

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

November 16, 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
City Attorney:	Donald Lunny, Jr.

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2. The invocation was offered by Councilwoman Uria.

The Pledge of Allegiance followed.

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ITEMS SUBMITTED BY THE MAYOR

Resolution No. 11382

3. **RESOLUTION** of Appreciation to Anthony Cooper for 23 years of dedicated service to the City of Plantation.

Motion by Councilman Tingom, seconded by Councilwoman Uria, to approve Resolution No. 11382. Motion carried on the following roll call vote:

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

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Mayor Bendekovic read a Proclamation designating Saturday, November 26, 2011, as *Small Business Saturday* in the City of Plantation.

Peggy Jenkins with Footprints, and Steve Kamelhair with the Original Pancake House, accepted the proclamation.

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

- The Winter Championship Swim Meet starts Thursday, November 17, 2011 at 3:30 p.m. and runs through the weekend at Plantation Central Park Aquatic Center.
- The 42nd Annual “It’s A Wonderful Life in Plantation Holiday Parade” is on Saturday, November 19, 2011 at 9:00 a.m.
- The multi-family garage sale will be held at Volunteer Park on Saturday, November 19, 2011 between 7:00 a.m. and 1:00 p.m.
- A Thanksgiving mini camp will be held on November 21, 2011 through November 23, 2011 at Plantation Central Park.
- The Share-A-Pony camp program will be held on November 21, 2011 through November 23, 2011 at the Equestrian Center.
- The Plantation Preserve Golf Course is hosting cue school on November 16, 2011 through November 19, 2011.

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Mayor Bendekovic introduced Pat Hind with the Plantation Woman’s Club and she introduced Gloria Merritt, their CIP Chairman.

Ms. Merritt presented Mr. Romano with a check in the amount of \$8,000; \$2,500 to go to Deicke; \$2,500 to go to Volunteer Park; and \$3,000 to go to the Community Center. This money is to be spent at their discretion.

Ms. Merritt indicated that another check will be coming soon. There was discussion throughout the summer about getting the stove at Volunteer Park repaired, which was done approximately three weeks ago.

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Mayor Bendekovic presented service awards to the following employees:

James Romano	Parks and Recreation	30 years
*Brett Miller	Utilities	15 years
Deborah Simpson	Engineering	15 years
Ainsley Brown	Parks and Recreation	10 years
*Linden Wagner	Police	10 years
Rogelio Gallo	Fire/Rescue	10 years
*Officer Daniel Hanes	Police	5 years
*Xavier Jackson	Utilities	5 years
*Jamie Larkin	Police	5 years
*Officer Josephine Mendez-Miller	Police	5 years
Maria Zavala	Parks and Recreation	5 years

*Unable to Attend

Congratulations were offered.

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Mayor Bendekovic made the following announcements:

- The Winter Wonderland at the Plantation Historical Museum is scheduled to open December 1, 2011 through January 7, 2012. The Winter Wonderland will be open Tuesday through Saturday between 10:00 a.m. and 4:00 p.m. and they are closed on Sunday and Monday. Open House is every Thursday; December 1, December 8, and December 15, 2011 between 6:30 p.m. and 8:30 p.m. Children's day with Santa is Saturday, December 10 and 17, 2011 between 10:00 a.m. and 3:00 p.m. The museum will be closed December 24, 2011 through December 26, 2011 and December 31, 2011 to January 2, 2012.
- The Lauderdale West Health and Community Service Expo will be on December 8, 2011 between 9:00 a.m. and 1:00 p.m. at the Lauderdale West Clubhouse.
- Broward County will host the 39th Annual Pioneer Day on Saturday, December 3, 2011; the reception is at 1:00 p.m. and the ceremony is at 2:00 p.m. at the City of Fort Lauderdale History Center. She congratulated Grace and Jim Davis who were recognized by the Plantation Historical Society for the Plantation Pioneer of the Year.
- Public input is solicited for the United States Post Office feasibility study on Wednesday, November 30, 2011 between 6:00 p.m. and 7:00 p.m. at the Broward County Main Public Library.
- She wished everybody a Happy Thanksgiving.

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Councilman Tingom advised that South Plantation High School has a program called the "Solar Knights" where they build an electric car. They have done this since 2006 and have been winners of many Regional, State and National awards. In 2011 their Solar Knight III, the third generation of the car, raced in Texas and took first place for the National competition. Their current president is Josh Garcia and with his leadership over the last few years they have made over 75 community presentations concerning solar energy and trying to find alternative energy sources. This car is amazing; it is a phenomenal vehicle. Photographs were shown of the car, their team, and the teacher who works with the students.

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CONSENT AGENDA

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

Item No. 8 was pulled from the Consent Agenda.

Mr. Lunny read the Consent Agenda by title.

4. Request for Green Light Financial to have a business promotional event at their location on Friday, November 18, 2011 from 2:00 p.m. until 6:00 p.m.
5. Request for Publix to sell Christmas trees in front of their six (6) locations beginning Friday, November 25 through Saturday, December 24, 2011.

6. Request for approval of work authorization 1112001H&S in favor of Hazen & Sawyer, PC for preparation of documents, field observation, review and evaluation of the mechanical integrity test (MIT) required by the Florida Administrative Code (FAC) 62-528 on the deep well at the Central Water Treatment Plant for a fee not to exceed \$25,140. (Budgeted – Utilities)
7. Request for authorization for a purchase order to Circuit Breaker Sales and Service (CBSS) in the amount of \$20,355 for breakers and necessary repairs to the Regional Wastewater Treatment Plant's master control center. (Budgeted – Utilities)

Resolution No. 11383

9. **RESOLUTION** assessing a lien on 172 SW 62 Terrace for the cost to the City of its mowing and clearing. (SBP Financial LLC)

Resolution No. 11384

10. **RESOLUTION** assessing a lien on 1161 SW 70 Avenue for the cost to the City of its mowing and clearing. (Grath)

Resolution No. 11385

11. **RESOLUTION** assessing a lien on 6531 NW 18 Court for the cost to the City of its mowing and clearing. (Bright Investments LLC)

Resolution No. 11386

12. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period October 27 through November 9, 2011 for the Plantation Gateway Development District.

Resolution No. 11387

13. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period October 27 through November 9, 2011 for the Plantation Midtown Development District.

Resolution No. 11388

14. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period October 27 through November 9, 2011.

Resolution No. 11389

15. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period October 27 through November 9, 2011 for the City of Plantation's Community Redevelopment Agency.

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

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

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

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Mr. Lunny read Item No. 8.

8. Request for support of Broward League of Cities Resolution #2011-B-28, which resolution would support a local bill clarifying that certain individuals will not be able to openly carry a handgun, a concealed weapon or firearm in the specified Municipal, County, or school buildings.

Councilwoman Uria pulled this item in order to clarify certain individuals. She understands the reason for this but assumed that certain individuals would also be Elected Officials.

In response to Mr. Lunny, Councilwoman Uria clarified that Elected Officials would not be able to carry firearms if this were enacted.

Mr. Lunny advised that some Elected Officials are permitted pursuant to other law to carry a firearm; Council members are not. For example, the State Attorney and certain Judges of the Circuit Court are permitted to have a firearm.

In response to Councilwoman Uria, Mr. Lunny indicated that even if the Elected Officials had a concealed weapons permit they would not be allowed to carry a firearm.

Councilman Jacobs stated that they want to make the State law more restrictive. He commented that he will not vote in favor of this bill.

Mayor Bendekovic explained that this was brought forward due to a request from the Broward League of Cities. They also wanted us to vote on it at the time of the meeting and they were advised that this would be brought before the Council after reviewing it with Mr. Lunny. This supports the Legislation to be more restrictive; it is not making any rules or anything.

Councilwoman Uria advised that she would not be in support of this.

Mayor Bendekovic indicated that she would prefer a vote so she can take it back to the Broward League of Cities.

In response to Councilman Levy, Mayor Bendekovic believed that the law currently says that firearms cannot be brought into public meetings and this indicates that it does not have to be only a public meeting; it would be any meeting.

Councilman Jacobs commented that currently if someone has a concealed weapons license, a gun in their pocket and walked into City Hall to do business that would be permitted. If that same person came to a City Council meeting they would not be permitted. There is an exception for governmental meetings that people with concealed weapons licenses cannot bring a weapon to a governmental meeting, a School Board meeting, professional sporting events, bar sections of a restaurant, etc.; there are a number of exceptions. Broward County wants to get a special bill passed that would allow them to make it more restrictive to say those individuals could not carry firearms or weapons into City Hall or into any governmental buildings.

Police Chief Harrison stated that if we were to have any policy to the contrary there could be fines attached.

Mr. Lunny concurred. That is why this is a proposed Legislative Amendment; it is a proposed State law not an ordinance.

Motion by Councilman Jacobs, seconded by Councilwoman Uria, to DENY Item No. 8. Motion carried on the following roll call vote:

Ayes: Jacobs, Tingom, Levy, Stoner, Uria

Nays: None

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ADMINISTRATIVE ITEMS

16. DISCUSSION CONCERNING SENIOR EXECUTIVE BENEFIT PACKAGE.

A memorandum dated November 9, 2011 to the Members of Council from Mayor Diane Veltri Bendekovic, follows:

Reference: Senior Executive Benefits Package

Senior Executive Benefits were approved by City Council Resolution No. 8656 on February 26, 2003. The benefits are limited to Post Retirement Health Insurance Cover to Department Directors and three annual Executive Leave Days for Department Directors whose job requires attendance at events, meetings, etc. beyond the normal City workday. The Senior Executive Benefits Package was amended by Resolution No. 9639 on April 26, 2006 to allow Department Directors to purchase up to three years of health insurance benefits during retirement and prior to age 55 for qualified Department Directors who have been senior executives for more than twenty years.

