

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING

Monday, March 24, 2008
9:36 a.m. - 10:45 a.m.
301 North Olive Avenue
Jane M. Thompson Memorial Chambers
6th Floor
West Palm Beach, Florida

Reporting:

Sophie M. (Bunny) Springer
Notary Public

A T T E N D E E S

Addie L. Greene, Chairperson
Jeff Koons, Vice Chairman
Karen T. Marcus, Commissioner
Burt Aaronson, Commissioner
Mary McCarty, Commissioner
Jess R. Santamaria, Commissioner
Robert J. Kanjian, Commissioner

Verdenia Baker, Asst. County Administrator

Barbara Alterman, Director, PZ&B

Jon Mac Gillis, Zoning Director

Wendy Hernandez, Acting Principal Planner, Zoning

Ora Owensby, Senior Site Planner, Zoning

Carol Glasser, Site Planner II, Zoning

Joyce Lawrence, Site Planner II, Zoning

Douglas Robinson, Site Planner II, Zoning

Sandra Gonzalez, Site Planner II, Zoning

Bob Banks, Assistant County Attorney

Isaac Hoyos, Planning Dept.

Bryce Van Horn, Senior Planner, Planning

Ed Fernandez, Planner II, Planning

Jim Choban, Engineering Dept.

Ken Rogers, Director, Land Development Division

Allan Ennis, Asst. Director Traffic Div.

Linda Monroe, Monitoring Division

Jon Pancoast, Monitoring Division

Bob Kraus, ERM

Kenny Wilson, Health Department

Linda Federico, Clerk

Elizabeth Murray, Secretary, Zoning

I N D E X

<u>Agenda No.</u>	<u>Petition No.</u>	<u>Page</u>
1	CA2007-205(Control 2007-054)	6
2	Z/DOA/CA2007-1185(Control 1985-072)	6
3	DOA2007-1590(Control 2001-043)	6
4	PDD/R2007-1592(Control 2006-185)	6
5	CA2007-1199(Control 1978-099)	6
6	Z/CA2006-1912(Control 1979-256)	6
7	PDD/DOA/W2007-884(Control 2005-003)	6
8	DOA2007-1417(Control 2005-460)	6
9	DOA2007-845(Control 1974-083)	6
10	SCA 2007-041	6
11	Z2007-846(control 2007-259)	6
12	SR 1991-042A	6
13	PDD2006-1682(Control 2006-529)	6
14	PDD/TDR/R2007-1407(Control 2005-454)	7
15	SR 1983-078B	7
16	CR 1993-029(A)	7
17	ABN/PDD/R2007-878(Control 2002-032)	7
18	PDD2007-890(Control 2007-277)	7
19	DOA/R2007-1774(Control 1983-161)	7
20	SR 1988-072B.2	7, 8
21	SR 2000-055.2	10
22	SR 2000-069.3	10
23	CR 1996-031	11
24	CA2006-1930(Control 2006-554)	6
25	SCA-2007-040	16
26	PDD2007-848(Control 2004-354)	16
27	TDR ANNUAL REPORT 2006-2007	--
28	DOA/TDR2007-1398(Control 2003-085)	23
29	DOA/TDR2007-1398(Control 2003-085)	23

I N D E X

<u>Agenda No.</u>	<u>Petition No.</u>	<u>Page</u>
30	CORRECTIVE RESOLUTIONS R-2008-276 & R-2008-277 DOA/TDR2007-1398(Control 2003-085)	23
	COMMISSION COMMENTS	
	BY COMMISSIONER McCARTY	24
	BY COMMISSIONER MARCUS	30
	BY COMMISSIONER KOONS	31
	CERTIFICATE OF REPORTER:	40

P R O C E E D I N G S

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

CLERK: Commissioner Aaronson.
(No response.)

CLERK: Commissioner Aaronson.

COMMISSIONER AARONSON: Here.

CLERK: Commissioner Greene.

CHAIRPERSON GREENE: Here.

CLERK: Commissioner Kanjian.

COMMISSIONER KANJIAN: Here.

CLERK: Commissioner Koons.

VICE CHAIRMAN KOONS: Here.

CLERK: Commissioner McCarty.

COMMISSIONER McCARTY: Here.

CLERK: Commissioner Marcus.

COMMISSIONER MARCUS: Here.

CLERK: Commissioner Santamaria.

COMMISSIONER SANTAMARIA: Here.

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

CHAIRPERSON GREENE: Thank you, Commissioner Kanjian.

Do we have proof of publication, please?

MR. Mac GILLIS: Yes, Madam Chair.

COMMISSIONER MARCUS: Move to receive and file.

VICE CHAIRMAN KOONS: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it.

Mr. Attorney, we have any swearing in?

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

CHAIRPERSON GREENE: I keep telling you you need to say all those who don't need to.

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

MR. BANKS: Thank you.

CHAIRPERSON GREENE: Can we have a motion to adopt the agenda, please?

COMMISSIONER AARONSON: So moved.

VICE CHAIRMAN KOONS: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

CHAIRPERSON GREENE: Postponements and withdrawals.

MR. Mac GILLIS: Yes. We begin postponed items on page 1, Item 1, CA2007-205, Lake Harbor Quarry, postponed 'til April 24th, 2008.

Item 2, Z/DOA/CA2007-1185, Winners Church, postponed to April 24th, 2008.

Page 2 of your agenda, Item 3, DOA2007-1590, Square Lake North, postponed to April 24th, 2008.

Item 4, PDD/R2007-1592, Jupiter RV Resort, postponed to April 24th, 2008.

Item 5, CA2007-1199, Bergeron Sand Rock and Aggregate Expansion, postponed to April 24th, 2008.

Page 3 of your agenda, Item 6, Z/CA2006-1912, Planet Kids, postponed to April 24th, 2008.

Item 7, PDD/DOA/W2007-884, Lyons West AGR-PUD, postponed to April 24th, 2008.

Item 8, DOA2007-1417, Jog Commerce Park, postponed to April 24th, 2008.

Page 4 of your agenda, Item 9, DOA2007-845, Palm Beach Cathedral, postponed to April 24th, 2008.

Item 10, Small Scale Comp Plan amendment for Northlake Roan Commercial, postponed to April 24th, 2008.

Item 11, Z2007-846, Northlake Value Place Hotel, postponed to April 24th, 2008.

Page 5, Item 12, Status Report 1991-042A, Faith United Methodist Church, postponed to April 24th, 2008.

Item 13, PDD2006-1682, 112th Northlake Office, postponed to May 22nd, 2008.

And Item 24 on your add and delete, CA2006-1930, South Bay Quarry, postponed to April 24th by the County Attorney.

Those are the postponed items. We need a motion.

CHAIRPERSON GREENE: Thank you.

VICE CHAIRMAN KOONS: Second.

COMMISSIONER AARONSON: You need two motions. There's one on here that requests a motion to postpone. The others, no motion is required.

COMMISSIONER MARCUS: This is the -- this is the one that you do need a motion on?

MR. Mac GILLIS: Yes.

COMMISSIONER MARCUS: I move the postponements.

COMMISSIONER McCARTY: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

MR. Mac GILLIS: We have one item to remand back to the DRO.

That's item 14, PDD/TDR/R2007-1407, Carlyle CLF.

The applicant has requested to remand this back to the DRO officer to redesign the site.

We --

COMMISSIONER MARCUS: You need a motion?

MR. Mac GILLIS: No motion's required.

MR. Mac GILLIS: That'll bring us to Page 6 of your agenda, the consent agenda.

I'll go through these one by one. If any commissioner would like anyone -- any of these items pulled, just indicate so.

Page 6, Item 15, Status Report 1983-078B, West Boca Presbyterian Church.

Item D -- Item 16, 1993-029(A), Orleans Court Commercial.

COMMISSIONER MARCUS: I'll move for approval of the consent agenda if that helps.

MR. Mac GILLIS: Yes. Sure.

COMMISSIONER McCARTY: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

MR. Mac GILLIS: Okay. That'll bring us to Page 9 of your agenda, the regular agenda.

Item 20, Status Report 1998-072B.2 [sic], BP, found on Pages 106 through 111.

Jon Pancoast from the Monitoring Section will present this.

MR. PANCOAST: Good morning. I'm Jon

Pancoast of the Monitoring Section.

The --

CHAIRPERSON GREENE: Excuse me.

MR. BANKS: We didn't do disclosures for the consent agenda.

CHAIRPERSON GREENE: Commissioner Kanjian.

COMMISSIONER KANJIAN: Madam Chair, I know that I met with the applicant sometime ago on Item 5 and on 14 that was just remanded.

COMMISSIONER MARCUS: We're doing consent, not postponements, right?

COMMISSIONER KANJIAN: Well, just want to make sure I'm getting the right ones. So just on the post --

COMMISSIONER MARCUS: Just on the consents, 'cause I met with everybody on the postponements but not the consent.

