

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

November 14, 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 Mayor Bendekovic.

The Pledge of Allegiance followed.

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ITEMS SUBMITTED BY THE MAYOR

Mayor Bendekovic introduced State Representative Katie Edwards. She will be representing portions of Plantation, Sunrise, Weston and Davie in the State Legislature.

Ms. Edwards thanked everyone for the opportunity to represent her hometown and for everyone's support.

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Fire Rescue Chief Joel Gordon and Fire Chief Joe Harris presented a Civilian Citation award to Jeff Dixon for his heroic efforts to assist Fire Department personnel to save an elderly man's life at the Jim Ward Center on August 14, 2012.

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Lieutenant Angina Tweed (sic), Paramedic Summer Stuart (sic), Captain Ashley Dunnem (sic), Sherry Snell (sic), Juan Orango (sic), a representative from Whole Foods Supermarket, Ben Martinez (sic), Dana Marino (sic) on December 18, 2011 received a Lifesaving Award for assisting in rescue efforts for Shawn Ortero (sic). Mr. Ortero and his family were also present and thanked everyone for their efforts.

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Fire Chief Joe Harris announced the City's rating by ISO which is a Class 2. This rating is completed every 10 years and is based upon the performance of your fire protection which includes communications, Fire Department operations, and water supply. This is a change from a Class 3 to a Class 2 rating.

Division Chief Laney Stearns led the team which completed this project. The team included Division Chief Blake Estes, Fire Battalion Chief Don Todd, Fire Department Inspector Rudy Gabor, and Fire Department staff, Police Department Communication staff, and Utilities Department staff. This should result in a change in the citizen's insurance ratings.

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Fire Chief Joe Harris introduced Dr. Wayne Lee who started the EMS System for the City of Plantation in 1996.

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

- On November 15, 2012 through the weekend the Florida Gold Coast Winter Championship Swim meet. There will be over 1,300 swimmers representing over 50 teams.
- The Holiday parade will be held on November 17, 2012 and sponsored by the Plantation Chamber of Commerce and hosted by the City of Plantation.
- The Multi-family garage sale will be held November 17, 2012 at Volunteer Park from 7:00 a.m. until 12:00 noon.
- Stage 2 Cue School is being held at the Plantation Preserve.

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Mayor Bendekovic made the following announcements:

- The City will be closed the week of November 19, 2012 through November 22, 2012. This represents three furlough days and two regularly scheduled holiday closings.
- Plantation Farmers Market is held every Saturday at Volunteer Park from 8:00 a.m. until 2:00 p.m.

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CONSENT AGENDA

As a Commissioner of the CRA, Mayor Bendekovic has a voting privilege on Item No. 16.

Item No.'s 9 and 12 was pulled for discussion.

Mr. Lunny read the Consent Agenda by title.

3. Approve Cooperative Feeding Program (LifeNet4Families) distributing Thanksgiving Food Boxes for low income families at St. Benedict's Episcopal Church on November 15, 16, 19, 20 and 21 from 9:00 a.m. until 3:30 p.m.
4. Approve First Baptist Church of Plantation to hold a Christmas Concert on their front lawn Sunday, December 16, 2012 between the hours of 6:00 p.m. and 9:00 p.m.
5. Approve Primera Iglesia Bautista Hispania De Plantation to have a garage sale and car wash on their church property, Saturday, December 1, 2012 from 7:00 a.m. until noon.
6. Approve purchase of Microsoft Dynamics maintenance in the amount of \$42,800. (Budgeted – IT)
7. Request for approval of a purchase order in favor of Tom Evans Environmental, Inc. in the amount of \$28,155 for replacement parts for Peerless pump at the Regional Wastewater Treatment Plan. (Budgeted Utilities).
8. Approve acceptance of Reliance Standard for both Life and AD&D at a cost of \$70,926 and Long Term Disability at a cost of \$78,900.

Resolution No. 11588

10. **RESOLUTION** assessing a lien on 11980 NW 4 Court for the cost to the City of its mowing and clearing said lot. (Foster)

Resolution No. 11589

11. **RESOLUTION** assessing a lien on 11791 SW 2 Street for the cost to the City of its mowing and clearing said lot. (Jewett)

Resolution No. 11590

13. **RESOLUTION** approving the expenditures and appropriations reflect in the Weekly Expenditure Report for the period October 18 – November 7, 2012 for the Plantation Gateway Development District.

Resolution No. 11591

14. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period October 18 – November 7, 2012 for the Plantation Midtown Development District.

Resolution No. 11592

15. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period October 18 – November 7, 2012.

Resolution No. 11593

16. **RESOLUTION** approving the expenditures and appropriations reflect in the Weekly Expenditure Report for the period October 18 – November 7, 2012 for the City of Plantation’s Community Redevelopment Agency.

