

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING

Thursday, April 26, 2007
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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

Karen T. Marcus, Commissioner

Warren H. Newell, Commissioner

Jess R. Santamaria, Commissioner

Burt Aaronson, Commissioner

Barbara Alterman, Director, PZ&B

Jon Mac Gillis, Zoning Director

Maryann Kwok, Chief Planner, Zoning

Wendy Hernandez, Acting Principal Planner,
Zoning

Bob Banks, Assistant County Attorney

Bryce Van Horn, Senior Planner, Planning

Erin Fitzhugh, Senior Planner, Planning

Jim Choban, Engineering Dept.

Ken Rogers, Director, Land Development
Division

Linda Monroe, Monitoring Division

Bob Kraus, ERM

Kenny Wilson, Health Department

Julie Burns, Clerk

Lorraine Cuppi, Senior Secretary, Zoning

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P R O C E E D I N G S

CHAIRPERSON GREENE: Good morning. We have a quorum. We can start our meeting at 9:35. May we please have roll call, please.

CLERK: Commissioner Aaronson.

COMMISSIONER AARONSON: Here.

CLERK: Commissioner Greene.

CHAIRPERSON GREENE: Here.

CLERK: Commissioner Koons.

(No response)

CLERK: Commissioner McCarty.

(No response)

CLERK: Commissioner Marcus.

COMMISSIONER MARCUS: Here.

CLERK: Commissioner Newell.

(No response)

CLERK: Commissioner Santamaria.

COMMISSIONER SANTAMARIA: Here.

CHAIRPERSON GREENE: Thank you.

Commissioner Koons is in Tallahassee.

Anyway, that's the only one I know where he is.

Anyway, opening -- may we have prayer by --
- you want to pray this morning for us, please?

COMMISSIONER AARONSON: Yeah, I'd like to
pray this morning and thank God for the Ethics
Commission finding that I have done nothing wrong.

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

CHAIRPERSON GREENE: Thank you,
Commissioner Aaronson.

Do we have proof of publication, please.

MR. Mac GILLIS: Yes, Madam Chair.

COMMISSIONER MARCUS: Move to receive and
file.

COMMISSIONER AARONSON: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 4-0.

Shall we do the swearing in?

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

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

MR. BANKS: Thank you.

CHAIRPERSON GREENE: Thank you.

Motion of adoption of the agenda.

COMMISSIONER MARCUS: Madam Chair, before
we do the agenda, I wanted to just real briefly,
since this is the most immediate forum after the
citizens forum or whatever it was that the
Governor Crist had at the Eissey campus as part of
Palm Beach Community College, I just wanted to let
you know a few things.

And first of all, there was a comment
about why aren't our County Commissioners here,
and I wanted to let the Board know that I was
there. I wasn't sitting in the front row because
I had my granddaughter with me, and she preferred
to stand on the side, but I did have an

opportunity to hear most of the comments of -- that people were making.

And one of the areas of concern that I think we need to clear the record on and I probably will send to the governor is he made the comment to the crowd about us having -- he heard that Palm Beach County had big reserves, and somebody from the audience shouted out yeah, it's 2.4 billion, and, of course, it wasn't a -- it was a kind of a forum where you couldn't like walk down there and say excuse me, let me correct the record. They were doing it by cards and, you know, picking people out of the audience to speak.

But I did have occasion to see the governor afterwards, though, and did mention to him that our reserves are not \$2.4 billion, and he said, well, you know, okay, I guess -- I kind of expected that or something to that level so we need to clarify that with him and Senator Atwater, who was there.

But I asked Richard Roberts, and I think everybody's gotten a copy of it, to do an analysis of what the Senate's proposal is where they make us roll back to '05, and if you look at the folks, and we pulled some product -- some areas that have seen really high appraisals, these are not -- these are commercial properties, or these are non-homesteaded either rental properties or seasonal folks, you'll see that if we do the Senate's budget, the savings to the public is, you know, \$200 or less in there in some of them.

COMMISSIONER AARONSON: Well, based upon the figures that were given to you by Richard Roberts, a \$300,000 home in the year of 2008 -- is that correct, Karen, 2008?

COMMISSIONER MARCUS: 2007, I think it was.