COMMISSIONER KANJIAN: All right.

COMMISSIONER MARCUS: Madam Chair, I didn't meet with anybody on any item on consent.

COMMISSIONER McCARTY: Neither did I.

COMMISSIONER AARONSON: Nope.

VICE CHAIRMAN KOONS: Neither did I. Commissioner Koons.

CHAIRPERSON GREENE: Neither did I.

Commissioner Santamaria, your last.

COMMISSIONER SANTAMARIA: I believe I met with residents of Item 2.

CHAIRPERSON GREENE: Okay. We've done consent. Now we do disclosure on the regular agenda?

MR. BANKS: We do it item by item on the regular agenda.

CHAIRPERSON GREENE: On the regular agenda?

COMMISSIONER MARCUS: Uh-huh.

MR. BANKS: Yeah.

CHAIRPERSON GREENE: Okay.

Now excuse us for the interruption.

MR. PANCOAST: Thank you.

COMMISSIONER AARONSON: Do you want -- Bob, do you want disclosure on the regular agenda now?

MR. BANKS: Well, we do it item by item on the regular agenda.

COMMISSIONER AARONSON: That's what I thought.

CHAIRPERSON GREENE: Okay.

MR. PANCOAST: Thank you.

The Item No. 20 is for a time extension for a gas station approval that was approved back in 2001.

It is the -- our recommendation is based on an up-to-date traffic study. So it meets traffic performance standards today.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: The original approval of this was 1988, and then it came back in front of us?

MR. PANCOAST: That's right.

COMMISSIONER MARCUS: And when they brought it back in front of us, what did they do to it?

MR. PANCOAST: They redid the plan.

COMMISSIONER MARCUS: We did the plan?

MR. PANCOAST: Yeah.

COMMISSIONER MARCUS: What plan? You mean did we do the convenience -- did we add something to it?

MR. PANCOAST: Yes.

COMMISSIONER MARCUS: So we brought back a plain old gas station and added a convenience store to it?

MR. PANCOAST: They redid the approval, yes, and based on an up-to-date traffic study at that time and, of course, up to date today.

COMMISSIONER MARCUS: I just remember this as being a somewhat controversial gas station at this intersection, and this was way down on Hypoluxo, and there's a -- there's a lot of controversy about it, and they've had it since 1988.

They haven't built the gas station yet; correct?

MR. Mac GILLIS: Staff has just indicated there is a gas station on this --

COMMISSIONER MARCUS: Oh, it's already there?

MR. Mac GILLIS: Yes, but they're coming back in, and they went through DRO, and there was variances originally approved so they reactivated the variances, and they're moving forward to tear down the convenience store and --

COMMISSIONER MARCUS: So they built the gas station and now they're tearing down the -- okay.

MR. Mac GILLIS: They're modernizing it, yes.

COMMISSIONER MARCUS: Okay. It's hard to tell --

MR. PANCOAST: Renovating it, yes.

COMMISSIONER MARCUS: Okay. Thank you.

COMMISSIONER McCARTY: I'll move staff's recommendation for an approval for the time extension.

COMMISSIONER KANJIAN: Second.

COMMISSIONER AARONSON: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

MR. Mac GILLIS: Next item is 21, Status Report 2000-055.2, Square Lake Office Building, Pages 112 through 116.

John Pancoast will present this.

MR. PANCOAST: This is to approve a time extension until December 28th, 2009, for this project that was approved back in 2000.

It is insignificant traffic-wise. It is for an office-retail building, new building.

COMMISSIONER MARCUS: It's -- Madam Chair.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: This is probably to Engineering.

Allen, how is it an insignificant traffic study when it's level of service D on Northlake Boulevard and has a CRALLS designation?

Just a rhetorical question 'cause I can't do anything about it.

I'd move approval.

COMMISSIONER McCARTY: It's that D-word, that diminimus word?

COMMISSIONER MARCUS: No, this isn't -- I just don't know how these projects get approved --

COMMISSIONER McCARTY: Second.

COMMISSIONER MARCUS: -- when they're -- they say there's no -- there's no significant impact traffic impact when there is, obviously, because it's already failing, but it's not something I can win today, so --

COMMISSIONER McCARTY: You're learning.

COMMISSIONER MARCUS: I know.

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

Sailing through.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

MR. Mac GILLIS: Item 22, Status Report 2000-069.3, Oriental Market, Page 117 through 121.

Jon Pancoast.

COMMISSIONER MARCUS: I'd move approval.

COMMISSIONER McCARTY: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

MR. Mac GILLIS: And this item I just wanted the applicant to be aware that there were variances approved on this site which expired so they'll have to obtain those variances before they can utilize the development order, so --

VICE CHAIRMAN KOONS: Which one?

MR. Mac GILLIS: That was 22, the Oriental Market.

VICE CHAIRMAN KOONS: Okay.

MR. Mac GILLIS: That brings us to Page 10 of your agenda, Item 23, CR 1996-031, Taheri PUD, 122 through 126.

Jon Pancoast.

MR. PANCOAST: This is a request to direct the condition to Code Enforcement for enforcement.

They have a condition of approval to fund a traffic signal on Jog Road, and within -- when the traffic signal becomes required.

That study was done, and the developer was informed that he owed the County money for the traffic signal, and so far he has not provided the funds.

VICE CHAIRMAN ANDERSON: I'd make a motion to direct Code Enforcement to cite property owner for failure to comply with Condition E.6 of Resolution R-1999-520.

COMMISSIONER MARCUS: Second.

CHAIRPERSON GREENE: And we do have a card on this one.

Mr. Alexandro Del -- pronounce your last name, please.

MR. DEL FINO: Alejandro Del Fino, Home Dynamics.

CHAIRPERSON GREENE: Thank you.

MR. DEL FINO: You're welcome.

Yeah, I would like to see if we could ask for an extension on paying the monies or paying prior to, just prior to the actual signal being installed, if I could do so. It's \$150,000.

COMMISSIONER McCARTY: Was this something that Dr. Taheri was supposed to do way back when?

MR. DEL FINO: Well, what happens, we purchased the property from Dr. Taheri.

We got our technical compliance, and one of the conditions is that prior to obtaining the last

CO on the property that we would have to pay the cost of a traffic signal on Jog Road and 62nd Avenue, and share the cost was supposed to be with the property to the west of us, the Terracina development, and ourselves.

That's going to be the shared cost for that traffic signal, and we got the letter, I think it was, I don't know, maybe a week or so before the last CO, we got the letter about what, three or four months ago? Yeah.

So we're just asking for -- we'd like to pay it, but we'd like to do it right before that traffic signal gets constructed. In other words, we don't want to give the money now and then sits there for 10 years before the signal gets installed.

CHAIRPERSON GREENE: Commissioner Kanjian.

COMMISSIONER KANJIAN: Madam Chair, I just have a question that if he just got all the COs, are all the homes closed, or are there homes still available?

MR. DEL FINO: No, we've gotten some homes back in defaulted contracts. We have 12 homes that -- they all have COs. It's just we're having to resell the homes.

There were 466 homes.

COMMISSIONER KANJIAN: I will note that I've never worked with Home Dynamics, but I have competed against them in our communities.

This is a builder that builds the affordable homes, and I would imagine that this would be a financial strain at this time.

So I appreciate the maker's motion, but it is something that might be a consideration for the Board.

CHAIRPERSON GREENE: Commissioner Aaronson.

COMMISSIONER AARONSON: When is the traffic light supposed to go up?

MR. ENNIS: Can I speak to that, Commissioner Aaronson?

Allan Ennis, from the County Traffic Division.

You know, we did a study back in last year in September, which is six months ago now, that the traffic signal is warranted, and I can tell you from personal experience -- I go through that intersection every morning -- that is a school bus stop right there, and there is a lot of activity in the morning going on, cars turning through that median opening and children waiting at that school bus stop.

We do need the money now to proceed with the design of that traffic signal, and we're ready to go forward and construct it, you know, but we need to get --

COMMISSIONER AARONSON: And that was part of the condition of approval. Okay.

I stand by my motion.

The fact is when you make a condition of approval and it's warranted now and it's not five years, you said why -- why should you let them hold the money for five years. It's not going to be

five years. They're ordering and preparing the traffic signal now.

I don't see why the County should put out the money, and then in the event that you don't pay the money, the County is going to have -- be on the hook for it.

So I stand by my motion.

MR. DEL FINO: And I understand. I just want to make sure that that money goes to, in effect, being used by the community in the very near future, not something that just sits there for awhile before they can benefit from it.

COMMISSIONER AARONSON: The light is going up, according to Mr. Ennis. It's being ordered. The light will go up.

Whether it's 12 homes, 15 homes or 20 homes, they'll be able to avail themselves of the traffic light, and that's what the County asked for, and that's what the County should get, and I stand by my motion.

