



PLANNING & ZONING ADVISORY BOARD



Minutes of November 18, 2019

Meeting Called to order at 6:57 p.m.

1. ROLL CALL

P&Z Board Members

MEMBERS	11/18/19	11/04/19	09/16/19	08/26/19	07/15/19	06/17/19	05/20/19	05/06/19	03/18/19
Jimmy Goulet	P	P	P	P	A	P	P	P	P
Craig Konhauzer	P	P	P	P	A	P	P	P	P
David Rouse	P	P	A	P	P	P	P	P	P
Jim Federici	P	P	P	P	P	P	P	P	P
Lisa Dodge	A	P	P	P	P	P	P	A	P
Kelly Vanbuskirk	A	P	P	A	P	P	P	P	P
Joshua Giancarlo***	P	P							
Jeremy Katzman	P	P	P	P	P	P	P	P	P
Alex Weisberg	P	P	P	P	P	P	P	P	P
Candy Coyne***	P								

*Reappointed ** Resigned *** New appointment

STAFF PRESENT: Matt Wood, Director of Growth Management
 Jason Chockley, Planner
 Quentin Morgan, City Attorney Representative
 Carlos Vega, Administrative Specialist
 Sergeant Melissa Erdelyi, Broward Sheriffs Office

APPLICANT: Erin Wohlitka, Urban Design Kilday Studios, Agent
 Tom Rodgers, Franklin Academy Charter School
 Jose Rodriguez, Florida Power & Light, Agent

2. **P&Z BOARD - MINUTES - WAIVE/APPROVE MINUTES OF 11/04/19:** Motion to waive the reading of the minutes made by Joshua Giancarlo and seconded by Jimmy Goulet. All ayes on voice vote. **MOTION WAS APPROVED.** Motion to approve the minutes made by Craig Konhauzer and seconded by Joshua Giancarlo. **MOTION WAS APPROVED.**

3. **PUBLIC COMMENTS:** None

4. **NEW BUSINESS:**

A) Franklin Academy Charter School Conditional Use # CU 10-2-19*

B) FPL Sheridan Expansion Site Plan Amendment SPA# 9-1-19

*Public Hearing

Chairman Rouse turned the item over to Mr. Wood and he proceeded to read the Staff report summarized as follow: for item 4A Conditional Use #CU 10-2-19 which is a request to amend the Conditional Use Approval, which mandates the school to provide an off-duty police officer to control the intersection of Flamingo Road and Schott Circle, to allow for placement of a Community Service Aid to be deemed compliant with the conditional use approval.

Erin Wohlitka introduced herself as the agent from Urban Design Kilday Studios on behalf of the applicant. She stated that basically this is pretty much everything that we have proposed and wanted to state to the board that they have been acting in good faith to get a detail with the change since the Stoneman Douglas incident and they have had trouble getting details and getting people to control the traffic intersections. With this they are hoping that having a community service aid and having that option available to them will help them get the necessary traffic control in addition if they are unable to secure these details they don't want to be deemed in violation of their conditional use. She is available to answer any questions you may have.

Ms. Coyne said that when she read over the history it looks like you have an arrangement with BSO and then you terminated the contract.

Tom Rogers introduced himself as a representative on behalf of the applicant. He stated that they have not terminated at any time their request for details to be provided. BSO has had difficulty filling those details with the requirements and so they have sought to use other means. They have approached FHP and any other organization they could. They have always had an active request with BSO to maintain their detail from inception.

Ms. Coyne said that she is wondering if she misunderstood what was written here because she thought somewhere in here it says that it was terminated.

Mr. Rogers said that is a misstatement. What had occurred was the school was charged for an internal security which they didn't ask for. When Marjory Stoneman Douglas happened, the Broward Sheriff Office ordered that deputies be placed in schools and they received a bill for that. That became a dispute between the school and BSO. That was a district mandate not their requirement. It wasn't a part of their conditional approval and it wasn't part of their original request. While they disputed that bill service was suspended until they paid that bill. When they finally could not resolve it and they couldn't get an alternative detail or get BSO to show, they capitulated and paid the bill. That was the genesis of that dispute but it was not a cancel on their part.

