

**MEETING OF THE CITY COUNCIL
PLANTATION, FLORIDA**

January 25, 2012

The meeting was called to order by Councilwoman Uria, President of the City Council.

1. Roll Call by City Clerk:

Councilmember:	Ron Jacobs Robert A. Levy Lynn Stoner Peter S. Tingom Sharon Moody Uria
Mayor:	Diane Veltri Bendekovic
City Attorney:	Donald J. Lunny, Jr.

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2. The invocation was offered by Mayor Bendekovic.

The Pledge of Allegiance followed.

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ITEMS SUBMITTED BY THE MAYOR

Mayor Bendekovic read a Proclamation designating the month of January 2012 as *Broward County Diversity Month* in the City of Plantation.

Zola from Broward County Diversity Advisory Council accepted the proclamation.

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Resolution No. 11430

3. **RESOLUTION** of Appreciation to Brian Stewart for 38 years of dedicated service to the City of Plantation.

Motion by Councilman Jacobs, seconded by Councilwoman Uria, to approve Resolution No. 11430. Motion carried on the following roll call vote:

Ayes: Tingom, Jacobs, Levy, Stoner, Uria
Nays: None

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Mayor Bendekovic presented service awards to the following employees:

*Detective Michael Jasinski	Police	25 years
Lieutenant Brian Pillado	Police	25 years
Leslie Mc Crea	Parks & Recreation	20 years
*Margarita Bromley	Police	15 years
Adam Attah	Building	10 years
Julie Goodrich	Utilities	10 years
Daryl Holloway	Parks & Recreation	10 years
*Officer Jessica Ryan	Police	10 years
Kwesi Campbell	Public Works	5 years
Gabi Chamoun	Design, Landscape & Const. Mgmt.	5 years
Steven Devito	Utilities	5 years
*Officer Robert Edwards	Police	5 years
*Officer Chad Fowler	Police	5 years
Carlos Gonzalez	Planning	5 years
Annette Otiniano	Finance	5 years
Deborah Wallace	Library	5 years

*Unable to Attend

Congratulations were offered.

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Jim Romano, Parks and Recreation Director, made the following announcements:

- Doggie Palooza will be held at Happy Tails Dog Park on Saturday, January 28, 2012 between 10:00 a.m. and 3:00 p.m. Over 56 vendors will be on site.
- The U.S. Master Swim Meet will be held at the Plantation Central Park Aquatic Complex on Saturday and Sunday, January 28 and 29, 2012.

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Mayor Bendekovic made the following comments:

- The Annual Hazardous Waste Collection will be on Sunday, February 12, 2012 at the Public Works Compound.
- The Broward County Property Appraiser Community Outreach Event will be held at the Broward County Government Center located at One University Drive every Wednesday in February 2012 between 12:00 p.m. and 2:00 p.m.
- There will be a 5K Relay at Plantation Central Park on Sunday, February 12, 2012.
- Nature in the Woods will held on Saturday, February 11, 2012.
- The Plantation Women's Club Antique Show will be held on February 17 – 19, 2012 at Volunteer Park.
- Registration for Spring Recreation Classes begins on Monday, February 20, 2012. The City's class schedule is online at Plantation.org.
- Green Day will be held on Saturday, February 25, 2012.

- The Plantation Equestrian Center has events almost every week in February 2012. Call the Equestrian Center or visit Plantation.org for dates and times.
- The City will be closed for President's Day on Monday, February 20, 2012.

Councilwoman Uria announced on behalf of Betty Cobb that the Historical Museum will have a guest speaker tomorrow, January 26, 2012, at noon; The Barefoot Mailman. Bring a bag lunch.

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CONSENT AGENDA

Item No.'s 8 and 9 were pulled and discussed separately.

As a Commissioner of the CRA, Mayor Bendekovic has a voting privilege on Item No. 15.

Mr. Lunny read the Consent Agenda by title.

4. Approve Chase Bank Employee Appreciation briefing event on Thursday, February 9, 2012 in the parking lot at 200 South Pine Island Road.
5. Request for approval to award a purchase order in favor of Layne Christenson Company for the performance of the Central Water Treatment Plant's Deep Well Mechanical Integrity Test in the amount of \$26,735. (Budgeted – Utilities)
6. Request for approval to continue purchasing Scale Inhibitor PC-1850T from the Nalco Company at a price of 1.25/lb, FOB, for the Central and the East Water Treatment Plants until December 31, 2012. (Budgeted – Utilities)
7. Authorization for return of amphitheater donation in the current amount of \$38,667.81.

Resolution No. 11431

10. **RESOLUTION** of the City of Plantation pertaining to the subject of a municipal special assessment; reinstating a delinquent Westgate Lake Manors Special Assessment as evidenced by and levied pursuant to prior Resolution No.'s 9321, 9322, 9382 and 10090 (the "Assessment Resolutions") on property legally described in this resolution and having an Ad Valorem Folio Number of 5041 01 02 0150; changing the terms of the municipal special assessment's repayment (for such described property only) as part of such reinstatement; making other findings and provisions appropriate for such reinstatement; providing a savings clause; and providing an effective date therefor. (Gossette)

Resolution No. 11432

11. **RESOLUTION** approving a State of Florida Department of Transportation Local Agency Agreement to facilitate the construction of a multi-modal transit greenway along 84th Avenue, commencing at SW 3rd Street and terminating at American Expressway, within the City of Plantation; authorizing the execution and delivery of a State of Florida Department of Transportation Local Agency Program Agreement for such purpose; giving Administration and the Legal Department the authority to make minor changes as appropriate prior to the appropriate City Officers executing the document and performing same; providing an effective date therefor.

