

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

November 2, 2011

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
Asst. City Attorney: Quentin Morgan

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2. The invocation was offered by Councilman Tingom

The Pledge of Allegiance followed.

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ITEMS SUBMITTED BY THE MAYOR

Mayor Bendekovic introduced Chief Laney Stearns and Battalion Chief Joel Gordon.

Chief Stearns advised that several members of the Fire Department and Police Department would be recognized for their outstanding life saving event. He thanked the Mayor and Council for all of the equipment provided and for the relationship they have with the City.

Battalion Chief Gordon presented the Fire Department's Life Saving Award to the following employees for their quick and thorough actions resulting in saving a human life on July 26, 2011 at 6:20 a.m.:

Rescue #25

- Lieutenant Sandra Walleth
- Paramedic Marc Mize
- Paramedic Maksim Proskurin
- Police Captain Victor Delarosa

Battalion Chief Gordon introduced Police Chief Harrison. The Fire Department's Life Saving Award was presented to Rescue #96 for saving a human life on September 22, 2011 at 6:30 p.m.

Rescue #96

- Lieutenant Denise Johnson
- Paramedic Ryan Obel
- EMT Lisa Purser
- Captain Iraldo Curbelo
- Police Officer Jeff Beaugard
- Police Officer Meuy Saetern
- Jessica Fisher with Westside Regional (and one of the nurses in attendance that night)

The patient, Mr. George Patino, his wife Lolina and his daughter, Jennifer, were introduced.

Ms. Fisher recognized her nurse, Natalie Demay (sic). She is a very young nurse who has been with Westside Regional for a short while as a new graduate into the ER.

Battalion Chief Gordon presented Unit Citations to the crews of Rescue #76, Engine #25, Snorkel #56 and to the police officers for their quick actions, precision teamwork, and impeccable professionalism that resulted in saving a human life against impossible odds on July 18, 2011 at 1:30 p.m.

- Captain Robert Villalon
- Lieutenant Scott Reed
- Lieutenant Terry Shaffer
- Lieutenant Jeff Pine
- Firefighters Jessie Bogle, Jacqueline Kenney, Cosme Perez, Michael Sandoval, Roger James, Matthew Malo
- Police Officer Greg Murphins

The following employees were not present:

- Lieutenant Avi Stein
- Paramedic Gio Ramos
- EMT Todd Simpkin
- Police Officer Ken McLoughlin

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Mayor Bendekovic made the following announcements:

- A couple of weeks ago she indicated that Plantation was recognized as one of the 100 Best Communities for Young People. With that comes a \$2,500 grant, which is going to be used for our Green Day Environmental Expo Poster Contest. Entry forms will be available at City facilities beginning November 14, 2011 and will also be distributed throughout all of the Plantation schools. It will also be online at Plantation.org. The deadline for entries is January 6, 2012 and Green Day is February 25, 2012, where all of the posters will be on display. A Proclamation was received from the Broward County

Commission honoring the City of Plantation for being one of the 100 Best Communities for Young People.

- A Plantation Fall designated Tennis Tournament, will be held on Saturday, November 5, 2011 through Monday, November 7, 2011 at the Veltri Tennis Center. This is a National tournament for Florida players ages 16 and under.
- Winter class registrations begin Monday, November 7 through November 20, 2011. Classes begin on Monday, November 21, 2011.
- Veteran's Day service is Friday, November 11, 2011 at 9:30 a.m. at Veteran's Park.
- Nature in the Woods is Saturday, November 12, 2011 between 10:00 a.m. and 11:00 a.m. at the Kennedy Community Center.
- Art in the Park is Saturday, November 12, 2011 and Sunday, November 13, 2011 between 10:00 a.m. and 5:00 p.m. at the Rae Carole Armstrong Liberty Tree Park. Please bring canned food to help support local Food Banks.
- Our 43rd annual "It's a Wonderful Life Plantation Holiday Parade" is Saturday, November 19, 2011 at 9:00 a.m.
- Residents and business owners are invited to attend an open house to review the newly revised preliminary digital insurance rate maps on Tuesday, November 15, 2011 between 4:00 p.m. and 8:00 p.m. at Volunteer Park Community Center. The maps can also be viewed online at Plantation.org or contact the City of Plantation Engineering Department at 954/797-2282 to arrange to view the maps in person.
- The Orange Bowl Tennis Tournament is December 1, 2011 through December 11, 2011 at Veltri Tennis Center.
- The Annual Firefighter's Barbecue is this Sunday, November 5, 2011 between 12:00 p.m. and 5:00 p.m.

