MEETING OF THE CITY COUNCIL
PLANTATION, FLORIDA

August 22, 2012

The meeting was called to order by Councilman Peter S. Tingom, President of the City Council.

1. Roll Call by City Clerk:

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

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2. The invocation was offered by Councilman Jacobs.

The Pledge of Allegiance followed.

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3. Approval of Minutes of Meeting – February 8, 2012
4. Approval of Minutes of Meeting – February 22, 2012
5. Approval of Minutes of Meeting – March 14, 2012
6. Approval of Minutes of Meeting – March 28, 2012

The Minutes of the City Council meetings for February 8, 2012, February 22, 2012, March 14, 2012 and March 28, 2012 were approved as presented.

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ITEMS SUBMITTED BY THE MAYOR

John McCarthy, Risk Manager, presented a Safety Grant in the amount of $5,000 that was awarded to the City. It comes from a team effort as far as the Safety Committee is concerned and it is to ensure all employees work in a safe environment. The City has minimal premium increases over the years and has been able to maintain a low deductible with the Florida League of Cities and a positive experience mod with the State of Florida Division of Workers' Compensation. He thanked all City Directors and Chiefs for their staff support each month along with Jillian Tang Howe from Human Resources for coordinating the safety meetings each month and Maryann

Lambiro from Finance for taking the time to put together all of the necessary documents to submit to the Florida of League Cities.

Mr. McCarthy introduced Jim Anderson with the Florida League of Cities.

Mr. Anderson thanked the Mayor and Council for their continued support with the Florida Municipal Insurance Trust. Safety in the City of Plantation is huge compared to other cities in Broward. A Workers' Compensation mod is generated through NCCI and the City of Plantation has a 12% debit or credit; therefore, they receive 12% less for regular Workers' Compensation and that is through safety. The Florida Municipal Insurance Trust is a not for profit trust and the City of Plantation is one of their best members in the entire state. Since 2008, the Florida Municipal Insurance Trust has returned premiums to the City in the amount of $632,363 through a Return the Premium Program. Another $132,976 is coming this year for a total of $765,000 in return premium because of the good loss experience.

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

- PAL soccer registration will be on Friday, August 24, 2012 between 6:00 p.m. and 9:00 p.m. and Saturday, August 25, 2012 between 9:00 a.m. and 2:00 p.m. at the Plantation Central Park Gymnasium. Registration can also be done online at www.plantationsoccer.com.
- The Cooper Super Tennis Series will be at the Frank Veltri Tennis Center on Saturday, September 1, 2012 through Monday, September 3, 2012.
- Art Search is a free visual arts competition for students in grades K-12. Entry forms are available September 4, 2012 through October 12, 2012 at Central Park, the Community Center, Volunteer Park, Jim Ward Community Center and all Plantation schools. All winning art pieces will be displayed at Art in the Park and later at Central Park for one year. This event is co-sponsored by the Plantation Junior Woman's Club and Markson (sic) Chiropractic.
- The Youth Hot Shot Basketball Tournament will be held on Friday, September 7, 2012 at 7:00 p.m. at Plantation Central Park Gymnasium. Registration begins on August 27, 2012 at the park.

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Mayor Bendekovic introduced Fred Bellis, representing the Supervisor of Elections.

Mr. Bellis thanked the Mayor, Council and Susan Slattery, City Clerk, who works very closely with their office. He is representing Dr. Brenda Snipes, Broward County Supervisor of Elections, along with Charles Vasquez, with their IT Department. Mr. Bellis also recognized Dennis Conklin, who drives their Election Connection and works with every one of the 31 cities to essentially bring the voting office closer to the residents of Broward County.

Mr. Bellis provided 2012 Election information as follows:

- In terms of the election process they have several departments who work together in unity to work towards error free elections.
- Current statistics show Democrats, Republicans and Independents in Broward County.
- The turn out for elections is extremely important and we had the lowest turn out in Broward County, which was taken last week.

- We had one of the highest turnouts for 2008; over 74%, and the City of Plantation's turnout was above that.
- November 6, 2012 is the General Election.
- Florida law stipulates that voters must have a Florida driver's license, Florida identification card issued by the Department of Highway Safety and Motor Vehicles, a United States Passport, a debit or credit card, military identification, student identification, Retirement Center identification, neighborhood Association identification or Public Assistant identification.
- Early voting for 2012 is from Saturday October 27, 2012 to Saturday, November 3, 2012 between 7:00 a.m. to 7:00 p.m. during the eight day period. The closest voting site is the West Regional Library in Plantation.
- Electronic voter machines are being used for quick check in.
- People are voting on the DS200, which is the optical scan machine, and there are paper ballots and touch screen for ADA voters.
- There is a need for Spanish speaking election workers, especially in Weston, Cooper City and in some areas of Fort Lauderdale.
- Everyone is eligible to get an absentee ballot and cards were mailed to every voter. Absentee ballots can be requested by calling 357-7055 24 hours a day, seven days a week. The deadline for a request is Wednesday prior to the election.
- Absentee ballots are tracked using the Reliavote process.
- All absentee ballots are accounted for and tabulated on election night.
- The absentee ballots and early voting are the first results seen at 7:15 p.m. on November 6, 2012.
- The Reliavote machine is the machine used extensively for absentee ballots.
- Remember, there are three ways to vote.

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Mayor Bendekovic read a Proclamation designating the month of September 2012 as ***Hunger Action Month*** in the City of Plantation.

Ann Thea-Penant (sic), Director of Government Relations and Advocacy, accepted the proclamation.

In response to Councilman Levy, Mr. Thea-Penant advised that their Headquarters is located off of Hallandale Beach Boulevard in Pembroke Park in Broward County. They also have a warehouse in Miami and one in Palm Beach County.

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Resolution No. 11539

7. **RESOLUTION** of Appreciation to Officer Joseph Quaregna for 31 years of dedicated service to the City of Plantation.

Motion by Councilwoman Moody, seconded by Councilman Levy, to approve Resolution No. 11539. Motion carried on the following roll call vote:

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

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CONSENT AGENDA

As a Commissioner of the CRA, Mayor Bendekovic has a voting privilege on Item No. 17.

Mr. Lunny read the Consent Agenda by title.

8. Permission for Rick Case Hyundai to have a promotional event from August 30 through September 3, 2012.

9. Approve second of four payments for the Dell 2011 PC refresh lease in the amount of $23,596.

10. Request for authorization to issue a work order to Hazen and Sawyer, PC in an amount not to exceed $398,200 for construction, engineering, management services for the Gulfstream Pump Station Conversion Project. (Budgeted – Utilities)

11. Request for authorization to issue a purchase order to Jackson Land Development, LLC in an amount not to exceed $123,075 for the installation of effluent isolation valves. (Budgeted – Utilities)

Ordinance No. 2470

12. **ORDINANCE** Second and Final Reading pertaining to the subject of offenses, amending Chapter 17 of the Code of the City of Plantation, entitled "Offenses," to create Article III, to be entitled "Sexual Offenders" and creating Section 17-35, entitled "Definitions" and creating Section 17-36, entitled "Sexual Offender Residence Prohibition; Penalties; Exceptions," providing for a prohibition for sexual offenders convicted of crimes under certain Florida Statutes from living within 2500 feet of specified locations within the City of Plantation; providing for codification, repealer, and severability; providing a sunset on September 30, 2016; and providing an effective date of October 1, 2012.

Resolution No.11540

13. **RESOLUTION** approving the form and content of the Fourth Amendment to the City of Plantation General Employees' Deferred Retirement Option Plan (DROP); providing a savings clause; and otherwise providing an effective date therefor.

Resolution No.11541

14. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period August 2 – August 15 for the Plantation Gateway Development District.

Resolution No.11542

15. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period August 2 – August 15, 2012 for the Plantation Midtown Development District.

Resolution No.11543

16. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period August 2 – August 15, 2012.

Resolution No.11544

17. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure report for the period August 2 – August 15, 2012 for the City of Plantation Community Redevelopment Agency.