COMMISSIONER AARONSON: 2007. Based on these figures, a home assessed at \$300,000 would save \$57.

Now, that's on -- now the State, I understand, is trying to put in some taxing districts into it, but I think that based upon these numbers people anticipating savings of \$1200 in their taxes are being greatly misled according to -- if our financial people are correct, it shows that there's a saving of \$57 one year, and I think it goes up to maybe \$70 the second year.

Now, if that's correct, then there's something wrong and happening in Tallahassee with the anticipation of people saving on a \$300,000 home, or the average home in Palm Beach County, \$1200.

Now, if they're taking in maybe mansions that were, you know, 20 million, \$30 million mansions, but a person, you know, an average

person owning a \$300,000 home, based upon the figures that were given, and correct me, Karen, if I'm wrong 'cause you have the paper with you, saves \$57 in 2007.

COMMISSIONER MARCUS: Well, and the other paper that Richard did for us yesterday that we sent to Tallahassee, which is what Todd and our lobbyists are try to get across to legislators is you're not going to have a big savings based on your proposal.

The folks that are homesteaded, yeah, they're going to see a little more reduction, and they've already seen reduction. You're just going to stretch the inequities out.

But on the paper he sent us yesterday, Commissioner Greene, when we were at Juno Beach about two weeks ago, there was a young man who stood up and talked about his commercial taxes. His appraisal in '05 for his property on U.S. 1 in, I think it's Tequesta, was \$844,000. His appraisal this year is 1.4.

So even if we went to the rollback, his taxes are not going down. It's his appraisal that needs to be addressed, and I think Todd's really working on trying to get that message across to Tallahassee is if you want savings for everybody, you need to look at this appraisal process and not so much rollbacks or caps and things like that.

So this document's available to anybody who can see -- these are the non-homesteaded or commercial properties, who we've seen in these chambers, and I also wanted just to let folks know that there was a County Commissioner there, that I was there. I just wasn't sitting in the front row.

COMMISSIONER AARONSON: I think the thing that's the most important thing is that when you read in the paper that -- it says that the savings will be anywheres from \$1200 to \$1800 if you take the House version of it. I don't know where they get those numbers if our numbers are right, and I would love our people to recheck the numbers because I hate for us to have -- to give out numbers that may not be correct.

So I would ask Richard Roberts once again to go over it because the -- the spread between \$1200 saving and \$57 saving is a tremendous spread, and -- but the fact of the matter is right now we are in a bind up here. This commission is in a bind.

The bind is that they don't seem to be anywheres near any kind of resolution between the Senate and the House. They're still arguing, both sides.

We don't know what's happening. We have to go into budget very shortly. We don't know

what the revenue is going to be, and I think we have our work cut out for us.

COMMISSIONER MARCUS: And, Madam Chair, one of the other things that I -- was sort of disconcerting to me is that all of these agencies, criminal justice system, courts, all the programs that we funded last year, culture, all -- no one was there to say wait a minute, we need County support. This is what they do for our community.

There was nowhere -- no one there to balance what -- and most of the folks were -- that were there were commercial, or they were not homesteaded, or they were realtors who had a lot of rental properties or couldn't sell properties because of that.

So I just think we need to get the message out to those folks who come to us and say we need three and a half million dollars for, you know, criminal justice needs to be there to educate folks about the appropriations and the monies they come and ask us for.

So I think we need to do a better job of getting that message out to the folks who come to us and ask for dollars.

COMMISSIONER AARONSON: I think -- I think educating is one thing when we know where we are, but I think this has become a very emotional issue, and when you try to educate, when emotion is involved in it, it becomes much more difficult.

People are very emotional about this, and I think the compounding of the insurance rates and everything has made people in this County very scary about what the future of their owning property in this County, owning a home and being able to live here, and that also impacts on what we're trying to do up here, which is affordable housing, and that has a great effect on it, as well, so I will certainly want to thank Commissioner Marcus for being there and listening with her granddaughter.

COMMISSIONER MARCUS: Don't you want to -- yeah, I was going to say you want to thank Cora, too?

COMMISSIONER AARONSON: And she's been brainwashing her granddaughter and --

COMMISSIONER MARCUS: It was her first rally, and she got to meet the governor. She, you know, she was ready to go, though, so --

COMMISSIONER AARONSON: Was she good, though?