Mr. Weisberg asked when was that bill paid?

Mr. Rogers said at the start of the school year.

Mr. Weisberg asked if after that BSO resumed?

Mr. Rogers said that is correct once the bill was paid.

Mr. Giancarlo said his understanding on the issue is that there has been days where they have failed to provide somebody because they were unavailable.

Mr. Rogers said that is correct.

Mr. Giancarlo asked if that is the reason your seeking community service aids to resolve that when they don't provide someone otherwise.

Mr. Rogers said it was actually suggested by BSO that it would open up because the way it currently works is that sworn officers are required to volunteer to fill a variety of slots that are available to them for off duty detail hours. BSO indicated to us that they currently use an authorized community service aid to direct traffic. If they can make that pool available to a larger pool they believe they would have a better record of filling the detail request. They actually and were on the record of saying that they are happy to provide either one. They are not seeking to move from one to the other they are just trying to get more consistency of traffic safety managed at the intersection with whatever authorized possibility is available.

Mr. Konhauzer said that even at their last meeting it seems to be a common theme for many schools and it is a concern that we have and you know we keep questioning the applicants with why are you doing this, why are you going to what we deem to be lower quality and yet BSO won't come to the table. Is there anything that can be done? Can the Commission speak to BSO? Can we get them to get more involved with the local schools so that our kids are safe?

Sergeant Melissa Erdelyi introduced herself from BSO and said that she is the supervisor in charge of all the schools, the SRO, traffic and code enforcement. If you are asking about CSA, CSA's would do the same exact job that a deputy would do for traffic or any intersection there. They agree with the school to be able to have a CSA because the shortage of law enforcement is across the nation. It has nothing to do with MSD or anybody being in the school. We are 100's of deputies short and we are paying overtime all the time so a deputy is going to take overtime that makes more money than to work a detail. A CSA are not given the opportunity to work as many details as deputies are so there are more CSA's that are willing to work them.

Mr. Konhauzer said thank you for what you do and thanks for your answer.

Mr. Weisberg said it says in the paperwork that following Marjory Stoneman Douglas legislation was passed requiring a sworn law enforcement at every public school. We are just talking about traffic and so if there is not BSO directing traffic that means there will not be any BSO officers at the school at all at that time?

Sergeant Erdelyi said that MSD act allows now for schools to have either an SRO, School Safety Officer or a guardian. Franklin has opted to have a guardian and they have one there. He is armed, they know who he is and he does have a police radio so if there is an emergency he can contact us that way. Other than that there is not a deputy or law enforcement on their property.

Mr. Weisberg asked if there is a guardian in addition to the person outside directing traffic?

Sergeant Erdelyi said correct. The person that will be directing traffic is the detail and it would be either a CSA or a deputy. It depends on who takes that position. If they do there may be a morning slot or an afternoon slot for the detail that does not get filled. That is just because no one has signed up for it.

Ms. Wohlitka said also the purpose of that statement was to reflect the fact that because law enforcement officers are now required to be in every school there is more of a shortage of them to sign up for details for the traffic.

Mr. Giancarlo said that you guys are saying that basically who fills that traffic detail on any given day could be a sworn officer or a service aid. It wouldn't be exclusively service aids?

Sergeant Erdelyi said correct. BSO's policy allows for when it comes to traffic direction either or. The only way that it would be only a deputy is that if it is requested by in this case would be Franklin Academy. As far as and not to say that Mr. Rogers is wrong but it has nothing to do with MSD it is just a shortage of law enforcement. They are not wrong in saying there is a shortage there is but it has nothing to do with Marjory Stoneman Douglas.

Mr. Katzman asked if it is part of the City Conditional Approval to require an SRO to be in the school for safety reasons like in the previous meeting.

Mr. Wood said that was a condition of approval of the Renaissance School but this particular issue tonight has nothing with the SRO it has to do with the traffic detail.