18. Approve purchase of Motorola radios for mobile (8), control station (20) and portable (9) for use in the amount of $145,500.95.

19. Approve agreement with Lenovo Financial Services for lease of 85 Panasonic Toughbooks for the Plantation Police Department in the amount of $145,135. (Budgeted – IT)

20. Approve purchase of biometric devices from Risk Control Strategies in the amount of $13,336. (Budgeted – IT)

Motion by Councilwoman Moody, seconded by Councilman Tingom, to approve tonight's consent agenda as printed. Motion carried on the following roll call vote:

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

NOTE: Mayor Bendekovic voted affirmatively on Item No. 17.

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ADMINISTRATIVE ITEMS

Mr. Lunny read Item No. 21.

21. UPDATE ON PLANTATION COMMUNITY CENTER AT KENNEDY PARK.

A memorandum dated August 15, 2012 to Members of City Council, from Mayor Bendekovic, follows:

Attached for this evening's discussion regarding the Plantation Community Center. I am including it for your information.

COMMUNITY CENTER AT KENNEDY PARK

January 25, 2012 City Council Meeting

- Presented history and condition of the Community Center at Kennedy Park and three options: repair canopy, replace canopy or build new structure.
- Council requested that staff estimate the cost of applying the National Recognition and design a new structure incorporating some of the features of the existing structure.

April 11, 2012 City Council Meeting

- Staff presented estimate of 46,314.06 to complete National Register application.
- Danny Ezzeddine presented a design for a new building with features of the existing structure.
- Mayor Bendekovic shared correspondence related to the center with Council from Broward County Board of County Commissioners and the Broward County Historical Commission.
- Council requested that Danny Ezzeddine obtain bids to repair the canopy.

May 9, 2012 City Council Meeting

- Approval of Resolution No. 11496 that clarified the Council's (1) position concerning the misinterpretation of Resolution No. 40490 and the deletion from its scope and the effect the Plantation Community Center and (2) opposition to any effort to have any application submitted to the Broward County Planning Council to place the Community Center at Kennedy Park on the Broward County Cultural Resource Map.

June 14, July 10 and July 25 City Council Meetings

- Parks & Recreation Department provided a matrix outlining the features of the existing community center vs. a new community center and the following revenue and expense numbers:

Revenues including camp fees	$373,709.87
Expenses	(101,452.05)
Difference	$272,257.82

August 22, 2012 City Council Meeting

- Recap of past events.
- Presentation of sealed bids for repair of canopy.

Pending

Application to place Community Center at Kennedy Park on the Broward County Cultural Resource Map.

Mayor Bendekovic indicated that tonight is the time to decide whether to restore, renovate or demolish the Plantation Community Center. On January 25, 2012, a Power Point presentation highlighting the history and condition of the Plantation Community Center was given and the Council has received copies of that presentation. Council requested the application cost for National Recognition and the cost to the City would be $6,314.06. On April 11, 2012, another presentation was given of the design and a request to obtain bids for repairing the canopy. On May 9, 2012, Resolution No. 11496 was passed. On June 14 and July 10, 2012 a matrix outlining the cost factor of the Plantation Community Center at Budget Workshops were presented. On August 13, 2012, a letter was sent to the Broward County Planning Council requesting additional time so if and when it is placed on the Broward Planning Council's agenda, Plantation will have a definitive position on site. A letter was received honoring the extension until the first of the year. Neighbors were notified of tonight's discussion. In order to follow the bid process, the Council members, staff, nor herself, are able to state bid amounts. The Council has had an opportunity to review the bids and they are aware of the bid amounts. Since the discussion of the Plantation Community Center has been ongoing since January 25, 2012, a definitive direction for this site is requested. It was noted that the City received a Broward County Challenge a Grant of approximately $452,000 with an additional $100,000 City contribution for the renovation of Deicke Auditorium. It is hoped that the renovations will be completed by October 1, 2013. This will provide the community with newly renovated areas and will increase the demand for the rentals as well as increase the revenue. Individuals were concerned about summer camp; however, they can be relocated and if the Center is kept, they will remain at that location. If the Plantation Community Center is demolished it would be a savings of $272,000 to the City. The construction of two additional pavilions, one additional restroom, a water park and a passive park would be constructed with portions of the 2003 bond, which would require minimal maintenance and possibly provide

even more revenue than the present Plantation Community Center. Resolution No. 11496 states about the resolution of Plantation, Florida, pertaining to the subject of the historic preservation and the attachment of the Plantation Preservation District.

Councilman Jacobs commented that his position has not changed. As we have gone through the Budget process it has made it easier to save the $250,000 that it costs to operate the Center every year and tear it down.

Councilperson Stoner stated that her position has not changed. We know what it costs to run all of the other buildings and the income that comes in but there are occasions when services are offered and they will not make money. That is what the City is here for; to offer services. We will have to pay for demolition and environmental reports; the building was built at a time when other materials that are not necessarily used today so there will be some demo and then we will rebuild.

In response to Councilman Tingom, Councilperson Stoner indicated that another restroom has to be built along with other facilities.

Mayor Bendekovic advised that the cost of a restroom is $160,000 in a pavilion; the cost of another pavilion is $35,000 and an additional water park and passive park would be close to $500,000.

Councilperson Stoner noted that those figures do not include demolition and testing. It has to be tested before it is torn down, that is not a choice. Nothing has been shown that that building still does not have some true longevity to it; that it does not serve a purpose. Deicke serves a different type of purpose than the Community Center; completely separate.

In response to Councilman Jacobs, Councilperson Stoner believes that the building should be repaired.

Councilman Levy would like to hear what the members of the public have to say before venturing an opinion.

In response to Mayor Bendekovic, Councilman Jacobs clarified that he would like the building to be torn down and leave it vacant for now. This was the first he heard of installing a restroom but perhaps we should wait a while. He will go either way.

Betty Cobb, resident, was present. She commented that there is no place to have meetings south of Broward Boulevard; therefore, a lot of people from that area use the Community Center. She noted that this area does not even have use of the Shuttle Bus. In looking over the figures, she does not think it costs $32,000 per month to operate the Community Center. She noted that Summer Camp is held there. The Parks and Recreation Board have done a couple of surveys and have checked to see who uses the building and approximately 18 to 20 groups use the Community Center. Sometimes Deicke has three meetings in one night. She questioned whether camp will be if Deicke is torn up next summer for renovations. The booking office for Deicke is done at the Community Center. Even though Deicke was built in 1963, it is still heavily used. As far as the $6,000 application fee, Broward Trust for Historic Preservation offered to do that free. She would be glad to give Council a $500 check because most of the work has been done and that will pay for copies. Deicke serves a wonderful purpose and you do not want to put summer camps back there because you make more money renting it out; therefore, the Community Center is good for camp. She does not know where the $32,000 per month cost is coming from because there is not that large of staff there. If the booking office is put in the back room at Deicke it will take away from meeting capacity because a lot of groups meet in the back room while meetings are going on in the big room.

In response to Ms. Cobbs, Mayor Bendekovic indicated that the Farmer's Market pays $12,000 per year.

Gayle Cholt (sic), resident, was present. She pointed out that the original intent of the Community Center was to provide an opportunity for people within the community to come together for meeting and recreational purposes as well as for things like the camps and aftercare programs for our children. She has lived in Plantation for 12 years and her children attended the summer camps at the Community Center and Deicke. It is those types of interactions that form the community in which we live. This allows the children to participate in activities and camps in their own neighborhood. Another thing she pointed out is the high usage of that area; maybe not inside of the building but outside. The area in question that runs along side of the Community Center through that area continues onto the path at the Historical Museum and Library into the Botanical Garden is gorgeous and constantly used by people in the neighborhood. There will be a major problem if the Community Center is torn down, as there will be no restroom facilities or water fountains. She urged Council to take into consideration that even if the building does not exist, the people within that community love to use that area for recreational purposes as well as social gatherings and they would like to have the support of the City to keep that healthy and safe by having it well lit and by having water fountains and restrooms available.