COMMISSIONER MARCUS: Hmm?

COMMISSIONER AARONSON: Was she good?

COMMISSIONER MARCUS: Well, toward -- 'til the end she started -- she was singing when he was talking.

COMMISSIONER AARONSON: Well, that's okay.

COMMISSIONER MARCUS: Anyway, I just wanted to bring that up just for -- so that you know that there was someone there and what the -- what the discussion was, and I do intend to try to get in touch with the governor to let him know that we don't have 2.4 billion dollars in reserve.

CHAIRPERSON GREENE: Commissioner Marcus, you don't realize how important it is. I'm glad you brought that up because it was also mentioned at the Florida League of Cities luncheon yesterday, and I know from experience -- you know, Palm Beach County, because of its wealth and because of its popularity, because of the job, the good job that the commissioners do, we're punished when you're in Tallahassee, and they always say well, Palm Beach County doesn't need it because it's wealthy, Palm Beach County doesn't need it because it -- because Palm Beach County does a good job, believe it or not, you do have legislators or people in Tallahassee -- I hate to use the word "jealous," but I guess that's the only word I can think of right now.

COMMISSIONER AARONSON: Well --

COMMISSIONER MARCUS: But they forget that we have some of the riches, but some of the poorest people.

CHAIRPERSON GREENE: Uh-huh.

COMMISSIONER MARCUS: I mean we're the biggest ag, you know, county. They forget all of that.

COMMISSIONER AARONSON: They forget a bigger thing, that this County is a donor county, and because of the wealth that we have down here and because of the job that we do down here, that we give to many counties -- on the taxes that we collect we give to many counties to subsidize what they cannot get themselves.

CHAIRPERSON GREENE: And but they still punish us when it's time --

COMMISSIONER AARONSON: Well --

CHAIRPERSON GREENE: -- to give Palm Beach County --

COMMISSIONER AARONSON: Maybe we ought to change our slogan, Palm Beach County, the best of everything, to we're just average people.

COMMISSIONER MARCUS: And I will say that because we do have a plan for taxes up there that we are at least getting a seat at the table, we have a very specific plan on how to go back, and we don't need tax caps 'cause if you deal with the appraisals, that is our tax cap kind of message, and so they are listening to the extent that they're listening to each other, which they aren't.

CHAIRPERSON GREENE: Thank you very much.

Okay.

COMMISSIONER MARCUS: I'll move adoption of the agenda, after all that.

COMMISSIONER AARONSON: Second.

CHAIRPERSON GREENE: You've heard the motion to adopt the agenda by Commissioner Marcus, seconded by Commissioner Aaronson.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 5-0.

Let it be known that Commissioner Warren Newell has appeared.

CHAIRPERSON GREENE: Okay. Postponements and withdrawals.

MR. Mac GILLIS: That brings us to postponements, Items 1 and 2 on Page 1 of your agenda, and Items 3 are all postponed.

We need a motion to the --

COMMISSIONER AARONSON: So moved.

MR. Mac GILLIS: -- May 24th, 2007.

COMMISSIONER MARCUS: Second.

COMMISSIONER AARONSON: So moved.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 5-0.

MR. Mac GILLIS: We have one item for withdrawal on Item 2 -- Item No. 4, the Beasley Broadcasting.

We don't need a motion. That's by right.

CHAIRPERSON GREENE: I didn't get the first two. I got four. The first two postponements.

COMMISSIONER MARCUS: There --

MR. Mac GILLIS: First three were postponements.

COMMISSIONER AARONSON: First three.

CHAIRPERSON GREENE: Okay.

MR. Mac GILLIS: That brings us to Page 3 of the agenda, the consent agenda. We can go through these one by one.

CHAIRPERSON GREENE: Yes, sir.

MR. Mac GILLIS: Item 5, Item 6, Item 7, Item 8, Item 9, Item 10, Item 11, Item 12.

COMMISSIONER MARCUS: Move adoption of the consent agenda.

COMMISSIONER AARONSON: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 5-0.

MR. BANKS: Are there any disclosures for the consent agenda?

COMMISSIONER MARCUS: I have none.

COMMISSIONER AARONSON: I don't believe so. No, I don't have any.