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CONSENT AGENDA

As a Commissioner of the CRA, Mayor Bendekovic has a voting privilege on Item No. 13.

Mr. Lunny read the Consent Agenda by title.

3. Approve Plantation High School Christmas tree sale on their campus from November 25 – December 18, 2011.
4. Approve St. Gregory's Catholic Church Christmas tree sale on their campus from November 25 – December 24, 2011.
5. Permission for First Hispanic Baptist Church to have a special event for local churches on their property Saturday, November 12, 2011 from 10:00 a.m. – 2:00 p.m.
6. Request for the purchase of replacement parts for the Ashbrook belt press #3 located at the RWWTP in the amount of \$18,837 from Ashbrook Simon-Hartley Company, sole source supplier. (Budgeted – Utilities)

Ordinance No. 2465

7. Second and Final Public Hearing of an **ORDINANCE** of the City of Plantation, Florida pertaining to the subject of Firearms and Ammunition; amending Section 11-2 and 12-1 of the Code of Ordinances by deleting references to firearms, creating Section 17-3. Plantation City Code to acknowledge the pre-emption of State Law over Firearms and Ammunition and to indicate that all codes, ordinances, resolutions, and policies in conflict therewith are repealed to the extent of such conflict; providing for severability; and providing for an effective date.

Resolution No. 11375

8. **RESOLUTION** for the appointment of a Police Lieutenant for the City of Plantation's Police Department fixing the initial annual compensation to be paid for said Administrative position; and the appointment of an individual to said Administrative position. (Juskiewicz)

Resolution No. 11376

9. **RESOLUTION** for the appointment of a Police Lieutenant for the City of Plantation's Police Department fixing the initial annual compensation to be paid for said Administrative position; and the appointment of an individual to said Administrative position. (Pillado)

Resolution No. 11377

10. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period October 20 – October 26, 2011 for the Plantation Gateway Development District.

Resolution No. 11378

11. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period October 20 – October 26, 2011 for the Plantation Midtown Development District.

Resolution No. 11379

12. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period October 20 – October 26, 2011.

Resolution No. 11380

13. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period October 20 – October 26, 2011 for the City of Plantation Community Redevelopment Agency.

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

Ayes: Tingom, Levy, Stoner, Jacobs, Uria

Nays: None

NOTE: Mayor Bendekovic voted affirmatively on Item No. 13.

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Mayor Bendekovic introduced and welcomed Lieutenant Juskiewicz and Lieutenant Pillado.

Congratulations were extended.

Councilman Tingom congratulated both of the Lieutenants. He also congratulated Lieutenant Juskiewicz on the birth of his fourth child.

Councilman Tingom indicated that Chief Harrison is building succession into his plan and he believes that is a very good thing for the City as we move forward.

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ADMINISTRATIVE ITEMS - None

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LEGISLATIVE ITEMS - None

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QUASI-JUDICIAL CONSENT AGENDA - None

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QUASI-JUDICIAL ITEMS

Mr. Morgan read Item No. 14.

- 14. REQUEST FOR SIGN SPECIAL EXCEPTION FOR RICK CASE HYUNDAI LOCATED AT 951 NORTH STATE ROAD 7. PROPERTY DESCRIBED AS CASE-HYUNDAI PLAT 179-133 B, PARCEL A OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, ZONED SPI-2. (AUTO MALL)

EXHIBITS TO BE INCLUDED: Planning and Zoning Division report; subject site map; aerials; Sign Special Exception application; and sign details.

REQUEST:

From: Section 2230 which limits the allowable wall sign area to 100 square feet;

To: To increase the allowable sign area from 100 square feet to 164 square feet.

From: Section 22-20(g) which limits the logo to 10% of the allowable wall sign area;

To: To increase total allowed "Hyundai" logos from 10 square feet to 75 square feet of sign area.

ANALYSIS:

The subject site is approximately one-acre and recently developed with an 8,700-square-foot Hyundai dealership with 39 parking spaces. The site is bound by Sunrise Boulevard to the north, car dealership under the same ownership to the south and west, and State Road 7 to the east. As part site plan approval, the applicant was granted significant landscape waivers.

Based on the State Road 7 building frontage, the sign code allows 100 square feet of wall signage. Up to 10% of allowed wall signage (not to exceed ten square feet) may be occupied by a logo. Existing approved wall signs include 89 square feet of wall signage and eight-square-foot of logo signage located over the service entrance, for a cumulative total of 97 square feet.