Sandra Gracey, resident, was present. She uses both the Jim Ward Community Center and the Kennedy Community Center. She believes that Plantation is about preserving and would like to see the Kennedy Community Center there 20 years from now. Several families use the Center because it is in a convenient location.

Charles Jordan (sic), was present. He is a preservationist and is currently president of the Trust for Historic Sailboat Bend in Fort Lauderdale and the former president for the Broward Trust for Historic Preservation. If the agenda is to demolish, numbers were put together for that purpose. The numbers, as a general contractor, are that you have a public asset, that over the years, the City has been negligent at maintaining; therefore, repairs are needed for a perfectly good building. Had the City not deferred maintenance over a period of years this would not be a discussion. Tonight there is an opportunity to accept repair bids to prolong the life of this building. Depending on how Council views this and how they want to stack the numbers, he believes that for the public, when looking at the numbers in the report, cannot tell if they are programs or things offered to the citizens. A passive park is not the function that the Kennedy Community Center was built for so clearly Council is aggregating their responsibility if it is decided to make it a passive park. As far as the building, there is no logical reason, as a general contractor, why this building cannot be repaired. Plantation should be repairing the building, putting it on the National Register, taking the help of the Broward Trust for Historical Preservation, and celebrating what we have. The building is very unique; he urged Council not to throw away their heritage.

David Baber (sic), was present. He is the Broward County Historic Preservation coordinator and has been involved in several projects over the past 34 years. From his examination of the building, it is pretty remarkable and although there are some superficial issues, it is in good shape and could easily be adapted to meet the needs that have been expressed.

Cathy Marlowe was present. She reiterated what she said during a meeting in the spring, if it the building looked like the Jim Ward Community Center or the one on Pine Island Road she would be for it, but to restore it will not change the look. Her children always ask why we can't have a nicer Community Center. It is her hope that the building will be torn down and that something new will be built. Repairs will not change the look of the building and it looks old. The park is beautiful; however, the building is an eyesore.

Martin Maytech (sic), was present. His whole focus has to do with the crime watch. Before the water parks, this was a great location to attract a lot of crime and with the help of Chief Harrison and his force a lot of that has

been curbed. He believes that a lot of it was the vision with the water park. There are other facilities like the museum and Deicke for quick meetings but when it comes to history, the most important thing is attracting young families. Plantation Woods is unbelievable; he thinks that all of the people and families that visit is what curbs the crime. Midtown is another vision and the Fountains. His vote would be to tear the building down and when we have the appropriate budget, do the right thing. In order to curb crime there needs to be fantastic facilities that attract families.

Lee Hillier was present. He commented that this is a building that had some historical significance; however, we, as a City in 1993, passed a bond to put up a gymnasium. Our City still lacks a gymnasium and that is one of the most lacking amenities within our community. He respects historical preservation and thinks it is a necessity so we can keep our identity. The Community Center was put together too fast and it did not have the long term vision of our community when it was constructed. He believes the Center needs to come down; that would be a better use than wondering what to do. At one time there were orders to put in a gymnasium and there is nothing that is going to increase the capacity and usage of this facility. Plantation Woods is something to be proud of. This is the first structure that one sees once they come past the residential along the corridor and he is of the opinion that it is not a welcome mat for our community; it is not a statement. To put good money into bad in a limited economy is not the wisest choice.

Councilman Tingom agreed with Councilman Jacobs, he thinks the Community Center should be demolished. He also agrees with the Mayor that perhaps a restroom and a few more pavilions should be put in for people to use the area.

Councilwoman Moody indicated that we could probably get rid of a lot of our amenities if we only look at the numbers. If the consensus is to tear it down she would say that we not do anything for several years. There is money left over in the bond but that does not mean that it needs to be spent. She suggested leaving the building for summer camps and other things instead of tearing it down and not doing anything. We are going to need restrooms and some coverage in that area. She questioned why something has to be done right now.

Councilperson Stoner commented that Mr. Ezzeddine and the architect visited this building and the reports and personal observations are that the building still has some life left to it with some repairs. If the building is going to be demolished it will require environmental studies and demolition costs. She questioned the need for restrooms and water fountains and noted that even with a passive park we still have tennis courts and a water park.

Mr. Ezzeddine advised that when the building was evaluated last year he came up with three options. If the building is repaired it still has some life left in it.

In response to Councilperson Stoner, Mr. Ezzeddine indicated that a survey has already been done for the roof and the roof was fine. Because this is an assembly type function as a park, we have to have restrooms and water fountains. If there is a passive park there is no requirement for restrooms and water fountains.

Mr. Romano stated that when Plantation Woods was built we had to provide restrooms and water fountains in order to meet the State requirement. There are restrooms and water fountains in the tennis building on the west side.

In response to Councilperson Stoner, Mr. Ezzeddine advised that if the building is torn down and it is left as land, we do not have to build any facilities to meet any requirements.

Councilperson Stoner commented that she still thinks if the cost is going to be spent to tear it down we might as well make the repair.

In response to Councilperson Stoner, Mr. Ezzeddine indicated that he could not tell how many years of useful life the building would have if making the repair to the canopy; probably four or five years. If something appears inside of the concrete again it might be five, six or ten years; he could not say exactly how many years.

Councilperson Stoner commented that there are still another four or five years before the larger things have to be addressed. She suggested repairing it and keeping it until we have a little better financial situation.

In response to Mayor Bendekovic, Mr. Ezzeddine did an estimate himself for demolition; it was not bid. The cost would be between $50,000 and $60,000 to remove everything.

Councilman Jacobs mentioned that if we do repair to the canopy there was something about having to put screening under the canopy to protect people. Even though it is repaired, pieces could start falling the next day. The roof is defective; it was a defective design and construction and if we keep putting money into it we are just throwing good money after bad.

Mr. Ezzedine advised that the screening was a suggestion if repairs were not made. He took Public Works to the site and they forced the falling pieces down so they will not fall anymore.

Councilwoman Moody agreed that the building is ugly and she does not know if there is an advantage to registering it. She is going to rely on the numbers provided even though numbers can be turned many different ways to make them advantageous or not. Between the revenues and expenses the difference is almost $275,000 per year. She does not know where this figure comes from; there are two people at that location. There will always be some amenities that we will not be revenue neutral on; that is part of running a City.

Mr. Romano indicated that there are four people at that location; two staff and two custodians, then all of the costs. He noted that personnel costs are probably $100,000; maybe a little more. There are electric, repairs, cleaning supplies, and extra staff during the camp season.

Councilwoman Moody noted that if the building is torn down we will lose a camp site.

Mr. Romano advised that the camp could be absorbed in other facilities. This year there were a total of 75 children at that camp.

Councilwoman Moody believes that if the building is torn down there should not be any money spent on building anything in that location for several years. We cannot say we are losing money when we want the FOP to take cuts and want taxpayers to pay more. On budget only she will be glad to tear the building down but she is not willing to spend any money for anything to be built. There should be at least five years of not doing anything at that location. There are buildings all over the country that are 100 years old and older that are rehabbed and fixed; it can be done. She is not going to request FOP to take cuts and our taxpayers to pay more and then build a year later because we have money in a bond. Her point is just because bond money is sitting there she does not want to use it to build another building at this time because we have such a tight budget.

Mayor Bendekovic stated that bond money cannot be used to pay the money back.

Mr. Lunny commented that he would have check but he believes that you can.

Councilman Jacobs could support that position but maybe there is a better way than locking it into five years or a specific amount of time. He agreed that he would rather tear the building down and leave it empty for now.

Mayor Bendekovic questioned whether they would at least agree to landscaping the area so it would be aesthetically pleasing.

Councilwoman Moody does not want $100,000 spent on landscaping.

Mr. Romano advised that if it is going to be a passive park to the City of Plantation standards it will be irrigated and it will have zero scape as much as possible as far as landscaping is concerned.