Resolution No. 11433

12. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period January 5 – January 18, 2012 for the Plantation Gateway Development District.

Resolution No. 11434

13. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period January 5 - January 18, 2012 for the Plantation Midtown Development District.

Resolution No. 11435

14. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period January 5 – January 18, 2012.

Resolution No. 11436

15. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period January 5 – January 18, 2012 for the City of Plantation’s Community Redevelopment Agency.

Motion by Councilman Tingom, seconded by Councilwoman Uria, to approve tonight’s Consent Agenda as presented. Motion carried on the following roll call vote:

Ayes: Tingom, Jacobs, Levy, Stoner, Uria

Nays: None

NOTE: Mayor Bendekovic voted affirmatively on Item No.15.

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Resolution No. 11437

8. **RESOLUTION** of the City Council of the City of Plantation providing for the cancellation of the following City Council meetings during calendar year 2012.

In response to Councilman Tingom, Councilwoman Uria looked at the calendar and there are five Wednesdays in October 2012; therefore, she suggested that October 31, 2012 be added to the cancellation list.

Motion by Councilman Tingom, seconded by Councilman Uria, to approve Resolution No. 11437. Motion carried on the following roll call vote:

Ayes: Tingom, Jacobs, Levy, Stoner, Uria

Nays: None

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9. Resolution supporting Police Officer and Firefighter Pension Plan and Disability presumption reforms to make the plans more sustainable, sound and secure for current and future police officers and firefighters.

Councilwoman Uria pulled this because House Bill 365 was not received in the backup material. When reading the resolution there are some things that she agrees with; however, she did have questions when actually reading the Bill itself. She wanted to be sure that everyone had a chance to read the Bill.

In response to Mayor Bendekovic, Councilwoman Uria stated that she did not know whether this needed to be deferred but thought there might be some questions.

Councilman Tingom commented that on the Florida Senate and Florida House websites this Bill history is introduced on January 10, 2012; it has not gone through any Committees and there has not been a staff analysis. The Bill is fairly incomplete at this time. He advised that he also has some questions regarding the Bill.

Mayor Bendekovic indicated that the reason this was placed on the Consent Agenda was because the Florida League of Cities is advocating our support. As the Administrator, she cannot make that decision; Council has to make the decision.

In response to Councilwoman Uria, Councilman Levy stated that he is familiar with the Presumption Law and was alright to discuss the Bill.

It was noted that Councilman Jacobs and Councilperson Stoner were alright to discuss the Bill.

Councilwoman Uria referenced page 3. The way she reads it under 1A, they have added, "Who has been employed by current employer for at least five years and who is less than 37 years of age". She questioned how they came up with that age.

Mayor Bendekovic advised that she has had the same question; she does not know. She noted that Mr. Shimun and Ms. Richards also did not know where the age came from. She stated that she would find out the answer and bring it back to Council.

Councilwoman Uria referenced page 4 and the added part about the risk factors. She does not disagree with that. She noticed that firefighter was added.

Mayor Bendekovic indicated that they qualified what they had stated previously on the presumption.

Councilwoman Uria referenced page 6 and questioned whether this Board of Trustees is the Pension Board of Trustees.

Mayor Bendekovic assumed that it would be the Board of Trustees. We already do a detailed accounting report and we are very transparent; that is already done.

Councilwoman Uria referenced page 7 under B. She understands what she is reading but believes that when interpreted it could be interesting. She does not mind a copy of the budget plan being provided to the plan members.

Councilman Tingom interpreted that those records would be available for public view both to members of the Custody Board, members of the Pension Program as well as the general public. He thinks part of the intent of the Bill is to make sure there is transparency with the financial records.

Mayor Bendekovic stated that a lot of the statements are already being done. It does not impact our general employee. We are doing things that the Bill is designating that they want passed.

Councilman Levy advised that the presumption law has been in effect for many years and it presumes that certain disabilities that happen to police and firemen are due to their work. A number of years ago it was controversial because AIDS was added. There are certain hazards to police and firemen regarding their jobs when they are out on the job and some of them are psychological and some are actually physical. He believes that the City of Plantation has done an excellent job of recognizing that we have fiscal limitations and certain orientation with our Police and Fire far beyond and better than many other cities. He does not feel that we should take a stand at this point because we have an excellent system as it is. If the Bill does not get on the agenda within the next week or two it will not be heard. In his opinion, various aspects can be discussed but he does not feel that we need to get into a long involved discussion nor should we even make a decision.

Councilwoman Uria indicated that she has questions. When she reads the Bill and the Resolution this could be interpreted very differently. She believes there are some important aspects and the way the Pension Reform is worded could definitely be interpreted several different ways.

