlson, Senior Planner, Zoning Division  
Bob Banks, Esquire, Assistant County Attorney  
Lenny Berger, Esquire, Assistant County Attorney  
Gentry Benjamin, Esquire, Assistant County Attorney  
Terry Verner, Code Enforcement Director  
Dan Weisberg, Assistant Traffic Director  
Barbara Alterman, Executive Director PZ&B  
Bill Whiteford, Zoning Director  
Umesh Asrani, PE, Assistant Director, Health Department  
Gail Vorpagel, Senior Code Enforcement Officer  
Allen Trefry, ERM Environmental Director  
Chris Barry, Intern, Zoning Division  
Michael Dyett, Consultant (Appearing electronically)  
Peggy Smith, Secretary

## I N D E X

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## P R O C E E D I N G S

CHAIRMAN BLACKMAN: The secretary is going to call the roll. This is the Citizens Task Force, May 15th, 2003. The time now is 2:17 p.m.

Madam Secretary.

MS. SMITH: Joanne Davis.

(No response.)

MS. SMITH: Susan Daniels.

(No response.)

MS. SMITH: Joanne is here.

David Carpenter.

MR. CARPENTER: Here.

MS. SMITH: Karl Kahlert.

(No response.)

MS. SMITH: Barbara Noble.

MS. NOBLE: Here.

MS. SMITH: Isabella Fink.

(No response.)

MS. SMITH: Steve Dechert.

(No response.)

MS. STARACE: He said he wasn't coming.

MS. SMITH: Dee Primm.

(No response.)  
MS. SMITH: David Self.  
(No response.)  
MS. SMITH: Bruce Kaleita.  
MR. KALEITA: Here.  
MS. SMITH: Ron Last.  
MR. LAST: Here.  
MS. SMITH: D.J. Snapp.  
(No response.)  
MS. SMITH: David Horine.  
(No response.)  
MS. SMITH: C. Wesley Blackman.  
CHAIRMAN BLACKMAN: That's me.  
MS. SMITH: Rosa Durando.  
(No response.)  
MS. SMITH: Stella Rossi.  
MS. ROSSI: Here.  
MS. SMITH: Maurice Jacobson.  
MR. JACOBSON: Present.  
MS. SMITH: Wayne Larry Fish.  
MR. FISH: Here.  
MS. SMITH: Bill Cauble.  
(No response.)  
MS. SMITH: Steve Bruh.  
MR. BRUH: Here.  
MS. SMITH: Kent Wilmering.  
(No response.)  
MS. SMITH: Barkley Henderson.  
(No response.)  
MS. SMITH: Frank Palen.  
(No response.)  
CHAIRMAN BLACKMAN: Moving on. Thank you.

CHAIRMAN BLACKMAN: Under A.2, additions, subtractions, deletions; Staff, do we have any changes to the agenda?

MS. CARLSON: Yes, we do. The Landscape Article has to be pulled and postponed.

CHAIRMAN BLACKMAN: So that's C.2 on our agenda?

MS. CARLSON: Yes.

CHAIRMAN BLACKMAN: Anything else?

MS. CARLSON: No. That's it.

CHAIRMAN BLACKMAN: From Board Members, any changes?

(No response.)

CHAIRMAN BLACKMAN: Do we have a motion to approve the Agenda as amended?

MR. JACOBSON: So moved.

CHAIRMAN BLACKMAN: Motion. Second?

MS. STARACE: Second.

CHAIRMAN BLACKMAN: Discussion?

(No response.)

CHAIRMAN BLACKMAN: Seeing none, those in favor, aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Those against, same sign.

(No response.)

CHAIRMAN BLACKMAN: Motion passes.

CHAIRMAN BLACKMAN: Moving on to excused absences.

We had a meeting that was not a meeting last time on the 8th; we were one short of a quorum. We did have people that did not attend that indicated they'd be there but have very good excuses, and they're present today.

Do we want to review who was not here who said they were going to be?

Could you stand in the corner, please?

MS. DAVIS: I think I have a good excuse. I was having a test done at the hospital and it pushed my entire schedule back for an hour because they screwed up my records.

MR. JACOBSON: But you're okay, Joan, right, good positive result?

MS. NOBLE: We could have visited with each other, Joanne.

MR. KALEITA: I'd like to move that we reverse our decision as to Mrs. Davis and grant her an excused absence.

MR. CARPENTER: Second.

UNIDENTIFIED SPEAKER: Who's the other one?

CHAIRMAN BLACKMAN: I think Barbara and Wayne.

MS. NOBLE: But I had taken my neighbors, unfortunately, who are in their eighties, to Good Sam to the emergency room. So sorry.

MR. KALEITA: I'm going to enlarge my motion to add Barbara Noble.

MR. CARPENTER: Second.

CHAIRMAN BLACKMAN: And Wayne has a good excuse, too.

MR. FISH: I actually requested an excused absence about an hour before the meeting, so I don't know if that was passed on last time or not.

MR. JACOBSON: It's approved. Go ahead.

CHAIRMAN BLACKMAN: So with those exceptions, anyone else who was not on that list just now, the three who said they were going to be here, do we want to -- well, we need a motion to accept excused absences.

MR. KALEITA: I did that.

MR. JACOBSON: So moved.

CHAIRMAN BLACKMAN: Motion.

MR. BRUH: Second.

CHAIRMAN BLACKMAN: Second by Steve.

Discussion?

(No response.)

CHAIRMAN BLACKMAN: Seeing none, those in favor, aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Those against, same sign.

(No response.)

CHAIRMAN BLACKMAN: We have a series of minutes here. Do we have the March 27th minutes? I haven't seen those.

MS. CARLSON: Those were included in your packet.

CHAIRMAN BLACKMAN: Were they?

MS. CARLSON: Yes.

CHAIRMAN BLACKMAN: Okay. We have a series of minutes here. We could approve them in a group or separately.

MS. STARACE: Motion to approve the minutes of March 6th, 13th, 20th and 27th.

MR. JACOBSON: I will second that.

CHAIRMAN BLACKMAN: Is there discussion on the motion? Motion and second by Maury.

(No response.)

CHAIRMAN BLACKMAN: Seeing none, those in favor, aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Those against, same sign.

(No response.)

CHAIRMAN BLACKMAN: Motion passes.  
So those four sets of minutes are approved.

CHAIRMAN BLACKMAN: Moving on to ULDC Amendments, Article 3, Chapter E, Traditional Development Districts. And we have Michael on the line right now, so let's use his time while we have him.

MR. DYETT: Great. Well, Mr. Chairman and Members of the Task Force, it's a pleasure again to join you electronically.

What I thought I should just take a few minutes to do is highlight some of the changes in the prior draft that reflected your comments and some additional thinking by Staff and ourselves, with the idea of trying to have the most flexibility so that these new Traditional Development Districts will really work, will be embraced by the community, and achieve the objectives that you and the Board have outlined.

So we've put in the additional flexibility you asked for before, with the non-central location for the neighborhood centers in the Traditional Neighbors.

There's a bit more flexibility in landscape planting and the size of neighborhood before triggering requirements for a Traditional Town.

In the Agricultural Reserve Tier, we gave a lot of thought to the minimum size and had some input from property owners, so it has now been reduced to 125,000 square feet.

We've increased the size of the neighborhood so that there would be a larger range of neighborhoods from an in-fill location, as well as 25 acres up to 80 acres to allow for larger neighborhoods; and four of these neighborhoods together would then trigger a requirement for a town of 320 acres, with a central Traditional Marketplace.

We were also sensitive to many of the comments about phasing and economic realities, so that phasing is allowed now in this Urban/Suburban Tier, but not in the other tiers. And this is because, in these other tiers, we've reduced the minimum size.

There's been some clean-up in the ordinance. Some of the standards have been grouped together to reduce duplication and I think just make it a clearer and more comprehensible document with this consolidation.

We've also sought to simplify and focus standards, again, to reduce the unnecessary cost of development and provide for a little more flexibility. The dead-end street diagram, for example, doesn't require the landscape median, although that certainly could be an attractive option.

The minimum land use allocations don't emphasize the single-family detached family dwelling as a requirement, to, again, give more opportunity to respond to what the market realities are.

We've got slightly smaller neighborhood centers, and, again, the idea that they could serve adjacent neighborhoods. The plazas and squares are slightly smaller, but I do think the amenity and some of the comments that the Task Force Subcommittee made, in terms of making sure that we had seating, are in place. And we've got the allowance for the transfer of rights in the Agricultural Reserve, so you could have up to 25 residential units in a TMD. And we've recognized the need to have a little bit more diversity in the commercial uses and clarified that the maximum -- what the maximum floor areas are in different situations and taken out, in the Agricultural TMD, Agricultural Tier for the Traditional Marketplace, the minimum FAR. So there's, again, a simplification of these standards.

And I think without going through all the details again that we went over in my prior

presentation and you've been through, I would think our time could be spent if you had any questions or wanted to go into a specific discussion of elements that still might not be exactly correct.

CHAIRMAN BLACKMAN: Okay. Michael, thank you.

Michael and Staff, question: I think it would be helpful for the committee here to understand where this has been since we last saw it, what exactly took place. And I assume the subcommittee worked on some of our issues that we had and came back. Can you just outline briefly what track this took after we saw it?

MS. CARLSON: Actually, what has occurred since the last review was primarily at Staff level review. It has not gone back to the subcommittee. There's also been a presentation to the folks out in the Acreage and Loxahatchee Groves as a FYI type of thing and next week we do a FYI presentation to Jupiter Farms and Caloosa.

CHAIRMAN BLACKMAN: So what is the expectation of us today, having not been able -- we didn't review this -- this was presented today to us, here we picked this up?

MS. CARLSON: No. No, no. This was mailed out last week.

CHAIRMAN BLACKMAN: Oh, okay. I didn't get it.

MS. CARLSON: What we were hoping today, in keeping with what we've done before, that you would do your sort of preliminary okay of the language, give us any changes that need to be made, and we'd bring it back again in June with everything else; just the same track we've done before.

MS. STARACE: But we've already had input.

MS. CARLSON: You had a preliminary input in March. And at that time we knew we had some outstanding issues so we didn't actually ask for formal action. As Michael has highlighted, Michael has revised the draft based on that input that we got at that time.

CHAIRMAN BLACKMAN: Do we have questions of Michael? Comments on this draft?

Yes, David.

MR. CARPENTER: Yes, thank you, Michael.

On page -- hand-numbered page 28 or typed page 14 in the Traditional Development packet, under the dead-end streets, I was just wondering, it says, no more than 10 percent of the streets could be dead-end.

And I know -- you know, I'm sure you do, too, Michael -- when you get into problematic spaces where you have odd angles and things, you have to end some roads with a cul-de-sac because you can't get in there with a continuous road. I was just wondering if that may be too restrictive. And I was also wondering where we came up with the length of 500 feet for the maximum length.