Councilman Jacobs noted that it has to be consistent with the existing park. The bond money could be used to tear the building down and replace it with grass.

Councilman Levy stated that this is very difficult because there are emotions flowing on both sides. He has to agree with Councilperson Stoner in this regard; he believes that we need to repair the roof and continue the shelf life of the building until such time as we see what we can do economically. He believes that once the building is torn down it is gone forever and the Historic Preservation people who are here are the experts and have testified to the historic necessity of this building and what it means to Broward County. He has to defer to their opinions, they are the people who volunteer their lives for historic preservation and not to tear down, demolish and worry about it later.

Motion by Councilman Levy, seconded by Councilperson Stoner, to repair the canopy and do what can be done now to maintain safety and continue the shelf life of the building for a few more years. Motion FAILED on the following roll call vote.

Ayes: Stoner, Levy, Moody
Nays: Jacobs, Tingom
Veto: Mayor Bendekovic

Motion by Councilman Jacobs, seconded by Councilman Tingom, to demolish the building with further decision as to what to do with the vacant site. Motion FAILS on the following roll call vote.

Ayes: Jacobs, Tingom
Nays: Stoner, Levy, Moody

Councilwoman Moody questioned what would happen to the employees if the building is demolished.

Mr. Romano advised that the employees would be absorbed into the budget and we could hopefully go back to our regular hours of operation and continue opening to the public.

Mayor Bendekovic indicated that the options were tear it down and build a new building; repair it; or renovate it. We never discussed a passive park.

Mr. Ezzeddine stated that he could put out an RFP for demo.

Mayor Bendekovic requested a consensus of what is wanted if the building were demolished. Councilwoman Moody wants to know the cost if the building is demolished. Would the property be landscaped and left vacant or do you want two pavilions and a water park.

Councilman Jacobs suggested we know what both are going to cost. He also suggested that the people working there need to be removed from the budget; not reassigned somewhere else, otherwise the savings are not real.

Mayor Bendekovic will bring it back with demolition cost, landscaping cost, personnel cost, irrigation and everything that goes with it, as well as pavilions and an additional water park. We are not going to go out for bid at this point; we will have to estimate it.

In response to Councilman Jacobs, Mr. Lunny advised that with regard to a bid for repairs, it doesn't appear that when we get to that matter, unless someone changes their view, there will be any Council action on that item and it will likely fail.

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LEGISLATIVE ITEMS

22. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE PERTAINING TO THE SUBJECT OF PARKING; (1) AMENDING SECTION 27-625, PARKING (SPI-3), TO DELETE THE PARKING RATIO BUY-DOWN OPTION AND REDUCTION GRANTED FOR CONNECTING TO ADJACENT PARKING AREAS AS ALLOWABLE REDUCTIONS IN REQUIRED ON-SITE PARKING, TO CHANGE THE TERM SHARED PARKING TO MIXED USE PARKING AND AMEND THE REGULATIONS APPLICABLE THERETO; (2) AMENDING SECTION 27-741, OFF-STREET PARKING REQUIRED, TO ADD PARKING REQUIREMENTS APPLICABLE TO NON-CONFORMING USES AND STRUCTURES, (3) AMENDING SECTION 27-742, LOCATION, CHARACTER, AND SIZE, TO AMEND REGULATIONS PERTAINING TO PARKING SPACE AND SIZE AND ACCESS REQUIREMENTS, TO PROHIBIT TANDEM PARKING SPACE, TO ADD REGULATIONS ADDRESSING MINIMUM GARAGE DOOR SIZES, AND TO ADD REGULATIONS APPLICABLE TO SURFACE AND STRUCTURED GARAGE PARKING; (4) AMENDING SECTION 27-743, AMOUNT OF OFF-STREET PARKING, TO AMEND PARKING REQUIRES FOR SINGLE FAMILY AND TWO FAMILY DWELLING UNITS, TO ADD PARKING REQUIREMENTS TOWNHOUSE DWELLING UNITS, TO ADD GARAGE REQUIREMENTS FOR SINGLE FAMILY, TWO FAMILY, AND TOWNHOUSE DWELLING UNITS WITH SIZE REGULATIONS APPLICABLE THERETO, TO ADD AN ALTERNATIVE PARKING REQUIREMENT FOR HOTEL BARS, BARS, RESTAURANT BARS, AND RESTAURANTS BASED ON SQUARE FOOTAGE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THERETO.

A memorandum dated August 22, 2012, to Mayor and Members of the City Council, from the Planning, Zoning and Economic Development Department, follows:

As the Council is aware, the subject of amending the parking code has arisen from time to time. In May 2012, the City Council requested increasing single family ("SF"), two family and townhouse parking requirements. The Council also requested new SF, duplex, and townhouses to provide two car garages in most cases.

During the City Council workshop process, staff recommended additional parking code changes that could be processed and adopted concurrently. Consolidating code changes is more efficient and saves time and advertising costs. The attached ordinance generally reflects what was presented to the City Council during the second workshop, subject to format changes necessary to make the code easier to understand.

Public Outreach and Notice.

- City Council Workshops were held on May 9 and May 23, 2012. On May 16, notice of the May 23 Workshop (and the draft parking ordinance) were sent to members of the development community and the Chamber of Commerce. No objections were received.
- The Planning and Zoning Board held a public hearing on August 7 to review the parking ordinance. The Planning and Zoning Board approved the ordinance as submitted. Notice of the Planning and Zoning board meeting (and the copy of the parking ordinance) were sent on July 26 to members of the development community, the Midtown Board, and the Chamber of Commerce. No objections were received.
- The City Council will review the ordinance on August 22 (First Reading). In addition to a published advertisement, notice of the August 22 City Council meeting will be sent to the development community, the Midtown Board, and the Chamber of Commerce.

In the attached ordinance, new language is underlined, while deleted language is ~~struck through.~~ Changes are summarized below:

1. New protective language on page 2 is designed to prevent existing uses from becoming non-conforming (with respect to parking) due to the adoption of this ordinance, the passage of time, or destruction other than voluntary demolition.
2. On page 3, "fast food restaurants" has been added to Section 27-742(c) to allow staff discretion in requiring increased parking space width (up to one foot) for this high turnover use. The current code allows increase parking space width (determined on a case-by-case basis for other high turnover uses. This is a clarification change.
3. At the bottom of page 3, Section 27-742(e) clarifies surface parking lot geometry and prohibits tandem parking. Tandem parking is described as one parking space located directly behind another space such that the vehicle next to the drive aisle must be backed out and away to allow the vehicle that is not parked next to the drive aisle to exit the tandem space. The tandem parking space prohibition does not apply to single family, duplex, or townhouse properties.
4. Currently, the City does not have any land development regulations that address how parking garages are designed in terms of their service geometry (how vehicles access and move throughout the structure). The Florida Building Code contains basic provisions concerning ramp grades and minimum vertical clearance that have been incorporated into the ordinance. Page 5 (section 27-42(m) expands upon these requirements and assures that parking lot geometry is reviewed at the very beginning of the development review process.
5. Section 27-743 at the bottom of page 6 changes requirements for single family, duplex, and townhouse development. These changes, requested by City Council, are as follows:

    a. For detached single-family residences and duplexes, an increased requirement is suggested. The increased requirement will not apply to lots containing less than 7,500 square feet where providing only one parking space in a garage or carport is permissible.
    b. New increased townhouse parking requirements have been created.

6. At the bottom of page 8, the citywide requirement for the most restaurants is one parking space for each four (4) seats. When a restaurant floor and seating plan is not provided in SPI-3, the code requires one parking space for each 85-square-foot of gross floor area. The new language on the top of page 9 applies the same one space/85-square-foot requirement citywide. In many case, restaurant plans submitted for development review do not include a dining floor and seating plan. However, building permit plans nearly always contain a floor and seating plan, and the restaurant-parking requirement is recalculated accordingly. This change assures citywide consistency when calculating restaurant-parking requirements.
7. The changes starting on the bottom of page 9 until the end of the ordinance concern the SPI-3 Plantation Midtown parking amendments.