Mayor Bendekovic advised that Administration will monitor this and if it moves forward it will be brought back to Council right away.

Councilman Tingom commented that we do need to study pensions and how they affect us. One of his great concerns is that it takes power away from the individual Pension Boards and forces everything to be done unilaterally through the Council. He does not feel that is appropriate; he believes that the Boards need to act independently and we should not impinge on that. There is a provision about meeting minimum standards, which many pension programs do not meet. It is his understanding that in Plantation the minimum standards are met. In looking at this Bill history, it is not anywhere right now.

There was no motion.

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ADMINISTRATIVE ITEMS – None.

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LEGISLATIVE ITEMS – None.

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QUASI-JUDICIAL CONSENT AGENDA

Mr. Lunny read the Resolution.

Resolution No. 11438

16. **RESOLUTION APPROVING THE ML PLANTATION SITE DATA RECORD.**

Councilman Levy disclosed that Richard Levy is of no relation to him and he does not know him.

Motion by Councilman Tingom, seconded by Councilman Jacobs, to approve Resolution No. 11438 subject to comments. Motion carried on the following roll call vote:

Ayes: Tingom, Jacobs, Levy, Stoner, Uria
Nays: None

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QUASI-JUDICIAL ITEMS - None.

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COUNCILMEMBERS' COMMENTS

Councilman Tingom stated that a 5K through Plantation Central Park on a Sunday morning is a great experience.

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Mayor Bendekovic announced that the next Council meeting will be February 8, 2012.

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PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS

Dennis Conklin, resident, questioned whether Council has reviewed the Resolution passed with the Green Cities.

Councilwoman Uria has reviewed the Resolution and has questions that she needs to give to Mr. Shimun to answer. She understands that the Florida Green Building Coalition is an organization but she thinks that it helps us with our environmental practices done in-house and believes this part of the Tree City USA.

Mr. Conklin believes we should strike the flag and remove the plaque. He is requesting that this Resolution be removed.

In response to Councilman Jacobs, Councilwoman Uria believed that Mayor Armstrong was the one who brought this to the City to have it passed as a Resolution.

Mayor Bendekovic clarified that it was Mayor Armstrong. She has not done any research but knows that we were certified as a gold or silver with the Florida Green Building Coalition.

Councilman Jacobs commented that perhaps the Florida Green Building Coalition would be willing to tell us why we should not repeal this Resolution.

Mayor Bendekovic indicated that we have a Committee. She suggested that a call be placed to Susan DiLaura, as she can probably provide a thorough explanation.

Councilwoman Uria believes we followed an in-house environmental program and we have cut down on some waste, which she sees as a good thing.

Mr. Conklin emphasized that the City's website is riddled with this. All of the organizations that the City had to pick to get this certification are all ICLEA.

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Loretta Kenna, President of the Plantation Acres Homeowner's Association, was present. They are here in regard to what seems to be an ongoing and continuing misunderstanding about the farms and buildings and the applicability or lack of the City of Code. She mentioned a horse farm located at NW 22nd Street and NW 118th Avenue. Michelle Mirotta was cited in November 2008 for having an impermissible temporary storage building. The final order was entered and she was apparently unable to appear, giving her until December 23, 2008 to comply or face a \$100 per day fine for this hay storage building.

Councilwoman Uria advised that there is a procedure for code violations. She questioned whether they have been before the Special Magistrate.

Ms. Kenna stated that Ms. Mirotta has not been before the Special Magistrate. She has been in contact with the Mayor's office and then she contacted homeowners. They understand that Ms. Mirotta can come before Council to address this matter because it is their position that the City has no right to cite anyone for a violation of any farm building because of the three Florida Statutes involved. There is 553.73, which is the Florida Building Code, Sub-Section 9, Exemptions, which exempts non-residential farm buildings on farms; and 604.50, Non-Residential Farm Buildings, which defines as any building or support structure that is used for purposes located on a farm that is not used as a residential dwelling and located on land that is classified as agricultural and they have had the agricultural exemption at least 2006.

Mayor Bendekovic commented that she has not heard anything about this. She indicated that there is a procedure that needs to be followed. Ms. Mirotta needs to go before the Special Magistrate and then if she wants to appeal she can make an application for repealing.

Councilwoman Uria believes the point is that there should have never been a code violation because they are agriculturally exempt.

Ms. Kenna advised that it is not a matter of reducing a fine; it is vacating the entire action because the City had no right in the first place to ever cite her nor for any farm building and this has occurred repeatedly. In the past she spent a great deal of time with Mr. Sabouri regarding another horse ranch in the Acres.

Councilwoman Uria stated that in order for Council to make a determination more information is needed.

In response to Mayor Bendekovic, Ms. Kenna indicated that apparently Ms. Mirotta was ill and could not attend the Special Magistrate hearing. She sent in a letter and has been working with the City for a number of years in

an attempt to resolve this. This evening they have brought Mr. Fred Siegel with the State of Florida Farm Bureau. Because of the City's misunderstanding of the Florida laws, he even went to Tallahassee and testified before the Legislature and in 2010 they passed a clarification to try to help Cities and Counties. She provided copies of all of the Statutes.