MR. DYETT: Well, let me take the second question first. The 500-foot length is typical. And I think that we have earlier provided -- Aimee had a survey we had done with ordinances and other jurisdictions which had some tables. I believe that question also came up in March, so we did send some surveys of some work we had done. Looking at the standards, these tend to be the norms. We've also looked at subdivision plats.

What the 500-foot measurement does is provide an opportunity for connectivity, a balance between the public and the private space, and lets you get the access within the center that you want.

Great downtowns sometimes have 200-by-300 foot lots. So allowing up to 500 feet is not inconsistent with the thinking about what great downtowns are. Portland, Oregon is one, with the 200-by-200 block, and it really works quite well. Downtown San Diego has a slightly larger block structure.

On the dead-end streets, the idea is to try to emphasize the grid system and

connectivity within the neighborhood and to adjacent existing and planned streets. We've found in many jurisdictions that the 10 percent rule does really work, particularly if you have -- particularly if you have relatively flat conditions and not a lot of canyons and slopes. But I also believe that there would be waiver and variance provisions if for any reason the 10 percent rule represented a real hardship. But we think that with the testing we've done, it does not impose a significant limitation. During the peer review meetings we had in February, I think there was recognition by some of the development community there that it seemed to work. I didn't hear a lot of concerns about the 10 percent rule.

CHAIRMAN BLACKMAN: Any other questions?

Carmela.

MS. STARACE: I'm just curious, if you did need to -- if you did have a problem with this rule and you needed to address it, how would we do that, if I was a developer?

MR. DYETT: Aimee or Jon, I do think that there are provisions for variances and waivers that would be in the administration section of the Code; is that correct?

MR. WHITEFORD: Hey, Michael. It's Bill.

There are general provisions in the Code, as you all are aware, for variances to standards throughout the Code.

What we were just chatting about just a moment ago was two things. One, Mike, you said something about waivers. If there's going to be a waiver provision, it would have to be written into the Code. It's not written into the Code. My only concern about a waiver is that, a waiver tends to become the norm. So that's something you need to be aware of.

As far as a variance goes, there would have to be a hardship. And if the hardship is, I just don't want to do it or something like that, then it's not necessarily a hardship. So just some feedback.

One other concept --

MR. DYETT: The situation you were describing, where there might be a canal creating an odd-shape lot, might represent a hardship, because it's a physical and unique circumstance. But I do think that the standard -- we should strive to set the right standard to achieve the objectives in these districts.

MR. WHITEFORD: Mike, let me throw out an idea, because knowing what David was talking about earlier, the little nooks and crannies that perhaps are hard to fill in, perhaps it's not an issue of -- obviously what we're trying to achieve is interconnected streets, a grid pattern or whatever of ongoing connected streets in non-gated situations. Every time you round out a corner, you tend to end up with a little land scrap that you want to fill in. Well, maybe it's not necessarily considered necessarily a street, but a small cul-de-sac, maybe they aren't a problem.

And one way to approach this is to say something along this line, that no more than 10 percent of all streets consisting of more than eight lots, blah, blah, blah; meaning that, if you had a little corner you needed to fill in, you need to shoot a little cul-de-sac in there, and you wanted to put six, seven, eight lots on it to fill in that corner that otherwise would be difficult to subdivide, you could do that and the restriction wouldn't kick in until you got, actually, into a bigger street.

MR. CARPENTER: I was going to give Carmela -- I mean, in just thinking about it myself, when we're making the rule the 10 percent, and so I wouldn't worry about a variance. Because if I was doing one of these, I wouldn't propose anything that didn't meet the requirements. Coming in, say, to the Zoning Division with the plan, I'm not going to come in here with a plan that shows 20 percent, just say cul-de-sacs, that doesn't meet the requirement. Number 1, you wouldn't get certified. There would be all of these typical issues.

So I think whoever's going to come in with the plan is going to come in with it however it is in here in order to get Zoning Staff's approval and also not to get caught up in side issues that would cause extra time. So I don't think anybody would propose anything for any variance. Be just like a normal petition. I mean, I wouldn't propose anything that required a variance when I'm coming in for an approval of something.

MR. WHITEFORD: I got to check our records on that.

CHAIRMAN BLACKMAN: Steve, you have something?

MR. BRUH: I think, again, you've got -- you need some flexibility built into the plan. For instance, it's nice to have connectivity between this property and adjoining properties, but there's lots of cases where you won't be able to have that, you won't be able to achieve connectivity. So I think you're limiting what you can do with a site plan with the 10 percent with other things around it that you can't control, and probably to the point where you're going to have a tough time making those subdivisions work.

So I think there's got to be something in there to make you go -- to have through streets whenever you can. But when you can't, when there's other things, natural features that are stopping you, that you've got more flexibility to provide more cul-de-sac situations.

MR. CARPENTER: That's a good point.

Michael, what about just say, to make some scenario up, our piece of land was totally surrounded by other gated communities who already have established their patterns, if you will, and there's no possibility of connectivity with any of them. So, I mean, I think that would be -- that's a good point Steve was bringing up.

MR. DYETT: So we could add under dead-end streets two types of exceptions, exceptions for TND's where there's no feasible physical connection because of a gated community or there are natural features or irregular shapes that prevent a solution.

But we still might want to have an overall limit of 20 or 25 percent so that there's no -- they couldn't come in and then start to replicate the solution, where every street has cul-de-sacs off it.

So I definitely agree that we could add these three exceptions, but I would suggest some upper limit on the total number to not have proliferation.

MR. WHITEFORD: What I was going to say was, the requirement for connectivity is within the district, meaning, within the project, and it goes on to say, and to adjacent development.

You're really talking about two dead-end issues. One is attempting to interconnect exterior to the project, where the last comments were correct, that it almost may be impossible; you may have a gated community next to you that you just can't physically connect to, and obviously that would have to be an exception.

But I think that primarily this, no more than 10 percent, was intended to apply to the internal design.

MR. DYETT: Yes.

MR. WHITEFORD: So perhaps the 10 percent would apply more to the internal interconnection, more so than with the adjacent development, as is stated just above it.

MR. LAST: Bill, I've got a question. On the 10 percent, is that based on total length of road or the number of streets?

MR. WHITEFORD: Number of streets.

MR. LAST: So if I have 15 streets, I couldn't have any more but one of them be a cul-de-sac?

MR. WHITEFORD: One and a half.

MR. BRUH: That was my question about where that percentage breaks off. Does it default to a lower number?

MR. WHITEFORD: Yeah, we round down.

MR. BRUH: How many streets would you anticipate being in an 80-acre parcel? Is there some fundamental thought on how many streets that would generate?

MR. WHITEFORD: Well, not a lot. I mean, you know, some streets go on and on and on.

MR. BRUH: Exactly.

MR. WHITEFORD: And we would count that as one street.

MR. BRUH: You have a ring road or something, it's one street.

MR. WHITEFORD: It's one street, right.

MR. BRUH: It's not going to force designers to break off streets to do other kinds of things in order to force the 10 percent, and is that good.

CHAIRMAN BLACKMAN: Bruce.

MR. KALEITA: Can I ask a question?

I'm led to believe that we're attempting to limit cul-de-sac length to 500 feet; is that correct? That's too short a distance.

It may be 25 years since I did site planning, but my memory is that I had some trouble with cul-de-sacs. And the limitations that I felt were more reasonable were as much as 1200 feet, especially in communities where, for example, you have a golf course fairway, which is dictating what happens streetwise. And I'd like to suggest that 500 feet is simply too short.

MR. WHITEFORD: Well, one thing to think about, if you want to gage in your mind how far 500 feet is, if these are 50-foot wide lots, that's 10 lots per side, that's 20 homes on a street with a cul-de-sac, which maybe in a PUD or something of that nature it seems low, but in this type of development, which is supposed to be distinctly different, it's a good figure.

MR. KALEITA: Are you saying that that figure creates an urban design that the County wants to see which differs from the standard suburban pattern and that's why you're pushing for 500 feet?

MR. WHITEFORD: Well, it pushes a traditional design that the County wants to see.

MR. KALEITA: So it isn't like the cul-de-sac which is for purposes of emergency vehicles.

MR. WHITEFORD: Twenty-five years ago they weren't designing this kind of project, so. . .

MR. KALEITA: I still think 500 is a little small. I mean, because you could have some TND's here with good size houses on acre lots or something and that would only be three lots.

CHAIRMAN BLACKMAN: Could we have acre-size lots in a TND?

MR. DYETT: We are striving to have the maximum size of the residential lot in the TND, the 660 feet in length. So this idea of 500 feet is slightly less than the overall block dimensions that we were planning for.

MR. WHITEFORD: I'm not pushing this idea, but if you did go with the idea that I mentioned earlier, that this 10 percent limitation only kicked in after a certain number of lots, you could have big lots on a small -- on a cul-de-sac, which I guess theoretically could exceed 500 feet.

CHAIRMAN BLACKMAN: Okay. What is our -- do we talk about our minimum and maximum lot size?

MR. WHITEFORD: We have a minimum, but I don't believe there's any maximums.

CHAIRMAN BLACKMAN: It would just seem counter-intuitive to me, if we're trying for an urban pattern, to have one acre lot sizes or half an acre or a quarter acre.

MR. WHITEFORD: Is it possible maybe, but with the strict land use allocation requirements? I mean, it's going to be difficult to dedicate as much property as that to just a lot. You'd have to be very land rich to want to do that. These days, people are going for density and trying to put the bigger home in the smallest lot possible.

CHAIRMAN BLACKMAN: Which also raises the question which we asked last time; where indeed are these going?

MR. WHITEFORD: Anywhere they'll fit.

It's not going to be easy. I mean, everybody knows the County's land is going quick. But we do talk to people about opportunities for them in just a few areas of the County. We don't know who's out there assembling land where. I mean, it's a possibility in some areas. We've talked to some people down south -- I really probably shouldn't say exactly where -- but there are folks who are interested in this option. And we also think it's going to be a strong in-fill possibility.

MS. STARACE: Again, I'm just curious, if you wanted to leave the wording the way it is and keep it so restricted, all I'm asking is, if you have property that doesn't fit this, what's the procedure or what is the way that I could address that? That's all I ask.

CHAIRMAN BLACKMAN: What is the relief?

MR. WHITEFORD: Currently it's a variance by the Board of Adjustment.

CHAIRMAN BLACKMAN: Yes, Dave.

MR. CARPENTER: I don't want to beat this to death or whatever under this issue, but related to the connectivity, which is at the top of the same page on the dead-end street thing, you know, I think connectivity is good. I think, though, that a lot of this stuff shouldn't -- possibly shouldn't apply if there's no possibility of connectivity to adjacent properties or adjacent properties have already been developed.

Say if you're developing this site that's totally surrounded by other development, I think that's going to push this thing, this 10 percent on the dead-end streets is going to be tough, because you're having to create your inter-design, if you will, of the project to meet these requirements, but yet there's nothing to connect it to. And so you're going to be running into, well, for the lack of a term, dead-ends everywhere you go.

MR. WHITEFORD: Let me throw out another suggestion.