Attached are the following documents:

1. Resolution 8656
2. Resolution 9639

At the request of City Council, on several occasions, I have reviewed the Senior Executive Benefits Package and I am recommending that the package be maintained as status quo and guaranteed for current Department Directors. Post Retirement Health Insurance Coverage for future Department Directors would no longer be included in the Senior Executive Benefits Package effective the date City Council approves the modifications of the benefit. The only benefit in the Senior Executive Benefits Package that would be maintained is the three Executive Leave Days.

Councilwoman Uria questioned whether anyone wanted to go over the Executive Package.

Mr. Lunny noted that this was placed on the agenda at the Council's request.

Mayor Bendekovic advised that she provided a bar graph and her recommendation is to keep the Senior Executive Package status quo for the current Department Directors. Hence forth, the Post Retirement Health Insurance Coverage will not be available for future Directors; however, they will retain the three Executive Leave Days. Human Resources did a comparison, which shows the Executive Days. She strongly recommended keeping the package in place for those that are here now. With regard to our Directors salary range, there are four Directors who are in the 40th percentile, six Directors in mid range and four Directors in the 60th percentile. None of them are above the 65th percentile as far as their salary goes. When some of the Directors were hired it was indicated at that time that the package was part of the enticement since they did not get the salary range.

Councilwoman Uria commented that we currently have 14 Executives. She noted that she would like to review the pay scales before moving forward because she would prefer to give more money to some of the Directors.

In response to Councilman Jacobs, Mayor Bendekovic advised that a motion or a resolution can be done to approve the modification to the benefit.

Mr. Lunny indicated that a motion is fine and if needed, he can put a title together.

In response to Mayor Bendekovic, Councilwoman Uria clarified that she would like to see the pay scales overall.

Mayor Bendekovic stated that perhaps this should be brought up when Council comes back to the General Employee discussion.

Councilwoman Uria concurred. She has always said that there is a way to cut the budget; pay the employees a lot more money with no benefits or go to a 401k.

Mayor Bendekovic commented that she will not bring the information back until the January 11, 2012 Workshop at which time salary ranges and comparisons will be provided. She questioned whether Council had anything else to include in the Workshop so she can make it all inclusive.

Councilperson Stoner questioned whether insurance is considered part of the benefits package and if so, what the real cost is. As an extension of the Senior Package after retirement, that is basically a post employment benefit. She questioned how many people have that.

Mayor Bendekovic explained that there are currently seven retired Directors; we are not going to count the retired Elected Officials because they get a benefit. There is a small group of four former Elected Officials; Rae Carole Armstrong, Marty Dishowitz, Ralph Merritt III and Larry Freilich, that cost the City \$84,000 per year. This information will be placed in the packet for the January 11, 2012 Workshop and if anyone wants it sooner it can be sent out tomorrow. After retirement the cost per Director is \$6,000 and if they have a spouse the cost is an additional \$4,000 for a total of \$10,000 per year. Remember, once you reach Medicare age, that amount is reduced because Medicare is the primary.

In response to Councilperson Stoner, Mayor Bendekovic's understanding is that nothing can be done about this. She would have to do some research and see exactly how those provisions were made.

In response to Mayor Bendekovic, Ms. Moale's understanding is that once a person has retired, whether they are no longer working for us or in DROP, we cannot change any benefits that have bestowed upon them at that point.

Councilman Jacobs stated that the question is regarding retired Council members, which was a special retirement package. He questioned whether the health insurance benefit is primary or secondary to the City.

Ms. Moale advised that if the retiree is over age 62 the City would be secondary because Medicare is primary. She would have to review the special ordinance because it is separate from the Executive Package.

Mr. Lunny believes the answer to Councilperson Stoner's question will be a comparison of the coverage that Judge Dishowitz enjoys pursuant to his gainful employment at this time and the other insurance clauses of such coverage, as that compares with the coverage the City offers its retired officials and the other insurance clauses in that coverage. That question cannot be answered tonight; Ms. Moale can look at that and get back to you.

Mayor Bendekovic indicated that she would include this in the conversation at the Workshop.

In response to Councilperson Stoner, Mayor Bendekovic suggested waiting until the Workshop to discuss the vehicles as part of that package.

Councilman Tingom believes that once a person is retired and they have been promised benefits, unless you go bankrupt the benefits have to be provided; they cannot change. He would like a comparison of the PEPE report. He thinks that the comparison with surrounding cities is very similar to what we have done with retirement packages; benefits and salaries would be a nice spreadsheet to have during the January meeting. He mentioned the Florida Pension Report in November, a 20-page report that came out, that details a lot of things about pension plans. He was happy to say that our City is in pretty good shape according to the report. He suggested that everyone read this report.

Mayor Bendekovic stated that the report will be included in the packet. If anyone wants to look at it before the meeting, it is the Leroy Collins Institute. They did a survey of the Defined Benefits throughout the States and also graded the Cities that did have Defined Benefits. She found the report to be very informative.

Councilman Levy commented on the Mayor's memorandum regarding the Senior Executive Package. He believes that this is an excellent recommendation. He suggested that this be voted on now; the sooner it is voted the sooner it will be policy rather than waiting until reviewing everything for everyone, which is a much more in-depth review. As mentioned earlier, once people reach a certain age and have a certain benefit they cannot lose that unless the City goes bankrupt.

Mayor Bendekovic indicated that during the Workshop if Council wants to change the ranges this would already be in effect.

Mr. Lunny read the title of the Resolution as follows:

Resolution No. 11390

RESOLUTION PERTAINING TO THE SUBJECT OF HUMAN RESOURCES, AMENDING THE SENIOR EXECUTIVE RETENTION AND LONGEVITY BENEFITS PACKAGE AS SET FORTH IN CITY RESOLUTION NO'S. 8656 AND 9639; PROVIDING THAT FOR ANY SENIOR EXECUTIVE HIRED ON OR AFTER OCTOBER 1, 2011 THAT SUCH SENIOR EXECUTIVES NOT BE PROVIDED WITH THE POST RETIREMENT HEALTH INSURANCE COVERAGE BENEFITS; PROVIDING FINDINGS; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

Councilman Tingom questioned whether a person who leaves can purchase COBRA if their age permits them to do so. He noted that the only significant change is that once a Senior Executive retires and they reach age 65 they go to Medicare as their primary coverage.

Mr. Lunny advised that this deals with the Senior Executive Package. An employee of the City, regardless of whether they are a Senior Executive, may elect to pay for health insurance upon retirement pursuant to the normal rates. The Senior Executive Package changes that to indicate that the City will subsidize that payment by a graduated percentage up to a 100%. Once he writes the Resolution he will review it with Ms. Moale to be certain that it does what the Council is indicating.

Motion by Councilman Levy, seconded by Councilwoman Uria, to approve Resolution No. 11390 pertaining to the Senior Executive Benefits Package. Motion carried on the following roll call vote:

Ayes: Jacobs, Tingom, Levy, Stoner, Uria

Nays: None

Councilwoman Uria requested that the information with the salary ranges include an estimate of how many people are in a position.

Mayor Bendekovic questioned whether Executive days will also be changed or whether it is also up for discussion.

Councilwoman Uria commented that the days can be included in the package.

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LEGISLATIVE ITEMS

Mr. Lunny read Item No. 17.

17. CONTINUED PUBLIC HEARING AND FIRST READING OF AN ORDINANCE PERTAINING TO THE SUBJECT OF PLANTATION LOCAL BUSINESS TAXES; AMENDING VARIOUS SECTIONS OF CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF PLANTATION PERTAINING TO LOCAL BUSINESS TAXES SO AS TO INCREASE LOCAL BUSINESS TAXES BY UP TO FIVE PERCENT (5%) IN ACCORDANCE WITH SUB-SECTION 205.0535, FLA.STAT. (2010); PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

A memorandum dated November 8, 2011 from Susan Slattery, MMC, City Clerk, to Mayor Bendekovic & City Council members, a follows:

Attached you will find a proposed ordinance to increase the current business license tax fees by up to 5%.

In accordance with Sub-Section 205.0535(4) of the Florida Statutes the City is able to increase all license taxes by up to five (5) percent in odd-numbered years. The City has not increased business license tax fees since 2005 and I propose that we increase them this year by up to 5% in all classifications. This will increase our revenue for business license taxes by approximately \$36,000.

I have attached a graph and spreadsheet for you to compare some of Plantation's fees with other municipalities in Broward County. As you can see, we are low to mid-range when compared with many other municipalities.

Direction is sought to advertise.

If you have any questions, please feel free to contact me.

Mr. Lunny referenced a memorandum in the packet that stated that the Statute allows the City to increase license taxes up to five (5) percent in odd numbered years. This report also indicates that no increases have occurred since 2005 and that this increase overall will result in \$36,000 of taxes. A spreadsheet is attached as well.