   Please note these changes affect only those Midtown properties zoned SPI-3. Office Park zoned properties ("OP-P") in south Midtown are unaffected. The amendments are principally designed to accomplish the following:

   a. Elimination of the parking "buy down" provision (Page 10). Parking can be reduced below the citywide requirement if the developer buys down required parking spaces <u>at a fee of $6,500 per space,</u> said funds to be deposited into a Midtown infrastructure fund. The accumulated Midtown infrastructure funds were intended to pay for the construction of public parking facilities to compensate for the reduction in on-site private parking. The City Council has consistently reduced required on-site parking <u>and</u> waived the buy down requirement. As such, this provision is unnecessary.
   b. By deleting the buy-down provision, the third column in the SPI-3 parking table is no longer necessary. That portion of the table addressing the other "SPI-3 parking requirement" (Plantation parking code" is set forth in the second column of the table. The second column is deleted as the "Plantation Code" parking requirements (both residential and non-residential) are duplicated with greater precision and completeness in Section 27-743 of the Zoning Code. The deletion of Columns 2 and 3 eliminate the need for the table on page 11.
   c. The former reference to "shared parking" in paragraph (2) on page 11 has been changed to "mixed use parking" to eliminate confusion with "shared parking" formulas applied outside of Midtown. This is a clarification change.
   d. Paragraph (iv)(a),(b),(c) and (d) on page 12 are designed to guide staff's discretion on when the "mixed use parking" formula is appropriate. This language is intended to expand upon the former (now deleted) language on page 12.
   e. Staff is proposing on page 13 to eliminate the five percent (5%) parking reduction where adjacent properties provide vehicular interconnectivity. Currently, if two adjacent properties build site improvements that provide cross vehicle traffic access, then the parking requirement for both uses is reduced by five percent (5%). The 5% reduction is automatic for properties on both sides of a connecting driveway, even if the adjoining properties are separated by geographic barriers, are separately owned, or pedestrian connectivity between the properties is lacking.

      The City does not require this arrangement to include a reciprocal cross parking easement that cannot be changed or modified without the City's consent. Without this document, either property owner can make unilateral operational change that eliminates vehicular connectivity. When this occurs, the five percent (5%) reduction would be eliminated, and uses on each property could find themselves short of parking.

Since the requirement in this paragraph is difficult to police and is impractical unless the City is going to require a reciprocal cross access and parking agreement, this 5% reduction should be deleted.

_____

Mr. Leeds commented that from time to time City Council members will request a change in a City Land Development Regulation or a City Zoning Regulation. On February 8, 2012, the City Council requested increasing parking requirements for single-family and two-family in townhouse developments, including minimum garage requirements. At the same time, Planning staff suggested a number of changes that should be processed concurrently. The parking code changes were discussed at the February 8, 2012, May 9, 2012 and May 23, 2012 City Council Workshops. City Council reviewed the code changes on August 7, 2012 and recommended approval. A Notice of the May 23, 2012 Workshop and a copy of the draft was sent to members of the development community, Notice of the Planning and Zoning Board, a public hearing and a copy of the draft changes were sent to the development community and also the Midtown Advisory Board because many of the changes take place in Midtown. That Notice was repeated for tonight's meeting. During the process of the Workshops and Planning and Zoning Board, which did recommend approval unanimously, no objections were received to the ordinance. A copy of the ordinance along with a staff report has been provided to Council.

Councilperson Stoner mentioned that if something is torn down they are not in non-conformance.

Mr. Leeds indicated that today if there is insufficient parking and a building is torn down when the building is rebuilt the current parking code has to be met.

In response to Councilperson Stoner, Mr. Lunny stated that it was his understanding that Council did not want them to have to meet the current parking code. Normally if a building is destroyed and rebuilt, it has to be rebuilt in accordance with current parking.

Councilperson Stoner believed that was in reference to homes. She is thinking about commercial and questioned why we would not readdress the parking situation if a building were torn down and rebuilt. She read that the City does not ordinarily get reciprocal access or parking agreements with adjacent owners or someone else that might have parking spaces to pass over. If a building were torn down and went vertical there would be a higher usage to the building so there would be a higher requirement for parking.

Mr. Leeds indicated that most of the buildings in Plantation, with a few exceptions, were built with today's parking regulations. This is an incentive to encourage redevelopment. He noted that if a one-story building were torn down it could be replaced with a one-story building with the same footprint and the same uses; going vertical will increase the square footage, which changes everything and there must be compliance for everything above the square footage that used to exist prior to the demolition.

In response to Councilperson Stoner, Mr. Leeds believes that the ordinance is clear.

Mr. Lunny commented that it depends on the desire of the Council. He understands what Councilperson Stoner is trying to do but noted that it will create some policing and enforcement concerns because parking will change over time and this is somewhat unusual. Normally for a voluntary demolition, the new code is implied and Mr. Leeds is proposing for a voluntary demolition which does not exceed the gross for area of the existing building and does not require additional parking based on the proposed uses that the same parking count applies. He is not sure that it needs any further clarification; it is a question of whether that is a concept Council wishes to employ in this instance. It can be made applicable to residential single-family homes. He believes that parking

is being liberalized by this amendment by getting rid of the buy down. He questioned if this is passed without this provision as to commercial whether it would hurt the commercial unduly.

Mr. Leeds believes that commercial would be hurt if you want to encourage redevelopment. Most of the shopping centers in the City were built with sufficient parking. There are a few exceptions such as the Mercedes and a few on State Road 7. In order to encourage redevelopment people cannot be told that they cannot replace an old building with a new building of the same size because redevelopment is not going to happen as quickly; there will not be the incentive. It is a policy decision.

Councilperson Stoner commented that the size of parking spaces has tremendously gone down. The generous parking spots are gone and that is part of trying to give the required parking.

Mr. Leeds advised that this City does not have compact parking spaces. The standard size space is 9' by 18'; that is a national standard with a 24' drive aisle. We do not allow compact spaces.

Mayor Bendekovic stated that she does not think it is the spaces that are smaller, she believes it is the angle and the space between when you back out; it narrows the aisle. The aisles and angles need to be looked at.

Mr. Leeds indicated that this Council as well as previous Council has granted waivers to the aisle width. The aisle width is 25 feet. Every project approved in the City is approved with a one-foot reduction. That may not sound like much but when backing out of a parking space it is noticed. This can be cured by not granting the one-foot waiver; it can be made a little bigger or make the parking space bigger. The City of Sunrise requires ten-foot wide parking spaces. If you do that you will get resistance from the development community because they will not be able to develop what we consider a quality project. There are choices but he thinks that the language encourages redevelopment, which is what we want to do. He noted that this code prohibits tandem parking, which has been used in one instance and he feels is a big mistake.

In response to Councilperson Stoner, Mr. Lunny believes that the language is clear. He will review the ordinance and will edit where it is appropriate. The question is whether the concept is globally all right. It was in the context of residential where this started but when working on the ordinance the concept got expanded and Mr. Leeds has told everyone about the protective provision when he went through outreach efforts. If it is restricted a little more we would probably do a little more outreach to make sure that the restriction is acceptable to the business community as opposed as to what is presented. To the best of his knowledge no adverse comments were received from anyone.

Motion by Councilperson Stoner, seconded by Councilman Levy, to approve Item No. 22. Motion carried on the following roll call vote:

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

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QUASI-JUDICIAL CONSENT AGENDA

Mr. Lunny read Item No. 23.