MR. CARPENTER: One other thing. If there's some other vacant property next door where you can put these rules, you know, say, well, you've got to do it with this other property that's coming up, I can buy all that. But, I mean, in an isolated situation, which I think is more like you're going to realistically be in out there, where the piece of land you're going to be working with is going to be completely surrounded by developed property or canals or other limiting things, I think the 10 percent is going to be very tough.

MR. WHITEFORD: And I think what's killing everybody is the idea of interconnection not within the project. Because obviously a TND, that's the major component of it, it's to the adjacent development. And currently we have some requirements for that, even for planned developments, but it's still subject to approval by the County Engineer. And it's only to certain roads, I mean, not little local streets. A local street, you're trying to connect up a collector road to an existing collector road that is connectable and, I mean, they're not always.

So if I had to look at this connectivity section, I would maybe come up with a different set of standards -- and perhaps we need to talk about this with Michael -- for what we mean internally and what we mean externally.

CHAIRMAN BLACKMAN: Michael, can you shed any light on that, or you need to think about that?

MR. DYETT: Well, I think that being clear on what the exceptions are when you are

abutting adjacent to developed land would certainly help, because it's really, the connection to adjacent land where physically feasible. I think we could just add that qualifying language indeed at the top of that page.

The other thing that might clarify this, again, with the internal connections, is a variation on Bill's idea; rather than just count the number of streets, it could be 10 percent of the total local street length, which then gives you flexibility around the edge of the project where you may have problems with connecting to adjacent parcels. And you really want to emphasize the connections where feasible and only allow these streets to come where -- the dead-end streets, where it's just the last resort.

CHAIRMAN BLACKMAN: Michael, it sounds like you're coming from 58,000 fathoms right now, so we may have to --

MR. CARPENTER: They're trying to fix the sound.

MR. WHITEFORD: Mike, you can hear us fine, right, you're not getting any funny sounds?

MR. DYETT: I can hear you beautifully.

CHAIRMAN BLACKMAN: We'll try and do most of the talking, then, for now.

MR. DYETT: My one suggestion was that the 10 percent could be on street length, not just number of streets.

MR. CARPENTER: I think that's much better. Because I don't know how you're going to count them anyway because you got so many streets in developments that are really long that would be taking up a lot of the space and providing a lot of access and it's only one street. So I think the 10 percent of the length, I can relate to that.

MR. WHITEFORD: I'm almost thinking that that's not a restriction at all. That's the exact opposite. It's like not having one.

MR. CARPENTER: If you had a thousand feet of road, you could have a 100 foot cul-de-sac somewhere.

MR. BRUH: You talking about the length?

MR. CARPENTER: Total length of the roadway.

MR. WHITEFORD: Adding up all the lengths of the roads in a potential TND and then take 10 percent of that and say, you could have that much of a cul-de-sac, I don't know.

MR. KALEITA: David, that doesn't work. That's assuming that in every development you only need 10 percent of it in cul-de-sacs. The configuration of land, as you know, is infinitely varied.

MR. CARPENTER: But it would give you a lot more flexibility.

MR. KALEITA: Until you got to your 10 percent. At which time it would be inflexible.

MR. FISH: I got a proposed compromise. How about 20 percent and 800 feet?

MR. KALEITA: As an absolute maximum?

MR. FISH: Without a variance, right.

CHAIRMAN BLACKMAN: How do you feel about that, Michael, 20 percent and 800 feet maximum?

MR. DYETT: I like the 20 percent. I don't like going 800 feet because of the maximum length we had for residential streets is 750 feet. So how about 750?

MR. FISH: Okay. That will work.

CHAIRMAN BLACKMAN: Then it's parallel, at least --

MR. DYETT: That requires a mid-block pedestrian access so that you can get to either adjacent area. But that would make it consistent with the overall standards that we've set.

MR. FISH: I'm okay with that.

MS. STARACE: Consistent is good.

CHAIRMAN BLACKMAN: Do we have a consensus, at least on that portion? Any other section, comments, questions?

MS. STARACE: Again, nobody wants to say where this is going to be?

CHAIRMAN BLACKMAN: I guess not.

MR. KALEITA: It'll likely be no where, unless like it warms up to this housing type and wants to pay more to get it.

MS. STARACE: I don't know, they talked about the south. You know what they do down south.

CHAIRMAN BLACKMAN: Anyone else, any page, any section?

(No response.)

CHAIRMAN BLACKMAN: Do we have anyone in the public here wishing to address this item?

(No response.)

CHAIRMAN BLACKMAN: Okay. Then we're back to the Task Force. What is our pleasure at this point?

MS. STARACE: Aimee had said something about re-looking at it again and then she would bring it back.

CHAIRMAN BLACKMAN: I think Staff is looking for us to act on this in its entirety today.

MS. CARLSON: Yes.

CHAIRMAN BLACKMAN: We would see it again when we see all the other articles before they go to the Board of County Commissioners. So this would be essentially putting our stamp of approval on Article 10, like we have the other articles that we've seen, and then we'd see everything as a big package before it goes to the BCC.

MR. FISH: With the 20 percent and the 750 included in it?

CHAIRMAN BLACKMAN: If you want to make that motion, that's something to identify.

MR. FISH: I would like to make the motion, yes.

MR. JACOBSON: I'll second that.

CHAIRMAN BLACKMAN: There's been a motion by Wayne and seconded by Maury, to include that change as it relates to dead-end streets, the 20 percent and the 750 maximum.

And is that a motion to approve the document as submitted?

MR. FISH: As well.

UNIDENTIFIED SPEAKER: And the seconder agrees to that?

MR. JACOBSON: I accept that.

CHAIRMAN BLACKMAN: Is there discussion on the motion?

Yes, Joanne.

MS. DAVIS: I think that I can't support that motion in that form, just because I think we are trying to look at design standards for a type of development that has specific -- a specific character. And I think we've spent a lot of time on it and to stretch out those blocks -- I mean, Michael even said that Portland's got two and three hundred foot blocks and it works very well. So why don't we want ours to work very well? I would go with his original language.

MR. KALEITA: So you're going to vote against the motion?

MS. DAVIS: Yes.

CHAIRMAN BLACKMAN: Any other discussion on the motion?

(No response.)

CHAIRMAN BLACKMAN: Seeing none, let's vote then.

Those in favor of the motion say, aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Those against?

MS. DAVIS: No.

MS. STARACE: No.

MS. ROSS: No.

CHAIRMAN BLACKMAN: Three no's.

MS. STARACE: I still had questions, that's why.

CHAIRMAN BLACKMAN: And note those and then we can re-address those once it comes back in the big packet. But for now, we put this to bed.

MS. STARACE: Could you put down page 36, the handwritten, and Number 3, connections.

CHAIRMAN BLACKMAN: That's D.3?

MS. STARACE: D.3.

CHAIRMAN BLACKMAN: Moving on the agenda, we dropped Item 2, now we're on to Item 3.

Do we still need Michael on the line now or we can say good-bye to Michael?

MS. CARLSON: We can say good-bye.

CHAIRMAN BLACKMAN: Thank you, Michael.

MR. DYETT: See you next week. Thank you again.

MS. CARLSON: Thanks.

CHAIRMAN BLACKMAN: Now we're on C.3, Article 12, Traffic Performance Standards.

Staff?

MS. CARLSON: And this article, there are really no changes to this article. It looks a little bit different in this form than it would in your ULDC that you have today because we've reformatted it and we've incorporated the recent TPS changes that the CTF

reviewed earlier this year and last year. But no word changes here.

CHAIRMAN BLACKMAN: So this is basically cleaned up and made to read like an article of the ULDC.

MS. CARLSON: Yes. Any substantive changes to this article will be routed through on a separate time line coming out of that TPS Committee, and they are still meeting and still working on items.

CHAIRMAN BLACKMAN: Are there any questions on this article, given the fact that there aren't any substantive changes apparently?

(No response.)

CHAIRMAN BLACKMAN: Is there any public to address this item?  
Carmela?

MS. STARACE: I don't have any questions, but I would like to bring up a concern that I have with the Traffic Performance Standards and with the corridor study, and that is, I think personally, just my opinion, that it is very connected the way they are going to do the counts on population and how these corridor studies are going to come out and I don't think that we are -- even when they make presentations to the municipal league, first they'll make a population presentation where they say, they're not going to do Beaver, they're going to do population by land use. And then after that, George will come up with the Traffic Performance. And one sort of like connects to the other, because you're projecting roads for a population that Beaver says is more than they say it is.

So I just want to put out my concerns there, that we're doing -- we're breaking this up and I think it's something that has to get some kind of connectivity.

CHAIRMAN BLACKMAN: Okay, Bruce.

MR. KALEITA: I might add the sentiments of the Goldcoast Builders Association Governmental Affairs Committee to those of the League of Cities, and that is, that it is our perception that the population projection methods being proposed to be used or being actually used by Palm Beach County are not those accepted in the industry as a general standard, and in fact, they're an odd standard, one that in fact I think could possibly be seriously questioned and that they will result in a projection of a substantially lower build-out population than the standard methods would result in. And it is a fear of the Association that this is actually intentional or that it may support future anti-growth measures by the County, which would tend to create less development than the Master Plan or the Comprehensive Plan of Palm Beach County actually allows. And it may well be that we may come back and look at this issue, but the problem is that it may justify some of these more restrictive traffic measures and the theory that we might as well, because we're not going to have to meet the needs of everybody who could come here if we follow our land use map strictly.

CHAIRMAN BLACKMAN: Carmela.

MS. STARACE: And just to add, in two weeks, I think they're already going up to DCA with their population figures.

And Lisa Lowe, who's doing that presentation, said yesterday at our meeting, that it would only be the County -- the unincorporated areas that she's bringing up; she's not bringing up the city figures. So, you know, there's going to be a -- the connectivity isn't there. It's more of a concern. I'm not saying it's bad, it's good, or it's indifferent. I'm just saying, until we get that connectivity of how we're going to plan roads according to what we're going to use as a population of people being here, I don't know how it's going to work.

CHAIRMAN BLACKMAN: Dan, is there anything you can do to shed light on this?

MR. WEISBERG: No.

CHAIRMAN BLACKMAN: All right. On that note.

MS. STARACE: I appreciate that, Dan.

CHAIRMAN BLACKMAN: We can divine our own answer any way we see fit, I guess.

MS. STARACE: I just wanted to record the concern.

CHAIRMAN BLACKMAN: Okay.

MR. CARPENTER: I wanted to ask Dan one thing. You told me the Okeechobee crawls language is going to the Board in first of June or July? I forget what you said.

MR. WEISBERG: Well, we're shooting for the first of June, but we're having a hard time getting it all together.

CHAIRMAN BLACKMAN: So the subject before us here is Article 12, Traffic Performance Standards, essentially reformatted with no content changes. And I don't see anyone in the public that wishes to address this.

Joanne, do you have something?

