

PUBLIC COMMENTS

EMAIL SUBMISSIONS

8/19/2020 COMMISSION MEETING

Item #21 Proposed Ordinance 2020-09 Pembroke Lakes Zoning Overlay

Graham, Marlene

From: Keith Cohen <kacpines@msn.com>
Sent: Thursday, August 20, 2020 9:41 AM
To: Public Comments
Subject: FW: The Reinstatement of Covenants, Conditions, and Restrictions Extinguished by the Marketable Record Title Act

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Reference city ordinance 2020-09

Just wanted to add something to my comments and for city to look at..
This nightmare everyone finds themselves in Pembroke lakes is nothing compared to the nightmare that's coming to west pines..the lakes we were never a true HOA or a gated private community no fees and maintenance cost for pool roads club house and landscaping..the voluntary HOA maintenance was 4 signs and a wall. When all those communities out west hit there 30 years they will find themselves in trouble like the other HOA communities they will not be able to collect HOA fees that maintain there community..they need to start to fix it under the state law in this article..

Sent via the Samsung Galaxy S8, an AT&T 5G Evolution capable smartphone

----- Original message -----

From: Keith Cohen <kacpines@msn.com>
Date: 8/20/20 6:55 AM (GMT-05:00)
To: publiccomments@ppines.com
Cc: Alberto Linares <alinares1186@gmail.com>
Subject: FW: The Reinstatement of Covenants, Conditions, and Restrictions Extinguished by the Marketable Record Title Act

This email is for the special city commission meeting August 27
Reference amendment 2020-09

Mayor Vice mayor Commissioner's

I believe this attachment Explains why we are here and why this amendment is unconstitutional under Florida law.

Basic points

We were told it was modeled after Woodlands as you read they failed at first.

Then a new statue was voted on by state and approved if you read it. It is a long process within the community requiring the community to vote. finally approved it. But this was for a true HOAs

But if you keep reading you will see that even though there HOA was able to reinstate there restrictions. There is still no relief or law that allows a Voluntary HOA to reinstate there restrictions ..

Thank you

Keith Cohen
Residents 25 years

Sent via the Samsung Galaxy S8, an AT&T 5G Evolution capable smartphone

----- Original message -----

From: Keith Cohen <kacpines@msn.com>

Date: 8/20/20 6:26 AM (GMT-05:00)

To: Keith Cohen <kacpines@msn.com>, Alberto Linares <alinares1186@gmail.com>

Subject: The Reinstatement of Covenants, Conditions, and Restrictions Extinguished by the Marketable Record Title Act

<https://www.floridabar.org/the-florida-bar-journal/the-reinstatement-of-covenants-conditions-and-restrictions-extinguished-by-the-marketable-record-title-act/>

Sent via the Samsung Galaxy S8, an AT&T 5G Evolution capable smartphone

Graham, Marlene

From: Keith Cohen <kacpines@msn.com>
Sent: Thursday, August 20, 2020 6:55 AM
To: Public Comments
Cc: Alberto Linares
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But if you keep reading you will see that even though there HOA was able to reinstate there restrictions. There is still no relief or law that allows a Voluntary HOA to reinstate there restrictions ..

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Sent via the Samsung Galaxy S8, an AT&T 5G Evolution capable smartphone

Graham, Marlene

From: 9545312444@mms.att.net
Sent: Thursday, August 20, 2020 1:30 PM
To: Public Comments
Attachments: text_0.txt

Graham, Marlene

From: Vicky Navarro <Vicky_Navarro@ryder.com>
Sent: Wednesday, August 19, 2020 7:38 PM
To: Public Comments
Subject: [CAUTION: SUSPECT SENDER] Pembroke Lakes HOA Ordinance.

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I am 30year resident of Pembroke Lakes and very proud to live in this community. I fully support the Pembroke Lakes HOA Ordinance.

Victoria Navarro
11521 NW 18 St

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Graham, Marlene

From: Vicky Navarro <Vicky_Navarro@ryder.com>
Sent: Wednesday, August 19, 2020 7:36 PM
To: Public Comments
Subject: [CAUTION: SUSPECT SENDER] Pembroke Lakes HOA Ordinance

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I am 30year resident of Pembroke Lakes and very proud to live in this community. I fully support the Pembroke Lakes HOA Ordinance.

Victoria Navarro
11521 NW 18 St
955-242-0153

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Graham, Marlene

From: cindyb954@aol.com
Sent: Wednesday, August 19, 2020 7:23 PM
To: Public Comments
Subject: 2020-09

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Why is Mr. Girello allowed to go over his time allotment, not fair!