MR. Mac GILLIS: Okay. The next item then is the regular agenda item. We only have one item, Item 13, the Glades Replacement Hospital.

Would the Board like a presentation from Planning on this?

COMMISSIONER MARCUS: I'd move approval. Oh.

COMMISSIONER AARONSON: Second.

COMMISSIONER MARCUS: We did the -- we did the Comp Plan last week or so.

MR. Mac GILLIS: Yes. Yes, we did.

COMMISSIONER MARCUS: Okay. It's not that you're not going to do a great performance. I'm sure you're exhausted from yesterday, so --

CHAIRPERSON GREENE: I have two cards. Ms. Collene --

MR. Mac GILLIS: Collene Walter.

CHAIRPERSON GREENE: Oh.

MR. Mac GILLIS: She's the agent.

MS. WALTER: Good morning, Commissioners.

I was just here for questions, but I'd like to let Michael Gates from the Healthcare District just say a few words.

Thank you.

CHAIRPERSON GREENE: Thank you.

MR. GATES: Just wanted to give you a real quick update on the process we're going through.

About a month and a half ago we started expedited review process, and I wanted to thank Mr. Weisman and his staff for their great cooperation.

They've been very, very helpful with us, keeping us on track with aggressive schedule, and particularly Barbara Alterman and her people have just been a huge help for us because it's an inconvenience for them to do things a little out of step and out of order to help us advance this critical project for the challenged people in the western part of the County. We're very grateful for their help.

Thank you.

Any questions?

(No response)

CHAIRPERSON GREENE: No questions? No comments.

COMMISSIONER AARONSON: We had a motion and a second.

CHAIRPERSON GREENE: Well, I'm afraid to say anything. This is the quickest meeting I think we ever had.

COMMISSIONER MARCUS: Well, I'm going to -- I'm going to slow it up in a minute, so --

CHAIRPERSON GREENE: Okay. Do we need a motion?

COMMISSIONER MARCUS: Yeah, we have a motion.

CHAIRPERSON GREENE: Okay.

COMMISSIONER AARONSON: Marcus and me.

CHAIRPERSON GREENE: You made the motion?

COMMISSIONER MARCUS: I did.

COMMISSIONER AARONSON: And I seconded.

CHAIRPERSON GREENE: Second by Commissioner Aaronson.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 5-0.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: No, I -- if we're going to comments?

COMMISSIONER AARONSON: Yeah.

COMMISSIONER MARCUS: I have comments.

CHAIRPERSON GREENE: Oh, I thought you said -- okay.

Under Directors, County Attorney?

MR. BANKS: No comments.

CHAIRPERSON GREENE: I'm going to slow -- I'm just trying to slow it down a little bit. Zoning Director.

MR. Mac GILLIS: I'll just respond to Commissioner Marcus' questions, I'm sure, on generators.

COMMISSIONER MARCUS: So you want me to go ahead?

CHAIRPERSON GREENE: Please.

COMMISSIONER MARCUS: Okay. And I sent a memo to the Board advising that I was going to be asking for the Board to direct the staff to prepare the ULDC amendment to not require clubhouse generators in the coastal high hazard area, but I think we need to go more than that, and I recognize that the staff did not initiate the generators for clubhouses, that the Board was

trying to respond to hurricane issues and we didn't get into as much detail as possible.

But what's happening is, and I don't know that you all got a copy of the letter that I got from the attorney, but he's here, from Lost Tree Village.

Lost Tree Village is trying to replace its beach house, not its clubhouse, 'cause it has a clubhouse and a beach house, and it's not tearing down the whole beach house, it's replacing a good portion of it, and they're being required to put a generator at the beach house based on that ULDC Code that we adopted, and there's absolutely no flexibility or interpretive, other than maybe share with me what happened with Wycliffe, why it didn't have to do a generator?

There is one other instance where a generator was not required for an add-on, I guess, to a facility.

So Lost Tree is going to have to amend its plans, show the generator size we're looking at, even though it's an evacuation area. It's in -- it's a coastal high hazard area. We'd never want them to be there, and they actually have another clubhouse that's further away, it's not right on the ocean, that if they needed it after the storm, they certainly could take care of their residents there.

So I'm just trying to find a way to allow them to move forward in the process to be able to start building their facility, which they'd like to do during the summer before their residents come back without having to put a huge generator in there that they probably don't need and would never use and shouldn't probably be allowed in a coastal high hazard area.