Mayor Bendekovic indicated that a comparison was provided. She believes that we are low in many areas; the only two Cities that are lower than us are Pembroke Pines and Weston consistently.

Councilwoman Uria advised that she is not in favor of raising the fees.

Mayor Bendekovic added that the cost of living was also provided. Since 2005, the cost of living has gone up 12%. Our range is up to 5% and we have not been immune to costs and expenditures. Most businesses would not have an impact on this year's bill but it would be possible on the new bills.

In response to Mayor Bendekovic, Ms. Slattery indicated that about 88% of the licenses have been renewed. This would only impact new businesses that are coming in until the renewals go out next year.

Councilwoman Uria mentioned that last March, when some were campaigning, the question always came up as to how to bring businesses into the City. She likes seeing Plantation on the low end; especially new businesses because that is something we can market. She has not been in favor of the increase and is still a no vote.

Councilman Levy stated that the timing is very interesting; we created "Small Business Day on Saturday" and then increase the business tax fees. This is a very difficult situation; however, the \$36,000 may make the difference of a small business coming to our City or not. He realizes that our fees are low and that may be one of the reasons for the success. He appreciates the information but he believes that the timing is not good; therefore, he cannot support an increase in the business taxes at this time.

Councilman Jacobs commented about the amount of the increases. He understands that we are in a period of time where we do not want to raise taxes as a governmental entity; however, we are in the business to operate a government and we have to tax and spend the money. We have a budget crisis and that is why he is in favor of the increase.

Councilwoman Uria commented that park fees were increased and residents have a choice whether to participate; a tax is not a choice.

Councilman Tingom indicated that even with these increases we are still on the low end; most businesses do not feel this as a large item. If no increase is made there will not be another opportunity to do anything until 2013. He concurred with Councilman Jacobs that this is reasonable.

In response to Councilman Levy, Mayor Bendekovic stated that the Plantation Chamber of Commerce has not received any calls about this and Administration has not received any calls.

In response to Mayor Bendekovic, Ms. Slattery advised that there are approximately 5,000 businesses. She stated that she has not received any calls.

Councilman Levy questioned whether \$36,000 is that important to create the impression we are congratulating small businesses and then raising the fees. It creates the position that we are not a business friendly community.

Mayor Bendekovic commented that every little bit makes a difference on the budget; especially on the tight budget that we have. That money might be a salary for someone. We have been very business friendly because since 2005 we have not raised the fees. She assured Councilman Levy that the fees will not be raised again in 2013.

Councilperson Stoner stated that the Plantation Chamber of Commerce has 300 members and only 200 of those members are businesses in Plantation out of the 5,000 businesses in this City. She believed that \$36,000 was the amount budgeted to the Plantation Chamber of Commerce this year and at that time she indicated that that was a car for someone or an employee; yet, you were very adamant that they were an economic engine. If they were truly representing the businesses in this City they would attend these meetings on various issues on behalf of businesses. If we need the \$36,000 that much perhaps the amount given to the Plantation Chamber of Commerce could be reconsidered. Councilperson Stoner advised that she was offended by the remark made with regard to contractors not wanting to pay the additional money because it might be an indication that they are in trouble. Just because someone is conservative does not mean they are going under, it means they are conservative with their money in an economic time that means looking at every last penny coming in and out of the budget. She has questioned whether home offices are being looked at to see if those people have occupational licenses. She believes there are other ways to do this and she is still not in favor of this.

Mayor Bendekovic stated that everyone has different view points. The Councilman asked her position on this issue and she gave it.

Motion by Councilperson Stoner, seconded by Councilwoman Uria, to DENY Item No. 17. Motion FAILED on the following roll call vote:

Ayes: Stoner, Uria

Nays: Jacobs, Tingom, Levy,

In response to Councilwoman Uria, Mr. Lunny advised that a motion to deny would be the proper way; if you move on and the item fails that is a harder way to document it.

Motion by Councilman Jacobs, seconded by Councilman Tingom, to approve Item No. 17. Motion carried on the following roll call vote:

Ayes: Jacobs, Tingom, Levy

Nays: Stoner, Uria

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QUASI-JUDICIAL CONSENT AGENDA

Mr. Lunny read Item No. 18.

Resolution No. 11391

18. **RESOLUTION** APPROVING THAT CERTAIN RELEASE OF A PORTION OF EXISTING UTILITY EASEMENT ATTACHED HERETO AS EXHIBIT "1"; PROVIDING FINDINGS; HAVING THE APPROPRIATE CITY OFFICERS EXECUTE SAME AND AUTHORIZING THE CITY ADMINISTRATION OR CITY ATTORNEY TO MAKE MINOR REVISIONS THERETO; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

Motion by Councilman Tingom, seconded by Councilwoman Uria, to approve Resolution No. 11391. Motion carried on the following roll call vote:

Ayes: Jacobs, Tingom, Levy, Stoner, Uria

Nays: None

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QUASI-JUDICIAL ITEMS

Mr. Lunny read Item No. 19.

19. RESOLUTION APPROVING NINE TOWNHOUSE BUILDINGS WITH A TOTAL OF 66 UNITS AS A CONDITIONAL USE TO BE LOCATED WITHIN A PRD-10Q ZONING DISTRICT ON PROPERTY LYING IN SECTION 2, TOWNSHIP 50 SOUTH, RANGE 40 EAST AND DESCRIBED AS PARCEL "A" OF THE EMERALD CREEK TOWNHOMES PLAT, AS RECORDED IN PLAT BOOK 176, PAGE 186, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA (GENERALLY LOCATED AT THE NORTHWEST CORNER OF FLAMINGO ROAD AND BROWARD BOULEVARD). PROVIDING FOR CONDITIONS AND LIMITATIONS ON THE ALLOWED USE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

-AND-

REQUEST FOR SITE PLAN, ELEVATION AND LANDSCAPE PLAN APPROVAL FOR EMERALD CREEK LOCATED AT 12401 WEST BROWARD BOULEVARD.

A Staff Report from Planning, Zoning and Economic Development follows:

REQUEST #1: Conditional use approval to allow 66 fee-simple townhouses in a PRD-10Q district.

REQUEST #2: Site plan, elevation and landscape plan approval.

ZONING WAIVER REQUESTS:

1. From: Section 20-16(b), which requires payment of park impact fees at the time of site development plan approval;
To: Allow payment of the park impact fees at the time of building permit submittal.
2. From: Section 27-688(d), which requires that a portion of the PRD perimeter abutting a single-family residential district (located to the west/northwest) to be planned and developed with the same adjacent unit type.
To: Allow townhouse units to abut single-family residential units.

LANDSCAPE WAIVER REQUESTS:

3. From: Section 13-41(a)(b). Pedestrian zones along building facades. Landscape pedestrian zones shall extend the full width of each façade that abuts a parking or vehicular use area; the minimum width of such landscape zone shall relate to the adjacent structure's wall height.
To:
 - a. 14' required along the southern façade of Building 7 – 11' provided.
 - b. 14' required along the southern façade of Building 9 – 8' provided.
 - c. 14' required along the western façade of Building 8 – 9' provided.
 - d. 14' required along the northern façade of Building 5 – 5' provided.
 - e. 14' required along the front of Buildings 1 through 9 – 0' provided.

PZED EXECUTIVE SUMMARY: The subject site is 6.6 acres in area, zoned PRD-10Q, and currently vacant. The site is bound by multi-family residential uses to the north, Broward Boulevard to the south, Flamingo Road to the east, and a single family home and golf course to the west. City Council approved a conditional use and site plan to construct 61 feet-simple townhouses on the property on September 27, 2006, which expired due to lack of construction.

The applicant is requesting conditional use, site plan, elevation, and landscape plan approval to construct 66 two-story townhomes comprised of nine buildings with a community swimming pool and pavilion. The architectural style of the buildings will be Spanish colonial with stucco and stacked stonewall finishes, stucco accent banding, upper floor shutters, and tile roofing material.

The proposed plan (66 units) proposes five more units than the prior approval (61 units). The proposed plan provides an eight-inch deep offset between each townhouse. The prior approved plan staggered each unit five feet forward or back from each adjacent unit to create the visual appearance of separate units when viewed from Flamingo Road, Broward Boulevard, and the adjoining properties to the north and west. The proposed eight-inch offset between units tends to make each group of townhomes look like a single two-story apartment building from adjacent roadways and properties. Staff recommended the site plan be revised to provide five-foot offsets between adjacent townhome units. The Planning and Zoning Board approved the plan with the eight-inch offsets and all waivers, subject to all staff report comments except the Zoning/Site Plan comments relating to the offset (#1 and #2).

EXHIBITS TO BE INCLUDED: Planning and Zoning Division report; subject site map; Conditional use/site plan application; Planning and Zoning Board Meeting minutes of October 4, 2011; Landscape Planning Review Board Meeting minutes of September 26, 2011; and Review Committee Meeting minutes of August 23, 2011.

PLANNING AND ZONING BOARD RECOMMENDATION: **APPROVAL** subject to staff comments except for Zoning site plan comments Nos. 1 and 2 (October 4, 2011; 6-1, Mr. Austin dissenting).

LANDSCAPE PLANNING REVIEW BOARD: **APPROVAL** subject to staff comments and conditions. (6/0; September 26, 2011).

REVIEW COMMITTEE RECOMMENDATION: No objection to the project moving forward for further review (August 23, 2011).

