



**BERTHA W. HENRY**, County Administrator

115 S. Andrews Avenue, Room 409 • Fort Lauderdale, Florida 33301 • 954-357-7

Don  
L. Gordo  
Gus  
Steve  
Andrea

January 10, 2019

**Via Certified Mail, Return Receipt Requested**

Mr. Wazir Ishmael, City Manager  
City of Hollywood  
2600 Hollywood Boulevard, Room 419  
Hollywood, Florida 33022

Re: Initiation of Conflict Resolution Proceedings Pursuant to Chapter 164

Dear Mr. Ishmael:

Enclosed please find a certified copy of Resolution No. 2019-023, adopted by the Broward County Board of County Commissioners on Tuesday, January 8, 2019, authorizing the commencement of conflict resolution proceedings against the City of Hollywood.

As you are aware, the County is in the midst of an ongoing upgrade, costing in excess of \$50 million, to the public safety regional communications system. The system relies upon a network of communication towers that facilitate the critical radio communications for first responders and other public safety officials. Based upon extensive coverage analyses and in coordination with vendors, consultants, and other industry professionals, the County has identified the locations for additional communication towers that must be sited and built to support the upgrade to the regional communications system. One of the identified locations for a communication tower is on certain property in West Lake Park in the City of Hollywood.

On August 21, 2018, the County submitted an application to the Planning and Development Board of the City of Hollywood for site plan approval ("Site Plan Application"). The City Planning Administrator reviewed the Site Plan Application and recommended the Planning and Zoning Board forward a recommendation to the City Commission to approve the site plan with minor conditions related to unity of title and certain tree mitigation.

On September 6, 2018, the Planning and Development Board recommended the City Commission deny the County's Site Plan Application, contrary to the recommendation of the City Planning Administrator, and without articulating any valid basis for its recommendation.

On October 17, 2018, on November 7, 2018, and on December 19, 2018, the City Commission repeatedly postponed a vote on the Site Plan Application.

Mr. Wazir Ishmael, City Manager  
January 10, 2019  
Page 2

The proposed communication tower at West Lake Park is a permitted use and meets all the criteria for site plan approval. The failure of the City to approve the Site Plan Application, and the repeated delay by the City in either approving or denying the Site Plan Application, are materially impacting the ability of the County to complete the public safety radio communications system upgrade.

The County hereby notifies the City of the invocation of Chapter 164 governmental conflict resolution proceedings. The County proposes that the conflict assessment meeting required pursuant to Section 164.1053, Florida Statutes, be held on Monday, January 21, 2019, at 2:00 p.m., at the Broward County Government Center, 115 South Andrews Avenue., Suite 409, Fort Lauderdale, Florida 33301, or such other date and time as the parties may cooperatively schedule. The County suggests that the County Administrator, City Manager, and appropriate staff from each entity be in attendance at the meeting.

Please promptly confirm your availability for the proposed conflict assessment meeting. Given the urgencies of the matter, this conflict assessment meeting will proceed in parallel with and independently of the parties' efforts to expediently analyze any other available sites.

Regards,

  
Bertha Henry,  
County Administrator

Enclosure

c: Mayor Josh Levy (via e-mail)  
Board of County Commissioners  
Andrew J. Meyers, County Attorney  
Bob Melton, County Auditor

1  
2 A RESOLUTION OF THE BOARD OF COUNTY  
3 COMMISSIONERS OF BROWARD COUNTY, FLORIDA,  
4 INITIATING THE CONFLICT RESOLUTION PROCEDURES  
5 PRESCRIBED IN CHAPTER 164, FLORIDA STATUTES;  
6 AND PROVIDING FOR SEVERABILITY AND AN  
7 EFFECTIVE DATE.