MR. DEL FINO: Does the Engineering Department know how long it's going to be before they get the traffic signal approved once they get the monies and when it's going to be built?

COMMISSIONER AARONSON: From what Mr. Ennis said, the traffic signal already is warranted, which means that it's approved.

COMMISSIONER McCARTY: Yeah, but he asked how --

MR. DEL FINO: Well, yeah, but they need to design it, and they need to build it, so --

COMMISSIONER McCARTY: When can we expect to see a traffic light there?

MR. ENNIS: In order to proceed with the design, we do need the money now.

COMMISSIONER McCARTY: Once you get the money, how long?

MR. ENNIS: I --

COMMISSIONER McCARTY: Six months?

MR. ENNIS: I think six months would probably be a good --

COMMISSIONER McCARTY: Okay.

MR. ENNIS: -- estimate, right.

MR. DEL FINO: Yeah, I just want to make sure that the money is there, now you proceed for the design --

COMMISSIONER McCARTY: Yes.

MR. DEL FINO: -- gets approved --

COMMISSIONER AARONSON: Don't worry. The County, if you give them the money, the money will be there for the traffic signal.

They're more worried about you giving them the money.

MR. DEL FINO: Well, we want to be able to tell the community, the community residents, look, you guys going to benefit from a traffic signal that we've provided money for --

COMMISSIONER McCARTY: You can tell them --

MR. DEL FINO: -- in the near future.

COMMISSIONER McCARTY: -- six months from when you write the check, which we hope will be this afternoon.

MR. DEL FINO: So how long do I have to write to -- is it usually a month or --

CHAIRPERSON GREENE: A day.

MR. DEL FINO: -- a day or --

COMMISSIONER MARCUS: The problem --

CHAIRPERSON GREENE: We want the --

COMMISSIONER AARONSON: You're in violation now.

COMMISSIONER McCARTY: Madam Chair.

MR. DEL FINO: Well, exactly. So how long do I have?

Usually you have a month when you're in violation, right, if you go to Code Enforcement? Is that the way it is or --

COMMISSIONER AARONSON: Ask Code Enforcement.

MS. ALTERMAN: Yeah. Madam Chair, Code Enforcement will cite you immediately.

MR. DEL FINO: Okay.

MS. ALTERMAN: So as soon as they get this report back that the Board authorized it, so you need to get that check written; otherwise, they're going to end up -- they're going to give you a very, very short time to comply with the condition, and if you don't, they're going to take you to a Special Master hearing.

MR. DEL FINO: Okay. That's fine.

Well, thank you very much. I appreciate it. Thank you.

COMMISSIONER MARCUS: Madam --

CHAIRPERSON GREENE: Commissioner Koons -- I'm sorry, Commissioner Marcus.

COMMISSIONER MARCUS: Are you sure about that six months, 'cause usually when these things come up, then there's -- somebody's already in the prioritization and they're already doing certain kind of work, and it's not necessarily --

VICE CHAIRMAN KOONS: Hurricane season.

COMMISSIONER MARCUS: You know, so should the Board tell somebody like Dan Weisberg we would like this -- 'course this could jump in front of some lights that we're all waiting for.

COMMISSIONER AARONSON: Madam --

COMMISSIONER MARCUS: So I just don't know if you're totally comfortable with six months.

COMMISSIONER McCARTY: You don't want to mislead --

COMMISSIONER MARCUS: I don't want to tell him six months and it's nine months.

MR. ENNIS: Yeah, you know, I'd have to check. You know, I didn't get a chance to --

COMMISSIONER AARONSON: Well, I think the difference is, is it a wire span or is it a mast arm? If it's a wire span, it's less time.

COMMISSIONER McCARTY: Sounds like mast arm.

MR. ENNIS: This would be a mast arm.

COMMISSIONER McCARTY: A hundred fifty thousand would be a mast arm.

COMMISSIONER MARCUS: Mast arm takes long.

COMMISSIONER AARONSON: A hundred and fifty thousand, I don't know whether it's a mast arm or

not.

COMMISSIONER MARCUS: It's a mast arm.

COMMISSIONER AARONSON: The fact is whether it's six months or nine months or eight months or whatever the time schedule is, the fact is it's in violation, and you need the money to go ahead with the traffic light.

COMMISSIONER MARCUS: I just didn't want him to walk out here and expect --

MR. DEL FINO: Yeah, I mean --

COMMISSIONER MARCUS: -- six months from the day he writes the check. I would say --

MR. DEL FINO: Exactly.

COMMISSIONER MARCUS: -- somewhere between six and nine months, because there is a process, and there are other folks waiting for signals, and even though you're warranted, they still have to get you in the process.

MR. DEL FINO: And I don't know whether DOT's involved on this or that's another --

MR. ENNIS: No, they wouldn't be involved.

MR. DEL FINO: Okay. Just to --

MR. ENNIS: This is on a County-maintained road.

COMMISSIONER MARCUS: You can get Allan's card and work with him on timing.

MR. DEL FINO: Okay.

COMMISSIONER KANJIAN: Madam Chair, just a --

CHAIRPERSON GREENE: Commissioner Kanjian.

COMMISSIONER KANJIAN: Thank you. Just a follow-up question.

Interesting that you have homes available, new home lots.

What is the price range of those ones that are available today?

MR. DEL FINO: We're going between -- we're officially making it to be around 250, \$260,000, but we're accepting offers. So depending on the offers and whether people can qualify, then we accept those lower offers.

COMMISSIONER KANJIAN: So you have brand new homes built under the new hurricane codes for 250, \$260,000?

MR. DEL FINO: Oh, absolutely, yeah.

COMMISSIONER KANJIAN: That's a surprise to some people I would imagine.

MR. DEL FINO: Well, what happens, we had 466 homes. Some of the -- some of the -- of course, we've always had statements on the contract that would -- this had to be for end users. We discourage the investors from this, but of course, some of the --

COMMISSIONER KANJIAN: I'm glad to hear that we have such affordable homes in Palm Beach County, and nobody wants them, but there's a lot of them out there.

MR. DEL FINO: They're there.

COMMISSIONER KANJIAN: Good to hear.

MR. DEL FINO: Now, the problem is, is because of the bank restrictions and qualifying terms, now some of these people really don't

qualify because of the new restrictions from the banks, and that -- those interest rates that you see going down, they're only going down for the federal government loans, but the mortgage -- the mortgage loans that you're trying to get for your house is not benefitting from those interest rates 'cause they're actually going up.

CHAIRPERSON GREENE: Commissioner Aaronson.

MR. DEL FINO: It's been happening for the last two months.

CHAIRPERSON GREENE: Commissioner Aaronson.

COMMISSIONER AARONSON: No, I didn't want to say anything.

CHAIRPERSON GREENE: Oh.

COMMISSIONER AARONSON: If you don't pay for traffic lights, you could even lower them, make them lower.

COMMISSIONER MARCUS: You can't qualify anymore.

CHAIRPERSON GREENE: Okay. There's a motion on the floor, I think. Okay.

Ready for the question.

COMMISSIONER McCARTY: Yes.

CHAIRPERSON GREENE: All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

MR. Mac GILLIS: That will bring us to Page 11 of your agenda.

Item 25 and 26 are tandem applications. If it's the pleasure of the Board, we can have staff present Item 25, and then the Zoning --

CHAIRPERSON GREENE: Did we do D.24?

COMMISSIONER MARCUS: That was postponed.

MR. Mac GILLIS: That was postponed.

CHAIRPERSON GREENE: That's right. Sorry.

MR. Mac GILLIS: So 25 is Small Scale Comp Plan amendment 2007-040, the Lantana/Lyons Commercial, also known as the Merchants Walk.

And Item 26 is PDD2007-848, the Merchants Walk zoning application.

Isaac from Planning is going to present the Planning portion.

COMMISSIONER MARCUS: Whose laptop is that?

Can you close that lid so we can see your -- there you go.

MR. HOYOS: Good morning, Commissioners. Isaac Hoyos, with the Planning Division.

This two and a quarter acre parcel is

located 1400 feet east of Lyons Road on the south side of Lantana Road.

And the request is for a change from low residential two to commercial low with a -- commercial low with crosshatching in the rear part of the property underlying two residential units to the acre.

And the site is surrounded in the north side across Lantana Road by the Lakes of Sherbrooke PUD, large lot single family homes to the south side and the Golf Club Estates PUD to the southeast, a contractor storage yard and nursery to the east and a commercial node to the west.

The intent of the applicant is to combine this property with property within the existing commercial node to the west and to create a low intensity commercial development integrated to the existing commercial.

Our assessment of the application is that the applicant has provided adequate justification and demonstration of need.

The proposal is consistent with the policies in the Comprehensive Plan. It meets all public facility requirements and is compatible with the surrounding areas.

This compatibility conclusion is by virtue of the crosshatch area which is going to prohibit any construction in the crosshatch area, and it limits the uses in this area to landscaping buffer uses.