STAFF COMMENTS:

PLANNING AND ZONING:

Planning:

1. The applicant has provided a SCAD letter from the Broward County School Board for determination of school concurrency for the residential plat. The applicant has contacted the School Board to obtain a vesting verification letter for the site plan.
2. City Park impact fees are required to be paid prior to City Council approval. The applicant is seeking a waiver to pay City park impact fees at building permit submittal. Staff has no objection.

Zoning:

In General:

1. The finding of adequacy for the plat of record expired as of August 15, 2011. Staff is aware that the applicant is pursuing re-approval through Broward County. Staff cannot approve construction permits without a finding of adequacy.
2. Homeowner Association documents shall be reviewed and approved by the City Attorney prior to issuance of a building permit. Staff requires a cost recovery account (\$2,000) be posted before the City Attorney initiates his review. Within the Association documents, please include language that prohibits garage conversions, patio enclosures or attachments, exterior storage structures, or fencing material (for individual unit owners). Homeowner documents shall also state that sanitation facilities shall be serviced no less than two times per week. Applicant advised to begin work on this immediately to avoid any delay in zoning permit approval.

Site Plan:

1. Section 27-688(d) requires that portion of the perimeter abutting a single family residential district to be planned and developed only for uses permitted in the adjoining zoning district and in accordance with the requirements of that district. A waiver has been requested to allow townhouse units to abut single family dwelling units to the west.
2. The previously approved site plan staggered each unit five feet forward or back from each adjacent unit to create the visual appearance of separate units when viewed from Flamingo Road, Broward Boulevard, and the adjoining properties to the north and west. The proposed site plan provides only an eight-inch deep offset between abutting units. This minimal offset between units tends to make each group of townhomes look like a single two-story apartment building from adjacent roadways and properties. Based on the existing uses to the north and west, as well as the “public view” from Flamingo Road and

Broward Boulevard, this lack of building articulations does not meet the design standards of the prior approved site plan. Staff requested the plans be revised accordingly. The Planning and Zoning Board disagreed and approved the plans “as is” without the five-foot unit offsets.

TRAFFIC CONSULTANT: See Engineering.

ENGINEERING DEPARTMENT:

1. Please show all ramp connections. *Previous Response: Please show on both Site Plan and Civil plan.* **Please include the ramp for the disabled parking space and include a detail.**
2. Please remove the disabled parking detail from Sheet SP-3 and use the City’s detail that is on Sheet C-5.
3. Please show all signing and marking on both the Civil and Site Plans. The signing and marking is incomplete, please include all signing and marking required. *Previous Response: Please show on both Site Plan and Civil Plan as requested. Please add an EB stop bar/double yellow on the roadway connection to the main entrance.* **Provided. Stop bars must be a minimum of four (4) feet from the crosswalk, please revise.**
4. Please meet with Engineering to discuss the traffic study. *Previous Response: The traffic study is being revised and will be submitted with the City Council package.* **Provided. Upon further review, there is a concern with the potential u-turns at SW 125th Avenue from residents wishing to head east on Broward Boulevard. There is not enough room for this movement without traversing into SW 125th Avenue. This has been discussed with the applicant’s traffic engineer and the study is being revised accordingly. Along with an improvement to provide for the u-turns, this intersection will have to be monitored for a period of one (1) year after 100% occupancy and produce a signed and sealed traffic study to the Engineering Department to determine any future conflicts that may arise and the solution for such conflict.**

Permit Comments (required at time of submittal for permitting)

Note: A detailed review of the civil drawings has not been performed at this time. If the site plan application is approved by City Council, a thorough engineering review will be performed at the time of application for construction permits.

1. Provide an erosion and sedimentation control plan and an FDEP approved Notice of Intent (NOI).
2. A Maintenance of Traffic (MOT) plan may be required. Coordinate with the Engineering Department to discuss prior to permitting.
3. The entire site must be brought into compliance with Chapter 9 of the City Code for floodplain and stormwater management. Please provide complete drainage calculations, signed and sealed by a professional engineer registered in the State of Florida, complying with all applicable sections of Chapter 9 of the City Code, particularly with Sections 9-41 through 9-44.
4. Provide a copy of Old Plantation Water Control District (OPWCD) and/or South Florida Water Management District (SFWMD) and/or Broward County permit.
5. The applicant will be required to execute a developer agreement and post security for all engineering and landscape related improvements at the time of permitting. An additional bond in the amount of \$30,000 will need to be executed and held for any potential improvements to SW 125th Avenue/Broward Boulevard as determined by the traffic study required after monitoring one (1) year after 100% occupancy.

DESIGN, LANDSCAPE AND CONSTRUCTION:

1. The applicant will be required to execute a developer agreement and post security for all engineering and landscape related improvements at the time of permitting.
2. If you would like the comments forwarded to you via e-mail, please call Judy McBride at 954-585-2360 or e-mail her at jmcbride@plantation.org.

Site Plan:

1. Code requires landscape pedestrian zones to extend the full width of each façade abutting a parking or vehicular use area; the minimum width shall be half the height of the proposed or ten feet (paved areas in the lpz may not constitute more than five feet of the required lpz).
 - a. 14' required along the southern façade of Building 7 – 11' provided.
 - b. 14' required along the southern façade of Building 9 – 8' provided.
 - c. 14' required along the western façade of Building 8 – 9' provided.
 - d. 14' required along the northern façade of Building 5 – 5' provided.
 - e. 14' required along the front of Buildings 1 through 0 – 0' provided.*Waivers requested.*
2. Fire hydrants and associated equipment should not be placed in landscape areas where trees are required by code. Hydrants and associated equipment are currently located in areas where trees are required by code.

Planting Plan:

1. Please use shade trees in areas throughout the property where possible.
2. Please make sure the utility lines proposed throughout the property are not in conflict with trees in the limited planting spaces in the landscape islands in front of the individual units (i.e. sewer, water, etc.).
3. You are proposing the planting of 30 Cassia trees throughout the community; Cassia trees tend to get top heavy and blow over within the first five years of growth; please use alternate specie.
4. All trees are to be field grown/balled and burlaped in lieu of container grown trees (container trees do not perform well) (i.e. Pink tabebuia and Cassia trees).
5. You are proposing the planting of 30 Dahoon holly trees throughout the site; Dahoon holly trees are best suited for woodland plantings or wet areas at the edge of bodies of water. Please use an alternate specie that will perform better in the proposed planting spaces.
6. Trees are required in the terminal islands along the southern parking area of buildings of 7 and 9. Staff requests the modification of proposed locations of fire hydrants and associated equipment to allow the planting of code required trees in these areas. *A waiver has not been requested.*

BUILDING DEPARTMENT: No objection.

FIRE DEPARTMENT:

No objections as to this request with the confirmation that the Fire Department comments of 8/23/11 were satisfactorily addressed by attached applicant responses of 9/2/11. The applicant is aware that conditions may arise upon review of all required permitting signed/sealed plans.

POLICE DEPARTMENT: No objection to this project.

UTILITIES: Applicant agreed to items 1 through 11 and will address item 12 at Utilities permit submittal. No objection to the conditional use approval; 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.
3. A pre-design meeting is required with the Utilities Department.
4. Must provide receipt or check copy for \$2,000 deposit marked for Utilities expenses to project cost recovery account.
5. Offsite and onsite improvements and equipment may be required at applicant's expense to support project.
6. Water and Wastewater Utilities must be shown on plan before a proper review can be completed.
7. Show all existing water and wastewater facilities on site plan.
8. Provide plan for vacating easements as necessary.
9. Show all new and existing water and sewer lines and easements on landscaping and drainage plan.
10. Maintain all utilities and utilities easements for water and wastewater system access.
11. Full Utilities plan review and approval is required prior to permitting. No plans are for construction until marked "FINAL".
12. Dead end mains must be looked at again. Why not utilize shorter mains and longer services?

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

WASTE MANAGEMENT:

Waste management has confirmed that waste service will be provided via curbside "blue bag" pick up (Tony Spadaccia 11/8/11).

EXHIBIT A

CONDITIONAL USE:

Where applicable, the review of a Conditional Use request should include consideration of the criteria noted in Section 27-768 of the Land Development Code, attached hereto. The applicant is required to identify the following:

1. A binding and buildable site plan that allows the Council to determine the architectural features and buffering needed to protect the surrounding property.

Applicant has filed a buildable site plan to allow construction of 66 townhomes for consideration and approval by the City Council.

Staff Comment: Agreed.

2. The proposed conditional use will be consistent with the general plan for the physical development of the district including any master plan or portion thereof adopted by the Council.

The proposed conditional use is consistent with the general plan for the physical development of the District including any master land use plan or portion thereof adopted by the Council. The residential use is consistent with the current development in the area and consistent with the land use designation of the adopted future land use map. The land use map for the area calls for residential development at this site. To the west is Lago Mar Country Club and residential development. To the north is residential development. To the east is residential development and American Heritage School. To the south is residential development.

Staff Comment: The proposed use is consistent with the Future Land Use Plan Designation (Ten residential dwelling units per gross acre).

3. The proposed conditional use will be in harmony with the general character of the neighborhood, considering population density, scale and bulk of any proposed structures, intensity and character of activity, traffic and parking conditions, and number of similar uses. A present need for the conditional use must be demonstrated.