Resolution No. 11594

- 16a. **RESOLUTION** approving the lease of space by the City to State Representative Katie Edwards upon approval of the City Council of Plantation.

Motion by Councilman Jacobs, seconded by Councilwoman Moody, to approve tonight’s Consent Agenda as printed. Motion carried on the following roll call vote:

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

NOTE: Mayor Bendekovic voted affirmatively on Item No.16.

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Mr. Lunny read Item No. 9 by title.

Resolution No. 11595

9. **RESOLUTION** approving a contract for professional services in conducting an impact fee study.

This item was pulled by Councilperson Stoner.

Councilperson Stoner questioned why an Impact Fee Study is needed.

City Attorney Lunny explained State Law requires the predict for Impact Fees be clearly identified and presented before the City approves any changes to impact fees and has changed the quantum of evidence necessary for the City to sustain an impact fee. This change to State law has caused minor Administrators to more appropriately focus on studies and reports for impact fees. In the past, the City has provided Engineering reports when reviewing Utility fees. Specifically, this law requires the calculations of impact fees be based on the most recent localized data, provide for accounting and reporting of collections and expenditures, and the burden of proving that the imposition or amount of the fee meets the requirements of state legal precedent is on the government.

Mr. Shimun noted the City is looking for a standardized method to create the fees. There are several firms that are able to conduct this study.

Councilperson Stoner was of the belief Council was not in agreement whether to proceed with Fire and Police Impact fees.

Mr. Shimun explained the budget was passed with the understanding that the budget was passed with the cumulative effect of the fees. This is the City’s way to go through the process to create them in a way that withstands in any legal challenge. The methodology of collecting the fees will be determined after the study is complete.

Councilperson Stoner noted the Resolution will not be brought back for first reading until halfway through the Fiscal year. She questioned whether the study was budgeted. She felt the participation in meetings will increase the fees dramatically.

Mayor Bendekovic commented the total impact fees budgeted was anticipated to be \$100,000; however, she noted the impact fees may change depending on the study. If the fees are not received the budget will not be balanced. This is a new fee for Police and Fire Department.

Councilwoman Moody stated that she will not support the impact fees.

Councilman Levy clarified the fees are not taxes to residents, but fees assessed to a developer for impact for a new development in the City. He concurred the fees for the meetings seem to be excessive and felt this should be negotiated.

Councilman Tingom opened the discussion to the general public.

The following residents spoke in opposition and question why the meetings could not be done by video conferencing, find a firm locally, suggested to have the developer pay for the study and have Council review approval of the negotiations.

- One anonymous
- Arif Shad
- William Holsizer
- Rico Petrocelli

Motion by Councilman Levy, seconded by Councilman Jacobs, to approve Resolution No. 11595 and accept the proposal pending review of the meeting fee and that it be renegotiated. Motion carried on the following roll call vote:

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

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Mr. Lunny read Item No. 12 by title.

Resolution No. 11596

12. **RESOLUTION** for the appointment of a Finance Director for the City of Plantation's Financial Services Department fixing the initial annual compensation to be paid for said Executive position; and the appointment of an individual to said Executive position. (Caravella)

This item was pulled by Councilperson Stoner.

Councilperson Stoner offered her congratulations to Ms. Caravella. She questioned whether the Department Head compensation was agreed upon for existing employees being promoted to a Department Head. She suggested Council may wish to consider the compensation for new hires.

Mayor Bendekovic explained the remaining outstanding issue was the one executive day. The insurance benefits were previously changed. A car allowance and City phone will be provided. She noted Ms. Caravella will assume the role as Budget Manager and also Finance Director.

Margie Moale, Human Resources Director, clarified an additional two hours was authorized for Mr. Shimun to compensate for the additional meetings.

Motion by Councilperson Stoner, seconded by Councilman Levy, to approve Resolution No. 11596 as presented. Motion carried by the following roll call vote:

Ayes: Moody, Stoner, Jacobs, Levy, Tingom

Nays: None

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ADMINISTRATIVE ITEMS

17. PLANTATION COMMUNITY CENTER VISIONING CHARETTE UPDATE

Mayor Bendekovic provided the following update. A copy of the notification to the community was provided to Council. There were 56 people who attended the charette and 49 people who voted in favor of the presentation. She highlighted the direction of Council was to have the charette, demolish the present facility and build another facility. The budget constraints were noted. The cost of the facility will be \$1.9 million dollars. This was related to those participating in the charette and the City requirements including bathrooms and meeting rooms. Maps of the remaining square footage and copies of the site plan were provided for those who attended the charette.

Discussion ensued with regard to the charette's findings.