Based on the above analysis we are recommending approval of this application.

The Planning Commission, formerly the LUAB acting as the LPA, recommended denial of this application in a 9-1 vote with Michael Weiner dissenting.

And this concludes my presentation.

CHAIRPERSON GREENE: We have one card, Ms. Barbara Katz. Where'd she go?

COMMISSIONER MARCUS: We want to do the zoning first? I think, Madam Chair, we were going to do both 25 and 26, which I think she wanted to speak to both of them.

CHAIRPERSON GREENE: Right.

COMMISSIONER MARCUS: So we probably ought to do the zoning part first.

That was just 25 you did, right? Now we should do 26 'cause I think she wants to speak to both.

CHAIRPERSON GREENE: Want to do 26?

MS. LAWRENCE: I'm doing 26.

MR. Mac GILLIS: Joyce does.

CHAIRPERSON GREENE: Oh, you're going to do 26?

MR. Mac GILLIS: Yes.

CHAIRPERSON GREENE: Okay. Good.

MS. LAWRENCE: Good morning, Commissioners. Joyce Lawrence, for the record.

Proposed is a rezoning of a 4.82 acres of land from agricultural residential in part and general commercial to multi-use planned development zoning district to allow the development of a

37,173 square foot commercial center.

The proposed site plan, as shown on Page 222 of your packet, indicates that three -- indicates three buildings, two one-story building, totaling 32,673 square feet of retail use and a 4,500 square foot one-story financial institution with two drive-through lanes.

A total of 153 parking spaces will be provided, and there will be two access points, one from Lantana Road, and the other from 86th Drive South.

From the project history, and that is shown on Page 215 of your packet, and it continues on to 216, you can see that on September 22nd the project came through before the Board for a rezoning from agriculture residential to general commercial district, and there were objections from the neighbors to the south and from COWBRA on this project. So the project was postponed for 60 days.

On November 17th, 2005, the project came back to the Board, and after a continuation of the lengthy discussion the site and the proposed uses, the Board suggested that the applicant investigate this site as a workforce project on the location instead of retail uses.

The Board then voted to approve staff recommendation to deny this project at a 6-1 vote.

COMMISSIONER McCARTY: Who was the one?

MS. LAWRENCE: What's that?

COMMISSIONER McCARTY: Who was the one denying?

MS. LAWRENCE: I don't know, but in comparison to the current proposal and to the prior application submittal shown, and that is shown -- we have both pages shown, one on Page 222 under other and Page 228 of our packet.

The building masses have been broken up with a majority of the densities moved forward to -- closer to Lantana Road, and we have incompatibility issues that were addressed that is to the south of the site.

Staff recommended approval of the request, subject to 26 conditions of approval as contained on -- in Exhibit C on Page 234 to 238 of the packet.

And at this time we'll turn it over to the agent if you have no questions.

MR. HEARING: Good morning, Commissioners.

For the record, Donaldson Hearing here today on behalf of the Ward Waldman family and WW XXIV, LLC, who is the applicant in both these requests before you today.

I do have a presentation, but I think I'll just hold off in presenting that unless there's any specific questions.

As you can see, staff is fully in support of this request. We've been working diligently with them. There have been a lot of changes since 2005, and we've done a number of things on the site plan, hired a world class architect for the buildings to deliver what will be a very first class project in this marketplace.

We do -- would like to just offer a few items on the record as a follow up to a conversation I had earlier today with Barbara Katz with COWBRA who we've been working with, and I have asked Barbara to make sure that she puts them in the record so that I don't misstate them.

But in our meetings with COWBRA the applicant agreed to a couple of items. Just want to make sure -- and there may be something in the file already.

First was that we would do a barrel tile roof as opposed to the metal seam roof that was proposed, that the project would follow the Boynton color palette, and that the monument sign design would only contain the project name, which would be Merchants Walk, and would not have individual tenants on that.

We -- I did pass around to the dais a letter from one of the neighbors to the north. This would be our only residential neighbor who would abut the portion of the property that is currently residential, being land used as commercial.

We've worked with that neighbor. He is in full support of this request, and, of course, the land use, as well as the MUPD, incorporates a crosshatch on an area which will be green space retention area, which is a transitional buffer adjacent to his property.

So with that, you know, unless there's some great discussion, I will defer my presentation, and I'm more than happy to answer any questions from any of you commissioners.

CHAIRPERSON GREENE: No lights.

Now Ms. Katz.

MS. KATZ: Good morning. I'm Barbara Katz, president of COWBRA.

Originally we opposed the project because at the time we surveyed the area and found 42 empty stores, and we felt there was no need for additional commercial at the time.

However, things have changed. The residents have withdrawn their objections, and we met with the developer and the agent and reviewed -- re-reviewed the plans, and we felt that it's a very well designed plan for this area, which would make it now completely commercial from one end -- from Lyons Road to the end of the street, and as previously stated, we wanted the following conditions in the record.

Barrel tile roof, no metal roof, monument sign to have the name of the development only, colors to be the West Boynton Corridor Plan colors, and, of course, as always, the height of the building will not be over 35 feet.

We also ask that the development should be neighborhood commercial because from the 441 to Jog Road there is practically no other commercial except for the Shops at Sherbrooke, at which Albertson just went out of business and they will have a replacement.

So we have come back to ask you to support

it because that's what we are going to do.

Thank you.

CHAIRPERSON GREENE: Thank you very much.
Commissioner Kanjian.

COMMISSIONER KANJIAN: Thank you, Madam
Chair.

For the record, I did meet with the applicants on this, and I believe the homeowners around that area, and COWBRA must be working with them because as they were walking out of my office, the developers, the phone rang from the folks at COWBRA to tell me that they were happy with this application. So they must be working well together on that one.

I want to go ahead and make the motion that we go ahead on Item 25, and with that recommendation to approve an ordinance to approve the proposed amendment from LR-2 to CL/2 and CLX/2.

COMMISSIONER McCARTY: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: Do we have to do disclosure before this? No?

MR. BANKS: Yeah, not for the small scale.

COMMISSIONER MARCUS: Okay. Sorry.

CHAIRPERSON GREENE: Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

Twenty-six.

MR. Mac GILLIS: Madam Chair, we have a question.

Some of the conditions we want to make sure staff is clear on.

The one with the architecture staff had written in the staff summary that the architecture was a Florida vernacular with the tin roofs, so that's inconsistent with what they're doing, so I just want to make sure that staff is going to be clear when those architectural drawings come in it's the Board's desire then to have these with barrel tile roofs?

That's inconsistent with what staff --

COMMISSIONER KANJIAN: Madam Chair, if I might then, can I just ask?

Does the applicant have an issue with that condition?

MR. HEARING: The applicant is in agreement with COWBRA's recommendation that the building elevations be redesigned to be with the West Boynton flavor, colors and with the barrel tile roof.

So we will commit to doing that, and that will be a modification, Jon, that we'll work with both your office, and we'll also regroup with COWBRA when we're concluded with that redesign.

COMMISSIONER KANJIAN: Would that meet, are those two desires the same?

MR. Mac GILLIS: Prior to final DRO, if it's the Board's pleasure to approve it that way, we'll make sure that we amend the condition that prior to DRO approval it'll be consistent with the discussion here today, the architecture.

COMMISSIONER KANJIAN: Then my motion would include that.

MR. Mac GILLIS: And then I have --

MS. HERNANDEZ: I'd like to clarify the sign.

The issue that COWBRA brought up was that the signs are going to be the name of the development only, which is Merchants Walk, so none of those retail businesses will be able to have signage on the road?

MR. HEARING: On the monument sign.

MS. HERNANDEZ: It'll just -- so the bank won't say Bank of America or anything like that. They're aware of that.

MR. HEARING: Not on -- obviously, all retail stores will have the ability to have wall signage.

The reference here is to the monument signs. You don't have a monument sign with 13 or 14 different tenants on it. It will simply say the name of the project, which as of today is Merchants Walk.

It could change, but that's the intent there, not to say that there'll be no signage for retail project.

COMMISSIONER KANJIAN: So the individual properties themselves -- tenants will have their own signage according to our code; however, the monument out front would not.

MS. HERNANDEZ: Correct.

COMMISSIONER KANJIAN: Madam Chair, that would be my motion.

CHAIRPERSON GREENE: Now this one has the disclosure.

MR. BANKS: Yes.

COMMISSIONER KANJIAN: Well, we haven't got to 20 -- they wanted clarification --

MR. BANKS: The conditions they were talking about are regarding the next item --

COMMISSIONER KANJIAN: Yeah.

MR. BANKS: -- the zoning --

COMMISSIONER KANJIAN: So I'll go ahead and make the -- with staff's recommendations I'll make the motion that we adopt a resolution approving an official zoning map from Agricultural Residential and General Commercial Zoning District to Multiple Use Planned Development Zoning District.

COMMISSIONER AARONSON: Second.