The proposed conditional use will be in harmony with the general character of the neighborhood, considering population, density, design, scale and bulk of any proposed new structures, and intensity and character of activity, traffic number parking conditions, and number of similar uses. The residential use is similar in nature to other uses located around the project. See response above. Applicant has found new demand for residential uses.

Staff Comments: The PRD zoning district requires that a portion of the PRD perimeter abutting a single-family residential district (located to the west) be planned and developed with the same single-family unit type. A waiver has been requested to allow the proposed townhouse development to abut single-family homes. A similar waiver was granted for the prior approved site plan.

Please note the prior approved plan provided articulated rear townhome elevations (five-foot offset between townhouse units) facing the perimeter of the property, including Broward Boulevard to the south, Flamingo Road to the east, multi-family to the north, and single family/golf course to the west.

Staff cannot support the present waiver as the new plan provides only an eight-inch offset along the back of the townhouse units, giving the appearance of a single, approximate 200-foot long single, apartment building abutting the perimeter of the site. While not a code requirement, this new configuration represents a lessening of design standards from the prior approved plan (See Zoning – Site Plan Comment No. 2 on page 3).

4. The proposed conditional use will not be detrimental to the use, peaceful enjoyment, economic value, or development of surround property, or the neighborhood, and will cause no objectionable noise, vibration, fumes, odor, dust, or glare of physical activity.

None of the surrounding properties will be detrimentally affected in any manner, as the adjacent properties are already built and the small increase in residential use will not cause any objectionable noise, vibration, fumes, odors, dust, glare or other objectionable problems. The property will be separated from adjacent properties by landscaped buffer yards and two major arterial roadways. There will be minimal noise and no vibrations, fumes, odors, dust, glare or other objectionable problems. All of the adjacent properties have been developed within this corridor.

Staff Comment: Staff generally agrees.

5. The proposed conditional use will not adversely affect the health, safety, security, morals, or general welfare of residents, visitors, or workers in the neighborhood.

The residential use will not adversely affect the health, safety, security, morals, or general welfare of residents, visitors or workers in the neighborhood. The additional residential use will benefit all residents of Plantation and elsewhere in Broward County by offering new townhomes to those moving into Plantation.

Staff Comment: Staff generally agrees.

6. The proposed conditional use will not, in conjunction with existing development in the area and permitted development under existing zoning, overburden existing public services and facilities.

The proposed townhomes will not, in conjunction with existing development in the area and development permitted under existing zoning, overburden existing public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public improvements and will not create a hazard by virtue of its site and location to residents, visitors, or workers in the neighborhood. There is sufficient capacity and availability of all public services and facilities which would be needed for this site. No hazard will be created as a result of the construction or operation of this project.

Staff Comment: The applicant has provided a local concurrency approval demonstrating that sufficient public service capacity exists to service the site.

7. The proposed conditional use shall meet all other specific standards that may be set forth elsewhere in the Code of Ordinances.

The proposed project will abide by the Code of Ordinances of the City of Plantation as to construction, operation and maintenance of its building. Applicant may seek waivers to the extent they are required.

Staff Comment: Two zoning waivers and one landscape waiver has been requested.

8. The proposed conditional use shall disclose the square feet of use sought for approval so that an adequate evaluation may be made.

See proposed site plan.

Staff Comment: The site plan proposes 66 townhouse units within nine buildings with a range of four to nine units per building.

Mr. Lunny read the title and waivers.

Attorney Bill Laystrom and Jeff Alexander, with Lennar, were present on behalf of the applicant.

Mr. Laystrom provided a brief overview of the project. This site is on the northwest corner of Flamingo Road and Broward Boulevard. The property has been vacant for a long time. Approximately five or six years ago Council approved a project that was proposed for townhouses at this location but then it sat idle and they are here to bring back that site plan with a lot of positive changes. They are fine with the balance of the Landscape comments and all of the Planning and Zoning comments except for the one regarding staggering. Landscaping has been spruced up; a four-foot berm has been added along Flamingo Road, which raised the front landscaping. In addition, there are a number of landscape waivers, which are typical in the past townhouse projects. The Conditional Use request in the PRD from a long time ago was because very large properties were anticipated. There was a requirement that must show why single-family homes cannot run along the western boundary of the property. He requested that U-turns at NW 125th Avenue be at the discretion of the Engineering Department. This Conditional Use is one that is requested for most of their proposed projects. With regard to the staggering of the individual buildings, staff's concern was that the look of the back side of the buildings, particularly along Flamingo Road and how far the walls would be staggered between units. Staff has requested that the walls be five feet apart, which was what the previous project had. Originally, they had a flat surface in the rear and throughout the development process they came up with a number of changes to the site plan, which are now largely incorporated. Landscaping was added and colors were changed between each unit so a physical break can be seen between each unit. Eight inches was added; the paint was changed and the back was broke up with a gabled roofline. Window sills and other designs were created on the rear of the building. A tremendous amount of work has been done to improve the appearance of this project along Flamingo Road. Everything possible has been done short of doing something to the units that actually detracts from the quality of the project. Mr. Laystrom's second request was regarding u-turns at NW 125th Avenue. They have agreed to do an improvement to give enough room to make the u-turn and he recalled that the Planning and Zoning report noted that was acceptable. This staff report adds a requirement that a one-year traffic study be done afterwards whether it is needed or not. The bottom of the report adds a \$30,000 bond for unnamed improvements. He requested that this be allowed to be at the discretion of the Engineering Department. They are all right with the study and posting the bond. The amount of traffic generated by the u-turns will be one or two cars. He does not believe there will be a significant difference between the two.

Mr. Alexander explained that they have been designing and working with staff for the past few months with the site plan as well as the product. Their proposal is for two-story, three bedroom townhomes with a one-car garage and a rear yard ranging anywhere between 1,600 square feet under air up to about 1,900 square feet under air. This is a product that has been built in other municipalities in South Florida and it has been very successful. It is a good product for a family market and they believe with the school system close by it will be a target market. They are looking to open up for sales within the first part of the year and break ground with land development by March or April next year.

In response to Councilwoman Uria, Mr. Alexander indicated that one of the models is four-bedroom. The price range will probably be in the high \$200,000's; the market will dictate. If sales pick up the price will go up a

little. The townhomes will be marketed to families. The Homeowner documents do not have anything related to renting the units.

Councilwoman Uria stated that she did not count 18 guest spaces and noted that there are places where two cars are being counted for parallel parking and there is no way. In her opinion, the City's code needs to change. The units are three and four bedrooms with a one-car garage. She questioned the width and height of the garage doors since they were not shown on the plan. She did not believe that anyone would use these size garages; they will be used for storage. The driveway shows parking for two cars; 18' x 18' and a regular size car is 14' to 16' long; this will be so tight. Other projects in the area always have a problem with parking at night and in her opinion this is going to be worse. There is a 20-foot roadway with a two-foot curb on each side; she does not know how the Fire Department approved this. If a fire truck needs to get through and there is a car parked in the road there would be a problem. She knows what the code says but she does not know how Council can allow 2.5 spaces for three and four bedrooms. Different projects were recently approved in Midtown; however, those are rental apartments and these are for sale; these are families. She was not in favor of approving any of the waivers at this time.

Mr. Alexander advised that the width of the garage door is a standard eight-foot door. The height is seven feet. The documents reflect restrictions of street parking.

Councilperson Stoner commented that the total value of the project is about \$20 million. She stated that the staggering is an issue. She believes that Grove East is a perfect example of how a project starts out as a condominium and the market changes and subsequently it becomes rentals. Even though additional landscaping was added it can be gone in one storm; there are no reserves to replace landscaping and then you are left with the physical appearance of the building. The appeal of the elevation not being staggered is a standard format. She questioned whether the bond amount is a regular amount requested of every developer that comes into the City.

Mr. Butler indicated that the bond is a site specific amount. They evaluated what they considered to be the worst case potential for an improvement and a dollar figure was established based upon prior experience. He wants to be sure that there is some assurance that they will be obligated to work with the City after the fact if something needs to be done. He can work with the applicant in lieu of a defined figure.

Mr. Laystrom is not objecting to leaving the figure in; he wanted to be sure of the reason because he has never seen this before. He understands Mr. Butler's concern. He would like to get that explanation and review possible improvements and what is triggering the concern that the traffic study may be flawed so the Traffic Engineer has time to digest that.

Mr. Butler pointed out that this came up a little late due to an honest oversight during the course of the review of the traffic study. It was caught at the later stages of the review of the project and there was a discussion with the Traffic Engineer. He believes that the Traffic Engineer has an understanding of their concerns. This was not something routine and it is unfortunate that it was not caught earlier.

Councilwoman Uria advised that she has discussed a lot of this with Mr. Leeds and requested that he relay his thoughts.

Mr. Leeds explained that plans are evaluated based on the code. His concern is that a four bedroom unit needs four parking spaces; two in a garage and two outside. This is going to be a family community and people who purchase this product are not in a position to purchase a new single-family home but they may be able to purchase a new home in the townhouse community. If they have teenagers there may be additional cars. He was

not too concerned about the three bedroom units. He believes that the four bedroom units should have a two-car garage and two parking spaces outside, which will require redesign of the site. The other thing is that this site in the original project had 61 units and this has 66 units, which is a five-unit increase.

Mayor Bendekovic questioned whether the parking would be increased by if they went back to the original 61 units.