The applicant installed a second logo sign, 67 square feet in area, without a Building permit. The applicant is requesting an “after-the-fact” special exception to allow the illegally constructed sign to remain.

Where applicable, the review of a Special Exception request should include consideration of the criteria noted in Section 22-11 of the Land Development Code, attached hereto as Exhibit “A”.

STAFF COMMENTS:

The special exception application does not meet the Section 22-11 Land Development Code Criteria (Exhibit A).

In his responses to the criteria, applicant argues that the sign special exception should be granted because a company’s internal sign regulations exceed those permitted by the City. As stated in staff’s responses to these same criteria, this is not a valid basis for granting a sign special exception. Please note that the construction of the sign without a permit does not grant any rights to the sign, and is not a valid basis for granting a special exception.

EXHIBIT “A”

SPECIAL EXCEPTION:

Where applicable, the review of a Special Exception request should include consideration of the criteria noted in Section 22-11 of the Land Development Code, attached hereto. The applicant is required to identify the following:

1. That special conditions and circumstances exist such as, but not limited to, building orientation, vehicular circulation or vision obstructions (not to include landscaping) that are peculiar to the land, structure, or building that create a site specific justification for the exception:

Applicant’s Response:

The logo sign is a Hyundai factory requirement and sign is pre-sized by Hyundai.

Staff’s Response:

1. There are no special conditions or buildings obstructing the view of the showroom. The showroom has an unobstructed view from both northbound and southbound State Road 7.
2. Contractual “factory requirements” are not a basis to grant a sign special exception.

2. That a literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other property of lands, structures or buildings of similar character with identical special circumstances (nonconforming signs shall not be grounds for issuing sign special exceptions), or alternatively, that a special exception from the provisions of this Chapter is warranted and justified to protect, preserve, or enhance the City's tax base or to prevent or eradicate conditions of economic blight:

Applicant's Response:

Rick Case Hyundai is a significant source of revenue to the City of Plantation. The logo sign is an integral part of the business. The investment in the Gateway corridor will encourage additional investment by other property owners throughout the District.

Staff's Response:

There are no special circumstances to justify the increase in logo size. Again, the site provides a virtually unobstructed view from State Road 7. The granting of the sign is not necessary to protect, preserve, or enhance the City's tax base. The applicant completed the showroom without any expectation that an additional 67 square feet of logo signage would be permitted.

3. That the special conditions and circumstances do not result from the action of the applicant:

Applicant's Response:

Hyundai requires that all signs meet their nationwide specifications.

Staff's Response:

There are no special conditions or circumstances justifying approval of the special exception, especially in the context of unobstructed visibility of the automobile showroom from State Road 7. Internal company sign specifications are not a valid reason to grant a sign special exception.

4. That the sign special exception to be granted is the minimum measure needed to address the special conditions and circumstances that justify the special exception; and,

Applicant's Response:

The sign is the minimum allowed by Hyundai as part of its national imaging program.

Staff's Response:

There are no special conditions relating to this site. A company's national imaging program is not a basis to justify a 64% increase in sign area above that permitted by code.

5. That the sign special exception will be in harmony with the general purpose and intent of this Chapter and will not be injurious to the neighborhood, or surrounding property, and will not otherwise be detrimental to safe and convenient use of nearby rights-of-way.

Applicant's Response:

The sign will not face surrounding neighborhoods or properties and will; therefore, not be injurious in any way. The logo sign fits the general development character of the surrounding properties.

Staff's Response:

The special exception, by allowing a six-fold increase in sign logo area, is not in harmony with the general purpose and intent of this Chapter.

6. That all other signage on the property is in substantial compliance with this Chapter, as applied.

Applicant's Response:

All other signage has been permitted and installed.

Staff's Response:

Agreed.

Attorney Bill Laystrom and Rick Case, applicant, were present.