CHAIRPERSON GREENE: This is 26.

COMMISSIONER AARONSON: Yeah.

CHAIRPERSON GREENE: But we didn't do

disclosure.

COMMISSIONER MARCUS: We need to do it now.

CHAIRPERSON GREENE: Okay. You?

COMMISSIONER KANJIAN: I met with everybody.

CHAIRPERSON GREENE: Commissioner Aaronson.

COMMISSIONER AARONSON: No, I just seconded 26. Commissioner McCarty seconded 25.

CHAIRPERSON GREENE: No, I was doing disclosure on 26. Have you met -- I'm doing the disclosure.

COMMISSIONER AARONSON: Yes, I have disclosure. I met with the applicant for Merchants Walk, and I have this to give to Mr. Banks.

CHAIRPERSON GREENE: Okay. Commissioner Koons.

VICE CHAIRMAN KOONS: Yes, met with the petitioner.

COMMISSIONER MARCUS: Yes, ma'am. I met with the applicant.

CHAIRPERSON GREENE: Commissioner Santamaria.

COMMISSIONER SANTAMARIA: I have not met with the applicant.

CHAIRPERSON GREENE: Commissioner McCarty.

COMMISSIONER McCARTY: I have met with the applicant.

CHAIRPERSON GREENE: Neither did I. Okay. Now we're ready for the question.

CHAIRPERSON GREENE: All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

MR. Mac GILLIS: Okay. That's going to take us to the last -- to the add and delete agenda.

CHAIRPERSON GREENE: I didn't hear you.

MR. Mac GILLIS: Item -- we had several items on the add and delete. I apologize for this 'cause these are actually full items, and they shouldn't have been on the add and delete, but I believe we've submitted them to the County Attorney's Office for legal sufficiency.

These are TDR contracts and deeds.

Item 28, DOA/TDR2007-1398 is the -- execute a contract for sales and purchase of development rights for Aspen Square PUD.

We just need a motion to approve the contract.

COMMISSIONER AARONSON: I make a motion to approve the contract for sale and purchase of 35 development rights at a purchase price of one dollar per unit for a total price of \$35.

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

VICE CHAIRMAN KOONS: Second.

CHAIRPERSON GREENE: Second by Commissioner Koons.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

MR. Mac GILLIS: Item 29, DOA/TDR2007-1398 is to execute a deed conveying 35 development rights --

COMMISSIONER AARONSON: I make a motion to execute a deed conveying 35 development right units to Aspen Square, LLC, as authorized in Resolution R-2008-277.

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

VICE CHAIRMAN KOONS: Second.

CHAIRPERSON GREENE: Second by Commissioner Koons.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

MR. Mac GILLIS: And the last item is Item 30, a corrective resolution for Aspen Square PUD regarding the legal description.

COMMISSIONER AARONSON: Motion to adopt a resolution to correct the legal description of

Exhibit B by resolution R-2008-276 and R2008-277.

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

VICE CHAIRMAN KOONS: Second.

CHAIRPERSON GREENE: Second by Commissioner Koons.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

MS. HERNANDEZ: Six.

CHAIRPERSON GREENE: Oh, 6-0. Thank you. Commissioner Kanjian evaporated.

CHAIRPERSON GREENE: Okay. That's the end of the agenda.

Mr. Attorney.

MR. BANKS: No comments.

CHAIRPERSON GREENE: Barbara.

MS. ALTERMAN: No, ma'am.

CHAIRPERSON GREENE: Commissioner McCarty.

COMMISSIONER McCARTY: Right. Oh, yes, I have two. Let me find them. All right.

First one is we had a workshop sometime ago and -- on the DRO process, and we challenged the Gold Coast Builders Association and the development community to come back to us with some suggestions on how their lives might be made a little easier with the development process.

And so they have responded in a memo to us with a number of recommendations, I believe about 10 of them, and what they have requested is that the ones that have to do with the -- what's it called, the zoning -- the mandatory -- inclusionary zoning that they be relegated to the May workshop where they can be -- their recommendations can be discussed at that time, but they asked that the -- that this Board direct to the staff that the other recommendations be started through the process with staff looking at them, and then the LDRAB committee and other advisory committees look at their recommendations as appropriate and come back to us with their thoughts so we can discuss them at that time.

So I would just like to, if there is no objection from the Board, ask that staff take these recommendations, other than the inclusionary zoning ones, and put them through the process to see if any -- so the pros and the cons can be investigated

and recommendations can be made to us at a future date.

Given the economy and the situation in the construction industry I think timing is important on this that we -- if any of these are appropriate, that we do them sooner, rather than later so they can have an impact on the building industry, and if they find -- we find that they're not appropriate, then at least we've looked at them in a timely manner.

So that's what I would like if there's no objection.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: I think, Verdenia, weren't you all already looking at these? I know I got something back from you.

MS. BAKER: We have been looking at them, and we anticipated on bringing all of them back in the May workshop, but definitely the mandatory inclusionary zoning-related items. Yes, we are.

COMMISSIONER MARCUS: Okay. So were there any other issues with any of the other things? I don't -- I don't have my --

MS. BAKER: I think there were some other items in there that were not necessarily related to the mandatory inclusionary zoning, but we're looking at those, as well.

COMMISSIONER MARCUS: Okay. So you can go ahead and look at them and initiate them and review them?

MS. BAKER: Yes, if that's the Board's --

MR. Mac GILLIS: If the Board --

COMMISSIONER MARCUS: Which is what Commissioner McCarty is asking for?

MR. Mac GILLIS: Yes, we would bring them to the Board as part of the 2008-01 round, then at that time staff could recommend support and whatever the LDRAB recommends.

COMMISSIONER MARCUS: Okay.

MR. Mac GILLIS: I think -- I believe there was, out of the total of 10, six of them -- or five of them were not specifically related to workforce housing. They were more general.

COMMISSIONER MARCUS: Okay.

CHAIRPERSON GREENE: Commissioner Aaronson.

COMMISSIONER AARONSON: Well, this is something we spoke about a long time ago.

So you'll be looking at neighborhood parks, drainage, decorative paving, fountains, benches or play structures, decorative lighting and pedestrian pathway systems. You'll be looking at that and bringing those back?

MR. Mac GILLIS: Those are related to workforce housing.

Yes, the exemplary standards.

COMMISSIONER AARONSON: Okay. Right.

MS. ALTERMAN: And let me if I may, just point out some of them are beyond that. They go into dedication of civic sites. They go into impact fees, taking drainage for roads, so it's not just specifically design-related issues. There's a lot of other issues.

COMMISSIONER MARCUS: But you'll look at all of those and vet them out --

COMMISSIONER AARONSON: But a lot of them were, and they had brought to my attention and yours as well, that a lot of these gazebos and --

MS. ALTERMAN: Correct.

COMMISSIONER AARONSON: -- decorative driveways and decorative lights add to the cost of homes, which we've required them to do, and if we want to keep homes at an affordable price, these are things that should be looked into; correct?

MS. ALTERMAN: And we'll bring this back to you with recommendations.

CHAIRPERSON GREENE: Commissioner Santamaria.

COMMISSIONER SANTAMARIA: No comments.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: I think Mary had another --

CHAIRPERSON GREENE: You do?

COMMISSIONER McCARTY: I have another one.

CHAIRPERSON GREENE: Oh, I'm sorry.

COMMISSIONER McCARTY: Oh, yeah, I'm sorry.

The second one.

COMMISSIONER MARCUS: So we're done with this one.

COMMISSIONER McCARTY: So this one we're going with we don't need a motion, but y'all are going to move forward?

MR. Mac GILLIS: Yes.

COMMISSIONER McCARTY: Okay. The second one is, again, this is, you know, obviously subject to public hearings and discussion, but it is to initiate a discussion and to initiate a text amendment to modify the Comp Plan to consider allowing civic uses in the preserve areas of the Ag Reserve on the east side of 441.

Right now we do allow them in civic uses, schools, libraries. Civic uses are for not government and not-for-profit type uses.

We do allow them in the traditional marketplace PUDs; however, what do we have, two in the whole Ag Reserve? So there's not a lot of space for these uses, and there is a lot of need in the western Boynton, Delray and Boca area for schools, churches, synagogues and the like, and so I have -- you all got a memo.

I think there is a high school that is looking for some land. There's a tremendous need for that high school, and so as a result of that I'm asking that the staff be directed to initiate a text amendment, again, understanding that we will go through a whole public hearing process to discuss the pros and cons on this, but because of the price of land out in the Ag Reserve that this has made it impossible for civic uses or not-for-profit groups to actually take advantage of what land is out there, and if we allow the preserve land to be used -- and, again, preserve land that is -- has no environmental value, is not being used for agricultural purposes.

I mean I think we can put some criteria in

there that would be a win-win for everybody.

So I would, again, if there's no objection or at least if there's four commissioners interested in --

COMMISSIONER MARCUS: You need a motion?