Mr. Leeds advised that if five units were reduced there would be more room on the site and they could possibly accommodate the two-car garage just for the four bedroom units; however, the site would have to be redesigned. The only reason the unit count makes a difference is because if you take five units there is more open space and more room to work with. That is the logic behind his comment, which the Planning and Zoning Board did not agree with as it had to do with the staggering of the units.

In response to Mayor Bendekovic, Mr. Leeds stated that he did not know whether the original plan had four bedrooms. They have the potential for at least half of the units, maybe more, being four bedrooms according to their table. If the units were limited to three bedrooms, two-car garages would not have to be added and they could still get 66 units.

Councilwoman Uria believes there may be parents and two teenagers in three bedroom units. She noted that there are 19 four bedroom units.

In response to Councilwoman Uria, Mr. Laystrom reviewed what was wrong on the plans. He mentioned the Veranda project. It was a dump and they took it on about two-thirds of the way through the project coming through the City. The parking was exactly the same ratios used today.

In response to Councilwoman Uria, Fire Chief Harris indicated that a fire truck is 12 feet wide and the turn radius is 38 feet inside and 50 feet outside.

Mr. Leeds commented that there are two issues; one is a parking issue and the other is the dimensions. The only way to verify if the garages are actually large enough is to scale them with the architect scale to confirm that the information is correct.

Councilman Tingom reviewed two of the parking spaces that show 10.6 x 20, which is 210 square feet. The diagram shows 25'; therefore, it is 15 feet off.

Councilwoman Uria stated that parking will be tight because many people drive SUV's. She questioned whether the measurements are wrong or correct.

Mr. Laystrom advised that the issue as to whether people even use their garages has been around a long time. The custom, at least in the past, is to have a requirement in the documents. He emphasized that the measurements are correct. He offered to go through the dimensions in order to create a comfort zone.

Mr. Lunny commented that it is a minimum, not a maximum. You can always elect to build something a little wider and the City would have the discretion to insist, in certain cases, that it be wider if necessary to address it. If there are questions about dimensions, etc. and Council is not getting a satisfactory answer, the item should be deferred back to staff and brought back to Council in the future.

Mr. Laystrom advised that if the item has to be brought back to Council for the same reasons the City has had for the last several years then the code needs to be changed. He noted that the calculations on the guest parking show that they are two over the requirement. Perhaps some changes can be made, but as far as a reduction in units, that is something that cannot be done. Staggering can be discussed; there is a little leeway without messing up the front elevation by pushing it too far forward.

In response to Councilperson Stoner, Mr. Laystrom indicated that the Fire Department checks each plan when it comes through.

Mr. Leeds confirmed that there are 19 guest spaces.

Discussion ensued regarding the number of parking spaces on Sheet SP-2.

In response to Councilwoman Uria, Mr. Leeds advised that the code requires 25% of the units, which they have met.

Mr. Laystrom noted that they exceed the parking spaces by two.

After some discussion, Councilwoman Uria indicated that she is comfortable that she counted 18 parking spaces plus one, which she could not find.

Fire Chief Harris commented that the fire trucks can make the turning radius as long as there is no parking in the road.

Mr. Leeds advised that when looking at clear space in a garage they look for a rectangle that has a clear space of 18 feet long by 9 feet wide. The applicant meets the width and it is not uncommon to have a door that is eight feet wide in a townhouse for a single garage. His concern, rather than the square footage in these garages, is that they are not square rectangles, they are edged off on an angle. The question is whether there is 18 feet of clear space before hitting the door that opens into the garage on an angle. The plan does not show those dimensions.

Councilwoman Uria stated that the standard size is not tall enough for a pickup truck or SUV. She is not so concerned with the length and depth of the garage, it is the width. She emphasized that these garages will not be used for a car; parking will be outside.

Mr. Leeds noted that the minimum size is 19 feet of clear space.

Mr. Laystrom indicated that they will commit to the size even though they believe they have it.

In response to Councilperson Stoner, Mr. Lunny noted that Planning can make recommendations that they do not believe this is sufficient for purposes and depending on waivers requested and the variety of other factors that the application presents there may or not be room to require a larger width. If the width of the private roadway is a concern, you might request that staff re-examine whether the private roadway width is 20 feet.

Mr. Laystrom advised that the reason there was no comment on that from Engineering or the Fire Department is because there is a 20-foot pavement with a two-foot valley gutter on either side for a total of 24 feet. He mentioned approvals for previous projects with a drive aisle width of 24 feet.

Mr. Lunny recalled some sort of section diagram in the code that sets forth a standard. Regardless, Council is not required to repeat the same problem over and over if it is perceived to be a potential problem based on the four corners of this application.

Councilperson Stoner commented that there is 20 feet with cars parked on either side, and emergency vehicles cannot get through.

Motion by Councilwoman Stoner, seconded by Councilwoman Uria, to send this item back to staff. Motion carried on the following roll call vote:

Ayes: Levy, Stoner, Uria

Nays: Jacobs, Tingom

Mr. Laystrom believes that all of the drive aisles are like that. If the landscape waivers are going to be an impetus for parking then we are at a more adversarial junction.

Mr. Lunny stated that they are not trying to be adversarial; however, the conditional use ordinance and the criteria applied in these cases will allow, if the Council deems appropriate, to increase that width. He suggested that professional staff be requested to re-examine that issue and report back as opposed to trying to do it at this meeting.

Councilwoman Uria concurred. She questioned whether it is architecturally correct that the building itself is included when putting numbers on a drawing. It does not give the lay person the true figures or square footage.

Mr. Leeds advised that there are no arrows on this drawing; dimensions are provided for the garages. Usually, with most plans, arrows are given and they show if the dimensions go to the inside of the walls. Because it is not shown on the plan, staff does not know.

Mr. Laystrom indicated when asked how large a building is you are not asking how large it is from the interior walls, you are requesting the size of the building. When coming up with the parking calculations for this building the walls did not get to be deducted. He agreed that the information needs to be provided for review.

Mr. Butler stated that there is a distinction between a conversation and a code that asks to look at a building footprint versus looking at interior dimensions for some other reason. In his opinion, the applicant is being asked to produce a building footprint dimension as opposed to a net interior useable space dimension. Using the perspective, a building footprint versus useable space terminology may help. Next, you have to look at how the code is directing the issue to be reviewed; whether it is on a building footprint basis versus a net interior use.

Councilwoman Uria commented that in her opinion, either way it is defined it is small.

Mr. Laystrom advised that as part of the building permit process, the Fire Department puts their template on the roadways to make sure they can get all the way around and he knows that Ms. Bernstein in Engineering does the same thing. The applicant needs to know if something more is needed so they can decide whether or not the project will survive. The same goes with the parking or the reduction of units. Mr. Laystrom indicated that they have reviewed the stagger on the buildings and that is something they can double; it is not the five feet but they can go from eight inches to 16 inches and not lose anything in the inside of the property because the front setback is actually larger on these particular units than the ones they are requesting a waiver for. A number of changes have been made to the plan to improve it and it is better to bring them before Council rather than do it

during the course of approval. He needs some discussion on the parking issue and wants the architect to speak on the garage.

Andrew Star, architect, was present. Mr. Star stated that normally on fee-simple townhome projects the garage standard size they design to is 10' x 19'. In this case the size has increased; several are 10'6" x 19'. The garage doors are all standard size. They will ensure that there is 18' depth in the areas where there are angled walls and doors.

In response to Councilwoman Uria, Mr. Star indicated that the standard garage door is 7'8" tall. A van could get into the standard size garage. As far as calculating the dimensions, the dimensions on the plan are inside of the wall to inside of the wall. The tabular information includes the exterior walls, the four inches, and in some cases the whole wall is being counted. That is for area calculation purposes.

Mayor Bendekovic suggested addressing Councilwoman Uria's concerns and then deferring the item.

Councilwoman Uria advised that it is not what she wants; it is what everyone wants. Her issues are known and her colleagues may not agree.

Mr. Laystrom reiterated that he would like to review all of the issues.

Councilwoman Uria commented that she did not know whether she could formalize without speaking to an architect or to Mr. Leeds as to what she thinks is needed as far as square footage. The only thing she knows is that when developments like this are built people need more room in their garages.

Mr. Laystrom noted that needs to be addressed with the code.

Councilwoman Uria agreed. According to Mr. Lunny, just because someone meets the minimum requirement does not mean that Council cannot say that they would like to see something different.

Councilman Jacobs advised that a Ford F-150 is 75.6 inches high and the width with mirrors is 97 inches wide. It is 243.9 inches long.

Councilwoman Uria stated that would not fit in the garage. She mentioned Ford Explorers and Ford Expeditions and noted that they are family vehicles.

Mr. Laystrom commented that all of the single family homes would probably use a similar garage and if Council does not want a similar garage door then the code needs to be changed.

Councilwoman Uria has been saying that for a long time but this is not the meeting to change the code.

Mr. Lunny advised that the applicant has certain waivers and there are certain comments in the staff report where Council is being requested to input some flexibility into the development and in return for the flexibility, based upon past approvals and what is believed to be appropriate for the City today, you have the ability to articulate concerns and then have staff review those concerns. It was his recommendation that the item be deferred with instructions for staff to review the width of the roadway which seems to be one issue, the capacity for the garage, which seems to be another issue, and the adequacy of parking or not, which is the third issue. Staggering is an appearance issue; either they are going to do that or not and it seems that there is a tradeoff with respect to the other code requirements of the adjacent property. He does not know whether the applicant can reasonably meet

the staggering request. Have the development meet with staff and determine whether they can come to some conclusion. If they cannot, this item will come back and staff will say that they met with the applicant and provide recommendations, at which time a decision can be made.