MS. DAVIS: The only thing that I wanted to keep on the record is that I think the whole article is bad. And I look forward to the day when we can have something meaningful to look at from the other committee. And I would yearn for the day when this group can get together with the other group and talk about all of these things. And to date we've asked, what, five times for an opportunity to do that and nothing has happened. So there's the big question mark hanging in the air; why? And I would like to just reiterate, we would love the opportunity to get together with the Traffic Performance team and talk about these at sometime if that could be arranged.

MR. KALEITA: One aspect that has an effect worthy of discussion is the fact that it will actually open up some roads to additional traffic and foreclose additional traffic on some other roads. But whether that was a dramatic effect we never learned, because we -- although inquiring into it, we actually were never told which roads would improve and which roads would get worse.

Dan, is there a map of the roads that would carry greater trips with peak hour, peak daily, peak direction, as opposed to ADT, or does that map not exist?

MR. WEISBERG: There's not a map.

When the final adoption of the ordinance change went to the Board in March, there was a table included of 165 heaviest traveled roadways, which showed comparison of the daily versus the peak hour two waivers as peak hour directional numbers. That's available. We can make that available to you. It's not in a map form. I don't believe in a map form. There's too much data --

MR. KALEITA: They're by link, aren't they?

MR. WEISBERG: Yes, um-hum.

MR. KALEITA: Is it your perception, being somewhat -- assuming you are familiar somewhat with that list, is it your perception that there is a net improvement in the counting capacity of Palm Beach County's roadways due to this new level of service or a net decrease in the capacity -- a counting capacity of Palm Beach County's roadways?

MR. WEISBERG: Depends on how you define improvement.

I think that, generally speaking, more -- under the peak hour two-way standard, as opposed to the average daily traffic standard, there are probably more roads that will allow more traffic than roads that will allow less traffic. I think it was approximately 2 to 1 in ratio.

CHAIRMAN BLACKMAN: And I think we reviewed that at a CTF meeting and really established that it was kind of a break-even proposition.

MR. KALEITA: The statement was made that it was a break-even proposition, but we were never shown the raw data.

MR. WEISBERG: We can get that to you, no problem.

MR. BERGER: It was a table.

CHAIRMAN BLACKMAN: I thought we had a table on the whole -- I think George was here for that meeting, too, and we went through it and established that some were up, some were down.

MR. KALEITA: If I could get it from you, Dan, I would appreciate it.

MR. WEISBERG: Sure.

MR. JACOBSON: Why can't we bring it to the entire committee? With Joan and Barbara concerned about this, I think that we should bring it before the entire committee.

CHAIRMAN BLACKMAN: I agree. Joanne asked some excellent questions at a meeting not too long ago, maybe within the past six months -- all these meetings tend to run together -- but she asked some excellent questions and they were really a philosophical basis for the Traffic Performance Standards and examination of those. And I think that's what we would like to do, is entertain a meeting with the Traffic Performance Standards Committee and really talk about the underlying assumptions of the Traffic Performance Standards.

MR. WEISBERG: If I might suggest --

MR. KALEITA: Dan, if I could say this. One of the reasons why we were concerned was that, it was my memory that it was a table of links which would be better versus links which would not be better. Is that not true?

MR. WEISBERG: I don't think we prepared it as this table and that table. It was just all the roadways in, I think, a descending order based on daily. And then we also showed the volume capacity ratios; one is right at, one is over, and one is under capacity. And it was just the daily in descending order with all the associated two-way peak hour and one-way peak hour information.

MR. KALEITA: Well, the concern that I have is, I don't know if you get a true picture.

I mean, for example, let's imagine a roadway -- and I don't want to beat this to death either -- but if we imagine a roadway, some of whose links get better with the peak hour, peak direction, peak season test, but others whose links either don't improve or get worse, you could actually be in just the same bind attempting to use the links which get better that you can't restrict your people who buy your homes from driving only on one link.

CHAIRMAN BLACKMAN: Carmela.

MS. STARACE: And you just brought up something else. The population figures that they're sending up are not including tourism, which is a seasonal thing, so there's another connection that's not going to make it.

MR. KALEITA: I suppose we might say that there's a healthy skepticism that what came out of the Engineering Department has been accurately portrayed. And since I know your integrity and I know you are committed to the notion that it is a good thing, it would be helpful to furnish us the data that supports it.

MR. WEISBERG: It's the standard that we've adopted. And I've never represented it as good or bad; it is what it is.

MR. KALEITA: I'm just saying that we got organizations that a year from now are going to say to us, huh, how did you let that happen, if what occurs is not a good thing. And I know I'm going to be sitting there looking at 300 building companies and they're like, Kaleita, we were depending on you. And if it turns out that they're now in gridlock because of it, you're probably going to be seeing a different face here -- and of course there are some who might say that's a good idea -- but I'd like to see more information on this --

MR. WEISBERG: If we have it, I'll get it to you.

MR. KALEITA: -- to show that the roads become free-flowing.

This is kind of like that ad about clogged plumbing, you know. I mean, yeah, you can unclog one part of the plumbing, but if the rest is clogged, it's still all going to clog.

CHAIRMAN BLACKMAN: Okay. Let's --

MR. KALEITA: I can get that? I'll leave you my card before I go.

CHAIRMAN BLACKMAN: It would be nice to have a report about this process and about some of the data that's going in to determine population, if we could have someone here just to address that issue. Even though it's kind of outside our scope at the moment, I think it would be a worthwhile presentation.

MS. DAVIS: Especially if we can understand it.

CHAIRMAN BLACKMAN: Dan, are you about to make a suggestion?

MR. WEISBERG: I think that the chair of the TPS committee has been here twice; once the joint works, there were several members, and once, I think, by himself.

MS. STARACE: Who's the Chair?

MR. WEISBERG: Dan Mitoff (ph).

MS. STARACE: Dan Mitoff. He's never been here to this meeting.

MR. WEISBERG: We had a joint meeting here. It's been about eight, nine months ago, I think.

MS. CARLSON: Well, actually, there was a joint meeting between the LUAB and the TPS Committee. However, the CTF formed a TPS subcommittee and invited the members of the TPS committee to attend that meeting and we did have that dialogue going back and forth. That was in the fall.

MR. KALEITA: Yes that was on, however, a different subject.

(Simultaneous group discussion.)

MR. WEISBERG: I'm thinking that the most expeditious way may be to have a few folks come to our TPS meeting. They were originally meeting once every two weeks and the last year now have been meeting once every week trying to meet the Board's desires in terms of issues that the Board wants to address and the time frame the Board wants them addressed.

CHAIRMAN BLACKMAN: The date, time and place of those meetings?

MR. WEISBERG: They float around. They've generally been Wednesday mornings recently. They have been Thursday mornings. But the next one is next Wednesday at twelve I believe.

MS. STARACE: Wesley.

CHAIRMAN BLACKMAN: Yes.

MS. STARACE: The meeting that Joanne is looking for is not going to that meeting, because they talk -- there's the technical people there and we're looking for philosophical things that we can formulate that we can give to the County Commissioners for policy reasons.

MR. WEISBERG: And that's their charge, is to try to bring the ordinance into the 21st Century and correct some loopholes and issues.

MS. STARACE: Right. But a lot of it is technical.

MR. WEISBERG: Absolutely. So maybe the discussion needs to be with the Board, if it's philosophical in nature.

CHAIRMAN BLACKMAN: Do you think they'd be receptive to a philosophical discussion, people appearing at the podium and opening up issues that are not engineering related necessarily?

MR. WEISBERG: They've had a lot of discussions themselves. It really is hard to keep from getting into circular discussions, as TPS is a growth management -- as the growth management tool, which it's not, it's only a traffic management tool, and all the rest

of that stuff about quality development and preserve of areas and whatnot, trying to pile that all onto the TPS Ordinance, which it was never intended to be, but it is the premiere growth management tool. So we've done that for hundreds of hours and they finally decided, we're not meeting what the Board wants, we need to focus on the technical stuff because the Board is giving us direction to do this stuff in this time frame, so we've been there.

**MS. STARACE:** But, Wesley, what I'm trying to say to you is -- and maybe it's not philosophical that I'm talking about -- I'm talking about connectivity. And if you're planning roads, you're planning roads for something. And it's usually for the people that are going to use them. And if I don't know how many people are going to use them or you have no way of counting or you're counting two different ways, which they told us we could do now -- use Beaver when we want money for cities and then use population when you're going to do your Comprehensive Plan -- I mean, there's a problem here. It has to do with the corridors with the Traffic Performance Standards that we're going to do, with the way we're going to plan the corridors, because you're planning them for the population.

**CHAIRMAN BLACKMAN:** It sounds like it's dealing with engineering techniques and how the numbers are being formulated.

**MR. KALEITA:** I think that -- my belief is, and I know that the membership of the organization I represent hold this belief, that these measures, these changes, resulted from an anti-growth sentiment to begin with, and that it is now appraised as a worthy endeavor resulting in a good product. And my only notion is -- I've got training in this field -- I'd be interested in seeing whether it really accomplished something good. And I see the regulations. I just don't know whether or not they're going to end up achieving something we don't want. For example, the mere fact that George said that half the roads in the County are going to benefit from this, I'm not sure that that means those are the roads that we need to improve. It occurs to me, if those roads are all out in Belle Glade, then I'm not sure that we're achieving that public good.

Maybe I ought to follow you back to your office afterwards and get that list again and take a look at it, because I want to know whether all this laudable and praiseworthy effort achieved something.

**CHAIRMAN BLACKMAN:** I think what we might need to do here, to keep the train moving, is to act on this article, but maybe send our -- a letter to the Board of County Commission saying we'd like to open up this discussion and think it's important that some of the underlying assumptions that are being addressed in the Traffic Performance Standards, we would like to be addressed in an open manner and find a way to do that and add a couple of new cars on the train. But right now, I guess, the train is leaving the station and we need to act on this.

Do we have a motion on this article? I don't see anyone coming up from the public to address this.

(No response.)

**CHAIRMAN BLACKMAN:** We can entertain that other motion, too, about our hunger for additional information.

**MR. CARPENTER:** I give a motion for approval.

**CHAIRMAN BLACKMAN:** Is there a second?

**MR. JACOBSON:** Second.

**CHAIRMAN BLACKMAN:** Motion by Dave, seconded by Maury.

**MS. STARACE:** Of approval of this document?

**CHAIRMAN BLACKMAN:** Yes.

Discussion on the motion?

**MS. STARACE:** Again, this document is sent down from TPS?

MS. CARLSON: No. This document reflects the existing Code.

MS. STARACE: Right, right. With no changes, except that you -- the existing Code? What do you mean, the existing Code? What is now?

MS. CARLSON: If you were to pick up your Code book today and you were to go and look at the TPS Article.

MS. DAVIS: It's the same thing?

MS. CARLSON: It's not the same thing. That's what I'm sort of saying. It includes the ordinances that have been adopted thus far. They have not been codified. Those changes that we've looked at over the last couple of months, the project aggregation --

CHAIRMAN BLACKMAN: That we've acted on already.