Resolution No. 11545

23. **RESOLUTION** APPROVING THE "SOE PLAT", A REPLAT OF A PORTION OF LOT 13-16, BLOCK 1, EVERGLADES PLANTATION COMPANY, PLAT BOOK 2, PAGE 7, DADE COUNTY RECORDS, SECTION 34, TOWNSHIP 49 SOUTH, RANGE 41 EAST, CITY OF PLANTATION, FLORIDA WITH SUCH SQUARE-FOOT ALLOCATIONS AS ARE REFLECTED IN THE APPROVED MYLAR, PREPARED BY CRAVEN THOMPSON & ASSOCIATES, INC., DATED AUGUST 26, 2012, BE AND THE SAME IS HEREBY APPROVED, WITH THE PROVISION THAT NO BUILDING PERMIT SHALL ISSUE THEREON UNTIL A LOCAL CONCURRENCY REVIEW IS COMPLETED (AND UNTIL ALL ITEMS, IF ANY, IDENTIFIED IN SUCH LOCAL CONCURRENCY REVIEW ARE ADEQUATELY ADDRESSED), ALL REQUIREMENTS OF THE CITY'S APPROVAL ARE MET, ALL UTILITY CHARGES ARE PAID, AND UPON THE FURTHER LIMITATION THAT NO CERTIFICATE OF OCCUPANCY SHALL BE GRANTED ON ANY SUCH BUILDING PERMIT UNLESS AND UNTIL THE STRUCTURE TO BE C.O.'D IS CONNECTED TO THE CITY WATER SYSTEM, IF THE CITY WATER SYSTEM IS AVAILABLE AT THAT TIME; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

A Staff Report dated August 22, 2012, from the Planning, Zoning and Economic Development Department, follows:

REQUEST: Consideration of a request for plat approval.

EXHIBITS TO BE INCLUDED: Planning and Zoning Division report; subject site map; site plan application; and Review Committee meeting minutes of June 26, 2012.

REVIEW COMMITTEE RECOMMENDATION: **No objection** to the project moving forward (June 26, 2012).

ANALYSIS:

The subject site is zoned I-LP and developed with a 50,000-square-foot, two-story building on approximately 12 acres. The site is bound by single family residential use in the City of Sunrise to the north, public high school use to the south, office/warehouse use to the eat, and nursing home use to the west.

The proposed plat indicates two lots with Parcel A having a lot size of 224,615 square feet and Parcel B having a lot size of 288,346 square feet. The applicant is requesting plat approval to allow development of the site for up to 200,000 square feet of industrial/office use.

STAFF COMMENTS:
PLANNING AND ZONING:

Planning:

1. The applicant has informed staff that the proposed use of the north portion of the plat may include a government office building. While not an issue for plat review, the applicant shall demonstrate compliance with the Comprehensive Plan "government office" criteria at site plan review.

2. This request must undergo a local concurrency review for water, sewer, streets, drainage, and solid waste. The standard single-page form is available in the Planning and Zoning Department. The applicant must present the form to the appropriate City departments for sign off prior to City Council submittal.
   a. PLEASE NOTE: The plat indicates 200,000 square feet of industrial/office space but does not break down the percentage of office v. industrial. An updated local concurrency form based on the proposed development plan may be required at time of site plan submission.

Zoning:

No objection.

TRAFFIC CONSULTANT: See Engineering Department comments.

ENGINEERING DEPARTMENT:

The FDOT approval for the pre-application request for the proposed right in-right out driveway location is so noted. An FDOT permit will be required for the proposed right in-right out driveway final location. *The applicant's response to this comment from DRC acknowledges the FDOT permit requirement. Response is accepted.*

DESIGN, LANDSCAPE & CONSTRUCTION MANAGEMENT:

No objection to the request for plat.

BUILDING DEPARTMENT: No objection.

FIRE DEPARTMENT: No objection to the plat approval.

POLICE DEPARTMENT:

Plat approval for the Supervisor of Elections as requested on submitted documents will not have an impact on police services at this time.

UTILITIES DEPARTMENT: No objection to the plat; however, the following comments apply to the site plan.

1. Water and Sewer Utility Plans were not provided with this submission.
2. Prior to a building permit or business license being issued, the following must be provided:

   - $500 review fee must be submitted to the Utilities Department.
   - Water and sewer utility plans must be submitted to the Utilities Department for review and approval.
   - BCHD and BC EPD permits must be approved.
   - Utilities Agreement must be executed.
   - Utilities Performance Bond must be posted.
   - Utility Easements must be executed.
   - Utility Inspection fees must be paid.
   - Capacity Charges must be paid in FULL.
   - Contact: Danny Pollio if you have any questions; 954-797-2159.

O.P.W.C.D: No objection.

WASTE MANAGEMENT: No objection.

Motion by Councilman Jacobs, seconded by Councilwoman Moody, to approve Resolution No. 11545. Motion carried on the following roll call vote:

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

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QUASI-JUDICIAL ITEMS – None.

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COUNCILMEMBERS' COMMENTS

Mayor Bendekovic reminded everyone that a Workshop will be held on Thursday, August 23, 2012 at 6:30 p.m. at which time the Directors will be presenting individual budgets. September 12, 2012 will be the First Public Hearing of the Budget and the other hearing will be on September 19, 2012.

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PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS

Gary Kruff (sic), resident, represents the volunteer management team for the Plantation Community Farmer's Market. He thanked the Mayor, Council, staff, Parks and Recreation, and residents. They have been managing the Volunteer Park Saturday morning Farmer's Market for the past year. During the past year the Market's reputation with both vendors and shoppers is second to none. They attract premiere Farmer's Market vendors and in doing so they were able to grow the Market by bringing in more and more vendors, building one of the premiere Markets in the area. Things changed dramatically when they were forced to move their signs as well as to reduce the number of signs on display. The signs were hung each morning prior to the Market and taken down each afternoon after closing. He admitted that some of the sign locations were changed and the number of signs that were allowed in their contract. The signs really brought people in and when they were taken down growth stopped. Tall trees in front make it difficult for passing vehicles to recognize the Market in time to stop. One sign on the fence does not catch the eye of two-way traffic passing the park. They even hired someone to walk outside of the park with a sign for a week and did see an increase but they were stopped by Code Enforcement the following week. Vendors are having a hard time paying the rent and we are starting to see revolving vendors because we are not bringing in enough people. They need a way to get more recognition to bring cars in; they need their signs back for seven hours, once a week.

Mayor Bendekovic stated that special event banners are usually allowed for 14 days and it has been extended every week. It looks like there has been a decrease but perhaps it is because of the summer. She has found that other Farmer's Markets in the area close down during the summer. In questioning the vendors they were doing rather well. As far as having signage, many signs are put on the back of canopies. She has received a few emails saying that we could not compete with Sawgrass Mills or the Flea Market and she said that we were never

in competition for that; it was a community service that started as an organic Farmer's Market. She stated that the organic part was not working because it is very costly.

In response to Mayor Bendekovic, Mr. Kruff indicated that he has not sent a letter out notifying of an increase in the vendor's fee. Vendors were asked to commit to the Market because they were losing vendors. After the City gets their share of money that comes into the Market, the rest goes into marketing the Market. They wanted to budget themselves accordingly and requested that vendors pay in advance instead of paying each time at the end. If you are not a resident of this City and are not familiar with the park, driving by at 45 miles per hour, you will not see the flat sign on the fence. In order to keep those vendors we need to be able to bring more people into the Market. There are issues when people are saying they cannot pay the $25 rental fee. He just wants the two signs, one at each end of the fence; angled so that as cars travel in either direction they will see the signs.

Mayor Bendekovic clarified that they want two signs to be angled. She referenced the ordinance regarding special signs and banners.

Motion by Councilman Levy to allow the two signs to be angled on each side at the request of the vendors because it enhances the entire community purpose. There was no second to the motion.

Councilperson Stoner commented that this is different than a special request. She questioned whether we need to qualify that the signs are the same.

Mr. Leeds advised that we need to qualify size because right now the code says the sign and one banner is supposed to be attached to the fence and we are talking two banners being attached at different portions of the fence.

Councilman Levy stated that the signs should be exactly the way they were for eight months; the same thing angled appropriately so that traffic can see them so the Farmer's Market can have the best available advertising; it is only for seven or eight hours.

Mr. Leeds noted that the motion sounds like two banners, both of which are attached to the fence.