Councilwoman Uria questioned whether Council would prefer to put this on an agenda, get the information and have the backup. Ms. Mirotta is not requesting a reduction of fine; she is requesting clarification on how this was handled.

Councilman Tingom believed that this should be referred to Administration for review.

Mayor Bendekovic advised that she needs all of the information as well as the exact address.

Ms. Kenna indicated that the address is 2200 NW 118th Avenue.

In response to Councilwoman Uria, Ms. Mirotta stated that the property is 1.25 areas and has seven horses. She works with handicap children.

Ms. Kenna commented that the fine is currently in excess of \$74,000 and Ms. Mirotta's refinancing attempts are being thwarted because of this lien. When it was brought to her attention and she reviewed it she contacted the Florida Farm Bureau to confirm that there was no basis legally for the City to ever cite her and this may, with this delay, prevent her from getting refinancing.

Councilwoman Uria stated that the Mayor will review this and it will be first on her agenda. If there is an issue the next Council meeting is February 8, 2012. Council has tried not to set a precedent to make that decision.

Mayor Bendekovic indicated that she would get clarification and get it back to Council. She suggested that all of the information be given to the City Clerk so that copies can be made.

In response to Councilman Levy, Ms. Kenna advised that it is her understanding that the fine is continuing today even though she got rid of the offensive structure after she spent more than two years trying to work with the City. She got rid of it in December 2010 but in looking at the statement from the City, the fine is still accruing interest.

Councilman Levy and Councilwoman Uria requested that the fine be suspended until this has been reviewed.

Mr. Lunny indicated that the City has an ordinance where you can apply for a fine suspension and there is a written form to do so. Either the Mayor or the Chief Administrative Officer can suspend the fine. There is an application fee, which is probably the same as reductions, which is \$500.

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SEALED COMPETITIVE SOLICITATIONS – None.

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WORKSHOPS

17. DISCUSSION CONCERNING PROPOSED ORDINANCE PERTAINING TO FIRE PENSION BOARD DISCRETIONARY ANNUAL BENEFIT.

Mayor Bendekovic introduced Joe Namm, Chair of the Fire Pension Board.

Councilwoman Uria advised that this Board is over funded by 134%; it is very well funded. When she was on the Board they were trying to come up with ways to have a 13th check and this is safeguarded because if the Board is funded less than 115% there would be nothing.

Mayor Bendekovic stated that she and Councilman Jacobs are on this Board.

In response to Mr. Lunny, Councilwoman Uria believes this should be advertised.

Councilman Jacobs and Councilperson Stoner agree with advertising.

Councilman Tingom mentioned a previous discussion when he was on the Board about how to get this money back to the people who have served our City so well. At one time there was a lump sum payment to bring it back down to 115% and there were a couple of options. He questioned whether this incorporates that lump sum.

Mr. Namm advised that it does not incorporate the lump sum. It has a safeguard so that it will be a minimal amount slowly disbursed over the next several years.

Councilman Levy was all right with advertising.

There was a consensus to advertise.

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18. DISCUSSION CONCERNING KENNEDY COMMUNITY CENTER.

Mayor Bendekovic presented an introduction, Priscilla Richards presented the historic element and Danny Ezzeddine presented the construction part of the presentation.

Mayor Bendekovic stated that in 2003 Plantation City Council approved a bond, which included funding for the Plantation Preserve Golf Course, the Plantation Preserve Park and linear trail, Kennedy Community Center, Midtown and CRA projects. To date, through grant funds and the 2003 bond, the Plantation Preserve projects are complete, additions and renovations to Helen B. Hoffman Library and the Plantation Historical Museum have been completed, the linear park and bridge connection through the Botanical Gardens to 5th Street, and Liberty Tree Park is complete, improvements to the Botanical Garden to 5th Street and Liberty Tree Park is complete, improvements to the Botanical Park, including installation of a new art in public places element, which is the wind chimes, pathways and initial tree plantings that form the backbone for a learning center where residents can see different species of trees that they might want to plant as their home is complete. This will continue to be a work in progress as the funds become available for future plantings. The playground and the water play area at Plantation Woods are complete along with the renovations to the tennis facilities funded in part through a \$10,000 donation from the Tennis Tournament Committee. An education extension of the Plantation Woods Nature Explorer has also been completed and is in use today. Other maintenance steps have

been taken to improve the condition. The east parking lot was paved, the bridge was enhanced with brick and new landscaping, the Midtown project for American Express is complete, and on our agenda this evening was the completion of the 84th Avenue project. The last project on the Kennedy Center list includes renovation of the present Kennedy Community Center or construction of a new one. The task this evening is to either to move forward and apply for a historical designation to replace, renovate or demolish and construct a new community center. The Broward Community Trust for Historic Preservation requested permission with previous Administration to submit a nomination to the State of Florida declaring the building of interest for historic preservation. This nomination by the Trust is a precursor to apply for a historical designation through the National Register of Historic Places. Tonight the Council will be presented with information needed for designating the current Kennedy Community Center as historic, also cost factors associated with designating it as a historic structure. At the present, there have been no funds allocated to this project from the Broward Trust of the Plantation Historic Society. The Broward Trust for the Historic Preservation and the Plantation Historic Society would need to be given the opportunity to raise matching funds to renovate the existing structure if it is designated as historically significant. Flyers were distributed throughout the surrounding neighborhoods to inform the neighbors that a Workshop presentation on the Kennedy Community Center would be conducted this evening. Tonight she is seeking direction from the Council once they have heard the presentation. The question is whether this is going to be declared historic or not. Once that is determined other options can be considered.