I have pushed every button I possibly can try to get the stuff to give some latitude to say, look, because it's not a total tear-down, you don't have to do the generator, but so far I've not been successful, and I just wanted to bring that to the Board to see --

COMMISSIONER AARONSON: And I understand that, and I'm questioning, based upon your letter -- I'll give you an example.

A lot of the gated communities that are in my district have not only the main clubhouse but satellite clubhouses.

Where I live, Gleneagles, has seven satellite clubhouses. They're all small, but based upon --

CHAIRPERSON GREENE: What's a satellite clubhouse?

COMMISSIONER MARCUS: It's a small clubhouse.

COMMISSIONER AARONSON: Well, they have a main clubhouse with the diningroom and everything, but --

CHAIRPERSON GREENE: Right.

COMMISSIONER AARONSON: -- for the seven different pods they have a little clubhouse where people can play cards and sit in that club -- little clubhouse, and it's a private clubhouse just for that pod.

COMMISSIONER MARCUS: Do they serve food and beverage?

COMMISSIONER AARONSON: Only if people bring it in. It has a sink. It has a refrigerator.

COMMISSIONER MARCUS: See, that's the distinction, is if they have food and beverage operations, they serve food to people, then they -

COMMISSIONER AARONSON: They don't have a food and beverage operation there, but they have a sink, a refrigerator, a stove, that if somebody wants to come in and get permission from the club, you follow me, they can -- they rent it from the association, and then they could bring in some food if they want to.

The fact is that these are small satellite clubhouses. Do they, based upon the ULDC, do they have to have generators when the main clubhouse where everybody goes if, you know, we have a hurricane and right after, they come for food and they come for water and things, do they have to have a generator?

MR. Mac GILLIS: Maybe just give you a little history.

When the first hurricanes were going through, 2003, 2004, the Board directed us when the projects were coming through for new PUDs to put a condition on it.

Then you further directed us to look at the code and actually codify it for CLF Type 2s and 3s, hospitals, which was already covered under the Building Code, and then for planned development clubhouses over 2500 square feet.

So that was for new clubhouses, new PUDs that you would have been seeing, anyway.

There was no provision put in the Code that triggered an existing clubhouse to come back in and retrofit it, so unless they were coming through for a permit, there still is no language, and that's why I want clarification this morning because the architecture code, the landscape code, the sign code, there are provisions in there if you're exceeding either 35 percent of the assessed value of the structure, kicks in the landscape code. Seventy-five percent improvements, the

assessed value of the structure, kicks in the architecture code.

So right now that's probably what's confusing staff 'cause there is no provision in there for existing clubhouse, and then when Lost Tree came in, it was almost a complete renovation of that building so staff equated it to a new building, therefore, applied the provision, where Wycliffe, it was just a square footage that was probably below the 2500 so it didn't even trigger the current Code.

But I think we do need language in the code, if you direct us to do that, that do you want all existing clubhouses --

COMMISSIONER AARONSON: Well --

MR. Mac GILLIS: -- grandfathered and not have to add it, no matter what renovations they 're doing.

COMMISSIONER AARONSON: Well, here's the situation. Let's assume that these clubhouses, these satellite clubhouses, at one point in time, you know, everybody likes to keep their neighborhood nice, so at one point in time they're going to go ahead and do a renovation there, which is going to require permits, and if they go, based upon what you have now, they may be required to have generators.

So I would say that anything that's there should be already grandfathered --

COMMISSIONER MARCUS: No, I'm curious. What you -- what he said was we only applied it to new PUDs. We didn't apply it -- if your guy comes in, he's not a new PUD, he doesn't have to do a generator, but they 're not a new PUD, either.

Now, what happened --

MR. Mac GILLIS: Well, it's new -- that's why I indicated staff, I think there may have been some confusion when that came in because it was a complete tear-down. They're looking at --

COMMISSIONER MARCUS: But it's not a new PUD.

MR. Mac GILLIS: No, but it was a new -- they looked at it as a structure. It was a complete tear-down.

COMMISSIONER MARCUS: But take me back to it's a whole new PUD, it's not a new PUD.