COMMISSIONER McCARTY: -- pursuing this -- do I need to make a motion for -- to initiate a text amendment?

MS. ALTERMAN: As long as there's either consent -- a motion probably would be a good idea on this.

COMMISSIONER McCARTY: All right. I'll make a motion to direct staff to initiate a text amendment to modify the Comp Plan to allow civic uses in preserve areas east of State Road 7 in the Ag Reserve.

COMMISSIONER KANJIAN: Second.

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

Ready for the question.

CHAIRPERSON GREENE: All in favor.

COMMISSIONER MARCUS: Madam --

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: I'm not going to support this. I've talked to the applicant already.

I just think we're on a slippery slope when we start doing this, and I'm assuming the staff is going to look at this and make an evaluation and a recommendation, so I'm just -- and I appreciate there is a public hearing process, but I think this was preserve.

It was designed a long time ago as that, whether -- I think most of it is in active farming or something.

MS. ALTERMAN: We've been working with the Ag Extension, and, yes, most of it is in farming.

COMMISSIONER MARCUS: Thank you.

COMMISSIONER McCARTY: Well, they will have to make a case why it would be better to have a civic use, so.

COMMISSIONER KANJIAN: Madam Chair.

CHAIRPERSON GREENE: Okay. Commissioner Koons, then Commissioner Kanjian.

VICE CHAIRMAN KOONS: We -- we had some discussion about just looking at this whole area, right, west to, right, didn't we?

COMMISSIONER McCARTY: Oh, yeah, west of -- west of State Road 7, which is a separate discussion that I'm anxious to have, too.

I mean I'm just raping and pillaging everywhere here.

VICE CHAIRMAN KOONS: I'm just trying to figure out which way we were going, looking east or looking west.

COMMISSIONER KANJIAN: Is that a motion?

COMMISSIONER McCARTY: This is east, but we've had a discussion with this Board about west, but this is a separate -- separate item.

VICE CHAIRMAN KOONS: Okay.

CHAIRPERSON GREENE: Commissioner Kanjian.

COMMISSIONER KANJIAN: Madam Chair, thank you. I appreciate the commissioner bringing this forward.

I've had a number of meetings with homeowner associations out in that area, and I specifically asked the question about civic sites, whether they be churches, other items, schools, and it seems to me that the public has a distinct difference in their mind between houses and these types of uses.

So I think it would be very, very good to hear from them in a public hearing process, but from my meetings out there it seems like there is a very, very big difference of opinion between those two types of uses, although our current code basically doesn't differentiate between the two.

So I appreciate Commissioner McCarty bringing it up and would support that.

CHAIRPERSON GREENE: Commissioner Aaronson.

COMMISSIONER AARONSON: I happen to agree with Commissioner Kanjian. I've spoken with the people out there, as well, and they do have a different mind as to whether it be residential or civic.

And one of the big problems we have is some of the high schools and some of the public schools in the western area that are trying to build schools for children, can't find land that's affordable, and that becomes a big problem.

So, you know, they go and purchase land far in excess of the dollars that they can afford, especially our public schools, and it's the taxpayers' money that's being used, and as a result they pay much more than they should be paying for land.

At the same time if land in the preserve area is not being used for agriculture and is just sitting there, certainly with the budgets that we have today, by selling some of the land for these civic purposes, which would be, of course, religious schools or public schools or things such as that, there would be revenue coming back to the County which we could -- we sorely need today.

So having land sitting there doing absolutely nothing does not serve the taxpayers. We may have thought at one time that we just wanted the land for preserve, but years change and times change, and I think it's certainly worthy of discussion.

So I'm going to support Commissioner McCarty's motion.

CHAIRPERSON GREENE: Okay. Commissioner Koons.

VICE CHAIRMAN KOONS: I'm fine. I'm all set.

CHAIRPERSON GREENE: Commissioner Santamaria.

COMMISSIONER SANTAMARIA: Before I make a definitive statement, I would want to know a specific use and a specific location, but in the meantime I'm willing to look at a review of this matter by staff.

CHAIRPERSON GREENE: Okay. We have a motion on the floor.

MS. ALTERMAN: Commissioner -- Madam Chair, if I may. I just need a clarification because I think I'm hearing two different things.

We're either talking about the preserve area of a PUD, or we're talking about preserve areas that the County owns, and I'm hearing both, and I just need some clarification.

COMMISSIONER McCARTY: I thought it was a preserve area of a PUD; correct? They're shaking their heads yes.

MS. ALTERMAN: Okay. So then -- okay.

COMMISSIONER AARONSON: But there are preserve areas that the County owns, as well.

MS. ALTERMAN: Those are not part of a PUD so we could look at those, also, separate --

COMMISSIONER McCARTY: Separately?

COMMISSIONER AARONSON: If you're going to look --

MS. ALTERMAN: Okay.

COMMISSIONER AARONSON: -- you look at both of them.

MS. ALTERMAN: All right. I just wanted to make sure.

COMMISSIONER McCARTY: Okay. That's a good question, 'cause --

CHAIRPERSON GREENE: Was that in your motion?

VICE CHAIRMAN KOONS: Just a clarification --

CHAIRPERSON GREENE: That was not in his motion. He needs to remake his motion -- who made the motion?

COMMISSIONER McCARTY: I made the motion. I'll be happy to include that in the motion, that we -- they look at both types.

CHAIRPERSON GREENE: Okay. And you second it?

COMMISSIONER KANJIAN: Absolutely. I'd be very happy to.

CHAIRPERSON GREENE: Thank you very much. You ready for the question.

CHAIRPERSON GREENE: All in favor.

COMMISSIONER McCARTY: Aye.

COMMISSIONER KANJIAN: Aye.

COMMISSIONER AARONSON: Aye.

VICE CHAIRMAN KOONS: Aye.

COMMISSIONER SANTAMARIA: Aye.

CHAIRPERSON GREENE: Aye.

All opposed.

COMMISSIONER MARCUS: Aye.

CHAIRPERSON GREENE: Ayes have it -- oh, that's right. Ayes have it 6-1, Commissioner Marcus voting no.

COMMISSIONER AARONSON: Madam Chair, I just want to clear up one thing.

We made the vote. The reason I included all preserve area is to look at it. Okay. It may have benefits both ways.

Certainly a PUD, as Commissioner McCarty suggested, is one way, but while we're looking at

it, we ought to look at the whole ball of wax and see whether or not it's beneficial to the County and the taxpayers of the County.

CHAIRPERSON GREENE: We all agree.

Okay. Commissioner Santamaria, did you say no comments?

COMMISSIONER SANTAMARIA: No comment.

CHAIRPERSON GREENE: Okay. Commissioner Marcus.

COMMISSIONER MARCUS: Yes, ma'am. I sent a note out -- I remember what I brought up last time. That was too many cars on the lots. That's right.

The Board to direct the Zoning staff to draft amendments to the ULDC in Round 08-01 to allow flexibility for replacement units within PUDs to address expanding or demolishing townhouses and zero lot lines.

A lot of the older subdivisions are coming in and -- with tear-downs, and they're trying to have them match the communities, and so the Zoning staff just needs to be able to clarify what the rules are.

Correct; Jon?

MR. Mac GILLIS: That's correct. We're -- actually, we processed code language, and it'll be going to LDRAB this Wednesday.

COMMISSIONER KANJIAN: Is that a motion?

COMMISSIONER MARCUS: Yes, that's a motion.

CHAIRPERSON GREENE: A motion by Commissioner Marcus.

COMMISSIONER KANJIAN: Second.

CHAIRPERSON GREENE: Second by Commissioner Kanjian.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

COMMISSIONER MARCUS: I'm done.

CHAIRPERSON GREENE: Okay. Commissioner Koons.

VICE CHAIRMAN KOONS: Yes, I have two specific comments.

I just wanted to figure out what direction that we gave staff regarding the ability to engage industrial production of ethanol in the Glades region.

I visited that complex about two months ago, and then it was brought up here by Commissioner Greene and Commissioner McCarty that sat on the --

COMMISSIONER McCARTY: OEDP.

VICE CHAIRMAN KOONS: -- OEDP, and it was very specifically brought up to me that they intend to do the research, and they would like to be in the -- in the production issue, and I just wanted to make an understanding that I would like to make sure that we would begin to handle the process to allow the production.

Is that the direction that staff is going in?

MS. ALTERMAN: We have a meeting scheduled for April 14th with representatives of the biofuels and their technical people so we fully understand exactly what it is.

But, yes, we -- our direction was to bring it back to you, a full package, with recommendations on it.

VICE CHAIRMAN KOONS: So you could make this cycle on the -- if you came back to us on the 15th, we could still catch this up to be able to do the --

MS. ALTERMAN: We had asked -- depending upon whether it needs a Comp Plan amendment, and that's going to depend upon how this whole thing works.

VICE CHAIRMAN KOONS: Okay.