Graham, Marlene

From: cindyb954@aol.com
Sent: Wednesday, August 19, 2020 7:22 PM
To: Public Comments
Subject: 2020-09

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This item needs to wait until a meeting can be attended. The quality of this live streaming is bad. Cuts out, have no idea what all is being said.

Graham, Marlene

From: Ryann Greenberg <rlgreenberg@me.com>
Sent: Wednesday, August 19, 2020 7:15 PM
To: Graham, Marlene; Public Comments
Subject: Sound Quality

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The TV sound quality is very bad and it's impossible to listen to the meeting.

Please excuse my brevity, sent from my iPhone.

Graham, Marlene

From: cindyb954@aol.com
Sent: Wednesday, August 19, 2020 7:34 PM
To: Public Comments
Subject: Current Commission meeting

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Now there is no sound

Graham, Marlene

From: Florida Node <floridanode@gmail.com>
Sent: Wednesday, August 19, 2020 6:55 PM
To: Public Comments; Ortis, Frank; Siple, Iris; Schwartz, Jay; Good, Tom; Chanzas, Larissa
Subject: Re: Pembroke Pines City Officials violating Pembroke Lakes Property Owner Rights and Federal Violations

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Yesss! On workshop ,THANK YOU FOR LISTENING TO THE COMMUNITY

On Tue, Aug 18, 2020 at 9:18 AM Florida Node <floridanode@gmail.com> wrote:

Good Morning

Synopsis:

Pembroke Pines Mayor Fran C. Ortis, Commissioner Jay D. Schwartz, and Volunteer Community President Paul Girello are taking advantage of this pandemic to propose a Pembroke Lakes City Ordinance in the City of Pembroke Pines, Florida Amending Chapter 155 of the City's Code of Ordinances, entitled "zoning code" creating section 155.032, to be entitled Pembroke Lakes overlay zoning district. On August 5th (<https://ppines.legistar.com/Calendar.aspx>), without the community consent Commissioner Schwartz sponsored the proposal ordinance change requested by Paul Girello and Fran C. Ortis who second the proposal, without the community consent and misrepresentation of the community Property Owners. Mayor Ortis, has a conflict of interest as he is a property owner and business owner in the Pembroke Lakes community and should have not second this as his wife (Barbara Ortis) is also part of the volunteer community proposing this change. Now the next meeting will be held on **August 19 @ 6:30 pm**, after speaking with the Mayor on Saturday 8/16, he advised he is not going to allow the community to vote (violating our rights) and all the Commissioners are going to Vote on behalf of this ordinance change. In addition, the Mayor on 8/16 advised he is tired of seeing residents leave the community as this is no longer a deed restricted community and this is causing an impact on our property value. This is strongly misleading as I recently purchased a property, pembroke lakes community has a low inventory and sells fairly quickly for asking or above asking price. Recently the Mayor put his property for sale and have received multiple generous offers. These overlays include many deed restrictions that were enacted when the deed was in effect.

In 1977 the last deed restrictions were created in the Pembroke Lakes Community. According to the "[The 1956 Marketable Record Title Act](#)" says that deed-restricted communities in Florida (and in other states, as well) expire within 30 years of inception. That means after 30 years, the homeowners' association can't do anything to enforce the rules—and they can no longer collect monthly dues from homeowners in the community." The community never filed the proper documentation with the State of Florida to continue the deed restrictions in Pembroke Lakes. The deed restrictions expired in 2007, I recently purchased about two months ago a property in Pembroke Lakes and the title company advised this is not a deed restricted community. The volunteers of the HOA have lost their right to represent the community and can't enforce code only the City of Pembroke Pines can. Please see their website where it misleads the community <http://www.pembrokelakeshoa.com/> advising this is a deed restricted community. In addition, this voluntary disorganized group recently elected a vice president on their website, when the public was not notified and advised their meetings have been cancelled since March through December due to Covid. See attachment. These volunteers are illegally misrepresenting the community and seeking personal interest. The volunteers along with the City Officials mentioned above are creating selective enforcement in the City of Pembroke Pines, violating our property owner rights. Currently Pembroke Lakes Code enforcement is governed strictly by the City of Pembroke Pines, this overlay causes additional restrictions in which I did not agree when I purchased this property.

