

Item # 51₍₂₎

ADDITIONAL MATERIAL

Regular Meeting

MARCH 28, 2019

SUBMITTED AT THE REQUEST OF

COUNTY ADMINISTRATION



LSN PARTNERS
Local * State * National

March 26, 2019

VIA ELECTRONIC MAIL

Hon. Mayor Mark Bogen
Hon. Vice Mayor Dale Holness
Hon. Commissioner Lamar Fisher
Hon. Commissioner Beam Furr
Hon. Commissioner Steve Geller
Hon. Commissioner Nan H. Rich
Hon. Commissioner Tim Ryan
Hon. Commissioner Barbara Sharief
Hon. Commissioner Michael Udine

Re: March 28, 2019 Agenda, Item 51

Dear Mayor, Vice Mayor and Commissioners:

Our firm represents AMP IV Hidden Harbour, LLC ("Hidden Harbour"). The City of Pompano Beach and Broward County unanimously approved a recent land use plan amendment that will allow this Marina and proposed mixed use project to proceed through the rezoning, site plan and construction process. Our client has been in this process for over six (6) years!!

Just when we thought we were finished and ready for the City Land Use Plan to receive final recertification, the Broward County Planning Council sent the attached letter (dated March 12, 2019) advising the City of Pompano Beach that it must first execute a formalized, legally binding agreement relative to the City's previous written commitment to provide eligible and trained emergency evacuation shelter managers and support staff in the event of a Broward County "Zone B" storm evacuation order.

Also enclosed is correspondence dated March 21, 2018 from the Pompano Beach City Manager wherein the City committed in writing to "work with the County, as well as with our municipal partners to recruit public volunteers to build a temporary-evacuation shelter workforce."

When the Planning Council approved the Hidden Harbour LUP Amendment last year, the recommendation to the County Commission was that the City's commitment regarding shelter staffing in the City be reduced to a "binding" agreement. This added condition was suggested by School Board member Patricia Good and included in the recommendation to the County Commission.

Last year, a letter went out from the County to all municipalities asking for their support and participation in a program to train municipal employees to help staff the shelters when needed. This was an apparent result of inadequate staffing when the evacuation order was issued for Hurricane Irma.

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What the County letter did not say was that if a City did not sign the binding agreement proffered by County staff that Land Use Plan amendments and redevelopment projects located east of U.S.1 would be denied based on a new provision of Broward Next, requiring adequate hurricane evacuation shelters.

In the case of Hidden Harbour and likely the Diplomat Landings amendments, the LUP Amendments have been years in the making and are strongly supported by their respective cities.

What has happened is that the "new" County mandate that the cities sign a binding agreement to help staff hurricane shelters has now morphed into a defacto moratorium for projects which just happen to be east of U.S.1.

Hidden Harbour has already agreed to provide a hurricane evacuation plan and the City of Pompano Beach has stipulated in writing to provide trained staff for the shelters in the City of Pompano Beach.

This defacto moratorium threatens to disrupt redevelopment in every eastern Broward city. By state law, the School Board provides facilities and core personnel (maintenance, kitchen, etc.) and the County is charged with coordinating and providing the remaining staff for shelters. Historically, the Red Cross and other agencies have also been involved. Thus, by law, the municipalities have no mandated role, but can voluntarily, as Pompano Beach has done, offer to assist with shelter staffing. Broward County and the School Board are parties to a written contract detailing their responsibilities and how the process should work.

The County staff should not use threats, moratoria and other tactics to browbeat the cities. There is a better way to encourage local governmental entities to work together on an issue as important as hurricane evacuation. The unfortunate fallout from this process is having a significant financial impact on my client and others.

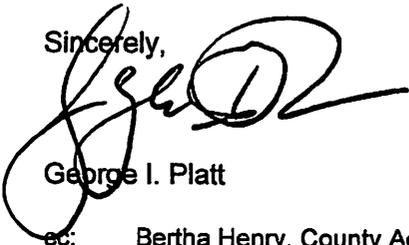
We urge this Commission to decouple the shelter staffing issue from redevelopment and land use plan issues which have been years in the making and have now been stalled for months.

Both Hidden Harbour in Pompano Beach and Diplomat Landings in Hollywood and perhaps other developments valued at hundreds of millions of dollars are being delayed because of this standoff.

As we ask that the County Commission decouple this issue from the land use plan amendment process, we do not question the importance of having adequate, well-staffed shelters for hurricane evacuation. But the use of this defacto moratorium is not the appropriate way to get there.

Please give me a call if you wish to discuss any aspect of this.

Sincerely,



George I. Platt

cc: Bertha Henry, County Administrator
Andrew Meyers, County Attorney
Henry Sniezek, Director, EPGMD
Gregory P. Harrison, City Manager
Graham Penn, Esq.
Andy Sturner, CEO Hidden Harbour
Barbara Blake Boy, Executive Director, Broward County Planning Council

Enclosures as stated

March 12, 2019

Gregory P. Harrison, City Manager
City of Pompano Beach
100 West Atlantic Boulevard
Pompano Beach, Florida 33060

Re: Recertification Request – Hidden Harbour

Dear Mr. Harrison:

As you aware, the Broward County Planning Council took an action to conditionally recertify the City's corresponding local amendments to BrowardNext - Broward County Land Use Plan (BCLUP) amendments PC 18-5/PCT 18-3, also known as Hidden Harbour, at its April 26, 2018, public hearing.