MS. CARLSON: Exactly, and the Board has adopted, they've been incorporated into here. It reflects TPS as it is in effect today.

CHAIRMAN BLACKMAN: So this is edited, this is clean; this is ready for publication, in other words?

MS. CARLSON: Yes.

CHAIRMAN BLACKMAN: But we have some content issues that we'd apparently like to address as well.

But we have a motion and a second to approve this article. Discussion on the motion?

(No response.)

CHAIRMAN BLACKMAN: Seeing none, those in favor, aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Those against?

MR. KALEITA: Nay.

MS. STARACE: Nay.

MS. DAVIS: Nay.

CHAIRMAN BLACKMAN: Three nays. Motion passes.

MR. FISH: That's four, me.

CHAIRMAN BLACKMAN: Four nays. Motion passes.

And then, do we have any other motion about --

MS. STARACE: I'd still like to push for that meeting that Joanne would like. I'd like you, as the Chair, to maybe write a letter and extend it to the Board -- the Traffic Performance Committee and see if they would like to come. And maybe what we could do, to make it easier so we don't go all over the page and philosophize, is put maybe four different things down that we think are priority to talk about; one would be population, one would be land use, which they're not allowed to change cities, but, you know, how they're developing, you know, things like that.

CHAIRMAN BLACKMAN: Bruce.

MR. KALEITA: I hate to be a pain on this, but I believe a picture tells a thousand words. And my thought is, do we have a map of all the links in the County that are the subject of the TPS and could we color that map up -- let's say blue for those roads whose volume capacity ratio improves because of this regulation and red for those whose volume to capacity ratio shrinks because of this regulation -- so that we could see whether we are accomplishing a net public good in terms of utilizing our own infrastructure to its best capacity. Now that's a coloring job and I know the engineers don't like to color.

MR. WEISBERG: I love to color. But let me tell you about this new ordinance.

There's a four-part standard. There's the daily number, and that's one issue, then there's the peak hour two-way standard. If you fail that, you get to go to peak hour, peak direction standard. So now in terms of daily versus that, you have two ways of dealing with

it. And if you fail that, then you get to go into this very detailed computer-generated analysis, which takes dozens of engineer hours to input. So I don't even have all the answers and all the links for that so I could not give you a definitive map for all of Palm Beach County, as to which ones are better and which ones aren't better.

MR. KALEITA: Could we presume a test which is applied to the majority of projects and then use that test as a basis for the map? In other words, there's going to be a garden variety test that most projects fall into; is that not correct?

MR. WEISBERG: No. You get to go down those various tests as much as you want to pay for until you get your project passed. Once you pass the first test, you don't need to do any more study; I passed. But if you don't, then you can spend some more money and do this more detailed analysis until you can pass.

But the garden variety project is going to go as far as they have money until they get passed.

MR. KALEITA: So it's about, you spend more on engineering, you pass?

MR. WEISBERG: Until you finally get the last passed. But, yes, essentially --

CHAIRMAN BLACKMAN: Motion.

Discussion?

Joanne.

MS. DAVIS: I wasn't referring just to that one thing. I'm referring to this entire article.

And years ago, Rita Mae Brown made a quote that said, insanity is doing the same thing over and over again and expecting a different result. I want to do something different. We keep talking about the old same thing all of the time and there's this no growth, lots of growth conversation that's entered the arena now and I don't believe that there's a no-growth sentiment here. If you look at the map of the County, you'll see that we're just about built out. And look at the mistakes we've made. And I'd like to not keep making them and to try to create a community that upon build out actually is livable. That's what I want to get at, not one little piece of this article.

MS. STARACE: That's why I say you have to set some -- you know, four or five different.

CHAIRMAN BLACKMAN: Do you want to try your hand at a motion of that?

MS. STARACE: Well, I wouldn't put it into a motion as much as what I would say is, that this committee could maybe put down some priority they want to discuss on just the Traffic Performance related to this, give it to Aimee, and then Aimee could make some kind of an agenda out of it, because some would be duplication I'm sure.

CHAIRMAN BLACKMAN: Bruce.

MR. KALEITA: Let me say that the issue that my association saw in all of this and has not abandoned yet is that, we now have a land use map whose traffic cannot be carried at build out by the road system we will end up constructing. And to the extent that this proposal solves that problem by simply stopping projects based upon raising the level of service or the radius of influence within which impact is measured, that may well be a shortcut to getting to the consistency between the land use map and the build-out traffic. It's just that I'm not sure whether the tail's wagging the dog here or the dog made the decision to wag the tail. And that's -- I honestly am a little suspicious, and I admit it, and I don't know that we should not -- in that sense, the County does not behave like a standard service provider.

If you recall when concurrency was adopted, those of you who were on the Board then, we knew that a lot of the concurrency analyzing agencies were going to be in the business of furnishing whatever service was needed. In other words, if there was more water needed, by golly, we'll get more water, if there's more schools needed, we'll build

them.

The thing about traffic, however, is that it doesn't work that way. The County itself measures the impact and decides whether or not it's going to build more of it; and it has pressure on it not to do so. All I'm saying is that, I'd like to have a feeling in my heart that the measure that we're looking at today actually does achieve a net good and doesn't simply reduce the number of people who can live here by the tail rather than by the dog, which is good planning.

CHAIRMAN BLACKMAN: Well, we have passed our approval on Article 12, so we can move on to Item 4. But I was trying to find a way or some way to satisfy the hunger of the committee as to --

MS. STARACE: Well, I had made a motion to have you draft a letter and tell them that we did want to sit down with them; and that if anyone has a priority they want to discuss when we do sit down, if you'd give it to Staff, then Staff would be glad to agendarize it. And I'd ask for a second.

CHAIRMAN BLACKMAN: There's a motion by Carmela.

MS. DAVIS: Second.

CHAIRMAN BLACKMAN: And discussion?

Maury.

MR. JACOBSON: I'd like to make a suggestion, because I'm listening to all of you that I respect here who have come up with a different point of view and I would like to see this motion really be fulfilled if all these people would participate in setting items down that they're concerned about, and that includes those three charmers over there and that chap next to you, I believe. And it would be a great idea if you would do that rather than just a vague statement, a vague motion, and to me it is a vague motion at this point.

CHAIRMAN BLACKMAN: Right now it's vague, but hopefully we can fill it up with some specifics.

MS. DAVIS: I have a question regarding that then. I don't see us sitting here right now today coming up with a list of things. I would say that it needs a little bit of thought and folks need to get their ideas jelled and in to the Chair so that he can write a meaningful letter.

I have a Sunshine question about that: Can we -- legal jot down -- this isn't anything that I perceive that we'll be voting on -- or maybe we will -- but we give it to Staff, we don't give it to him.

CHAIRMAN BLACKMAN: And then I would sign it, I guess, just as being the figurehead here.

Lenny.

ASSISTANT COUNTY ATTORNEY BERGER: I think that that would end up raising some real Sunshine issues. You don't want to do that.

MS. DAVIS: I want to do this the right way.

ASSISTANT COUNTY ATTORNEY BERGER: Before you asked that question -- and now that I'm talking I want to put on my hat as the lawyer for the TPS Committee for a moment. Because when you consider the issues that your group thinks is important, it's important to keep in mind what the TPS Committee, first of all, thinks is important to the committee and also what Traffic Performance Standards as a law in the County can and cannot do.

The most discouraging reality that the committee runs up against, less so now, but frequently in the first year or so of its existence, was that Traffic Performance Standards can't be the panacea for all of our growth problems today. The Charter gives the County the authority to have a very specific kind of regulation apply in the cities and in the County.

And that regulation is only setting levels of service on thoroughfare roads and on issuing development order conditions that would otherwise allow a project to exceed the levels of service. When you start getting into the kinds of issues that I know -- I'm going to anticipate you all are interested in and that the Traffic Performance Standards Committee had been interested in, and still is, you'll find that so many of the answers are bound up in land development issues, the kind of thing that just can't be addressed in a Traffic Performance Standard's ordinance.

People who see a better future for us here throw their hands up and say, we're not going to get anywhere if we just sit around and count cars. Unfortunately, that's the only thing that TPS lets you do, is sit around and count cars. And the Corridor Master Plan is one way that we are attempting to expand this regulation, but technically the Corridor Master Plan really isn't purely a traffic concurrency issue. First of all, it's not strictly concurrency, because you're not looking at infrastructure concurrent with development, you're looking at a projection that goes out 22 years. And that's why, in order to have any Corridor Master Plan put into place, it's got to be adopted, not only by the County, but also by every affected municipality. So all of the land use planning ideas, some which I think might be pretty good, all of that is not going to come from the Traffic Performance Standards Committee, it's going to come in the development of each Corridor Master Plan that will be developed, all 30 of them, between now and the end of 2005. That's what it says in the Comp. Plan, anyway.

So when you do this, just please bear in mind what the TPS Committee can and cannot do. What they're doing is -- and I think whoever has joined us will agree -- is very hypertechnical and I don't think that it really is their stated purpose to improve or not improve a particular roadway, it's to arrive at a more accurate way of measuring traffic impact. And if it makes a road worse or it makes a road better, well, at least we have a better idea of how much better or worse it is.

MS. DAVIS: Well, Lenny, with that nice, eloquent speech that you just made, then what do we do? We have had this conversation in this room several times, as you know, and I think it would be an interesting exercise for us to actually be able to do something about some of these frustrating issues that keep just being sent out into the air and vanishing.

ASSISTANT COUNTY ATTORNEY BERGER: Well, the Corridor Master Plan process has great potential, it really does. I think in a limited way, if you want to see how a prototype of it works, the Jupiter area study that is getting wrapped up, which is dealing mostly with Indiantown Road from Alternate A-1-A to Military, could give you a possible look at what a Corridor Master Plan might look like. It projects future land uses out, it includes a variety of mitigation options that different developments coming online in that area are going to have to do. And it's also being adopted by Jupiter -- it will, I trust -- and ultimately by the County.

But the problem is, is each area has its own peculiar set of problems and it's going to need its own sort of master plan to solve those problems. The TPS Committee can't do it.

CHAIRMAN BLACKMAN: Maury.

MR. JACOBSON: Lenny, I want to congratulate you, too. I'd like to see the fulfillment of what you reflected to Jupiter. I think that's what we're really addressing here, is for all of us here to have a full understanding of all these things they do. And as technical as they might be in their judgment calls, they should be able to relate it down so that the average citizen can understand this thing. And we are average here. And maybe many of us, we're above average, I suppose. I'm not including myself. And we would like to have that understanding because we would like to see all these things and all these fulfillments you're

talking about. And I appreciate your eloquence in the thing and I think it should have been recorded for posterity, but it doesn't satisfy many people in this room and that's what has to be done, really. I don't care what else happens, they should be here to explain it and they should be able to explain it in such a fashion that all of us can absorb it and understand it.

CHAIRMAN BLACKMAN: Joanne.

MS. DAVIS: Is there anywhere in this huge Code system that we have that addresses transportation, not just traffic?