In addition, after the deed expired, there is a group home (Pro-Care Group Home) registered in the Pembroke Lakes Community. Having a special needs Brother in a group home, I understand how these additional restrictions violate their rights also and impacts them negatively. The City Officials are attempting to go around the law and not present the proper documentation to the community and the state.

The Official and the volunteers have violated the following:

2019 Florida Statutes. 712.05 Effect of filing notice.— (1) A person claiming an interest in land or other right subject to extinguishment under this chapter may preserve and protect such interest or right from extinguishment by the operation of this chapter by filing for record, at any time during the 30-year period immediately following the effective date of the root of title, a written notice in accordance with s. 712.06

The overlay must have been voted on by a community vote. Must be enacted before deed restrictions expired. Can't use a overlay zone after the fact.

What the city is doing is opening the Voluntary HOA up for legal action for acting on behalf of community without legal authority and the city for violating out rights and enacting restrictions they do not force on the residents of Pembroke Pines.

I have obtain legal counseling and its illegal and violating our rights as the property owners. I am requesting for your assistance as I am disgusted how these small group of individuals are taking advantage of this pandemic for personal gain and not community consent. They are attempting to Mirror the Woodlands in Tamarac Ordinance Overlay, illegally.

PEMBROKE LAKES FAILED TO FILE THE FOLLOWING BELOW, TO CONTINUE UNDER DEED RESTRICTIONS

712.05 Effect of filing notice.—

(1) A person claiming an interest in land or other right subject to extinguishment under this chapter may preserve and protect such interest or right from extinguishment by the operation of this chapter by filing for record, at any time during the 30-year period immediately following the effective date of the root of title, a written notice in accordance with s. 712.06.

(2) A property owners' association may preserve and protect a community covenant or restriction from extinguishment by the operation of this chapter by filing for record, at any time during the 30-year period immediately following the effective date of the root of title:

(a) A written notice in accordance with s. 712.06; or

(b) A summary notice in substantial form and content as required under s. 720.3032(2); or an amendment to a community covenant or restriction that is indexed under the legal name of the property owners' association and references the recording information of the covenant or restriction to be preserved. Failure of a summary notice or amendment to be indexed to the current owners of the affected property does not affect the validity of the notice or vitiate the effect of the filing of such notice.

(3) A notice under subsection (1) or subsection (2) preserves an interest in land or other right subject to extinguishment under this chapter, or a covenant or restriction or portion of such covenant or restriction, for not less than 30 years after filing the notice unless the notice is filed again as required in this chapter. A person's disability or lack of knowledge of any kind may not delay the commencement of or suspend the running of the 30-year period. Such notice may be filed for record by the claimant or by any other person acting on behalf of a claimant who is:

(a) Under a disability;

(b) Unable to assert a claim on his or her behalf; or

(c) One of a class, but whose identity cannot be established or is uncertain at the time of filing such notice of claim for record.

Along please find attached:

Misleading HOA Meetings Schedule, when recently they elected a new Vice President- Strange how the meetings have been cancelled till the end of the year.

City's Notice of Public Hearing -after 8/5, I awaited about 3 hours to speak and was never addressed nor given the opportunity to speak, when they opened the WEBEX meeting to the public. In the meeting they were having technical glitches and still passed this ordinance proposal without allowing the community / public to speak. The type of meeting is incorrectly categorized as City Commissions vs Planning & Zoning Board

A petition I recently created against this ordinance 2020-09 change within the community of Pembroke Lakes. This also impacts other subdivisions in Pembroke Pines as majority of the authorized and legal HOA communities renew their 30 years in 2023, this will allow them not to file with the state and impose the City to enforce additional selective bylaws as this selective ordinance change is promoting.

I wish to continue following City Code Ordinance and not additional selective restrictions from a misrepresenting group with no legal authority to enforce or represent the community.

Regards,
Property Owner 106th Street Pembroke Pines

Graham, Marlene

From: Gregory Edens <gedens@dosal.com>
Sent: Wednesday, August 19, 2020 5:46 PM
To: Public Comments
Subject: Against Proposed Ordinance 2020-09 Amending Chapter 155. Against Creating Section 155.032 Overlay

Importance: High

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To whom it may concern:

Unfortunately, I was just made aware of this proposal ~ 48 hrs. ago. As a longtime resident of Pembroke Pines and So FL Native I would expect there would be prior notice and complete transparency regarding issues such as these. Whether from the City of P.Pines or the HOA, no matter at this point. I would think that the City has a vested interest being that their laws have different provisions than the HOA's.