MR. Mac GILLIS: Well, the new PUDs would be very easy for staff because that's brand new. It's coming in. You would have seen that, anyway, when it came to you.

COMMISSIONER MARCUS: Right.

MR. Mac GILLIS: It's the old ones coming in. That's why I said there is no provision in the Code, and I think if you give us direction today you want to vest all existing clubhouse facilities, no matter what size they are, that no

matter what renovations they do, and they will never have to put a generator in unless they want to.

If you give us that direction, that would leave all those clubhouses out unless they wanted to do them.

COMMISSIONER MARCUS: So we can just give you that direction today, and then it can apply to Lost Tree?

MR. Mac GILLIS: Yes. We --

COMMISSIONER MARCUS: And are you going to go clarify it in the ULDC, because if you're telling me --

MR. Mac GILLIS: Yes, we would --

COMMISSIONER MARCUS: -- that it's not in the ULDC now -- the problem with Lost Tree was that it was such an old subdivision, they had to actually come in and plat their recreational, but it's not a new subdivision, so, therefore, they shouldn't have fallen under the criteria to begin with.

MR. Mac GILLIS: Well, they were adding land -- bringing that land area into the PUD --

COMMISSIONER MARCUS: Because --

MR. Mac GILLIS: -- so it was --

COMMISSIONER MARCUS: -- way back in the old days they didn't have that kind of approvals. Okay. So --

MR. Mac GILLIS: Exactly. It did have some unusual --

COMMISSIONER AARONSON: But I want to make sure that you don't go ahead and take the main clubhouse, any main clubhouse, whether it be at Lost Tree or whether it be at Gleneagles or whether it be at Boca West, and take the main clubhouse and call it an old PUD if they do a renovation and then say they don't have to put back the generator.

COMMISSIONER MARCUS: Well, I'm trying to still wrestle with what you're -- you say the Code says. And you said the Code says if a new project comes in, if a -- if an EB development comes in from the ground up, that 's when we require the generator.

MR. Mac GILLIS: Yes.

COMMISSIONER MARCUS: We do not require anybody else to retrofit it?

MR. Mac GILLIS: No.

COMMISSIONER MARCUS: Okay. So I don't even know why we're having this conversation because other than, yes, they're tearing down three-quarters of their building, but if the Code doesn't require us in older subdivisions to make them put generators in, then that answers his question right there.

COMMISSIONER AARONSON: But it still doesn't take away the fact that the main clubhouse, which is over 25,000 square feet --

MR. Mac GILLIS: Twenty-five hundred.

COMMISSIONER AARONSON: -- 2500 square feet should have a generator.

COMMISSIONER MARCUS: But what he's saying the Code says right now is that it doesn't apply to existing clubhouse -- existing projects.

MR. Mac GILLIS: Right. It doesn't, no.

COMMISSIONER MARCUS: So we would have to go back and amend the Code that says the main clubhouse as however described should have, if it does whatever, should --

MR. Mac GILLIS: Over 75 percent renovation.

COMMISSIONER MARCUS: -- should then have a generator added to it in existing subdivisions, but all the satellite ones don't have to.

COMMISSIONER AARONSON: The satellites shouldn't, and 2500 square feet is a ridiculous number, in my opinion, because 2500 square feet in a PUD, a big PUD, is not a clubhouse. Okay.

When you want to talk about -- we're talking about clubhouses that are 25,000. I know our clubhouse is 55,000 square feet. I know Boca West is probably 90,000 square feet.

Clubhouses of that size should have a generator. They're a place that people will go after a hurricane. They will congregate there. It's a place that should have a generator.

Twenty-five hundred square feet --

MR. Mac GILLIS: Well, that was -- that was the threshold for triggering it ' cause the planned developments that you were putting the conditions on --

COMMISSIONER AARONSON: Well, I would --

MR. Mac GILLIS: -- that they were generally smaller PUDs --

COMMISSIONER AARONSON: I would agree with Commissioner Marcus --

MR. Mac GILLIS: -- not the big PUDs.

COMMISSIONER AARONSON: -- to -- to go back to that the PUD is not required to have it, but for you to research and raise the threshold from 2500 square feet to a different number and require all clubhouses over a certain amount of square feet to have a generator, and I think that should be looked at.