8 WHEREAS, Broward County (the "County") is undertaking an extensive upgrade  
9 of the public safety regional communications system in order to improve the system's  
10 capacity to facilitate critical radio communications for first responders and other public  
11 safety officials;

12 WHEREAS, the upgrade of the radio communications system, including  
13 construction of additional radio communication towers, is critical and time-sensitive in light  
14 of the fact that critical components of the system have reached end-of-life, meaning  
15 technical expertise and spare parts necessary to resolve issues will not be guaranteed,  
16 and maintenance and support will be provided only on a "best efforts" basis;

17 WHEREAS, based upon extensive coverage analyses and in coordination with  
18 vendors, consultants, and other industry professionals, the County has identified the most  
19 appropriate locations for additional communication towers that must be sited and built to  
20 support the upgraded communications system, and one of those locations is certain  
21 County-owned property within West Lake Park, 1200 Sheridan Street, Hollywood, Florida;

22 WHEREAS, on August 21, 2018, the County submitted an application to the  
23 Planning and Development Board of the City of Hollywood (the "City") for site plan  
24 approval for the proposed communication tower and associated compound ("Site Plan  
Application"), and upon review, the City Planning Administrator recommended the City

1 Planning and Zoning Board forward a recommendation of approval to the City  
2 Commission with only minor conditions related to unity of title and certain tree mitigation;

3 WHEREAS, on September 6, 2018, the City Planning and Development Board  
4 recommended the City Commission deny the Site Plan Application despite the lack of any  
5 factual or legal basis for such denial and contrary to the recommendation of approval by  
6 the City Planning Administrator;

7 WHEREAS, on three occasions to date, namely October 17, 2018,  
8 November 7, 2018, and December 19, 2018, the City Commission considered the Site  
9 Plan Application and postponed its decision on the Site Plan Application, suggesting  
10 repeatedly in conjunction with such consideration that the County consider other sites for  
11 placement of the communication tower. The City's suggested locations have been  
12 determined by the County to be unsuitable based upon the location, timing, and  
13 engineering requirements for the radio communication system; and

14 WHEREAS, the County's existing radio infrastructure is outdated and will not be  
15 fully supported after December 31, 2018, and the ongoing delay caused by the City's  
16 refusal to approve the Site Plan Application is negatively affecting the public safety of the  
17 entire county and the implementation of the upgraded radio communication system,  
18 NOW, THEREFORE,

19  
20 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF  
21 BROWARD COUNTY, FLORIDA:

22  
23 Section 1. The above-stated recitals are true and correct and incorporated  
24 herein by reference.

1       Section 2. It is the intention of the Board of County Commissioners to initiate  
2 the conflict resolution procedures provided by Chapter 164, Florida Statutes, prior to the  
3 initiation of any litigation that may be required to obtain the City's decision on and approval  
4 of the County's Site Plan Application.

5  
6       Section 3. The issue in conflict involves the prompt and timely consideration  
7 and approval of the County's Site Plan Application for a radio communication tower on  
8 certain County-owned property located within West Lake Park, 1200 Sheridan Street,  
9 Hollywood, Florida, and any appeal, other review proceeding, or judicial relief in  
10 connection with any unfavorable determination of same.

11  
12       Section 4. The current conflict is between Broward County and the City of  
13 Hollywood.

14  
15       Section 5. Severability.

16       If any portion of this Resolution is determined by any court to be invalid, the invalid  
17 portion will be stricken, and such striking will not affect the validity of the remainder of this  
18 Resolution. If any court determines that this Resolution, in whole or in part, cannot be  
19 legally applied to any individual, group, entity, property, or circumstance, such  
20 determination will not affect the applicability of this Resolution to any other individual,  
21 group, entity, property, or circumstance.

1 Section 6. Effective Date.

2 This Resolution is effective upon adoption.

3  
4 ADOPTED this 8 day of January, 2019. #59A

5  
6 Approved as to form and legal sufficiency:  
7 Andrew J. Meyers, County Attorney

8  
9  
10 By /s/ René D. Harrod 01/02/19  
11 René D. Harrod (date)  
12 Deputy County Attorney  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

23 RDH  
24 01/02/19  
Chapter 164 Hollywood Reso  
#402715.2

STATE OF FLORIDA        )

) SS

COUNTY OF BROWARD )

I, Bertha Henry, County Administrator, in and for Broward County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution 2019-023 the same appears in the minutes of said Board of County Commissioners meeting held on the 8<sup>th</sup> day of January, 2019. (Item 59A)

IN WITNESS WHEREOF, I have hereunto set my hand and official seal dated this 9<sup>th</sup> day of January, 2019.



(SEAL)

BERTHA HENRY  
COUNTY ADMINISTRATOR

By *Mayanne Hardy*  
Deputy Clerk