I am very concerned that the "volunteer" P. Lakes HOA is attempting to create selective enforcement regarding not allowing any boats to be kept on ones property. I have been a boat owner since I moved from East Pines to Pembroke Lakes > 20 years ago. I also live less than 7 miles from where I was born and grew up.

My first experience with the Pembroke Lakes "volunteer" HOA was shortly after I moved in then rec'd a notice that my Boat was illegally parked, which was in my circular driveway closest to the House. I had 10 days to respond or face the local Magistrate. It is important to note that I was never made aware that Pembroke Lakes had an HOA or the "restrictive covenants" of the HOA until after I purchased my home and rec'd this letter. I hired an attorney who pointed out this particular reference was in the closing papers (in fine print) on page ~47 of ~160. While my Realtor was aware there was an HOA we never had any conversation regarding boats or RV's not being allowed on any part of the property prior to me signing. My boat at that time was a 12 ft aluminum Jon boat that I kept behind the back fence. You could not see this boat from the street or sidewalk. Someone had to physically approach my 6ft high wood fence and over through in order to see. Shortly after receiving this letter (after I moved to P. Lakes ~6-8 months), signs appeared on Taft Street that this is "Deed Restricted" community.

I have never paid any "dues" and will never do so based on the HOA's current model. While I do support my neighborhood's and City's wellbeing, I do not support the ways in which the HOA disseminates information. Nor do I support its methods of enforcement. I will spare you the stories of my neighbors receiving notices from HOA because they had a "Dead or Dried" bush in their front yard that must be replaced or removed.

After receiving the initial letter from HOA I immediately contacted Pines Code Compliance. A Compliance Officer came out, visited me and examined my Boat and storage location. He informed me that according to Pines Law, they had no issue with my Boat parked where it was. 6 feet from the sidewalk and 6 feet from the property line was within their code and much less than their height requirement. After speaking with PP Code Compliance, I contacted the HOA. I believe I spoke with an "Angelo" was handling issues for the HOA at that time. "Angelo" explained to me that he retired from New York to Florida and was concerned that his new property value would depreciate because my boat was parked in my driveway. My boat was brand new at the time.

Less than 1.5 miles East of me, and in the City of Pembroke Pines residents are permitted to keep their boats on their property, and can keep in their front yard provided they are within the expectations of Pembroke Pines Code Compliance.

Additionally, there are multiple Police Officers that live in my neighborhood. Some are Pines Police, others work various parts of the tricity area. All have Boats/RV's that are parked in front of their homes. The majority of the ones I've verbally spoken with have never rec'd the same letter that I have, multiple times in the past.

I did have a storage spot at the "City" lot off Pembroke Road and Hiatus for ~ a year; however, there were several thefts. Not only Boats but TV's, Microwaves etc. from RV's. The lot itself is within the Miramar City Limits; however, no one could tell me who was ultimately responsible for the lot's security. Thief's were coming across the lake in Jon boats from adjacent apartments and were able to access the property without going through the card security access gate. Shortly thereafter, there was some type of issue with the lot's maintenance contract, which was up for renewal. How and to whom it was awarded. Was in question. I believe the contract was awarded to a Pines Official relative.

As an FYI, we have been on the Pines Lot Boat Storage waiting list for the last ~ 3 months as I bought a new boat. It took several weeks to just receive a call back indicating that we were on the waiting list.

In my opinion, this is a shameful attempt to pass these bylaws during a time of pandemic, public concern and unrest.

What has changed since the day the HOA was first implemented/enacted regarding these provisions ?

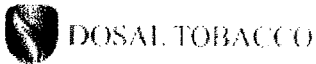
Surely, P.Pines residents owned boats prior to those days. Probably before the days that the current HOA even arrived in FL to be a resident.

For the record I am officially requesting the following;

- Please do not mute me during this meeting. Please assure that my voice accounts.
- I am requesting a full copy of the current ordinance and the proposed changes.
- I am requesting by what Legal Authority allows a "volunteer" HOA to make decisions on the community's behalf without obtaining the community's consensus or a community vote ?
- Provide an explanation as to why residents less than 1.5 miles East of me have not been previously subject to this "HOA" rule.
- Are all P. Pines residents (including those in the East where they are allowed to park their boats) included in this proposed new rule? If so, what are the plans to handle this magnitude of now needed storage places locally ?
- Who is responsible for security at the Pines lot in Miramar ? If this rule passes I would expect the Pines HOA to provide security using their fees they collect from the residents.
- Why doesn't the City Compliance Laws supersede the "volunteer" HOA requirements ?
- What gives the Pembroke Lakes HOA now jurisdiction to make decisions for other Pines communities they have not been previously involved with ? What about Grandfathered Homeowners ?