It was noted the information regarding the bidder for the demolition of the Community Center and the actual bid amount is confidential.

Councilperson Stoner questioned why the memorandum recommendation and contract that was provided as part of the backup contained two separate vendors and dollar amounts.

Councilman Tingom opened the discussion to the general public.

The following residents expressed the following comments:

- Betty Cobb the demolition of the building was not by a certain date.
- Rico Petrocelli urged Councilmembers to listen to the residents comments.
- Christina Rodette commented there was a true interest in the building at the charette and encouraged building renovations.
- Jerry Fadgen felt the decision to demolish the building was irrational. He recommending tabling this item until after the election.
- Susan Schultz noted this matter was heard before the County two times and deferred. She felt the County granted the City time, but not to conclude the demolition was crucial. The grandson of the architect

offered to provide a workshop meeting to show how the building can be added to effectively. Financially she felt the current structure is more feasible.

- Larry Ebbert suggested deferring either the demolition of the community center or the remodeling of Deicke Auditorium.
- Donna Levine was of the understanding that there were never any other options discussed other than demolition.

Mayor Bendekovic reiterated Council decided to demolish the Community Center at a public hearing on October 24, 2012.

Councilperson Stoner noted she did not vote in favor of demolishing the building.

Councilman Levy commented at the October 24, 2012 meeting he made the original motion to save the building which did not receive a second. It was his belief the next best option was to demolish the building and build a new structure. If this motion did not pass, the remaining alternative was to demolish the building with no new structure being built. He read a letter from Joan Hansen into the record which thanked him for making the community center new and improved. He expressed his belief if there was no community center in the area, the area would be devalued.

***Motion by Councilman Jacobs, seconded by Councilman Tingom, to award the contract to the lowest bidder.
Motion carried by voice vote:***

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

City Attorney Lunny advised by this vote, Council has awarded the demolition to **VGB Group Limited Liability Company** for contract costs of \$28,500.00.

In response to Councilman Levy, Danny Ezzedine, Director of Design, Landscape and Construction Management, explained the other companies did not appear to understand the contract thus the variation in bid amounts.

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LEGISLATIVE ITEMS

18. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE PERTAINING TO THE SUBJECT OF FINANCE; CREATING NEW FEES AND CHARGES FOR THE FOLLOWING DEPARTMENTS: FINANCIAL SERVICES, BUILDING ENGINEERING, PARKS AND RECREATION, DESIGN, LANDSCAPE AND CONSTRUCTION MANAGEMENT AND PLANNING, ZONING AND ECONOMIC DEVELOPMENT; RATIFYING ALL FEES AND CHARGES OF THE CITY THAT ARE NOT CHANGED BY THIS ORDINANCE; MAKING OTHER CLARIFYING CHANGES TO THE CODE TO BE CONSISTENT WITH PRIOR AMENDMENTS TO THE COST RECOVERY SYSTEM; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

Mr. Lunny read the ordinance title into the record. He explained State law requires these types of changes be adopted by Ordinance.

Councilman Levy suggested changing the ordinance by resolution so as to save the City money for advertising and codification costs.

Councilman Tingom opened the discussion to the general public.

Dennis Conklin stated he was of the belief the fee adjustment has not been done for several years and may address the budget shortfall.

Councilperson Stoner indicated she is not in agreement with all of the fees including some of the fees being a fee range. She disagreed with a 50% increase in park fees.

Councilman Levy noted nonresident fees are significantly higher than resident fees. Facilities need to be maintained.

Councilwoman Moody commented most of the fee increases deals with residents. She objected to any increase in fees or tax.

Sheryl Melson concurred with Councilwoman Moody and felt the fees should not be increased.

Rico Petrocelli commented he objected to raising fees.

Motion by Councilman Jacobs, seconded by Councilman Levy, to approve the first reading of the aforementioned Ordinance. Motion carried by voice vote:

Ayes: Jacobs, Levy, Tingom

Nays: Moody, Stoner

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QUASI-JUDICIAL CONSENT AGENDA – None.

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QUASI-JUDICIAL ITEMS

19. CONTINUED RESOLUTION APPROVING A 250-FOOT COMMUNICATION TOWER AS A CONDITIONAL USE TO BE LOCATED IN AN I-LP2 ZONING DISTRICT. (MOTOROLA)

Mr. Lunny read the title into the record. He explained this item was not approved at the Planning and Zoning Board and referenced the concerns of landscaping, safety and location. At the last hearing, the applicant was requested to meet with the residents.

The City Clerk swore in all witnesses.