Councilman Jacobs stated that there is a cost associated with deferring the item and if it can be worked out tonight it would be better for the applicant. We want to be business friendly.

Mr. Laystrom commented that he believed the staggering issue could be resolved with further discussion.

Councilperson Stoner mentioned that the landscaping coming in on the first ground is wonderful but it will be gone in one storm and a Homeowner's Association is not going to have a reserve to replace that kind of landscaping. Other things will take priority and you will be left with the physical appearance of a building. The way the building currently sits without the landscaping is not in tune with how the City has been trying to present itself. Down the line if you choose not to do the condos and rentals are done, then the property goes to a property management company and there goes the landscaping. Staggering gives a little more three-dimensional feeling in the event of landscaping.

Mr. Laystrom indicated that they could double the size they have now, give it 16 inches instead of eight inches, plus there is still the paint, windows, roof and landscaping. This will create a visual edge and will not have an impact on the landscape pedestrian zone on the front side of the building.

Councilman Tingom understands that Council would like fewer units and a little higher quality. The project probably meets the minimum standards. He believes what they are hearing from Council is that perhaps the number of units should be reduced and the size of the garages should be increased.

Mr. Laystrom advised that they have met and exceeded the parking.

Councilman Levy commented that he does not believe these units are Plantation quality. He thinks they are squeezed and there is so much about them that he does not like, including the one-car garage. As presented, he cannot support the project. He does not like the dimensions and the way there are questionable dimensions; he does not trust what is on paper. He feels that this needs to go back to the drawing board and come back with something that is considered Plantation quality units.

Councilman Jacobs noted that three Council members have expressed that there is no point in making a motion to approve. It would be ideal to work it out now but if we will not be able to it has to be sent back to staff with clear direction.

In response to Councilman Jacobs, Mr. Laystrom stated that they will look at expanding the garages; more dimensions may be needed. Drive aisle widths are tough because they have been done this way on every project. The number of parking spaces is an issue and that has been discussed. The size of the garages seems to be the focus point.

Councilwoman Uria advised that there will be people parking in the street because these are small garages. Until that can be controlled it is going to be up to the Homeowner's Association.

Mr. Laystrom indicated that they will see if the garages can be expanded; he does not know if that is possible. They may need some more dimensions on the interior.

Councilman Jacobs suggested making a motion to approve contingent upon the garage dimensions and if it cannot be met the applicant will come back before Council. He requested Councilperson Stoner withdraw her previous motion; however, she declined.

Mr. Leeds emphasized Councilman Jacob's comment that we would like to have clear direction so when the plans are reviewed staff knows what to look for and the applicant knows what to draw. If there is an issue about garage size staff needs to know so they can come up with a garage size.

In response to Councilwoman Uria, Mr. Leeds noted that the suggestion to Mr. Laystrom is that you would like two-car garages for four-bedroom units. The next issue is how large each garage should be to accommodate 90% of the vehicles. An average two-car garage should be unobstructed with a minimum of 18 feet in depth and probably 20 feet in width. That is useable area; not wall to wall. It is interior space. That is a usual standard and that is what he would suggest.

Councilperson Stoner commented that it is wall to wall; it does not include the front facade that comes around the frame of the door.

In response to Councilman Jacobs, Mr. Leeds advised that a one-car garage would be 10' x 18'. Every townhouse that he has seen both in this City and in other Cities, the width of the garage door is eight feet and that will not accommodate larger vehicles; trucks will be parked outside. A larger garage can be requested. A one-car garage door is eight feet wide and that is standard; a larger garage door would be custom made.

In response to Councilman Tingom, Mr. Laystrom indicated that they set up a maintenance agreement in the documents. Homeowners take over the Association usually when it is 75% to 80% complete. As long as they own one unit they will still strongly participate.

Councilwoman Uria questioned whether there was a way that Council can enforce a maximum number of cars per unit in the documents.

Mr. Lunny explained that there can be a covenant that runs with the land that says anything you want and you can be a beneficiary of that covenant and then undertake to enforce it. He strongly encouraged Council not to do so for the following reasons; 1) Because it is unusual and different than we normally do and the institution has enough slippage generally that we probably would not police it well and 2) We are trying very hard not to do anything that generates any additional taxpayer cost.

Mr. Lunny advised that if the motion succeeds he questioned whether the explanation on the staggering is sufficient where that is no longer a concern.

In response to Councilperson Stoner, Mr. Leeds indicated that the Planning and Zoning Board did not have a problem with the eight-inches; therefore, based on the recommendation, a 16-inch would be all right. The reason a five-foot stagger was recommended was because they did not believe that the layout of the project was consistent with what the City tries to look for in terms of a certain level of quality. A five-foot stagger makes it look like they are townhouses and a tiny stagger makes it look like a one large two-story apartment building. It is not a code requirement but many times he will look at things in terms of what he feels is the appropriate level of standards as maintained in Plantation in the past. Five feet is recommended; however, the applicant has indicated that five feet requires a total redesign of the site.

Councilman Levy questioned the comment between the 66 units and the 61 units.

Mr. Leeds advised that the original plan approved was not built at 61 units, this one has 66 units. If they were to go back to the 61 units it may allow what we are requesting; they would have to redesign it but they would have more room.

Mr. Laystrom stated that if they do a nine-foot wide door the entry can be adjusted to 10.5' x 19' and that is clear.

Councilwoman Uria commented that those dimensions are smaller; currently there is 10.5' x 19.5' on the drawings. She believes there are some issues that need to be worked out.

Councilman Jacobs does not know whether this is ever going to be worked out; these are standard garages and every vehicle that anyone could possibly own will not go in one of these units. The only way to build a larger garage is to reduce the number of units quite a bit and then the applicant is not going to build because it will not be financially feasible.

Councilwoman Uria noted that is up to the applicant to determine; however, she is not comfortable with that, especially if something were to happen.

Councilman Jacobs indicated that the City staff has reviewed all of the information and will be reviewing it again in the permit process. The applicant meets the code; there is no waiver for garage size, for parking or for the roadside. To turn this down would be improper unless it were approved without any waivers.

Mr. Laystrom stated that his goal is that if they are going to have this week or two weeks that he has an understanding of what needs to be corrected.

Councilman Jacobs believes that the garage size issue is not that important; no matter how large the garages are, people are going to fill them with junk and leave their cars in the driveway. There is room for two cars in the driveway and room in the roadside parking that was allocated. There will be some shortage in parking if everybody has four cars but the reality is not everybody is going to have four cars. Some may have more and some may have less. It is not an unusable garage, it will accommodate 90% of the vehicles that somebody would own and whether or not they choose to put the vehicle in the garage is a personal choice.

Councilwoman Uria commented that there are three and four bedroom units and if residents do not use the garage they will not have enough room for parking; the driveway barely has enough room for two cars.

In response to Councilwoman Uria, Councilman Jacobs advised that the code should be changed if these are important issues but the applicant should not be held up for something abstract.

In response to Councilman Jacobs, Mr. Laystrom stated that there are 19 four bedroom units but only if those 19 units are selected to be so. One thing that has been discussed is to put a limitation on the number of cars allowed on the four bedroom units. It would be their job to enforce it.

Councilperson Stoner indicated that when a problem is brought to the table with valid concern on ultimately safety access that the Homeowner's Association does not have any control over and the City does not have any control over then the minimum is not acceptable. It does not mean it cannot exceed and there is nothing to her knowledge that says that the Council cannot require more than the minimum. The problem exists throughout the

community and everyone has acknowledged that so why do we want to perpetuate the same problem over and over.

In response to Councilman Jacobs, Councilperson Stoner advised that as a result of cars not being in garages, the width of the road does not allow for road parking and emergency services to have access. It takes one car to create a problem with the access. She does not understand why this can't be sent back.

Councilwoman Uria noted that no one made a motion to deny; nobody made a motion to decrease the units, we are going to approve this without waivers or whatever. The motion is to send this back to staff.

In response to Councilman Jacobs, Councilwoman Uria indicated the issue is parking; the garage is not large enough and the outside parking then goes to street parking.

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COUNCILMEMBERS' COMMENTS

In response to Councilman Levy, Mayor Bendekovic advised that the City hosted the FEMA flood elevation meetings.

Mr. Butler explained that we are one of three locations in the County that were selected to provide public information for these preliminary digital flood insurance rate maps that have come out of FEMA. We hosted the second meeting of three last night and there was a good turn out. The purpose of the meeting was to give the general public an opportunity to view the preliminary maps using new technology and compare them to the existing maps we are using. They had an opportunity to sit at a station, have their particular property brought up on a website and physically be shown the existing versus proposed condition and then they would move through stations and would learn what the insurance implications would be and if there were any issues or disagreements there was an appeals station. There was also a local community official's station in which we hosted ten cities and there were representatives from each of the cities so they could sit with their local community and ask any local questions. All three of these meetings are for the County but we were hosting one in the central part of the County. The meetings are now officially over. The meetings were advertised fairly well.