MS. ALTERMAN: It would make the 08-1 round of ULDC amendments.

VICE CHAIRMAN KOONS: So if it's something we need to direct, we can do that on the 15th?

MS. ALTERMAN: That's giving us one day to come back to you, but we'll work on it.

VICE CHAIRMAN KOONS: Well, I wanted the -- I want them to be able to produce out there. I mean I think it's quite unique having electric plant out there, and there's not a lot of water issues. It's geographically located. It's got good rail infrastructure.

I think this is something we should take a look at. It's a cellulose base, which is what we want to do. It isn't a food production. It's a by-product.

So I'm in support of going ahead, and I think they might be on a clock issue in terms of trying to raise money to get going.

Now, they're -- they have the State grant to do the research, and I think no matter what happens, they're going to end up in that type of production someplace in America, and we just happen to have a three-season growing season that would be

pretty advantageous to that geographic area.

So I want to be able to allow that to happen in the Glades region.

Now, I'm willing to wait for you to come back, but I want to make sure we receive directions on the 15th to go ahead.

COMMISSIONER KANJIAN: Make that in the form of a motion, you may have a second.

VICE CHAIRMAN KOONS: Okay. Well, I'll make a motion that you can bring back to us, if there's no fatal flaws identified on the 14th, that we could vote to initiate on the 15th of April.

COMMISSIONER KANJIAN: Second.

CHAIRPERSON GREENE: You've heard a motion by Commissioner Koons, second by Commissioner Kanjian.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

VICE CHAIRMAN KOONS: All right.

CHAIRPERSON GREENE: Commissioner McCarty.

COMMISSIONER McCARTY: But I wanted to comment on what he was saying before we move on, that's all.

CHAIRPERSON GREENE: Okay.

COMMISSIONER McCARTY: Just two things.

The first is the timeliness is important I think because of the amount of jobs this could generate out there, over 2,000 jobs, which could mean the world to people that live in the Glades.

VICE CHAIRMAN KOONS: Uh-huh.

COMMISSIONER McCARTY: So that was one of the reasons the OEDP was so excited about this and wanting to move this.

The second thing is what I was -- and I apologize, I wasn't able to make it to the mining summit, it really broke my heart.

VICE CHAIRMAN KOONS: Apology not accepted.

COMMISSIONER McCARTY: But there was a discussion, I understand, about looking at this area, the EAA, as being a place of critical concern, and so what I just would like to make sure is that we aren't looking at something on one hand while trying to do something on the other hand, and they're not at conflict with each other.

And so I just wanted to maybe get some clarification from that discussion so that we don't look -- DCA or whoever in Tallahassee doesn't look at us coming from different directions and two very good goals colliding with each other or hindering each other.

So maybe Karen could --

COMMISSIONER MARCUS: Madam Chair, if I could sort of, because I had that conversation after that.

Actually, I think this is a positive for that because what I understand is that you have to have as much product as possible to be able to make the plants work, and so part of the whole issue

needs to be how to make sure we preserve the sugar so they can have the source of fuel, and that could be something that we could protect through something like that, number one.

Number two, it isn't necessarily to get the designation. It's at least to get the agencies into the discussion planning process, if you will, but then we could almost picture or draw out this -- we need to make sure we have this fuel source available so that this is a successful plant.

COMMISSIONER McCARTY: Now with this also, though, would that designation also hamper the Inland Port Project?

COMMISSIONER MARCUS: It shouldn't.

VICE CHAIRMAN KOONS: It -- I don't think so.

COMMISSIONER McCARTY: Okay. So we need -- we need to make sure.

And just as an -- it was my understanding that certainly sugar could be used in this, but that really --

VICE CHAIRMAN KOONS: No, it's a cellulose.

COMMISSIONER McCARTY: -- neat -- neat thing is that it could be grasses. It can be any plant-based anything. It's not limited to sugar, so --

VICE CHAIRMAN KOONS: No, it's a cellulose-based system.

COMMISSIONER McCARTY: Yeah.

VICE CHAIRMAN KOONS: It isn't necessarily --

COMMISSIONER MARCUS: It isn't the sugar itself.

VICE CHAIRMAN KOONS: The sugar gets processed.

COMMISSIONER MARCUS: It's the stuff that's left from it.

VICE CHAIRMAN KOONS: It's the by-product after the sugar.

COMMISSIONER McCARTY: But it's -- but it's also -- and it can also be they can stop growing sugar and grow grasses and do this, so there's a lot of potential all over Florida, whether or not it's sugar, for the fuel for this. So -- I'm sorry. I'll shut up now.

CHAIRPERSON GREENE: No, he was talking over you. I just wanted to calm him down.

COMMISSIONER McCARTY: Okay. Thank you.

CHAIRPERSON GREENE: Commissioner Kanjian.

COMMISSIONER KANJIAN: Thank you, Madam Chair. I just want to -- and I appreciate Commissioner McCarty bringing the issue up.

I was a little confused because I didn't think we had given direction to ask the State to make this an area of critical concern, either 'til I read it in the *Palm Beach Post* the next day.

So I'm glad you brought that up, Commissioner McCarty, and I don't think, Commissioner Marcus, that you had put in front of everybody that we wanted to ask the State to do that. It was just a question of whether --

COMMISSIONER MARCUS: No, we did. We agreed to write the letter asking, I think Secretary Pelham, to review it for the potential. We didn't say we wanted it. We just said --

COMMISSIONER KANJIAN: Okay. Well --

COMMISSIONER MARCUS: -- we want to get into the discussion stages with them. That was what I thought we had done.

COMMISSIONER KANJIAN: Okay. Because I -- when I read the paper, it seemed like we had asked them to do it. That's -- of course, sometimes the paper's wrong. I've noticed that lately.

COMMISSIONER McCARTY: You know, but we would -- I think before -- the discussion would be to find out the pros and the cons and what it would actually mean because I think that's what's important.

It sounds like a good idea, but there may be a down side that we all didn't anticipate, so Pelham just needs to understand we want to explore it.

COMMISSIONER KANJIAN: We should probably really ask what the true definition of it is. We throw these things out, like critical concern.

Sometimes that means, you know, they did that in Cuba and other places as well. They kind of take them over when they think something's really important, and we want to make sure we understand what that means, and what they would do with a critical concern.

COMMISSIONER MARCUS: I understand there's two steps in the process.

First is to get the review process, the planning process, and the reason that I thought it was important that we do that is we have been trying to get all the State agencies to look at this area of Palm Beach County for how long, Jeff? Six years, seven years?

VICE CHAIRMAN KOONS: Six.

COMMISSIONER MARCUS: And we can't get them to engage, and this would be DEP, DCA, all the letters of the alphabet agencies.

VICE CHAIRMAN KOONS: It was six years ago this month.

COMMISSIONER MARCUS: Yeah, and so this would bring them to the table to look at how do we preserve for the energy side of the ethanol, how do we do the rest of the permitting and stuff for CERP.

So everybody's at the table, and that's the goal of doing it, not necessarily the designation, but getting all the State agencies together.

CHAIRPERSON GREENE: Commissioner Koons.

VICE CHAIRMAN KOONS: Yeah, I have a second item that's the industrial land study.

On Thursday the MPO, who put money into working on the industrial land study, which is one of the first cooperative things we did with the cities, and the cities recognized and the County recognized that we need to preserve these industrial lands in our eastern corridors.

There was a push over the last couple of years to convert some of that stuff over to housing or mixed use, and we had a very interesting report that came to the MPO, and a unique thing because we did put some money in it 'cause it's got transportation issues, and we had all the major cities sitting there.

And this kind of hit home with me because we had a targeted industry that was -- we paid for jobs was moving into Vista. It was Audio -- I always forget the name, Audio Tech --

MS. ALTERMAN: Audio Enhancement.

VICE CHAIRMAN KOONS: Audio Enhancements, nice -- a company coming out of Salt Lake, and they bumped into some -- our very strict zoning restrictions in terms of industrial space, commercial space and that happened last week.

And then we had this proposal or this study came to the MPO and says you need more flex space.

You need more flexibility in your codes to be able to allow some more flexibility, and then we bumped into ultimately, you can guess what it is, traffic.

So we felt so strongly about this at the MPO that we're going to adjust our 2035 program and add money into do an analysis with Palm Beach County to be able to take a look at what the traffic implications are and would like our staff to work with whomever.

Obviously, it's got to go through Planning, but the cities are very interested in this, too, to be able to take a look at this 'cause we have this shortage of industrial-commercial land, and then what are the implications of maybe the existing land having more flex space.

So I just wanted to make sure we were clear on this, and the MPO will come up with the money to fund this in a partnership with the cities.

We don't have that great working relationship with the cities, but everybody feels very strongly about this.

So I don't know how we want to initiate this, but I feel very strongly that we need to take a look at it.