Councilwoman Moody indicated that the banners are not attached flat on the fence; one side is attached and the other side is going out.

Mr. Leeds commented that it is almost like a two-sided sign. It would be two signs.

Councilman Levy emphasized that the signs are only on Saturdays for seven or eight hours; it is not permanent.

In response to Mr. Leeds, Mr. Gruff advised that the signs have one side attached to the fence and another side to a post. The sign that is flush on the fence will be removed.

Councilwoman Moody understands the signage issues; however, this is an every weekend event. If anyone else came in with this request they would have to go through a special sign exception; therefore, we have to be fair and consistent. This is not a special event, it is every weekend. What happens when the next business comes up and wants the same thing?

Councilman Levy stated that these are small business vendors he is trying to help get their message across. Each case is individual; it has to be discussed individually. The signs are only up for seven to eight hours on a Saturday.

In response to Councilwoman Moody, Councilman Levy indicated that there are special requirements for each case; each case is different. We are trying to build this as a community event on a regular basis to benefit the whole community as well as encourage small businesses.

Mr. Lunny believes that Councilwoman Moody made his point in that we have advertising requirements for special exceptions and procedural rules so there is an Administrative Review and a process that has to be employed in order to grant the relief being discussed. There is also a concern with the fact that the code indicates that there are no special exceptions for temporary signs. His suggestion would be if that if three Council members are willing to consider some sort of relief that they authorize him to meet with Mr. Leeds to figure out an appropriate process to either grant it Administratively, perhaps through his recessionary powers, which he still attains, or do a code amendment if required or bring it back to Council as a special exception application. He would be concerned about the process of granting it this evening without the appropriate advertising and notice to the area.

Councilwoman Moody stated that she would be in agreement to do it that way.

Councilman Tingom was in agreement with Councilwoman Moody.

Mr. Lunny questioned whether three Council members were willing to consider granting it assuming that they were able to grant it tonight. Do you want them to look at some way to approve this?

Councilman Levy just wants it done properly so we can help and work with these people. He has seen a lot of bureaucracy take a lot of time while a vendor loses money continuously until they are out of business.

Mr. Lunny commented that a proceed at risk could be done. If the Council is going to grant a special exception two things would be required; one would be a code amendment to allow special exceptions for temporary signs and the second would be the application fees and the hearings in front of the Council. He does not know whether there is a way that it can be approved administratively.

Councilman Levy believes we are complicating the issue. All he wants to do is help the vendors and build a community Market that we are all proud of. The only way to do that is to inform the community that the Market is there and they are saying that what they have right now is insufficient to do so. If we cannot do much tonight, how long will the process take while they are losing money? Advertising and application fees cost money. They are practically volunteering their time to develop this. The Mayor is in support of the Farmer's Market and he wants to provide an opportunity for them to have maximum success because there is a lot of effort being done. If it cannot be done tonight, let's proceed the best way possible with the least amount of negative affect on them.

Mr. Lunny stated that he could not give a time frame; he does not manage the agenda.

Mayor Bendekovic advised that she is in support of the Farmer's Market but she is also in support of the fact that we do have a process that needs to be followed. There are so many affairs going on at that location at the same time that the Farmer's Market is going on and they also have banners. There are banners up consistently and others are going to want banners as well. She commended the Farmer's Market on what they have developed but at the same time we have a process that needs to be followed.

Councilwoman Moody does not have a problem with the banner on the fence while the event is going on. When we start deviating the next person will want two banners; it is just the process. She does not have a problem if the Mayor and Mr. Lunny want to try to come up with something.

Councilman Levy believes that every case should be looked at and if it helps people that we have allowed to use the facility because we believe it is in the best community interest then we should give them the opportunity to advertise appropriately for the amount of time only that the event is going on. That is his opinion.

Councilwoman Moody agrees but she does not know if two banners, angled, should be allowed.

Councilman Tingom is of the understanding that we want to refer to this back to the Mayor, Mr. Lunny and Mr. Leeds to try to resolve the issue.

Councilman Levy agreed.

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George Lord, resident, was present. He has given a lot of thought in raising the millage and to him it will not be a hardship. He is aware that a lot of residents will be hurt with the 1.5 mill increase. He has been told that a 10% reduction in Plantation employees would amount to $7 million. If all employees would be reduced 5% that would be 3.5%, then a one mill increase would bring in $6 million, giving the $9.5 million, which is being requested. When he said all employees he meant starting with the Mayor and everyone below. He does not think it is fair to reduce the police personnel unless all personnel are treated the same. As he understands it, when police were employed they were guaranteed a pension; therefore, he does not think that the rules can be changed in the middle. He also thinks if one mill is agreed on, the proposed fire fee should be dropped. We already know we are going to be charged a storm water fee. In addition, he believes that the surplus land next to the Broward Mall should be sold and built on so that the City can collect taxes on it. He noted that he deeply resents having to sign a paper in order to speak to Council; that has never been the rule in Plantation.

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Dennis Conklin, resident, was present. When he first started attending meetings the public spoke at the beginning of the meeting; they did not have to wait. He received his trim notice and despite what was reported in the Sun Sentinel that it would be a 32.5% increase, his was a little over 39% with the proposed millage rate. He stated that according to the memorandum of the July 16, 2012 meeting, the vote was three to two for the 1.5 mills and it says in the first bullet point that by majority vote of three votes in the City of Plantation, the taxing authorities may levy a maximum millage rate equal to their rollback rate adjusted for the change in the capita of Florida personal income (1.0447 mills for fiscal year 2012/2013 or 5.745 mills). That only adds 0.6603 mills. With the ceiling of 1.5 mills being passed, his fear is that all of the calculations for the budget are going in at that ceiling and Council is not permitted with a three/two vote except to raise .6603 mills. He expressed the fact that with the existing vote that occurred on that night setting the ceiling that they will be faced with .6603 mills, which is going to yield $4,224,000. He suggested very strongly that if the rates are going to be raised, which he does not want, he will concede the rollback because there was a 2% increase in the property rate and he always requests the rollback but he conceded this year.

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Charlotte Wintermeyer, resident, was present. She received the proposed tax notice today and is here on behalf of her neighbors in Jacaranda. Her neighbors would like to see this cut back to 15% maximum. They are suggesting combining 16 of the departments into 14, possibly combining Utilities and Public Works; some people would be let go but that is what happens in the regular business world. They also suggested combining Code Enforcement and Building. Her neighbors were afraid to come to the meeting because they were afraid they would be retaliated against by Zoning. They would like to see some of the perks restricted; they would like to see the cars go away for awhile unless they are absolutely necessary for the performance of the job, as well as driving allowances unless it is on a per diem. Of course there would be a reduction on the payroll; maybe 30 less in the first year, because next year we will be short $9 million more unless we shrink, which is what the business sector does. Neighbors are suggesting switching to an in-house attorney, an attorney that works just as a City of Plantation attorney.

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Jerry Fadgen, resident and Chairman of the Citizens for Reasonable Taxation Committee, was present. Following the July 16, 2012 meeting where three members of the City Council voted to set the maximum millage rate more than 32% higher than the current rate, many of our taxpayers were outraged, not just because of the millage increase but also because of the potential additional fees or increase in fees. As a result, a political committee was formed and a petition was circulated, gathering three times the number of required signatures as required by the City's Charter, and those petitions were submitted to the City Clerk. If Administration is unable or unwilling to realistically address the realities of today's economy we risk losing our current form of government and losing our sixth elected official that has served the City and all of us very well for such a long time. There is an urgency to get a handle on the cost drivers affecting the current state of affairs and to optimize the efficiencies achieved with all of the City's investments in technology and equipment. In every department of the City there are many dedicated, highly motivated, highly skilled and highly capable managers along with the entire work force of the City to look at all of the options available to realize savings and to cut costs. He is convinced those individuals will find the solutions. There is urgency because it is not just a single year situation; what do the following years look like? Because of the urgency, when will the City Council consider the petition submitted to the City Clerk and the City Attorney on August 10, 2012?