Ms. Richards provided a brief overview of the Power Point presentation as follows:

- The architect, Russell Pancoast, was born in 1898 and was educated at Cornell.
- He designed the Surf Club and 55 residences in Miami.
- He started in 1922 and the Community Center was not designed until 1962.
- He also designed the Collins Library, several service stations, the Coral Sans Hotel, and the Tropicana Club.
- In the 1960's he started bringing nature more into the buildings.
- He was also involved with Mr. Peters with the design of the City, specifically traffic calming measures, shopping center, and the idea of the large lots; two-thirds of the lots were to be used for vegetables and fruit trees and there was to be a cooperative market.
- The ground breaking for the Community Center was in 1962 and it cost \$140,000 to build.
- The Community Center was open in 1963, which was the tenth anniversary of the City.
- It was constructed by William Vander Linde.
- The building is basically four boxes and is considered a Modernist style. There is a central courtyard area covered by a barrel-vaulted concrete canopy supported by columns. There are open square sections which allow sunlight and rainwater to penetrate into the planted areas below.
- The main entrance is the south façade and is identified by a covered walkway.
- Rooflines were extended beyond the wall to provide shade into the buildings.
- In 2007 Broward County Trust for Historic Preservation contacted the State Historic Preservation office about this building and asked if they could determine whether or not they thought it had any historical significance. They thought it likely was eligible to be listed on the National Register of Historic places because it is the work of a master architect and because of the architecture and design of the building.
- It was noted that there are new windows in the building and air conditioning had been added.
- Even with those changes, the State felt that the building still had the architectural integrity and would need to be listed on the National Register.
- In 2011 Broward County Historic Commission members voted to encourage the City to pursue that historic designation.
- In order to get Historic designation there is an extensive application that has to be filled out.

- It is highly recommended that you use qualified historic preservation professionals, architects, historians, historical engineers, archaeologists and others who have done this in the past because it is a very specific application.
- Once the application is complete it is presented to the State Historic Group and they take about 90 days to review it. If they certify the application and feel that it has some value they send it to Washington D.C., which goes to the National Park Service and they usually take about 45 days to do their review.
- There is also a State of Florida Master Site File; that is separate from the National Designation. This building is already on the Florida Site File list.
- Once the property has Historic designation, if you plan or hope to get any Federal or State funding to do any renovations now or in the future, you have to maintain its historic integrity.
- The property basically has to be used for what it was originally designed for.
- The character has to be maintained.
- Any changes that create a false sense of historic development.
- They understand that most properties change over time but everything must be done to retain and preserve the significance of the building.
- Any distinctive features, finishes, construction techniques shall be preserved.
- If anything has deteriorated they want you to repair it instead of replace it.
- Any kind of chemical or water pressure when cleaning a building has to be regulated differently.
- Everything should be protected and preserved.
- Any new additions or exterior alterations cannot affect the historic materials of the original building.
- They have to be undertaken in such a manner that if additions are going to be removed the original structure is not affected.

In response to Councilman Jacobs, Ms. Richards indicated that this refers to Federal and State money. She was told by the State Preservation Officer who she spoke with today that once you expect any permitting or funding you must follow these guidelines. The State listing that we already have protects you from others wanting to come through the property because the building has historical significance. It is a research list.

In response to Councilman Tingom, Ms. Richards advised that very little money has been available from Federal and State over the last three years. It also gets less and less and the competition is greater and greater.

Mayor Bendekovic commented that this can be put on the National Register and if you do not want any State or Federal funds you can do whatever you want to the structure; i.e. demolition, renovations, etc.

Ms. Richards noted that Mayor Bendekovic is correct; it was verified in writing. The reason the building has so much architectural integrity is because not much has been done to it over the years.

In response to Councilman Jacobs, Ms. Richards indicated that the application is required even if we do not wish to get funds. A couple of people in the County have offered to help with the cost; however, they have not looked into how much a consultant would be for the application.

Councilman Jacobs commented that part of the decision process would be what the cost is.

Councilperson Stoner indicated that there are people with expertise available that apparently do this on a regular basis and probably do it for free. We have not explored their availability to help with this. The application has been around for a couple of the years and the process has been a little slow in coming. Perhaps we need to find out if someone is able to assist in the preparation of the application and lend their expertise to the City.

Mayor Bendekovic advised that it would be mostly labor intensive by the staff. She does not know whether the people who volunteered are still employed by or associated with the Broward Trust that had previously offered the other Administration assistance. The cost factor can be provided rather quickly. If you determine it a National Register she would not think there would be too much cost factor as far as doing the labor. It will be very intense to gather all of the documentation.