MR. WHITEFORD: Let me just say also -- and certainly probably not as well, as eloquent as Lenny -- but you've mentioned this already in your own statements; TPS is counting cars. The issues that you're talking about, the panacea, is growth management. The link between traffic and land use is a land use issue and that's addressed by the land use advisory board. This is a Code. We're talking about the Code here. You're the CTF. We're talking about the bricks and mortar. You're getting off on tangents, perhaps, that aren't addressed in this Code. So to answer your question, so maybe not, but if you're getting into a bricks and mortar type solution? Yes, it is. But there's a layer in between and that's at the land use traffic connection.

MS. DAVIS: There's a huge disconnect between the whole land use and the development pattern and the transportation and how transportation might be projected, how it might be coordinated through land use planning --

MR. WHITEFORD: And I can't tell you if there's a disconnect or not, because that's an issue that's addressed --

MS. DAVIS: I can tell you there's a disconnect; drive up and down the road.

MR. WHITEFORD: But that's an issue that's addressed by the Land Use Advisory Board; that's what that group does.

MS. DAVIS: I'm frustrated.

CHAIRMAN BLACKMAN: Joanne, too, just to point out -- it may relieve your level of frustration or it may just exacerbate it, I'm not sure -- but do you remember that we just reviewed and approved this in theory?

MS. DAVIS: Yes.

CHAIRMAN BLACKMAN: And this, the Traditional Development pattern, is meant to address some of these items.

MS. DAVIS: Yes, I understand that. And that's a good step in the right direction.

However, what I still -- and I've been seeing in the newspaper on a regular basis lately about the problems with even riding a bicycle in this County; you cannot ride a bicycle safely in this County. And where is that addressed?

MR. WEISBERG: In the Comprehensive Plan.

MR. WHITEFORD: You're on the wrong Board. I don't know how else to tell you.

MS. DAVIS: But you have to implement it.

MR. WHITEFORD: Sure. And we have standards for that; we have standards in this Code for bike lanes and this and that and the other. But if you're talking about an overall plan, that's not in this Code. It's not in the Code. The Code is the Code. It's the bricks and the mortars. It's not the plan.

CHAIRMAN BLACKMAN: We do have a motion and a second for this letter and I'm trying to get us back to keep progressing here.

MS. STARACE: Just let me get specific. When I said the letter, I did not violate the Sunshine. What I said was, that you would write a letter and that any priorities or after we think about this before that meeting we would hand to the Staff and the Staff would make an agenda. I didn't say they'd come back to you and it would go through you. So I didn't want you to feel I'm jeopardizing you in any way.

CHAIRMAN BLACKMAN: So the letter is essentially soliciting the TPS, saying that we're interesting in meeting with them and addressing issues and the issues can be flushed out by Staff later on.

MR. KALEITA: Right. But I think -- I've got to report back to my organization on what we asked them for. I think we really do want to know, is there a net improvement in the carrying capacity in future roads in Palm Beach County as a consequence of this measure or not? And if there is not, we're going to view it as an anti-development measure and that will govern our conduct; I think it has to.

CHAIRMAN BLACKMAN: And Bruce has given me a note to that effect. And we're in the Sunshine, so I have received it.

Aimee.

MS. CARLSON: Why don't you maybe take the next week or so to think about what your issues are. And since we're going to meet again next week, we could just have everybody, we could do a roundtable and we can record the issues and maybe vote on --

CHAIRMAN BLACKMAN: And have an agenda item specifically on this.

MS. CARLSON: Exactly.

CHAIRMAN BLACKMAN: Do you want to cancel the motion then and deal with it next week?

MS. STARACE: Yeah, what's a week? We've waited this long. What is it, years?

CHAIRMAN BLACKMAN: So you withdraw the motion?

MS. STARACE: Fine.

CHAIRMAN BLACKMAN: We'll put it as an agenda item on next week's agenda and deal with it then.

In the meantime, think about issues that we want to address, substantive Traffic Performance Standards slash Land Use issues that we'd like to address.

MR. KALEITA: And, Dan, I know I've asked your department to do something the Commission hasn't asked you to do, but I think that if the analysis produces the outcome that, yes, this is going to improve the carrying capacity of roads and --

MR. WEISBERG: It doesn't improve carrying capacity. It's just a different way of counting cars and saying something's okay. We haven't by feat made the roads carry more capacity.

MR. KALEITA: There's no point in changing the regulation if the change has no effect at all, therefore, we want to know what the effect is.

CHAIRMAN BLACKMAN: Okay. And I think that's been made clear and we have to go. So changing the channel completely.

MS. STARACE: Is that something you can make in a motion, to make -- to ask --

MR. KALEITA: I'm asking Dan to have that issue addressed at the next meeting, yes.

MS. STARACE: Second.

MR. WEISBERG: We can bring you the table before you adjourn. We'll go get it and bring it back.

CHAIRMAN BLACKMAN: Motion and a second to have further explanation about the change --

MR. KALEITA: Not just the table, not just the table.

MR. WEISBERG: I can't do it as a map.

CHAIRMAN BLACKMAN: -- change in methodology and its effect on the road. Is there a discussion on the motion?

(No response.)

CHAIRMAN BLACKMAN: Those in favor, aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Those against, same sign.

(No response.)

CHAIRMAN BLACKMAN: Motion passes. We may see you later on.

CHAIRMAN BLACKMAN: Moving on to something completely new and different -- actually, old and different, Article 9, Archeological and Historical Preservation.

MS. CARLSON: Article 9 is actually very similar to Article 12, in that, what we've done here is there are actually two sections of the Code right now that deal with -- one that deals with archeological resources and another that deals with historic resources. They are separated and they're buried in a big article that has a lot of information.

What we've done is created a new article moving that language, relocating and collapsing the language, into a single article. There's no substantive revisions to this article as well. There will be some changes coming down the pike. The County has retained a consultant to look at the process and look at updating the map of known archeological and historic -- well, actually, known archeological sites. Historic sites are a little easier; you know they're actually out there. And that consultant may be proposing some changes to Staff at some point this summer and then they would be probably discussed at the Board and then brought forward here. But no substantive changes here as well.

CHAIRMAN BLACKMAN: Questions of Staff?

Carmela.

MS. STARACE: I should care why. I mean, so what's the question being answered?

MS. CARLSON: What are we asking for today?

The question of the day is, we're asking for a motion. Again, just to recall the process, though, the process we're using, we're going through article by article, in some instances section by section when it's more complicated or a more involved portion of the Code, we're asking for that preliminary recommendation, your stamp of approval. Next month we bring everything back for LDRC.

MS. STARACE: My stamp of approval to do what?

MS. CARLSON: To Article 9.

MS. STARACE: I know, I'm changing Article 9, including it in Article 12. But what is it actually doing?

MS. CARLSON: That's all we're doing. This article gives rules for if you're going to build in Palm Beach County and how you go about if there's a known archeological site, like it was a burial ground or you come across an Indian mound, and the different processes that you'd have to go through. We have maybe like half a dozen, if that, historic sites of actual historic buildings left in the County, and how you go about designating a historic site, what happens if you have a site that's designated.

MS. STARACE: Okay. I got it. I got the picture.

CHAIRMAN BLACKMAN: And this was in a different place in the ULDC and it's

been consolidated here. So it's essentially been reformatted for our new publication.

MR. WHITEFORD: Part of our ease of use; reformatting, getting rid of redundancy, streamlining the Code.

CHAIRMAN BLACKMAN: Bruce.

MR. KALEITA: I was on the original committee that wrote this way back I think in the early nineties -- and I want to speak loud enough for Maury to hear me -- and I know we paid a lot of attention to the time frames involved so that one in the midst of conducting land development activities, like installation of water and sewer and roads and electric lines and so on, that that expensive process did not have too great a delay. And a long time was spent establishing time periods. Are those time periods all identical in this measure?

MS. CARLSON: Are they all identical?

MR. KALEITA: To the original law?

MS. CARLSON: We have not changed any words in this. So whatever's in the Code today --

MR. KALEITA: How about numbers?

MS. CARLSON: No numbers. So whatever's in the Code today is reflected in this draft.

MS. STARACE: Motion to approve.

MS. NOBLE: Second.

CHAIRMAN BLACKMAN: Motion to approve and a second.

Discussion on the motion -- is there any public here wishing to address this item?

(No response.)

CHAIRMAN BLACKMAN: Seeing none, okay, discussion on the motion?

(No response.)

CHAIRMAN BLACKMAN: Seeing none, those in favor, aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Aye. Those against, same sign.

(No response.)

CHAIRMAN BLACKMAN: Motion passes.

CHAIRMAN BLACKMAN: We've moved on to Article 14. This is Item 5, Environmental Regulations.

MS. CARLSON: And, actually, although we originally planned to discuss this at the beginning of the meeting, when I was talking to Alan, there are some additional changes that need to be made so we're going to bring this back next week.

MR. KALEITA: Could you try to get us the draft a few days early before the meeting?

MS. CARLSON: We will.

CHAIRMAN BLACKMAN: Do we need a motion to continue it to the next meeting or anything -- or it? It just appear in our agenda?

MS. CARLSON: Yes.

CHAIRMAN BLACKMAN: Item 6, Article 10, Enforcement.

And just parenthetically, these four were addressed at our last meeting when we were one short of a quorum. And the presentations went very well and there were some minor questions. But in essence, if we had that one more person, the feeling was that we would have acted on these items at that time, so that may help speed things up.

But, Aimee, if you could just give us a capsule.

MS. CARLSON: Just briefly, with this article, it's currently Article 14 in the Code, it's the Enforcement Proceedings. It has the Code Enforcement body, which we don't have the Code Enforcement Board anymore. In Palm Beach County, it's a special master process. But that's what they're doing. And then we have the ground water and natural resources board, which is an alternative Code Enforcement Board for the environmental issues, and we also have the Environmental Control Board. Their powers and their procedures are listed in here.

What we've done is reformatted to sort of streamline, eliminate redundancy. We had things -- like, for example, we listed out the membership of the Board in this article, along with another article which has the membership of the boards, so we've taken that sort of information out.

At the last week's meeting, we did have a small errata sheet that was on green paper and had some minor changes in there. And a couple of things that we talked about on the record last week essentially were that we needed to clarify, in some instances, the appeal process. Sometimes it just says, go to circuit court. It's important, apparently, to actually identify the process, like whether it's by writ or De Novo hearing, so we need to go in and do that.

And then finally, with the Code Enforcement, when someone is prosecuted under this, they're not actually convicted of a misdemeanor, they're just prosecuted in the same manner as a misdemeanor, and we had that they were convicted of a misdemeanor, so we had to correct that. But that's --

CHAIRMAN BLACKMAN: You don't have a jail in this building?

MS. CARLSON: No, no, no, no, no. Maybe. This room.

MR. WHITEFORD: Lenny said we're sitting in it.

MS. CARLSON: So that's what we're doing here. It's really minor stuff.

CHAIRMAN BLACKMAN: Okay. Any questions on Article 10?