In response to Councilman Tingom, Mr. Butler indicated that the map is preliminary but based upon the information, it suggests that 65% of the geographic area, not properties, be removed from a designated flood zone and taken out of the flood plain. That means that you would be removed from a high risk area to a low risk area; that does not mean a no risk area, which is very important to understand. We are going through a review process and sometime around the beginning of April will be the deadline that we will have imposed upon us to submit any information that we want reviewed against the maps.

In response to Councilman Levy, Mr. Butler stated that property owners will have an opportunity through our public advertisement process to be notified that these maps are becoming effective. When that date occurs, and currently that date is targeted to be January 5, 2013, we will advertise, make the public aware as best as possible and then serve them as we traditionally do on the website and answer questions. There is only so much we can do but we will do our best.

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Mayor Bendekovic made the following comments:

- She wished everyone a Happy Thanksgiving.
- She reminded everyone that children are out of school and to be cognizant of that fact.
- The City is placing flyers in the Utility bills for single streaming. The City received a grant from the Broward County Resource Recovery. A few of the highlights are that the City will pay the \$6 per month recycling fee for each household and that will be a 16-month program; lower the cost of recycling bags by half; provide three free recycling bags within the blue bag recycling bag combination package; and provide free roll out recycling carts to residents in the Acres, Hawks Landing and Melaleuca Isles. That delivery date will be in December. All of this will be placed on the website and mailed to residents.

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Mr. Lunny pointed out that the item on the agenda for the increase in Business License Taxes requires a vote of not less than one plus the majority vote. Since the City did not have four affirmative votes from the Council to approve the item, it did not pass. The question is whether any of the prevailing side wishes to reconsider their vote. If so, under the rules, one of you would need to make a motion to reconsider that item. In the absence of any such motion, the item failed. Those are Roberts Rules; the Council can depart from that rule because we do, under Resolution #1, say that any elected official can make a motion at any time but the real question is whether the two Council people who were not inclined to approve the item would consider changing their view, having been advised that it is a majority plus one requirement.

Councilwoman Uria indicated that she has not been in favor of that since it was brought before Council; therefore, she will not be changing or making a motion.

Councilperson Stoner concurred.

Mayor Bendekovic requested that Council be made aware of this prior to the vote from now on.

Mr. Lunny stated that it is in the Statute but it was not in the staff report.

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Councilwoman Uria made the following comments:

- She reminded everyone of the parade on Saturday.
- She wished everyone a Happy Thanksgiving.

Councilwoman Uria indicated that while visiting Plantation Park Elementary School on Tuesday, the Kiwanis Club was passing out books and the Fire Department was doing a program. During that time there was a terrible accident by South Plantation and the Fire Department had to suit up and leave their program. Shortly after, she saw Police cars going to the call. Upon leaving the school, she observed some other non-patrol cars of our Fire Department and Police Department. After seeing Public Safety personnel respond and others taking time to look made her proud to be a part of this City.

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PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS

Robert Knox, resident, was present. He mentioned The Villages on 5th Street and noted that there was supposed to be three buildings but only one was built, which has sat vacant for the last three years. He is the Homeowner’s Association president that abuts that property and he has noticed that people are breaking into the building as well as breaking down the fence and gates that constantly have to be repaired. He questioned what will be done with the building.

Mayor Bendekovic advised that there have been several conversations regarding the property.

Mr. Leeds explained that the original plan was approved in phases, based on a commitment from Mr. Synalovski that the amenities, the pool, the open space and gazebos would be constructed shortly after Phase 1. There is a potential buyer looking at the property, which is currently owned by the bank. The buyer has been told that if he wants to occupy the building he has to come before Council and change the condition that he will not commit to build the amenities. When townhouses are constructed and there are no amenities they tend to go down hill because people don’t want to live there. The option has been given to Mr. Synalovski to come back before Council for approval and if Council agrees that the building can be occupied as a rental property without amenities that will be it. We have not heard back from Mr. Synalovski. They are waiting to hear from the potential buyer.

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Mr. Knox stated that about four or five months ago he noticed an item on the agenda relating to purchasing \$30,000 worth of plants for Sunrise Boulevard. He thought that perhaps the City should consider putting in a planting area behind Volunteer Park to grow our own plants to save some money. Everyone thought that was a good idea and he questioned whether anything has been done about that.

Mayor Bendekovic indicated that nothing has been done. She has not discussed this with Mr. Ezzedine and does not believe that we are allowed to do that. She noted that she would look into it.

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Mr. Knox mentioned the AM/PM access to SW 2nd Street, which is the entrance to St. Gregory’s School. As the president of the Homeowner’s Association of which there is an entrance off of SW 2nd Street, this creates a real problem. He has discussed this issue with Mr. Butler and several others; however, it has become more of an issue lately where people either coming in to pick up or drop off children are completely blocking the road. There is enough room to get two cars down the road if the people stay far enough to the right but they do not; they block the entire road. Sometimes the cars back up to University Drive, which could be a serious safety issue.

In response to Councilman Tingom, Mr. Knox stated he is talking about the north side of the church. The street is unique because half is owned by the City and half is owned by the church. It is difficult to resolve the issues but there is a problem and if ever an emergency occurred and safety personnel needed to get in quickly there could be an issue.

Mr. Butler advised that he has worked with both parties regarding this situation; it is a challenging issue. From a traffic engineering perspective, there is nothing else that can be offered in the way of a solution. This comes down to a traffic volume issue and even a driver behavior type of an issue. It has been to the point where the

Engineering Department has sat down with the church and with the neighborhood in attempts to come up with an agreement as to how things were going to be managed on the site. In fairness to the church, he did hear that they were going to try to temper things with the parents, which might have worked for a season; however, it does not remain consistent. It may be a matter of revisiting this with the church to see if they can develop a more consistent management practice for the parents to pick up and drop off. Beyond that, the only other alternative he can think of would be for both parties to discuss affording the Police Department an enforcement agreement. Other than that, it comes down to a practical solution with the church to try to better manage their pick up and drop off activities.

Mayor Bendekovic commented that when people have to be somewhere at a certain time the volume, no matter where you go, will be the same. Several schools have the congestion problem because there is such a large volume going into such a small area.

Mr. Butler stated that currently the actual issue appears to be that there is an intersection being blocked by people who allow vehicles to exit from the neighborhood and make a turn. That is more of a management issue. He agrees with the volume issue and he does not know if there is anything he can offer because the school has a certain number of parents who are going to do what they need to do.

Councilman Tingom indicated that American Heritage has the same problem. They employed their own security personnel and also a police officer. When starting school and letting school out, they manage it by holding traffic, letting people turn out, and then move it.

In response to Mr. Knox, Mr. Butler advised that he has already talked to the County about the timing of the signal. He is suggesting that we have conversation with the church to see what else they can do to improve that condition. The unfortunate thing is that there is a large volume of traffic that has to get managed on University Drive.

Mr. Knox thanked Council for everything. He wished everyone a Happy Thanksgiving.

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SEALED COMPETITIVE SOLICITATIONS - None

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WORKSHOP

20. DISCUSSION CONCERNING TAKE HOME VEHICLE COMMUTING FEE OPTIONS.

Councilwoman Uria did not have a problem with this discussion but her personal opinion is when it comes to the FOP, there is a contract coming up next year and she feels that they should not be in this discussion at this time.

Mayor Bendekovic stated if that is the consensus of this Council then she would like to postpone the entire discussion until after the contract discussions. This was brought back because at budget time Council indicated that they would like to have other options. The first option is the one that was presented previously a couple of years ago with the FOP; the next option is the 51 cents from the Federal Government/IRS allowance; and the last option was the visibility of cars in the City, which Councilman Levy liked. If Council would like to postpone this until after the FOP contract that is fine with her; she would prefer that rather than making a commitment on

the General Employees and segregating it. We need to see where we are going to go with the FOP according to the contract. That is a suggestion and is what she would like to do if that is the consensus of the Council.

Councilwoman Uria commented that any officers hired after March 2010 are not eligible for the Take Home Program unless they live in Broward County.

Councilperson Stoner indicated that in reading the IRS guidelines she thought she understood that you have to place a real fair market value on what is paid; \$10 does not seem to be a fair market value for that particular subject. She questioned if we could find out if that comes into play because that becomes something else and the implications will be different.

Mayor Bendekovic advised that the IRS is currently 55.5 cents and it will be changing in January 2012.

Councilperson Stoner mentioned Option 1 where there is a biweekly commuting fee; that is the one she is specifically addressing. She is requesting that the IRS guidelines be revisited for all employees and be sure if that is offered that it is clearly in the definition of the value.

Mayor Bendekovic stated that is the one the FOP supplied to us a few years ago.

Mr. Keefe believed that there was no requirement to charge on marked vehicles that are used for public safety. The \$10 fee could be any fee but there is no requirement under the IRS for public safety for commuting; there would be for unmarked vehicles. There is currently a charge for employees who have take home vehicles that are not public safety.

Councilman Tingom concurred with the Mayor as far as holding off on this until we have the contract negotiations. He believes the correct term Councilperson Stoner is looking for is de minimus; that is the amount which is charged back and added to the person's pay, which is taxable for the use of the car. He would support waiting on this item.

Councilwoman Uria noted that the consensus was to wait on this discussion.

Mayor Bendekovic advised that we will wait until after the FOP contract is done.

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Meeting adjourned at 10:55 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