Thank you for your prompt response.

Gregory Edens
Regulatory Affairs Director



4775 NW 132nd Street, Miami, Florida 33054
Tel: (305) 685-2949 x1240, Fax: 786-472-7090
Email: gedens@dosal.com

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Graham, Marlene

From: RALPH TARDIF <ralptardif@comcast.net>
Sent: Wednesday, August 19, 2020 4:33 PM
To: Public Comments
Subject: Yes, to the Proposed 2020-09 Pembroke Lakes Overlay Zoning

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Ralph & Dolores Tardif
11320 N.W. 23 Street

Graham, Marlene

From: Al <alvelez77@gmail.com>
Sent: Monday, August 24, 2020 5:18 PM
To: Public Comments
Cc: Graham, Marlene
Subject: Ordinance 2020-09

I have read the proposed ordinance regarding deed restrictions of Pembroke Lakes community and would like clarification on the verbiage of these rules. It states that boats RV commercial vehicles can't be parked or stored on any part of lot for any period of time but I feel that it should allow for temporary storage for cleaning, maintenance or usage. There are people from the HOA advising that you can park for up to three days on property for cleanings, maintenance or usage as long as it does not block sidewalk but no where on proposal does it state that. It should state clearly the fine amounts if violated. I would like to be able to join and speak at this meeting regarding my concerns. Thank you.

Sent from my iPhone

Graham, Marlene

From: deby fernandez <dlady83@hotmail.com>
Sent: Tuesday, August 25, 2020 12:37 PM
To: Public Comments
Subject: Ordinance 2020-09

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To the City Clerk Office,

I would like to voice my concern about ordinance 2020-09. It seems like it's being rushed to be approved in the middle of a pandemic when there can be no in-person meetings. Last week commission meeting and its technical difficulties just proved such a controversial topic should be postponed until a live meeting can be held.

In addition during the virtual meeting I believe somebody said over 90% of the Pembroke Lakes Community was in agreement with the new "zoning code" for Pembroke Lakes however they did mention there was no voting. I did not even get a letter being notified this was being worked on. Every Pembroke Lakes homeowner should get a voice in this therefore I propose a voting on the matter, ideally once the pandemic has improved a bit more.

In addition one of the amendments to the ordinance 2020-09 amendments is to allow boats in the property as long as they are not visible from the street. However this is very difficult since boats for the most part are over 6 feet tall and fences are 6 feet, hence they can be seen from the street. I propose we adopt city of Pembroke Pines ordinance 155.078 Recreational Vehicles, Boat and Utility Trailers, and the Like. Which states boats are allowed in the enclosed property as long as they are 10 feet or below. My hope is that this new modification will allow homeowners to keep their boat at their house/backyard, otherwise, even with this amendment only flatboats will be able to be kept in the community.

Thank you

Deborah Fernandez and Yusiel Ventura

Phone: 786-326-4857

Graham, Marlene

From: Robert Reilly <rlr5024@yahoo.com>
Sent: Tuesday, August 25, 2020 9:04 AM
To: Public Comments
Subject: Not in favor of ordinance

As a resident for over ten years in Pembroke Lakes I am in favor of the new proposed ordinance. The deed restrictions have expired. And I am not in favor of renewing them or having Pembroke Pines code enforcement or anyone else enforce these expired restrictions.

Robert Reilly
11000 NW 22nd street
Pembroke Pines FL 33026

Sent from my iPhonej

Graham, Marlene

From: Bob Riber <riber.bob@gmail.com>
Sent: Wednesday, August 19, 2020 11:56 AM
To: Public Comments
Subject: I am definitely for the deed restrictions for Pembroke Lakes. eom

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Thanks Bob

Graham, Marlene

From: Julia Andrews <juliapandrews@live.com>
Sent: Wednesday, August 19, 2020 6:52 PM
To: Public Comments
Subject: access code is incorrect

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I am trying to call into the meeting to voice my opinion and the access code given on the notice of public hearing is saying it is incorrect. Please provide me with the correct telephone number and access code for the meeting occurring right now.

Julia P. Andrews

Graham, Marlene

From: NANCY VEGA <nv4007@bellsouth.net>
Sent: Wednesday, August 19, 2020 6:50 PM
To: Public Comments
Subject: Problem

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Sorry.this email is not clear. I just do not understand what the current problem is. Please explain.