Councilperson Stoner stated that we talk about the history of the City all the time and that is a phenomenal piece of history. She would hate to see us not pursue a designation of that building.

Mayor Bendekovic commented that we can pursue it and we can do the National Register and then if that is the direction Council wants to go then we can do whatever we want with the building. We will continue with the construction aspect and that may also help Council make a determination as to what should be done.

Mr. Ezzeddine provided a brief overview of the Power Point presentation as follows:

- The supports for the canopy are 1.5 inch steel columns that are already rusted.
- According to the Engineers' report, the columns are not adequate to hold that structure. In addition to the deterioration the size of the columns are not adequate.
- It does not meet today's code.
- Water penetration from the roof has rusted the reinforcement on the inside.
- Reinforcement deterioration due to age of concrete and moisture penetration.
- The steel plate is completely rusted due to seepage of water from the joints.
- Old patches are peeling off.
- Reinforcement deterioration due to age of concrete and moisture penetration.
- Water penetration from roof has rusted even the reinforcement on the main beams.
- Cracks are evident at the edge of the building due to stress.
- Foam applied to the roofing system has been completely deteriorated and needs replacement with a new more protective roof system.
- Valleys where water accumulation has caused peeling of the cap sheet.
- Expansion joint covers were easily blown away by high winds rusting the steel plates.
- Water penetration and lack of water-proofing has rusted the main reinforcement on the edges.

In response to Councilwoman Uria, Mr. Ezzeddine indicated that based on the analysis it is not safe, especially the lower canopy. The engineer that was hired recommended that it be removed.

Councilperson Stoner commented that there is a separate report that says it is safe. That report was done in 2010. We still need to bring certain things to a different level so it does not necessarily mean that the building is orange tape; no passing.

In response to Mr. Lunny, Councilperson Stoner stated that she was not aware whether the City commissioned the other report. She passed the report around for other Council members to review. The report was signed and sealed.

In response to Councilman Levy, Mr. Ezzeddine advised that nothing was done to the roof because we were trying to decide what to do with the building.

Councilperson Stoner questioned whether anyone in the City does a yearly inspection of each City building. This is not a little bit of deferred maintenance; this is years of actual ignoring requirement maintenance.

Mr. Ezzeddine indicated that Public Works does maintenance for the buildings. Given the characteristics of this structure, specialized maintenance is necessary and he does not think Public Works can do the maintenance on this building.

Councilperson Stoner believes that Public Works information extended beyond that to someone else to say, "We can't do this, this building needs specialized maintenance". Somehow this fell through someone's cracks and it did not get done.

Mr. Ezzeddine stated that Mr. DeCelles has discussed this issue with many people within the City and he also brought the roof issue to his attention. After the latest hurricane we started looking at this building and brought it to Council about two years ago. He assured that all of the buildings, as of last year, have new roofs in the City; most of them. Because it was unknown whether this building was going to be demolished or repaired, it was put on the back burner.

Councilwoman Uria commented that if you look at the rest of the buildings throughout the City, she does not know that any of them are this type of construction with this roof; this is kind of unique.

Mayor Bendekovic advised that it has come to a point that we have to make a decision. She was on the Council when plans were presented to demolish. Council went back to the community because they did not have the numbers for renovating it; they only had it for demolishing it and it has not been brought back until tonight. Remember, there is a historical element out there that says this building needs to be historic; therefore, we could not do anything because it would not qualify for the historic part.

Mr. Ezzeddine continued as follows:

Three options were provided:

- Option #1 is to only restore the canopy, restore the concrete, chipping the steel, chipping the concrete around the steel, removing the rusted steel, replace it and go over it with concrete with high strengths.

In response to Councilwoman Uria, Mr. Ezzeddine indicated that the canopy is the worst part of the structure. Option #1 is to completely restore the canopy including the roof.

Councilman Jacobs questioned whether pieces would still be falling off of the walls if this were done.

Mr. Ezzeddine advised that there is no deterioration in the walls; he is talking about the canopy itself. They do not know how much damage is inside the concrete. We could go with Option #1 and three or four years from now other spots could appear and concrete pieces could begin to fall unless you want to destroy the entire canopy.

Councilwoman Uria thought Option #1 was a completely new canopy.

- Option #2 is a completely new canopy.

Mr. Ezzeddine clarified that Option #2 is a completely new canopy. Option #1 is just to chip around the visible deterioration, repair it, scrape the roof, repair the roof and put a new roof.

Councilwoman Uria commented that Canopy replacement is approximately \$1.2 million and the complete building is \$1.9 million.

Mr. Ezzeddine explained why Option #2 is more expensive. The canopy will be removed and a new canopy will be built exactly the same. The reason for the cost is because a portion of the canopy is the actual ceiling of the auditorium; the east building. There are five buildings there. It is not a floating canopy. When the canopy is removed the whole building must be brought up to code and that is what increased the price. The electric and air conditioning has to be brought up to code.

Mayor Bendekovic stated that if the building is declared historic it adds 20% to the cost; therefore, you would add \$244,000 to the cost of this because different engineers, architects, contractors, etc. have to be hired. It would be approximately \$244,000 which is 20% of \$1,220,000 for a total of close to \$1.5 million. We have not gotten any funding from Broward Trust nor have we gotten any funding from the Plantation Historical Society.