Councilman Levy commented that they just received a copy of the petition.

Mr. Lunny advised that he first read the petition papers on Friday. In essence, what they seek to do is have an ordained five mill cap so that the City would be unable, without changing the ordinance, which is approved by referendum, and then under the Charter, can only be amended or appealed by referendum. The City would be unable to execute the statutory process of millage and would be stuck at the five mill limit without approval by the voters. There is case law that indicates that this is not constitutional even though one would think that the electorate vest the City with the City's elected officers with their powers and that it might be permissible for the citizens to put a cap on their elected officials' ability or authorized ability to impose a cap. The case indicates that that is contrary to Florida Law and that the Legislature has exclusively occupied this field. This conclusion started on Monday and Tuesday; he has not been able to address the item today; however, he intended to complete an advice back to the petitioners tomorrow afternoon indicating that he did not see any way that this particular proposal would pass constitutional muster. If they wish to proceed to require him to present something to the Council they could. Alternatively, they could ask the Council to adopt an ordinance and his advice would be the same, he does not think, given this case law, that it could be done. He just received this on Friday and is not complete with his thinking on this yet. His duty would be to prepare an ordinance, present it to the Council for the Council to decide whether to adopt it or not. In this case, he does not believe that the provision would be valid and he does not see a way to save it and keep the essential ingredients of what the

petitioners are desirous of having and that is a cap on the Council's prerogative to impose millage pursuant to the State Law requirements.

Mr. Fadgen commented that it may not be unconstitutional; we need Mr. Lunny to get to that conclusion. The taxpayers are impatient; they are outraged by the increase.

Mr. Lunny believes the proper thing would be for him to advise in writing of his position and then the taxpayers can file a court action for mandamus and try to compel the preparation of the ordinance to present it to Council or the group can evaluate whether there is some other alternative measure they wish to propose. If the essential thrust of the petitioners' desire is to have in the City's law a provision which says that no Council can ever go above five mills in taxes without an approval of the referendum, there is some case law that says that is not constitutional. He first thought it could be done; however, he does not think it can be done.

Mr. Fadgen indicated that one thing they were advised was that when there is a citizen referendum type position you have to deal with one issue and that was their restriction. In your analysis, can you advise what would be more appropriate?

Mr. Lunny was trying to think whether there was any way to save it or give a proposal but if the essential desire is that you have to ask the citizens for approval in order to impose millage because of a cap, there is no proposal that he can think of to modify language to get you where you need to be based on research done to date.

Mayor Bendekovic questioned why she would provide help to Mr. Fadgen; let him get his own. She believes that Mr. Fadgen should research it himself; the City should not have to research it. Why should she have her Legal Department research something that he wants to bring forward?

Mr. Lunny stated that he felt he had the duty to evaluate the proposal and to see if there was some way to save it and he has concluded that there is not.

Mr. Fadgen stressed the urgency; the residents are not going to sit lightly with this type of an increase and he urged Council to restrain themselves and get serious with the real circumstances that exist today, next year and the year following that. He also indicated that several weeks ago a list went around and upon his arrival a little late the list was closed. He was very upset about that and others were also upset that they were excluded from speaking. He feels there should be a way of having the ability to allow people on the list who are a little late but well before the item began discussion.

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Robert Juskiewicz, resident, was present. Mr. Fadgen was talking about the 30% and the easy way to get there is Save Our Homes. Save Our Homes allowed for two neighbors to live side by side in identical houses and because the one neighbor did not move in 30 years ago, he paid $6,000 in taxes while his neighbor paid half of that. Through the economic situation that recently occurred, it reset that where everyone is paying half. Residents are upset saying that their taxes are increased rather than looking at the fact that they have gotten away not paying their fair share for decades. We lost the revenue because of that; we should have been asking for a lot more years ago and then we would not be at 30% today, it would have been small increments year after year. It was put off compassionately hoping that real estate would pick up but that did not happen. Everything has been done right up until now; businesses are coming here because the government is doing things right. Now we are talking about closing the Community Center and that is something we do not want to do right now; otherwise, those businesses will stop coming and more taxes will be paid in ten years because the businesses are not there

helping out. The City needs to fund what we are doing now and then fund more. Find cuts throughout the next year and if possible, bank them and put them in the reserves that are tapped out then come back in a year and cut taxes. To cut beforehand is irresponsible, we have tried that for years and the cuts were not found and we ended up in the hole. In closing, if Hurricane Isaac comes through it may take the roof off of the Community Center and the demolition will have to be done and we will not have the money.

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Lee Hillier, resident, was present. He commented that moving to Plantation was a result of Hurricane Andrew. With Hurricane Isaac so close to Florida, he is concerned that the residents are not prepared enough to be self sufficient.

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SEALED COMPETITIVE SOLICITATIONS

24. REQUEST TO AWARD CONTRACT FOR PLANTATION COMMUNITY CENTER UPPER CANOPY REPAIR BASED ON SEALED BIDS RECEIVED AUGUST 7, 2012.

This item was skipped because it is not an issue at this point.

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WORKSHOPS

Mr. Lunny read Item No. 25.

25. DISCUSSION PERTAINING TO PROPOSED ORDINANCE CONCERNING THE EFFICIENT DISPOSAL OF TAX PARCELS.

Mr. Lunny explained that he has written a provision that still brings these items to Council for approval but saves on the Administrative effort, on advertising and processing. He proposed that if this is acceptable that we revise it a little so it is not just limited to property we have received by tax sales and shortly after the budget effort, Council will be approving a lot of these to get them back to the private sector.

In response to Councilman Tingom, Mr. Lunny indicated that we probably are not going to sell them. There are several scenarios and to go through a formal advertised process to get these back to where they need to be is not going to work. The ordinance, as written, will speed up the process and save money.

Councilman Tingom proposed that this be put on the agenda for reading.

Mr. Lunny advised that he would expand it a little and bring it back.

Councilman Jacobs mentioned the changes and did not read anything about notice to anyone.

Mr. Lunny stated that notice will be given that this was received by some means and we have no use for it; it should be a part of your property and we have conveyed it back to you. The Common Law Principal of Acceptance is retained and it is believed that a large majority will accept it if they need to accept it. Other

properties around the area do not need to be notified. When it is brought to Council, a graphic will be provided and if anyone thinks that they want to have notice to those residents we will not approve it and a different process will be applied.

Councilman Jacobs agreed to advertise.

Councilperson Stoner commented that it looks like you are going back and forth between governing body and City Council with the same thing; it should be consistent with one or the other. Chapter 2 says anything above $250,000 required for an appraisal and requested that be looked at.

Mr. Lunny advised that none of these are worth more than that. He stated that he would look at; there was a reason why he wrote it like that. He is proposing that making it consistent with Chapter 2 not be done. He stated that Lines 74 through 93, appraisals when we are trying to surplus property over $1 million or $500,000. He does not think that any of these are ever going to reach that amount.

Councilperson Stoner referenced Line 143; #7, conveyance. She stated that word "***may***" be replaced with the word "***shall***". It should read, "The City Council ***shall*** ...".

Mr. Lunny recommended that the word "***may***" not be changed. He suggested that they get together to discuss this because he views #7 as protective of the Council's power.

Councilperson Stoner questioned Line 197 and questioned what the City Review Committee is.

Mr. Lunny indicated that is the Developmental Review Committee. He clarified that it is called the Review Committee and is a defined term. It is defined elsewhere in the code. This could be the old language but that is what that means.

Councilperson Stoner referenced Line 141 and questioned whether we let the Finance Director decide where the money goes.

Mr. Lunny replied yes; sometimes. That is existing language that is not proposed to be changed. If property is sold that was acquired with Utilities money it would have to be deposited in the Utilities account.

Councilman Tingom clarified that we are going to proceed and put this on an agenda.

Mr. Lunny agreed.

* * * * *

Meeting adjourned at 10:54 p.m.

_____
Peter S. Tingom, 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