MS. CARLSON: And, oh, just, Wes, if you'll indulge me, the one thing that I wanted to let the full committee know is the one question that came out of the subcommittee was,

reasonable time. We've got in here; you get a reasonable time to correct a violation. And the subcommittee had questioned whether we should actually identify a set number of days.

In talking with Terry Verner, our Code Enforcement Director, Terry helped me understand that that's not a good idea, because we want to have some variation, depending on the severity of the violation. And at last week's meeting there was also some discussion about recording a lien against -- we have some language in here that requires notification from the seller to the buyer of a property if there's a sale underway while you're going through the Code Enforcement process. There was a suggestion actually to record a lien. What we didn't say last week, we were talking about, we don't have Staff to do that and whatnot. Probably what we should have said, which would have maybe helped put the issue to rest, is really, that would kind of violate the person's due process, to go and record a lien before you've even been found that you actually have a Code Enforcement violation.

CHAIRMAN BLACKMAN: Okay. Bruce, did you have something to add?

MR. KALEITA: No. I see that they did it right. I was on page 12, Section 6, and one of the standard problems with the certiorari actions, is that, you have to wait to get the order, but some of the cities will backdate the order to the date of the hearing and you get it two weeks later and all of a sudden you got 14 days to do your appeal.

How fast do these orders get signed after the hearing and are they dated the date they're signed, rather than the date of the hearing? Because that's important to somebody who wants to make an appeal. And do you know what the answer to that is; do they date them the actual -- like if you hold the hearing on the 14th, but they don't get around to signing the order until the 21st, it's 30 days from the 21st, it's not 30 days from the 14th.

MS. CARLSON: Gentry, would you be able to help with that?

MR. KALEITA: I think the wording leads to that conclusion, in that it says the -- the lines aren't numbered, but like five lines down in Section 6 it says, the execution of the order to be appealed after the hearing at which the order was announced.

ASSISTANT COUNTY ATTORNEY BERGER: It's stamped the day that it's executed and then 30 days from that, not the day of the hearing -- or is it done at the hearing these days?

ASSISTANT COUNTY ATTORNEY BENJAMIN: Actually, I just talked to Terry and I actually just went through a previous order and it was the date of the hearing, the actual date of the hearing.

Now, according to Terry, that's always been Code Enforcement process, to actually date it the day of the hearing.

MR. KALEITA: The problem I have with that is, unless I recall incorrectly, those orders are not required to be certified mail on the violator and it's conceivable that the violator may never get it. Or alternatively, he may get it, but part of his 30 days is used up in the time it takes to sign it. And if it's backdated, that's not fair to the person who's making an appeal.

MR. VERNER: The only time it comes into question is if the person isn't at the hearing. If the person is at the hearing, I have no sympathy for the 30 days; you're there, you know you got 30 days, whether the order gets to you by mail five days later is irrelevant.

And we understand, that if somebody is not there, is a no-show but they have been served, I think the County goes out of their way. I don't know that we need to, because under law, under 162, if they're served, they're as good as there. But we still add time for that; for instance, if we were going to give somebody 10 days and they're a no-show, we give them 15, to take into account the notice going out and being served. If somebody is present at the hearing, we don't send the notice certified; they've already been notified what

the order is. We send it regular mail. If someone is served to be there and doesn't show up, we send the notice of hearing certified.

MR. KALEITA: You mean the order certified?

MR. VERNER: I'm sorry, the order, correct.

CHAIRMAN BLACKMAN: Answer your question?

MR. KALEITA: Yeah.

CHAIRMAN BLACKMAN: Okay, thank you.

Any public here to address this item?

(No response.)

CHAIRMAN BLACKMAN: Seeing none, back to the Task Force.

What is our pleasure?

MS. STARACE: What do you want us to do?

MS. CARLSON: Motion for approval.

MS. DAVIS: So moved.

CHAIRMAN BLACKMAN: Motion by Joanne.

Is there a second?

MR. BRUH: Second.

CHAIRMAN BLACKMAN: Second by Steve.

Discussion?

(No response.)

CHAIRMAN BLACKMAN: Seeing none, those in favor, aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Those against, same sign.

(No response.)

CHAIRMAN BLACKMAN: Motion passes.

CHAIRMAN BLACKMAN: Moving on to Item 7, Article 13, Impact Fees.

MS. CARLSON: And the word of the day, again -- or the phrase of the day is, no change.

Impact fees, all we've done is relocate it to a different article and reformatted. The reason here is, Willie is actually in the process of doing that twice every other year, update for impact fees, so he will be bringing changes to you in the fall. There's no need to make changes at this time. So we're looking for a motion for recommendation of approval.

MS. NOBLE: So moved.

MS. DAVIS: Second.

CHAIRMAN BLACKMAN: Motion by Barbara, second by Joanne.

Discussion?

(No response.)

CHAIRMAN BLACKMAN: Seeing none, those in favor, aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Those against, same sign.  
(No response.)

CHAIRMAN BLACKMAN: Motion passes.

CHAIRMAN BLACKMAN: Moving on, Item 8, Article 15, Health Regulations.

MS. CARLSON: Okay. This article was also relocated. There were some substantive changes made to this article.

Currently the Code, we've got some incorrect statutory references and incorrect references to Florida Administrative Code, they've moved the provision around in the Administrative Code in the statues and we had to update that. We've also made some changes to some of the definitions. In some instances, the definitions are referring you directly to the State definition. In other instances, Palm Beach County actually has a -- I guess somewhat of a more stringent definition. If you have specific questions about where we have a more stringent definition, Umesh is here to help with that.

We did delete some items from this article, same kind of thing, where the listing of the Boards that they have were listed in here. We've consolidated that into one article where we're going to have all of the Boards, and so that sort of information has been deleted.

And, again, we're looking for a recommendation of approval on this.

CHAIRMAN BLACKMAN: Article 15. Again, we heard this at the last meeting, too.

MS. CARLSON: We did also briefly mention last week about the possibility of locating the threshold review that's currently in the DRC Article to this article. There's no decision that's been made on that yet, but I do want you to be aware of that. We may, when we bring everything back in June, we may have been able to resolve that. And if that's the case, we'll be moving it in here and then we'll point that out to you.

CHAIRMAN BLACKMAN: Bruce.

MR. KALEITA: I'm sorry, I know I'm commenting a lot and I apologize.

I've served for six years, I guess, as Umesh knows, on the EAB and I've also handled a number of cases under this ordinance over the years and I've always had a worry -- and since we're going to talk about philosophy, I'd like to bring this up -- on page 14 of this ordinance, Section 8 -- and this has been the rule for a number of years -- they say that where an existing sanitary sewer is available, you cannot have a septic tank.

As the Health Department knows, but has always managed to refrain from getting involved in disputes over, sometimes it's available, but they won't give it to you; and they tell you, well, you can only have it if you do this, that and the other thing for us. And I had one guy ordered to build a mile worth of public road to get connected to sewer; had another guy told that he had to dedicate 60 feet of general commercial property deep on a property he leased from somebody who doesn't even live in Florida if he wanted to connect to public

sewer, and yet he was ordered to do so. And I'd like to add if I could, to the definition of availability, that the municipality is willing to permit a connection. It just seems to me that I don't want somebody in the position where he's caught between two government agencies. The Health Department sends him letters saying he's got to connect. He goes to the nearest city to get it and they say, oh, well sure, but you got to dedicate it as a public park first or else we won't let you, or you have to annex or you have to give us land for a road or you have to do this or you have to do that. And the truth is, that's inconsistent with the objectives of your department, Umesh, in that, you don't need to be having more roads or parks, you just want to be sure people have clean ground water.

MR. ASRANI: There are no changes being made in this --

CHAIRMAN BLACKMAN: Can you approach the microphone, please.

MR. ASRANI: There are no changes being made to this particular section. I think somewhere down the road we will be making some more substantial changes to this article. And at that point, we can consider anything that you have.

MR. KALEITA: Well, would you take a note to consider this, where a connection is denied by a provider --

MS. STARACE: This is only in unincorporated.

MR. KALEITA: No, this covers the County. This is a County-wide regulation.

MS. STARACE: So it's the cities, too?

MR. KALEITA: Yeah. And the cities play games.

I mean, Umesh, you may remember my case, but it was Amoco, and I was told to give 60 feet of land for 45th Street -- and that was only one of a number of cases I had -- and the City said, you give us that land or we're not going to give you the sewer. So I said, okay, I can't give you that land. So they said, all right, we won't give you the sewer. So we went back to the Health Department and they said, well, if they won't give you the sewer, you don't have to connect. And I think since that's what you're doing, I'd like to have a regulation reflect it. So would you consider that?

MR. ASRANI: Certainly. Right now that is something you can address through the appeal process. If somebody is putting a hardship on you, you can go through the appeal process and the appeal board will make that decision.

CHAIRMAN BLACKMAN: Carmela, you have something?

MS. STARACE: I just want to know, Bruce -- and you can tell me, I'm from the City -- when we connect -- you know, sometimes connecting with water and all, a big disagreement is, if you want to connect, that's fine, but then an annexation agreement comes into place.

MR. KALEITA: Yeah, and I played that game when I was the builder's attorney.

MS. STARACE: Well, I'm just saying, what you're doing, what does it do to that?

MR. KALEITA: The only thing I'm concerned about -- and I know that Frank Gargiulo is as well -- he's still in office, isn't he? --

MR. ASRANI: Yes.

MR. KALEITA: -- he's concerned about that as well, he doesn't want the cities playing games with utilities for the purpose of achieving non-utility related objectives. And annexation is in the connector's interest because he saves a 25 percent surcharge. But dedicating public roads, building parks and all this kind of stuff has nothing to do with utilities and shouldn't be required.

MS. STARACE: So can you just separate them? You see what I'm saying? I just don't want one thing --

MR. KALEITA: Well, yeah, I'd like to say that I would say -- and I'll call Umesh and tell him this afterward -- I would like to say that "D" would be -- or no, "F" would be -- no. I

guess where it's unavailable -- we would have to have a clause in here that said that it shall be deemed unavailable if the utility provider imposes undo burdens unrelated to septic or water quality -- septic system treatment or water quality as a condition of providing service.

MR. ASRANI: I think we can mention annexation. If a municipality requires annexation, then that would make the water unavailable, or sewer unavailable.

MR. KALEITA: Well, it was the one mile of public road that kind of choked my guy.

MS. STARACE: But he's just saying, we don't want to just specifically help your guy while we're not helping my guy.

MR. KALEITA: I think I can talk to you about all the ways in which this happened, because they've all been sprung on me, and we can come up with something workable.

CHAIRMAN BLACKMAN: Is there any way that you could go back and write something up and maybe we'd see it in two months or something?

MR. ASRANI: I think the next time we go through this change process that we can suggest some changes.

CHAIRMAN BLACKMAN: David.