COMMISSIONER MARCUS: So do you need a motion or are you going to let Lost Tree Village go ahead and come -- certify their plans without their generator?

MR. Mac GILLIS: Well, they -- their site plan is certified.

COMMISSIONER MARCUS: Without a generator?

MR. Mac GILLIS: It's -- they drew the generator on it. They're going through permitting, and then the question was if they needed a variance.

So I guess they can continue through the permitting process. We'll start processing the Code amendments now.

COMMISSIONER MARCUS: But --

MR. Mac GILLIS: They will be before you in August so they wouldn't have to put it on it -- in.

COMMISSIONER MARCUS: But -- but I'm going back to what you just said.

You said that in old subdivisions we're not requiring generators, so why are you requiring them to have a generator?

MR. Mac GILLIS: Well, that -- once again, it goes back to where staff was applying it. So I'll -- I'll talk to the County Attorneys.

I don't think we have to do it, based on the research --

COMMISSIONER MARCUS: Because --

MR. Mac GILLIS: -- that I just did the other day that it -- there is no provision under Article 1 to trigger existing clubhouses to have the generator.

COMMISSIONER MARCUS: Okay. So then they shouldn't even have -- they can give you their old plans, their old -- for their old building permits that show no generator?

MR. Mac GILLIS: Which they have, I believe.

COMMISSIONER MARCUS: Yes. They turned them in, and then they said no, you've got to have a generator, and now the Code says we don't really require them, so they can give you their old plans and get their building permits.

COMMISSIONER AARONSON: But I would also suggest at the same time that we --

COMMISSIONER MARCUS: Yes.

COMMISSIONER AARONSON: -- we revisit the clubhouse and the size of the clubhouse so that -- because clubhouses, and certainly in gated communities, are very important.

I know that during the hurricane the clubhouse at Gleneagles was handing out to people who didn't have food, giving them, you know, grilled hot dogs, hamburgers, sodas. They kept the community going, and that's in many of the communities.

But that's not a 2500 square foot clubhouse. That's a big clubhouse.

So why don't you revisit, if it's okay with this Board, to revisit that and make it more of a -- grandfather in anything that was there before, that we had before in a PUD, but make

certain provisions for generators to be in clubhouses of a certain size, certainly larger than 2500 square feet.

COMMISSIONER MARCUS: Right, and make sure it's like the primary clubhouse, if you will.

So could you give me the provision that you just said under the Code that does not require existing subdivisions to retrofit?

MR. Mac GILLIS: I can read the section of the Code. It -- right here now it's in several areas.

A permanent emergency generator shall be required for all Type 2s, Type 3s and shall meet the standards of generators.

COMMISSIONER MARCUS: But that's in --

MR. Mac GILLIS: Recreational clubhouse emergency.

This is the language now.

A permanent emergency generator --

COMMISSIONER MARCUS: Article 5?

MR. Mac GILLIS: -- shall be required for all TDD clubhouses, 2500 square feet --

COMMISSIONER MARCUS: But this is -- the provision that says that this applies to all -- only new subdivisions, where is that?

MR. Mac GILLIS: The actual -- that's why the language, "new" was not in there. It just reads -- this is recreational clubhouse emergency generators.

A permanent emergency generator shall be required for all planned development clubhouses 2500 square feet or greater --

COMMISSIONER MARCUS: So it never clarified it. It never said for new or old. It just said --

MR. Mac GILLIS: No.

COMMISSIONER MARCUS: But the interpretation is it's for new projects coming in.

MR. Mac GILLIS: Yes.

COMMISSIONER MARCUS: New subdivisions.

MR. Mac GILLIS: Unless -- yes.

COMMISSIONER MARCUS: Okay. So that lets them go. Okay. So it's Article 5?

MR. Mac GILLIS: Article 5.

COMMISSIONER MARCUS: Okay.

MS. ALTERMAN: If I may, 'cause I think I heard Commissioner Aaronson say that if there's a renovation over a certain amount, that you wanted a main clubhouse to be required to put in a generator?

We just need some clarification.

COMMISSIONER MARCUS: Well, no. I think -- I think what he said was yes, he thought that, but I think you need to go back and clarify the Code. I think we need to fix the Code that makes it specific, and then we also need to exempt

coastal high hazard areas, and then I think, Commissioner Aaronson, you did say that if it's -- King's Point comes in and tears down their whole clubhouse or 75 percent of it, that when they rebuild it, they're going to have to have a generator.