Mr. Katzman said just to answer the question though, there is no conditional use approval requirement for Franklin Academy to have a sworn officer doing security inside the school.

Mr. Wood said it was not a function of the conditional use approval however his understanding that Franklin Academy did commit that they would have a person as a guardian in the school between the peak periods. They were on the record at the City Commission meeting committing to that.

Mr. Katzman asked committing to the guardian or the SRO?

Mr. Wood said he is not sure on that how it was worded but maybe the City Attorney's office can help us with that.

Sergeant Erdelyi asked when was that meeting because guardians weren't even a thing until after MSD act was put into place. Anything prior to that would have been either just a sworn officer or an SRO.

Mr. Wood said that was the original approval with Resolutions #12-4-3 & 12-4-4 adopted August 10, 2012.

Sergeant Erdelyi at that time then there were no guardians in school.

Mr. Katzman said that his concern is that they keep getting these proposals and he totally understands, respects and appreciates everything that our officers are doing but his concern is for the safety of the students, faculty and staff inside the schools and that the schools are having to resort to potentially lesser trained unsworn people to protect the students.

Sergeant Erdelyi said she agrees with you but that is what the statute allows.

Mr. Katzman said right unless the City required it to be a higher level and that was part of the conditional use approval.

Sergeant Erdelyi she didn't read the whole conditional use approval but if it was, then it should be a law enforcement officer.

Mr. Morgan from the City Attorney's office said it is his understanding that there was discussion at the Commission Meeting but it was not made a part of the actual approval that they have a sworn officer. That was not made an item in the approval but it was discussed on the record which is why they have been allowed to use the Guardian and as the Deputy stated that it is an approved form of security for the schools under that state statutes based on the Marjory Stoneman situation.

Chairman Rouse asked if the Sheriff's department has been unwilling to sit down and negotiate any contract in the past for whatever reason? Have you just said we are not going to negotiate with you for a contract for an SRO?

Sergeant Erdelyi said it is her understanding that the Sheriff's office as is November 30th will no longer contract with any Charter school and the reason being and again this just how she understands it, is that the Charter schools would each individually want to contract with the Sheriff's office. Where the Sheriff's office would if it was their entire corporation. What the Sheriff's office asked is if the City would take on the contract with each of the schools and then the City would pay the Sheriff's office because that is actually something that has been discussed with Renaissance. Renaissance wants to keep the deputy in there and not have a guardian but there has to be the willingness for the City to be the middle man between the schools and the Sheriff's office.

Mr. Federici said you made a statement that you knew who the Guardian was of the school. Do they dress differently?

Sergeant Erdelyi said that the Guardian they have at the school is ex-law enforcement. A lot of them are either ex-military or ex law enforcement. They go through a shooting course with the Broward Sheriff's Office, they are vetted through the School Board and so they have to go through background checks and all of the same stuff they would have to go through their 148 hour class that they are given at the Sheriff's office. They have to pass, they have to qualify with their fire arm in order to even pass. He is actually an employee of FPI security and so they have a black uniform but their shirts are bright yellow so that we know if God forbid anything happened we know who that person is and what is going on. They do all carry a police radio and we hear them when they sign on and we hear them when they sign off and they can call for assistance if they need.

Ms. Coyne said that the third thing that Franklin Academy wanted it says that if they show good faith effort to meet the conditions of approval, but they don't have someone to do the traffic that they will not be held in violation. How are they going to document the good faith effort?

Sergeant Erdelyi said she does not know how that works because they contract that through the detail office. She has nothing to do with that. When the detail office puts it out there right now someone could be taking on the detail for tomorrow morning and we wouldn't know.

Ms. Coyne asked if someone from Franklin Academy could address that?