In response to Councilwoman Uria, Mr. Ezzeddine indicated that they did not see any mold in the building because it is an open canopy. The rooms that are air conditioned and enclosed are lower; they have an independent roof.

In response to Councilman Tingom, Mr. Ezzeddine advised that Option #1 would probably not stop the spalling and rust. It might be another three to five years before additional repairs would be needed. With regard to Option #2, if work is done on more than 33% of the structure the entire building has to be brought up to code. Option #3 is to remove the current building and put in a new building that can be designed however we want. Anytime a new building is done it is cheaper because once you have selective demo the cost could be \$100,000 to \$125,000 because pieces of the concrete are being cut but if you demo the entire building the cost may be \$25,000 to \$30,000.

Councilwoman Uria commented that it would not make sense to her; we might as well put in a new building.

In response to Councilman Jacobs, Mr. Ezzeddine stated that the canopy will be replaced no matter what option is preferred.

Mayor Bendekovic reminded everyone that the unusual thing is that this can still be put on the National Register and we can do whatever we wish with this building.

Councilwoman Uria suggested that it be put on the Register and then demo it.

Mr. Lunny indicated that if it was so designated and the City wanted to exercise a right to demolish or to substantially rebuild it then citizens may become confused and might generate some issues when you sought to do something with the building. They would not understand how a historically significant building could be changed even though you have the right to do so. He believes that there is one significant safety concern with Option #1 that creates some exposure and that is an issue or a concern he has.

Mayor Bendekovic stated that if you have that option you can still do so.

Councilperson Stoner clarified that under Option #1 the front columns will be replaced. In doing this option, basically all of the water intrusion will have been mitigated. To address Councilwoman Uria's concern about not knowing what is in the walls, by replacing this and getting rid of the water intrusion we have eliminated anymore deterioration; we will stop what has been done and it will not progress.

Councilman Tingom commented that it will progress; the rust and water is inside the column and will continue to spall and deteriorate. That cannot be stopped no matter what is done because the water is already there.

Mr. Ezzeddine agreed because it already started deteriorating. There will not be any additional deterioration; however, they do not know when the concrete is going to spall; maybe in two or three years.

In response to Councilwoman Uria, Mr. Lunny advised that if this were designated as a historic building on the National Register it would not relieve us from any liability. The question will be, under the case law at the time, whether you are covered by sovereign immunity and do you want to be there.

- Option #3 is to demo the existing building, build a new building bigger than the existing structure with a controlled function flow that meets the needs of Parks and Recreation, which this current building does not to his understanding.

In response to Councilwoman Uria, Mayor Bendekovic believed that there is \$2.1 million left in the bond; it is from the bond of 2003 and it is already in the budget. The bond has to be used on capital improvements; it is designated but it can be reallocated.

Mr. Lunny clarified that the bond has to be used for a public purpose.

In response to Councilwoman Uria, Mr. Lunny indicated that he would have to check the covenants to see whether the bond could be used for storm water drainage. He thinks it could be used; however, it may not be on one of the lists. You could look at that and get an opinion from him and an opinion from bond counsel.

Mayor Bendekovic stated that once you go out for bid it might come in under. She noted that backup for Parks and Recreation was included in the packet. To the best of her recollection the community came out and they did not want the basketball courts, they did not want two structures, so basically there will be one structure. If you choose to demolish and do a new building we will come back with a design at a later date. The building is deteriorating and decisions need to be made.

In response to Councilwoman Uria, Mr. Ezzeddine indicated that he did not know whether the engineer is a structural engineer.

Councilman Tingom commented that in looking at this report dated May 21, 2012, it concerns him that it says the main canopy appears to be structurally sound with no visible signs of cracking or settling or structural inability or distress. That statement concerns him based on what was just shown. The last page says that "The existing open canopy structure at this site is structurally sound, stable, safe and still capable of providing attractive life for 40 years". He does not know if he could believe that statement.

Councilperson Stoner stated that it says, "With minimal renovation and rehabilitation steps it would provide an additional 40 years".

Councilman Tingom emphasized that it says, “At the very least 40 years and most likely many more years”, and he does not see that in the presentation shown tonight.

In response to Councilwoman Uria, Councilman Tingom would prefer to go with Option #3 with a different design. He believes that two or three renderings should be put together and have another meeting with the community to see what their opinion is. Even though the same gentleman built the Plantation Golf Club and we have rebuilt it, but he thinks that everyone would say that Plantation Preserve is one of the finest structures we have in the City as far as beauty and functionality.

Mayor Bendekovic believed if Option #3 were chosen it would be a design with a Plantation Woods theme; it would not be a cookie cutter design.

Councilperson Stoner would like to pursue the historical designation and see what can be done on that end.

In response to Mayor Bendekovic, Councilperson Stoner stated that for her, the end result would be to achieve the designation and receive the designation.