COMMISSIONER AARONSON: They have a generator to start with, but the fact is --

COMMISSIONER MARCUS: Well, I'm just saying if --

COMMISSIONER AARONSON: -- when they rebuild it, they should have a generator.

COMMISSIONER MARCUS: Okay. So it's --

MR. Mac GILLIS: Seventy-five percent. That's what we use that triggers the architecture Code, and that would be substantial renovations to the building. Then we would determine --

COMMISSIONER MARCUS: But it has to be -- there has to be a definition that it's the main clubhouse --

MR. Mac GILLIS: Okay.

COMMISSIONER MARCUS: -- and not just --

COMMISSIONER AARONSON: Not only the main clubhouse, but a clubhouse of a certain size.

You're not going to -- there's no reason to have somebody put in a generator at a 2500 square foot clubhouse which can only hold a certain amount of people. The amount of people that they can hold, we do have fire code laws and restrictions.

So a 2500 foot -- square foot clubhouse may have the capacity of 70 or 80 people. That's not the kind of clubhouse we're -- I'm talking about.

I'm talking about a main clubhouse which is going to be, you know, where they have the ability to take care of 200, 300, 400 people.

COMMISSIONER MARCUS: I think we just need to let the staff go back and clarify it.

MR. Mac GILLIS: Uh-huh.

MS. ALTERMAN: Yeah.

COMMISSIONER MARCUS: So --

MS. ALTERMAN: I just want to raise one thing because you may have a small community and their only clubhouse is 25, 2600 square feet.

Now, if you think that it's appropriate that that not have a generator, that's fine --

COMMISSIONER AARONSON: Well --

MS. ALTERMAN: -- but I just want to make sure we understand that.

COMMISSIONER AARONSON: Here's the difference. If you have a very small community, okay, they may not have the wherewithal to pay for a generator.

COMMISSIONER MARCUS: I agree.

COMMISSIONER AARONSON: Okay. So when you have a larger community, the disbursing of the funds, the assessment will be over a number of people, whereas if you made it 2500 in a community that's not a wealthy community, okay, and they only have 80 people there and a generator's going to cost 30,000, \$40,000 to put in, whatever the number may be, look at the amount of dollars.

So if you require them to have to put that in, it's going to be taxing people that may not be able to afford it.

COMMISSIONER MARCUS: I think we agree with you. It shouldn't be a small community that -- I think we're just looking for the large ones where you have a couple thousand people living there.

COMMISSIONER AARONSON: I don't want to make it so that somebody that doesn't -- people that don't have money and has a small clubhouse are forced to put something in that they can't afford.

Now, if they can afford to do it and they want to do it and they have 2500, we -- nobody's saying that they can't do it.

MS. ALTERMAN: Right. It's always voluntary.

COMMISSIONER AARONSON: But I don't want to put a hardship on people.

MS. ALTERMAN: Okay. Just so we have that direction.

COMMISSIONER MARCUS: But -- so you have that direction on the ULDC, but for the purposes of Lost Tree they can resubmit their plans without a generator, and you will put -- they can pull their building permits?

MR. Mac GILLIS: Yes.

COMMISSIONER MARCUS: Okay. Thank you.

CHAIRPERSON GREENE: Any other comments?

COMMISSIONER MARCUS: I told you I'd --

CHAIRPERSON GREENE: Okay. Comments from commissioners.

Commissioner Newell, Commissioner Aaronson.

COMMISSIONER AARONSON: No.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: I'm done.

CHAIRPERSON GREENE: Commissioner Santamaria.

COMMISSIONER SANTAMARIA: No.

CHAIRPERSON GREENE: No other -- motion to adjourn.

COMMISSIONER AARONSON: I think you hold the record as the shortest meeting in zoning, and I think Commissioner Marcus, who once had a short meeting when she was Chair, just tried to extend it so you wouldn't have the record.

COMMISSIONER MARCUS: I sent out my notice that I was going to talk.

(Whereupon, the meeting was adjourned at 10:15 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 4 through 20, 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 8th day of May, 2007.

Sophie M. Springer, Notary Public.