Mr. Laystrom explained that signage is one of the few things that the City of Plantation can actually give to their businesses short of tax incentives and cash in order to try to make a business as successful as possible. When traveling south on State Road 7 the first opportunity to recognize this site is the proposed signage. They believe this signage is appropriate for the site; the sign is virtually un-noticeable and it matches the approximate size for Acura. This site assists the tax base; the more projects that can be generated along State Road 7 the better it is for the City. They are up to 60 to 70 employees just at Hyundai, not counting Acura. Mr. Laystrom indicated that the sign is up. Staff has been very helpful. When Mr. Case's staff originally reached out to start the permitting process the first thing they had to do was apply, get denied and then begin the process to come to Council. Initially, they started the process, which is "Proceed at Your Own Risk". The requirements for that are more intense than thought. Mr. Laystrom brought it to City staff for review and was told that this is not the process; that they should file for the sign special exception, which goes faster than the "Proceed at Your Own Risk". At that point they were six days away from the "Grand Opening" and there was a Council meeting that night. He did not want to show up on the agenda without having a sign off by a City Council member and two to four weeks for staff to review because he would be here today anyway. Corporate staff was flying down for the Hyundai Grand Opening; therefore, the sign was put up. They apologize that Council feels that was inappropriate; however, there was no other choice. This is the sign that is required by Hyundai. They believe they have the special circumstance of visibility but he feels this is more about trying to encourage the businesses to be successful on State Road 7. The sign is very modest and looks very proportionate to the building itself. It is on the building and not on the frontage, which will help with traffic traveling southbound on State Road 7.

Councilman Tingom indicated that Council appreciates the investment in the City and the jobs that have been created. A while back the applicant came before Council and requested a significant number of waivers. He questioned why the signage waiver was not requested at that time.

Mr. Laystrom stated that they typically do not file their sign package because they have to get a Building permit and then come back to request the waivers; that is the procedure. He acknowledged that the permit could have been filed in June instead of August.

In response to Councilman Tingom, Mr. Laystrom advised that there was not a permit when the sign was put up. The City did not issue a violation when the sign was erected.

Councilman Tingom commented that he has a slight problem granting the request after the fact. He has heard that if the signage is there the corporate office accrues some benefits; are those financial or are they more in the delivery of automobiles? Is there a benefit accrued by that sign being there?

Mr. Case advised that the manufacturer has required a whole new factory image program for the dealerships and we were one of the first ones under this new program. At the time they came with the new image program the sign program was not finalized. When it was finalized they had one sign, one size, and wanted it on all of the new dealerships being built in the future and they are attempting to get all of the older dealerships to have the same signage package. The idea is to get continuity of all of the signage. It is a beautiful sign and it adds to the prestige and quality of the product, the building, and the community. Representatives were coming from Headquarters in California and from the Zone offices in Atlanta. The Zone Manager told him that the signs needed to be up or he would be in trouble when the representatives come in; therefore, the sign was put up. Part of their image program was a blue box designed with a Hyundai flying "H" and then the word Hyundai underneath, as part of the fascia.

Councilman Tingom again questioned the benefits of the signage.

Mr. Case indicated that the signage provides more recognition on the street. Hyundai does not pay the dealership anything extra for having the sign; it is a factory requirement.

In response to Councilman Tingom, Mr. Leeds believes there is a possibility of creating a precedent if this request is approved. The sign does make the building more visible; however, the issue is that there are no building obstructions on this site. A significant landscape waiver was granted so there is virtually no landscaping obscuring this building. There is a very large Hyundai monument sign, which tells where the driveway is. The purpose of the sign is to get people safely off of the busy street. He does not feel that the sign has anything to do with how many people are employed at that location and he does not believe that it enhances the tax base; he thinks it is additional advertising. Approval could create a precedent with other car dealers and it could create a situation with businesses that are not part of the major car dealers. There are other uses on State Road 7 that cannot be distinguished from a Zoning Code standpoint.

Councilman Tingom sees that this year the applicant will pay \$3,464.95 in taxes and a temporary value was placed on the building of \$27,040 for next year. He does not think that is realistic.

Mr. Laystrom believes that someone must have given him the tax bill for the existing site that the City sold to them vacant. Once this property goes on the tax rolls it will be assessed along with their dealership and that number will go up into the multi million dollars. He noted that the Property Appraiser is always one year behind.

Councilman Levy stated that there have been opportunities to move to greater environs west but the applicant have remained in the City of Plantation. We have had a recognized partnership with you and your dealership for many years. Under Mayor Armstrong, we all discussed the purchase of the trailhead and how we could work

together to make all of this a reality. We also encouraged you to build in order to expand the dealership and the economic base and to truly be an anchor on State Road 7 for all of our redevelopment efforts, which has been done. He believes that the property is a catalyst and it shows the dedication and investment to our community. He can understand putting your best face forward when representatives from Headquarters were coming down. From what he has heard, the Grand Opening was a wonderful affair. He feels that applause are in order from the City of Plantation for your dedication and investment in our community. He would agree to allow the sign that the national dealership is requiring because it shows your involvement as well as the City's involvement for the betterment of everyone. This sends a message that State Road 7 is not going down, it is going up. The CRA is to be commended as well for working with you and making sure that this happened. Councilman Levy feels that if we are setting a precedent let everyone come before Council and they will be judged individually. We need to inform people of the benefits of doing business on State Road 7 and let them know that we are going to work with them to make State Road 7 something which they can be proud of.