Mr. Rogers said that he believes there's basically two ways to tell that they would establish good faith. One is that they have an open and pending detail at the time with BSO through Cooper City detail and also that all of our invoices are up and paid. Again there was a financial dispute entered into their equation for the first time since their existence in 6 years. He believes that if they have active valid requests in and that the detail office has them posted and that they are paid in full or are in compliance and meeting everything they could do to make it happen. We are making sure we are putting in the requested information and making sure they pay in full and they come out, he believes that is in as good in faith they can demonstrate.

Ms. Coyne asked if BSO is the only game in town or are there other law enforcement agencies you can go to.

Mr. Rogers said that his understanding is that it begins to tread on some interlocal team play that they don't have the ability to facilitate. They did reach out to the enforcement that they believe has organic jurisdiction which is FHP and they rejected their request for detail.

Chairman Rouse opened the public hearing at 7:18 PM

Chairman Rouse closed the public hearing at 7:19 PM

MOTION: TO APPROVE AS STATED THE CONDITIONAL USE # CU 10-2-19 LOCATED AT 6301 S FLAMINGO RD. MOTION MADE BY CRAIG KONHAUZER AND SECONDED BY ALEX WEISBERG. THERE WERE ALL AYES ON THE ROLL CALL VOTE. MOTION WAS APPROVED.

NEW BUSINESS: 4B FPL SHERIDAN EXPANSION SITE PLAN AMENDMENT # SPA 9-1-19

Chairman Rouse turned the item over to Mr. Wood and he proceeded to read the Staff report summarized as follow: for item 4B SPA# 9-1-19 This Site Plan Amendment proposes the expansion of the existing Sheridan Substation to the northeast and southwest. The northeast expansion of the yard encompasses an area 143 feet by 30 feet and the southwest expansion measures 250 feet by 45 feet. The yard will enclose the high voltage electrical equipment and a 40 feet by 15.5 feet precast relay vault. The plans also include modification to the existing paved access driveway with turn around area and a modified surface water management system that has been approved by the Central Broward Water Control District.

The Substation expansion is needed to provide increased reliability to the local electrical service. The expansion will accommodate two transmission line breakers and associated electrical equipment. In addition, a new prefabricated control house will need to be installed.

The Sheridan Substation is an unmanned facility and any employee or maintenance crews will park inside the fenced area so no parking spaces are proposed. A Tree Removal permit is requested to remove 28 trees associated with the proposed Substation expansion. Four Live Oak trees are proposed as replacement resulting in a net loss of \$46,335 of tree canopy value which the applicant is prepared to pay into the Tree Canopy Trust Fund.

Jose Rodriguez introduced himself as the agent on behalf of the applicant from Florida Power & Light. He stated that he concurred with the staff report and would adhere to the recommendation as stated in the report.

Chairman Rouse turned it over to the board for questions to the petitioner.

Mr. Federici asked where the City Arborist was?

Mr. Chockley said she's on vacation.

Mr. Wood said that the City Arborist did review the tree canopy trust fund dollar value and made sure it was an equivalent replacement value.

MOTION: TO APPROVE AS STATED FOR SPA # 9-1-19 LOCATED AT 830 PINE ISLAND ROAD. MOTION MADE BY CRAIG KONHAUZER AND SECONDED BY JEREMY KATZMAN. THERE WERE ALL AYES ON THE ROLL CALL VOTE. MOTION WAS APPROVED.

5. GROWTH MANAGEMENT DIRECTOR'S REPORT:

Mr. Wood turned it over to Mr. Chockley for upcoming petitions.

Mr. Chockley said they will more than likely have the 12/16 meeting which would be the second one in December and they should have the rehearing for the church going in Cooper City Plaza and probably have the renovations for the Burger King out at Wal-Mart center as well. He was supposed to be making the submittal in this week. Once those two get confirmed he will send out a confirmation email but more than likely they will have that meeting.

6. BOARD MEMBER CONCERNS:

Mr. Katzman said that it's not a concern but we will be missing Kelly Vanbuskrik for a little bit. She wanted to share that she had her son on November 9th.

Chairman Rouse said congratulations to her and her family. They wish them well.

7. ADJOURNMENT:

The Meeting adjourned at 7:24 p.m.