I think our existing codes are very fixed and we may need to take a look at some flexibility, and then we bump into traffic 'cause we said we may want to do this, and then there's different trip counts. That's why it ends up in a transportation function.

CHAIRPERSON GREENE: Barbara.

MS. ALTERMAN: As far as that Audio Advisor, we did resolve that issue. So we were able to sit down with them, and that very often happens when we do sit down with people.

VICE CHAIRMAN KOONS: I --

MS. ALTERMAN: We do try and resolve their issues. So that worked out great.

VICE CHAIRMAN KOONS: Okay.

MS. ALTERMAN: So they're on their way.

VICE CHAIRMAN KOONS: Thank you very much. I appreciate that.

MS. ALTERMAN: You're welcome.

In terms of the industrial land study, I think part of what our concern is, and staff-wise, is that we were looking to the study to give us some details about how this flex space should work --

VICE CHAIRMAN KOONS: Correct.

MS. ALTERMAN: -- and all of that, and, unfortunately, I believe it did not happen. They, you know, I guess they only had limited funds so they --

VICE CHAIRMAN KOONS: Correct.

MS. ALTERMAN: -- their consultant wasn't able to go as far as we had hoped they would.

We had been looking at this, but -- and, again, as part of the URA and infill development, we will be looking at those kinds of issues and how to promote some of those.

So I don't know exactly what you -- whether you want staff to do something --

VICE CHAIRMAN KOONS: Well, I guess what I'm saying is the MPO, which is, again, you know, the County and the cities sitting there, we felt, and Randy -- we would put money in to carry this thing forward.

We need this cooperative basis with the cities 'cause a lot of the -- this ends up, believe it or not, as a normal traffic issue, which means, you know, we got to take a look at the, you know, like the traffic systems in terms of if you flex this here, and then what happens here.

So we would like to be able to come up with the money to allow you to go forward in a partnership with the cities, and maybe it's a TPS change because that's what happens. They go, oh, Commissioner, we're okay with flex space, but then we bump into traffic performance standards.

And I'm going, we don't want traffic to be controlling of what we should be doing, and one of the issues we're finding out is we need this more flex space, and that's what the study came up with, and the cities are very willing to be able to sit down with us.

So we would like that dialog and that cooperative basis with the cities, and so that's why the MPO said we'll -- we will help you come up with the money to be able to continue this to go forward.

The only issue I have is, is it Planning or is it cities or is it IPARC or outside, or how do we take a look at this cooperative adventure we've been going through so far?

CHAIRPERSON GREENE: Commissioner Aaronson.

COMMISSIONER AARONSON: Jeff, for the people listening to us I don't think they understand what you're saying.

So to wrap it up in very simple terms what you're saying is, and I'm not disagreeing, our traffic performance standards are so rigid in many cases that it doesn't allow us to allow certain industries or commercial to come in here --

VICE CHAIRMAN KOONS: Entrepreneurs.

COMMISSIONER AARONSON: -- entrepreneurs to

come in here to be able to go ahead and employ more people here and pay more taxes in our County.

VICE CHAIRMAN KOONS: Correct.

COMMISSIONER AARONSON: Okay.

VICE CHAIRMAN KOONS: That's it in a nutshell.

COMMISSIONER AARONSON: And that's about as simple as it could be because what we do is we have our own restrictions on traffic performance standards which stop people from coming here or cannot get zoning when they do come here.

Is that correct?

VICE CHAIRMAN KOONS: Correct.

COMMISSIONER AARONSON: So for the public out there that's about the simplest way to say it.

We're restricting ourself from growing in certain areas, industrial, and so on and so forth.

VICE CHAIRMAN KOONS: Well, it was really intriguing 'cause this Audio Enhancements was going in Vista where the County is the majority landowner in there, and here it is -- I mean we could have traded some of our trips for her.

So I just am very interested 'cause we need more flexibility in our system to have people come in here and bring their business, and we'd just like to see how this could work, and why the MPO put its money in we're doing our 2030 study and ends up with trips on the road. So that's why we are interested in putting the money in to make sure we can continue the dialog to go forward.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: Well, I thought the industrial land study was because we were seeing all the conversions from industrial to residential.

VICE CHAIRMAN KOONS: Yes.

COMMISSIONER MARCUS: That was the basic concept.

VICE CHAIRMAN KOONS: Yes.

COMMISSIONER MARCUS: It wasn't the traffic issue.

And then now we've identified why it's so important to keep an industrial base in the County.

So the goal of the industrial study was to, A, prevent and educate why there shouldn't be any conversions, and then the second one, this more technical issue of flex space, which I'm not sure -- is what I think they're looking for the information on --

VICE CHAIRMAN KOONS: Correct.

COMMISSIONER MARCUS: -- correct; Barbara?

MS. ALTERMAN: That's what we would like, some more details of how it works.

COMMISSIONER MARCUS: So can your -- and did the MPO actually vote on money?

VICE CHAIRMAN KOONS: Yes.

COMMISSIONER MARCUS: We did?

VICE CHAIRMAN KOONS: Yeah.

COMMISSIONER MARCUS: Okay. So could this money go towards the definition of the flex space so then it can be talked about with the rest of the program.

VICE CHAIRMAN KOONS: Yes.

COMMISSIONER MARCUS: Okay.

VICE CHAIRMAN KOONS: We're very interested -- the MPO's very interested in keeping that collaborative --

COMMISSIONER MARCUS: That -- I think that -- I think that's the issue for the -- that's how it started, and that's the issue now is to come up with more definition for flex space, and then you can get into all the other issues that might be a part of that.

So if your -- if your money can go to --

VICE CHAIRMAN KOONS: Yes.

COMMISSIONER MARCUS: -- help the Planning Department come up with maybe a little more specifics on what flex space is.

VICE CHAIRMAN KOONS: But it's also the cities had to be involved because some of our traffic performance standards affects them --

COMMISSIONER MARCUS: Who's going to use IPARC?

VICE CHAIRMAN KOONS: IPARC's great.

COMMISSIONER MARCUS: Okay.

VICE CHAIRMAN KOONS: I'm -- this is great.

Thank you for solving the technologies, thank you for working with us. This is wonderful.

CHAIRPERSON GREENE: Thank you.

VICE CHAIRMAN KOONS: Love and peace.

CHAIRPERSON GREENE: Do you have any more comments, Commissioner Koons?

VICE CHAIRMAN KOONS: I'm done. I got my two issues done.

So we're all set. Do we need a motion to --

COMMISSIONER MARCUS: Un-huh.

CHAIRPERSON GREENE: What are you doing? We're doing comments.

VICE CHAIRMAN KOONS: Yeah, I think --

CHAIRPERSON GREENE: You don't need a motion.

VICE CHAIRMAN KOONS: I don't need a motion? We're all set? Okay.

CHAIRPERSON GREENE: Yeah. Commissioner Aaronson. No?

Commissioner Kanjian.

COMMISSIONER KANJIAN: I have nothing to say, Madam Chair.

CHAIRPERSON GREENE: Very good.

COMMISSIONER MARCUS: Madam Chair --

VICE CHAIRMAN KOONS: Thank you, staff.

COMMISSIONER MARCUS: -- I know we're supposed to be done, but I thought Barbara might want to brief us on the April 24th zoning meeting because if everybody stays on the agenda that's on there today, it'll be day, day and a half.

MS. ALTERMAN: It's going to be a very big agenda. We've had a lot of items that have continually been postponed and postponed, and it looks like they're all converging on this April 24th agenda.

COMMISSIONER MARCUS: Most of them are in north county.

MS. ALTERMAN: So I just -- we do have a

back-up date for it, and we will -- we'll really have to see what happens with the Zoning Commission, but we will send out a memo and let you know if it's going to be a very long agenda if we can't postpone some of the items. We will try our best.

COMMISSIONER MARCUS: Just so you know, I've been working with all the neighborhood groups, and there's a lot of them on every one of the items.

So we're trying to work out any of the problems or details and stuff along the way, but there's some that aren't resolvable.

CHAIRPERSON GREENE: Okay. If we have no more comments, motion to adjourn.

(Whereupon, the meeting was adjourned at 10:45 a.m.)

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C E R T I F I C A T E

THE STATE OF FLORIDA)

COUNTY OF PALM BEACH)

I, Sophie M. (Bunny) Springer, Notary
Public, State of Florida at Large,

DO HEREBY CERTIFY that the above-entitled
and numbered cause was heard as hereinabove set
out; that I was authorized to and did report the
proceedings and evidence adduced and offered in
said hearing and that the foregoing and annexed
pages, numbered 5 through 39, inclusive, comprise a
true and correct transcription of the Board of
County Commissioners hearing.

I FURTHER CERTIFY that I am not related to
or employed by any of the parties or their counsel,
nor have I any financial interest in the outcome of
this action.

IN WITNESS WHEREOF, I have hereunto set my
hand and seal this 7th day of April, 2008.

Sophie M. Springer, Notary Public.