Councilman Jacobs disclosed an ex-parte communication he had with Mr. Laystrom, which essentially was identical to what he said earlier. That conversation will not affect his decision; his decision will be based on the facts presented.

Mayor Bendekovic made a Jennings Disclosure that she had a conversation with Rick Case. Since she is not voting, that conversation will not affect the vote.

Councilwoman Uria advised that the Council appreciates what has been done on State Road 7 and with other partnerships in Plantation.

Dennis Conklin, resident, was present. He thanked the Case family for being such good neighbors to Plantation Park East. He encouraged Council to pass this sign special exception.

Motion by Councilman Jacobs, seconded by Councilman Levy, to approve Item No. 14. Motion carried on the following roll call vote:

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

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COUNCILMEMBERS' COMMENTS

Councilman Tingom made the following comments:

- The Chamber of Commerce held an Economic Summit on Monday, November 4, 2011. Mr. Stiles provided information as to how the future of our City is going to be with a different demographic, which seems to be happening. It is a positive thing.
- He reminded everyone to set their clocks back one hour on Saturday, November 9, 2011.

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Mayor Bendekovic made the following comments:

- She thanked the Chamber of Commerce for the Economic Summit.
- We hope to see quite a few residents at the Annual Firefighter's Barbecue and also for the Veteran's Day ceremony.

Mayor Bendekovic mentioned a Workshop that Council requested for the second week of January 2012 regarding the General Employees. Please email Mr. Keefe or Ms. Moale with any specific concerns that need to be researched so that she can be all inclusive during the meeting. She added that we need to be very cautious when we are segregating departments because we all know how inner-dependent our departments are on each other.

Councilwoman Uria believes it is important for everyone to understand that everything is budget time with the economy the way it is. There is nothing wrong with looking at things and have a discussion; that does not mean that anything is going to change.

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Councilwoman Uria appointed Dr. Jeanne Dishowitz to the Parks and Recreation Board.

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In response to Councilwoman Uria, Mayor Bendekovic advised that Mr. Lunny will bring the information regarding the new ethics ordinance back to Council. It is on her agenda to speak with him on Tuesday to determine what date this will be done because it has to be done before January 2, 2012.

Councilwoman Uria indicated that the firm that held this for the Broward League of Cities was Weiss Sirota. The best way to handle this is for everyone to get in the practice of saying, "No". There will be some things that the City will have to review and change.

Councilman Tingom concurred with Councilwoman Uria. He questioned whether Council members can schedule a meeting with Mr. Lunny to discuss this issue individually.

Mr. Morgan advised that Mr. Lunny was very key to this ordinance from the City side. It would be all right to make an appointment with him to discuss the ordinance.

Councilwoman Uria stated that if anyone has a question for Mr. Lunny, they should address it and get it in writing.

Councilman Levy pointed out that the City Attorney's opinion now becomes much more important. They have actually put in writing that the City Attorney's opinion takes precedence; if you are told that it is okay to do something that is the final answer rather than someone coming back and questioning why you did something. Some are saying that the City Attorney's opinion has to be in writing and others are saying that it has to be on the record; we might need to clarify that as an issue. There is also a provision that you can accept up to \$50 from people other than from lobbyists and we need a clarification on that as well. Some Elected Officials are interpreting the rules by saying they cannot get a birthday gift from their niece or nephew. They are also talking about constituents asking for something.

Councilwoman Uria emphasized to get any questions and opinions in writing in order to be safe. She stated that an example was given that you can certainly take a gift from your niece and nephew. Anyone in your family, all the way to your first cousin, and including any step-family, and you, cannot receive anything from somebody that might be doing business with a vendor in the City.

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PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS

Dennis Conklin, resident, was present. Several months ago he brought to the Council’s attention that the SEIU was attempting to organize our Plantation hospitals. At the time of his warning of this activity, he stated that it would be a danger to the City’s medical system. Apparently they calculated this vote and the two hospitals in Plantation were unionized. He heard from a reliable source this week that they are going to strike. Not only are they going to harm the community and the potential clients of the hospital; they are also going to harm the employees.

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SEALED COMPETITIVE SOLICITATIONS - None

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WORKSHOPS - None

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Meeting adjourned at 8:33 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