MR. CARPENTER: Umesh, under the connection thing that we were just talking about, conditions under which on-site sewage treatment and disposal systems shall not be approved, where are the -- typically you have a distance involved here, where if you're a certain distance from the sewer line, and you have a distance residential and also a distance commercial. Is that somewhere else in the ordinance or is that just a policy, or what?

MR. ASRANI: That's all in Section 8 on page 14.

MR. CARPENTER: Where's the distance?

MR. ASRANI: The distances are under A.1, Section 8, page 14.

MR. CARPENTER: It's a hundred feet -- does it differentiate residential or commercial in the distances?

MR. ASRANI: No. It's strictly based on the flow.

MR. CARPENTER: All right.

CHAIRMAN BLACKMAN: Any other questions of Staff regarding this item? I guess we're supplying some ideas to the Health Department about what we'd like to see.

Any other questions? Any public here?

(No response.)

CHAIRMAN BLACKMAN: Then back to the Board, Task Force.

MR. KALEITA: I move approval of Article 15 as rewritten -- or as reformatted.

CHAIRMAN BLACKMAN: As presented by Staff.

MR. KALEITA: Right.

MR. JACOBSON: Second.

CHAIRMAN BLACKMAN: Motion and a second; motion by Bruce, second by Maury. Discussion?

(No response.)

CHAIRMAN BLACKMAN: Seeing none, those in favor, aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Those against, same sign.

(No response.)

CHAIRMAN BLACKMAN: Motion passes.

CHAIRMAN BLACKMAN: Moving on, Article 16, Airport Regulations.

MS. CARLSON: Again, this article was discussed last week. This article is being moved -- within the Code, it's being moved up. And there are some minimal changes here.

Right now in Article 18, the airport's article, we have a lot of language regarding FAA regulations, where we're just repeating Federal requirements into our Code. That presents a problem whenever the Federal requirements change, because we actually have the words spelled out; we have to go in and update it. There's really no need to do that. You've got to follow the Federal rules anyway. So we've deleted a lot of that extraneous language as part of that, because there's a lot of technical terms in this article and there's definitions that are specific to the article. We had to delete a variety of -- definitions are no longer necessary because the regulations are not in there. So it's really sort of streamlining and reducing the size of this article.

CHAIRMAN BLACKMAN: Okay.

MS. CARLSON: And there was one change that we had discussed last week that's not included in here. It's on the last page. But we were still referring to the Code Enforcement Board in this article for violations. That needs to be changed to special masters.

CHAIRMAN BLACKMAN: Any questions on Article 16 of Staff?

MS. STARACE: I think that's a great idea about the special master. We're doing it in a lot of cities.

CHAIRMAN BLACKMAN: Is there any public here to address this item?

(No response.)

CHAIRMAN BLACKMAN: Seeing none, what is our pleasure? Someone want to make a motion?

MR. CARPENTER: Motion to approve.

MS. STARACE: Second.

CHAIRMAN BLACKMAN: David made the motion, seconded by Carmela. Discussion?

(No response.)

CHAIRMAN BLACKMAN: Seeing none, those in favor, aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Those against, same sign.

(No response.)

CHAIRMAN BLACKMAN: Motion passes.

CHAIRMAN BLACKMAN: Well, we did get through a lot here. Next item is Staff comments. If we could address the item, I'm sensing a concern about the number of subcommittee meetings now that a lot of people are facing and their time commitments, and also the meetings that we have presently as meeting as the CTF.

Carmela.

MS. STARACE: I was talking to Aimee about this. I kind of -- you know, I bought my group down because I signed up and I didn't realize how much I was going to go out of town for the job that I took on just for this year. It ends, thank God, in August.

But I was saying that, as long as -- you know, why do you have a quorum? Why don't you just say, that as long as they get input from the CTF, which would be a member showing up -- because it comes back here to get reviewed anyway -- that they could get on with their business that day? I mean, they're putting time aside, too, and it isn't happening.

MR. KALEITA: There's no quorum requirement for a subcommittee at all.

MS. STARACE: Well then why is it they cancel because there's no quorum?

MR. KALEITA: Well, there isn't any quorum requirement so they shouldn't be canceling.

CHAIRMAN BLACKMAN: Lenny, do you want to address this?

ASSISTANT COUNTY ATTORNEY BERGER: There's nothing at law that would require you to do it, but I think you guys have set up -- I think that you've set up a system, which is not to say you can't change it. I don't think it would be wise to proceed and take official action and approve documents as a subcommittee if you don't have a quorum.

If this committee -- if the CTF today wants to say, let's have ad hoc groups get together and make whatever recommendations they want to make, you could conceivably do it. You could end up with awkward results, of course, if you end up having a subcommittee of one.

MS. STARACE: Hopefully, it won't happen.

ASSISTANT COUNTY ATTORNEY BERGER: Well, I'm not sure that -- maybe it has, or a subcommittee of two, then it may defeat the purpose of what the CTF is trying to do in setting up subcommittees in the first place.

If you want to have different individuals on an ad hoc basis get together and put their input into whatever sections of the Code you want to have in a less former way, I still strongly recommend you treat it as a Sunshine Committee, but make it plain that this is not done by some sort of -- or you could make it a quorum could be one person, if you want, or two.

CHAIRMAN BLACKMAN: Bill and then Bruce and then Larry.

MR. WHITEFORD: Maybe I can kind of cut to the chase in part here, too, because I agree, I never really thought that there was a quorum necessary either, that the subcommittees were ad hoc groups.

My only concern, of course, is when two of you guys get together, then there's some Sunshine regulation, but really besides that, that's it. The subcommittees aren't taking any final action on any material. They're just making a recommendation to the larger group. So I think -- I always kind of thought that -- so I think in part we have maybe not done as good a job as we could have, perhaps, communicating that to the subcommittees, and that perhaps we could have handled our input a little bit differently.

But on the flip side, the good news is, is that, if you saw this schedule and this frightened you, this is not really a good format to have presented this information to you.

We do have some calendars that we can hand out that I think more clearly indicate the meeting dates and when they are and it's not quite so frightening.

But on top of that as well, it's also gotten clear that as we've gone through this process that perhaps the need for multiple subcommittees and subcommittee meetings are kind of dwindling as issues have gotten hammered out through other means over the many months that we've all been talking. We thought we would need a committee on standard zoning, for example, and that we would have to have multiple meetings. Well, I think probably we can knock it out in a meeting what we are doing and what we're thinking about when it comes to standard zoning. The same thing with Planned Developments and perhaps even the same thing with some of our rural guidelines. We've been out to Loxahatchee and the acreage. We're going out to Jupiter Farms next week. I mean, I don't know that we're going to need a lot of meetings. We may be able to consolidate some of them. We may be able to do some of the other things via e-mail.

CHAIRMAN BLACKMAN: Bruce and then Larry.  
(Ron Last leaving at 3:57 p.m.)

MR. KALEITA: The one thing we could do to clarify this is, we've been doing this for years, to my recollection at least since 1988, this forming ad hoc subcommittees and people from the public were allowed to participate and they developed a consensus which was then reported to the CTF. Our ordinance allows us to adopt a rule, any number of rules, governing your own procedure, and we could do that. Lenny will groan because he'll be the one that has to write it. But we could do a rule on subcommittees that says, they do not take final action, that they may involve members of the public, but there shall be a chairman who's on the CTF and at least one other member, and that they may meet in the Sunshine and then make recommendations to the CTF. We probably should do that, because that's what we've been doing for 15 years or so.

(Joanne Davis leaves at 3:58 p.m.)

ASSISTANT COUNTY ATTORNEY BERGER: If you're going to work in a subcommittee format along those lines, I'd really recommend we do it that way. Without that specific clear direction from this committee, I don't want to leave to chance any challenge down the road that we weren't following some sort of procedure that we had even by practice over the years followed.

I haven't gone to a whole lot of these subcommittee meetings, but --

CHAIRMAN BLACKMAN: Some of us haven't either apparently.

ASSISTANT COUNTY ATTORNEY BERGER: But I think this committee by motion ought to make it plain.

MR. KALEITA: I move that we have Lenny Berger draft a rule which provides for the chairman of the CTF to appoint one or more subcommittees from time to time which may consist of members of the Citizens Task Force, provided that it's chaired by a member of the Citizens Task Force, and that there be at least one other member of the Citizens Task Force on the subcommittee, and that members of the public may participate in such meetings and shall be opened to the public, and that the subcommittee shall make recommendations based on a consensus to the full CTF, which shall take final action.

CHAIRMAN BLACKMAN: We got that? That's the motion.

ASSISTANT COUNTY ATTORNEY BERGER: I'll be looking for that.

MS. STARACE: Second. And that they'll condense everything so we only need one more meeting.

MR. WHITEFORD: I think we can do that. I think we're far enough along and we've got some really good information that's been prepared, that with the right group, we can sift

through it pretty quick.

CHAIRMAN BLACKMAN: And we are in the final hours here, aren't we?

MR. WHITEFORD: Yes.

MR. FISH: The issue is that I have CTF today, I have a subcommittee tomorrow, a subcommittee Monday, a subcommittee Wednesday and a CTF on Thursday. That's five meetings in a week. Why are we at that position? I think that's bad scheduling.

MR. KALEITA: You volunteered for too many committees.

MR. FISH: No. It's one committee. It's one subcommittee.

MR. FISH: I think that's too much.

MR. WHITEFORD: That's why I think that perhaps this was a little confusing, 'cause our calendar doesn't indicate that there's any one committee scheduled that frequently. So I think maybe this was a --

MR. FISH: Maybe my secretary goofed it up.

MR. WHITEFORD: It wasn't presented as well as it could have been and perhaps was misinterpreted.

MR. FISH: But, I mean, why do we have no meetings for weeks and weeks and weeks and months and then all of a sudden we're boom, boom, boom, boom, boom? We have clients. We have businesses to run.

CHAIRMAN BLACKMAN: Okay. We have a motion and a second, which Bruce enunciated -- elucidated to us very well.

Any discussion on the motion?

(No response.)

CHAIRMAN BLACKMAN: Seeing none, those in favor, aye.

BOARD: Aye.

CHAIRMAN BLACKMAN: Those against, same sign.

(No response.)

CHAIRMAN BLACKMAN: Motion passes.

Any other Staff comments?

(Nonverbal responses.)

CHAIRMAN BLACKMAN: Is there a motion to adjourn?

BOARD: So moved.

(At 4:01 p.m., the meeting was adjourned.)

CERTIFICATE OF REPORTER

I, SHIRLEY D. KING, Professional Court Reporter, a Notary Public in and for this State of Florida at Large, do hereby certify that I did report the Citizens Task Force meeting and that the foregoing transcript constitutes a true and correct transcription, to the best of my ability, of the proceedings in said meeting.

I FURTHER CERTIFY that I am neither a relative nor an employee of counsel, nor of any of the parties in said meeting, and not financially interested in the event of this cause.

WITNESS MY HAND in the City of West Palm Beach, State of Florida, this \_\_\_\_\_ day of June, 2003.

\_\_\_\_\_  
SHIRLEY D. KING  
Professional Court Reporter