The City of Pompano Beach has submitted its recertification request as the Planning Council's conditional recertification action is subject to the determination that the municipality has fulfilled all application requirements for the recertification of the local land use plan, as outlined in the Administrative Rules Document: BrowardNext.

The Broward County Commission adopted BCLUP amendments PC 18-5/PCT 18-3 on May 22, 2018, subject to the following voluntary commitments:

- The applicant's voluntary commitment to restrict development to a mix of uses that will result in no more than 1,377 total p.m. peak hour trips as reflected in Attachment 1 of corresponding text amendment PCT 18-3;
- Provision of written notification to potential renters or buyers of potential noise issues, etc. related to the proximity to Pompano Air Park airspace, as well as the commitment to submit an Airspace Study Checklist to the Federal Aviation Administration (FAA);
- The applicant's voluntary commitment to create a hurricane evacuation contingency plan for future residential development; and
- The City of Pompano Beach's voluntary commitment to provide eligible and trained emergency evacuation shelter managers and support staff in the event of a Broward County "Zone B" storm evacuation order be formalized in a legally binding agreement.

Per the adoption ordinance, effectiveness of the approval shall not occur until after the recordation in the public records of Broward County, Florida, to the satisfaction of Broward County, of the voluntary commitments regarding the notification of potential renters or buyers

Gregory P. Harrison, City Manager

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of proximity to Pompano Air Park airspace and submittal of an Airspace Study Checklist to the FAA, as well as the hurricane evacuation contingency plan, as proffered by the applicant, as an inducement for Broward County to favorably consider its application.

It is noted that the City's recertification request dated March 5, 2019, and received by Planning Council staff on March 7, 2019, states that the City Commission did not adopt the Interlocal Agreement to memorialize the City of Pompano Beach's voluntary commitment to provide eligible and trained emergency evacuation shelter managers and support staff in the event of a Broward County "Zone B" storm evacuation order be formalized in a legally binding agreement and as attached in Exhibit B to the Broward County Ordinance 2018-24, as the City Attorney found it to be outside the City Commission's authority. Further, the City has stated that its July 6, 2018, letter regarding staffing of hurricane shelters is the final position.

In consultation with the Planning Council's Attorney and the Broward County Office of the County Attorney, the BCLUP amendments PC 18-5/PCT 18-3 are not effective until all voluntary commitments have been legally memorialized. Further, in consultation with the Planning Council's Attorney, the recertification of the local amendments cannot be finalized until the voluntary commitments have been legally memorialized. In order for the BCLUP amendments to be considered effective and to recertify the City of Pompano Beach's corresponding local amendments, one of the following must occur:

- The City of Pompano Beach enters into the Interlocal Agreement regarding its voluntary commitment to provide eligible and trained emergency evacuation shelter managers and support staff in the event of a Broward County "Zone B" storm evacuation order; or
- The City of Pompano Beach can submit a request that the Broward County Commission release or modify its condition of approval to provide eligible and trained emergency evacuation shelter managers and support staff in the event of a Broward County "Zone B" storm evacuation order.

Please feel free to contact me if you have any questions or would like to discuss.

Respectfully,



Barbara Blake Boy
Executive Director



Gregory P. Harrison, City Manager

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March 12, 2019

cc: The Honorable Lamar Fisher, Commissioner
Broward County Board of County Commissioners

The Honorable Rex Hardin, Mayor
City of Pompano Beach

Andrew Maurodis, Esq., Counsel
Broward County Planning Council

Maite Azcoitia, Esq., Deputy County Attorney
Broward County Office of the County Attorney

Henry A. Sniezek, Director
Broward County Environmental Protection and Growth Management Department

David Recor, Director, Development Services
City of Pompano Beach

Graham Penn, Esq.
Bercow, Radell & Fernandez, P.A.





CITY MANAGER'S OFFICE

Greg Harrison, City Manager

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March 21, 2018

Barbara Blake Boy

Broward County Planning Council
115 South Andrews Avenue, Room 307
Fort Lauderdale, Florida 33301

Re: Pompano Beach Proposed Hidden Harbour Land Use Plan Amendment Referenced as BCLUP amendment PC 18-5

Dear Ms. Blake Boy,

We are in receipt of the letter from Henry Sniezek, Director of Environmental Protection and Growth Management Department, requesting assistance with emergency evacuation shelters. In my last communication to you dated February 22, I clarified how the City of Pompano Beach has been extremely cooperative in working with the county to prepare for emergency management. We understand the issues that the County and the Broward County School Board are facing with regard to meeting the statutory requirement for emergency management. Therefore to continue our mutual cooperation to improve public safety, the City of Pompano Beach will work with the County, as well as with our municipal partners to recruit public volunteers to build a temporary-evacuation shelter workforce.

I am certain that this issue can be resolved to improve our common goals for public safety, and this City is fully committed to providing the level of commitment your Department is seeking.

Sincerely,

Gregory P. Harrison
City Manager