Discussion ensued with regard to the quasi-judicial proceedings. City Attorney Lunny explained in order to sustain a denial, Council would need to have substantial confident evidence that supports findings that would sustain a denial. If a resident has specific expertise or studies about the matters that they are going to testify about, they need to identify their expertise to Council when they begin to testify. Because this is a quasi-judicial

matter, standards in the ordinance allow for consideration of aesthetics. Case law does not allow for a resident's opinion, not supported, and is not substantial competent evidence.

Councilman Tingom expressed his concern with regard to previously postponing this item from the last meeting to this meeting, Planning and Zoning recommended denial based upon landscape, location and construction hour concerns. It was his understanding that the health concerns were addressed. Additionally, he expressed his surprise that the City would have to pay approximately \$100,000 to use this tower to make the system redundant. A security building was constructed which needs to be within 12-15 feet of the tower. The City's needs could be addressed with a 130-foot tower. It was his belief the applicant has not addressed the concerns of the residents and this item should be deferred until the residents are informed. He urged the applicant to consider placing the tower in the front of the property.

A resident spoke with a copy of a recommendation from EMR which stated that if there are children near the tower the residents should vote against the matter.

William Holsizer spoke in opposition to the application.

Dave Huizinga, Engineer, spoke in opposition to the application. He submitted pictures of his view from his backyard with a copy of a picture of the tower superimposed on this picture.

Kathleen Kennedy submitted a photograph of the view from her backyard superimposed with a copy of a picture of the tower. She commented little information was provided at the meeting with the applicant.

Michael Rader spoke in opposition to the application. It was his belief the tower would be an eyesore and have a detrimental effect, the tower location is a negative impact to the residents and the residents have not been informed of the applicant's intentions.

Donna Levine questioned whether the City can make a recommendation as to the experts who can be used.

Buster Lerner, Senior Project Manager, was present on behalf of the applicant. He explained five municipalities have the radio frequency available to use their system including Broward County, Plantation, Fort Lauderdale, Hollywood, and potentially Coral Springs. MESH is a WIFI technology that may be used for public safety.

Mitch Novak, Account Manager, Broward County Motorola was present. He questioned what information Council would like to have presented to them.

Councilman Levy expressed his frustration with the lack of communication with the residents. He strongly urged the applicant to move the tower to a different location on the property.

Councilman Jacobs suggested the Mayor could direct Staff to help guide the applicant as to what information is required. He suggested deferring this item to January 9, 2013.

City Attorney Lunny asked the applicant if they would like to question any of the residents who spoke tonight. There was a negative response.

Councilperson Stoner reiterated the applicant needs to review the site selection prior to resubmitting.

Motion by Councilperson Stoner, seconded by Councilman Levy, to defer the aforementioned item until the additional information is provided for the January 9, 2013 meeting. Motion carried on the following roll call vote:

Ayes: Moody, Stoner, Jacobs, Levy, Tingom

Nays: None

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COUNCILMEMBERS' COMMENTS

Councilman Tingom announced the Holiday parade will be held on Saturday morning, November 17, 2012.

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Councilman Levy announced Dr. Edward Szerlip will be his appointment to the Planning and Zoning Board as alternate member who replaces Loretta Kenna.

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Councilperson Stoner suggested making the Community Center building a LEED certified building.

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Mayor Bendekovic wished everyone a Happy Thanksgiving.

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Councilmembers announced their desire to serve on the following Boards:

Councilman Jacobs – Fire

Councilwoman Moody – Police

Councilman Tingom – General

Councilman Levy – Police

Councilperson Stoner – General

Mayor Bendekovic - Fire

All Councilmembers were reappointed.

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PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS

Rico Petrocelli congratulated EMS on the use of AED's.

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Dennis Conklin commented about the rearrangement of the budget and the defined benefit pension plan.

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Attorney Rod Feiner was present on behalf of Plantation Market Place. He requested feedback as to a code amendment to allow Airheads Trampoline. The code would consider this an amusement arcade because of the amount of video games and that is not allowed in this zoning district. The main purpose would be to use the trampoline for birthday parties and have the video games as an accessory use.

Concern was expressed with regard to the Winn Dixie selling alcohol and if the distance requirements are met and the amount of video games being provided. It was noted that three video games is defined as an primary or permitted use.

Councilman Tingom and Councilman Jacobs concurred with the Mayor and felt if there were three games it would be acceptable.

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Dr. Edward Szlerip commented about the North Acres park sale and if residential is proposed; he felt a hardship would be created on the Plantation Acres Improvement District drainage.

Mayor Bendekovic explained the Plantation Acres Homeowners' Association is considering purchasing the property.

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SEALED COMPETITIVE SOLICITATIONS – None.

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WORKSHOPS - None

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Meeting adjourned at 10:50 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 _____, 2013.

Susan Slattery, City Clerk