In response to Councilwoman Uria, Mayor Bendekovic commented that from what she understands is that there is no other Pancoast facility in the County; they got rid of them. If it was so important why wasn't it important enough for Broward County to save a Pancoast. She questioned whether Councilperson Stoner wants the National Registration cost factor all the way taken to what it will cost to hire a special architect and all the differences and what those items will cost.

Councilperson Stoner indicated that she has dealt with historical buildings in the Town of Palm Beach and not even remotely did they have to hire special architects; there are guidelines and you hire an appropriate person. The specialty surcharge is not always necessary. She thinks we need to look at the true guidelines and what is allowed and not allowed and go from there. She does not see that we will have this kind of a surcharge.

Mayor Bendekovic mentioned the maintenance; once it is declared historic there will have to be a specific type of maintenance.

Councilperson Stoner advised that every building should be maintained. Once the building is finished the maintenance goes hand in hand. You can use new materials that are easier to maintain than when it was done in the 60's. It has to have a characteristic. She thinks there are still some possibilities for that.

Councilman Jacobs is leaning more towards not doing the historical designation. He questioned what the benefits are for making it historic. He also questioned whether the building is being designated historic because it is old or because there is some architectural value. He noted that maintenance costs will be more money than the cost to maintain a new building. Perhaps we should go the least expensive way; repair it and keep it for a while and then see what happens. We know it will deteriorate again.

Councilman Levy questioned whether we could come up with a compromise that incorporates the best architectural aspects including that canopy, which seems to be a key portion of it, and build something around it that we are proud of but keeping the architectural elements that make it a unique heritage for our community. Keep some of the architectural elements that make it special so that Pancoast's memory still lives with it but build the new around it. This is a tough decision. He would love to see renderings of what could be and taking our comments tonight, including keeping the best features of the old within a new. He would like to look at all of the ramifications all the way through Option #3.

Councilman Jacobs stated if the canopy is the thing we want to keep it really needs to be replaced. He would tear it all down and look at designing something new that has a canopy.

Councilwoman Uria has not heard anyone say they like Option #2. She thinks if you look at Option #2 you are a few hundred thousand dollars from a new building, which makes no fiscal sense to her. Perhaps we should look at Option #1 and Option #3 and see what it might look like with only doing Option #1 and then look at a rendering of Option #3. She thinks we can determine in the future how we are going to use the building. We know that we have camps and other activities there and we have to make a decision as to what is best for the future.

Councilman Jacobs commented that renderings are a big thing. Without spending a lot of money he believes we should make a decision with the information we have.

Councilwoman Uria clarified that Councilman Tingom prefers Option #3 and Councilperson Stoner wants to go forward with the historic designation.

Mayor Bendekovic advised that we can go forward with the National Register and she will get all of the information. She stated that Councilman Levy's suggestion might not be a bad idea; the rendering would have all of the architectural features that have made this special.

Mr. Ezzeddine stated that Councilman Levy and Councilman Jacobs are almost saying the same thing. We can go with Option #3 if you choose to do so and design the new building with the characteristic of the canopy, which is the main attraction of this building. The rest of the building is just boxes; they do not have any architectural significance. The upper canopy, which is the atrium, is the most significant element of this building. If we go with Option #3 there is no problem to design a building with the focus on that element so it will be the most attractive element in the building. The articulation of the canopy will be repeated in the whole building scheme.

Councilman Levy reiterated that he would like to keep some of our heritage.

Councilwoman Uria questioned whether this can move forward. She likes what Councilman Jacobs said, Option #1. We can always decide that we want to tear it down and start new. We know we have to at least do Option #1. We could move it forward and get more information and review the report. At least the restoration will be done.

Councilman Jacobs commented that Option #1 may be wasting money because we know that the deterioration will continue; it has to. We will do the repairs and then in two years more repairs may be necessary.

Mr. Ezzeddine indicated that hairline cracks can be seen when looking at the canopy. Option #1 was provided because originally everyone talked about restoring the building.

Councilman Jacobs stated that he would go with Option #3 and Councilman Levy's suggestion.

Mayor Bendekovic suggested that she research the National Register; we will go with Councilman Levy's suggestion for Option #3 and a rendering will be brought back to Council at which time a final decision can be made. This will cost some money but she would rather be positive that this is what is wanted. With the National Register you can do this and still go with keeping the characteristics of the building.

Councilwoman Uria advised that she wants to look at the money because the storm water drainage is coming up.

Councilman Levy noted that is a very good issue. If the money left in the bond can be used to help the storm water drainage then everything changes.

Councilperson Stoner commented that we have struggled with the storm water issue for many months and clearly we need a storm water system. We have struggled with the economic impact and she is not seeing a new \$2.5 million building at this time.

Mayor Bendekovic stated that if something is not done to this building we will not have it. She disagreed that it would be throwing money away.

There is a consensus to go with Councilman Levy's suggestion for Option #3.

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Meeting adjourned at 9:43 p.m.

Sharon Uria, President
City Council

ATTEST:

Susan Slattery
City Clerk

RECORD ENTRY:

I HEREBY CERTIFY that the Original of the foregoing signed Minutes was received by the Office of the City Clerk and entered into the Public Record this _____ day of _____, 2012.

Susan Slattery, City Clerk