

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

November 28, 2012

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

1. Roll Call by City Clerk:

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

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2. The invocation was offered by Councilwoman Moody.

The Pledge of Allegiance followed.

3. Approval of Minutes of Meeting – July 25, 2012

The minutes of the City Council meeting of July 25, 2012 were approved with the following possible correction:

It was questioned whether 1.5%, as reflected several times in the minutes, should in fact be 1.5 mills. If so, it should be corrected.

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ITEMS SUBMITTED BY THE MAYOR

Mayor Bendekovic presented Service Awards to the following Employees:

*Alexander Nualart	Fire	15 years
*Paulo Quintero	Central Services	15 years
*Indyli Brown	Landscape	10 years
*Jose Chaves	Landscape	10 years
Kristina Richardson	Planning	10 years
Ann Rosenthal	Fire	10 years
*Diana Hussein	Fire/Rescue	5 years
*Michele Ribeiro	Police	5 years

*Unable to attend.

Congratulations were offered.

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Resolution No. 11597

4. **RESOLUTION** of Appreciation to Michael Harris for 24 years of dedicated service to the City of Plantation.

*Motion by Councilman Jacobs, seconded by Councilwoman Moody, to approve Resolution No. 11597.
Motion carried on the following roll call vote:*

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

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Resolution No. 11598

5. **RESOLUTION** of Appreciation to Patrick McGowan for 27 years of dedicated service to the City of Plantation.

*Motion by Councilman Tingom, seconded by Councilwoman Moody, to approve Resolution No. 11598.
Motion carried on the following roll call vote:*

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

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

- The USTA Orange Bowl Tennis Tournament begins Friday, November 30, 2012 and runs through Sunday, December 9, 2012. The event will be held at the Frank Veltri Tennis Center. Semi Finals will begin on Saturday, December 8, 2012 and the Finals will be on Sunday morning, December 9, 2012.

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Mayor Bendekovic advised that Councilwoman Moody has submitted her resignation; therefore, we have to call for a Special Municipal Election.

Mayor Bendekovic read the CALL OF SPECIAL MUNICIPAL ELECTION as follows:

Section 1: A Special Election shall be held in Plantation on Tuesday, March 12, 2013, for the purpose of electing one resident elector to serve the vacancy of the unexpired term of City Council, Group Two. The elector shall serve the unexpired term of two years.

Section 2: *The filing (qualifying) period for the upcoming special election commences at 12:00 noon the first working day in January (which commence date is January 2, 2013) and closes at 12:00 noon on the second calendar day following the first working day in January (which close date is January 4, 2013), except as may be extended pursuant to the Charter (which would extend the qualifying period for two calendar days (so as to expire at 12:00 noon January 6, 2013) if: (i) the day before the initial qualifying period expires there are one or more qualified candidates(s), (ii) on the last day of the initial qualifying period all candidates who had previously qualified withdraw their qualification or all but one candidate withdraw their qualifications, and (iii), only one person qualifies or remains qualified for election on the last day of the initial qualifying period. In the event the qualifying period or the two calendar extension thereto provided above expires on a Saturday, Sunday, or Legal Holiday, the qualifying period or extension thereto shall not be further extended, and the Office of the City Clerk shall be open on such day through the end of the filing period.*

Section 3: *That the individual so elected, being the candidate which is unopposed or receives the highest number of legal votes cast for Group Two of the City Council shall take Office at noon on the third day after March 12, 2013 and after taking the Oath of Office required by the Charter of the City of Plantation.*

Section 4: *The polling places shall be finalized and advertised in accordance with the law.*

CALLED THIS 28th DAY OF November, 2012.

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Mayor Bendekovic read a Proclamation as follows:

Section 1: *A General Election shall be held in Plantation on Tuesday, March 12, 2013 for the purpose of electing three resident electors to serve as members of the City Council of the City of Plantation, Florida. The three electors shall serve terms of four years.*

Section 2: *That the three individuals so elected, being the candidates which are unopposed or which receive the highest number of legal votes cast for each such Group Three, Group Four and Group Five of the City Council shall take Office at noon on the third day after March 12, 2013 and after taking the Oath of Office required by the Charter of the City of Plantation.*

Section 3: *The polling places shall be finalized and advertised in accordance with law.*

PROCLAIMED THIS 28th DAY OF November, 2012.

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Councilwoman Moody explained that at this point in her life she needs to be there for her family. She has struggled with this decision for two years and it has not been an easy decision. She thanked everyone for their support.

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Councilman Tingom recognized students present from South Broward High School government classes.

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CONSENT AGENDA

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

Mr. Lunny read the Consent Agenda by title.

6. Approve purchase of 19 Elextro-Muscular Disruption Devices in the amount of \$26,498.59. (Budgeted – Police)
7. Request for authorization to award an annual contract for closed-circuit TV (CCTV) maintenance at the Regional Wastewater Treatment Plant and the Central and East Water Treatment Plants to ATCI Communications, Inc. for an initial one-year period with the option to renew for two additional one-year periods. (Budgeted – Utilities)
8. Request to approve purchase order to Wharton Smith, Inc., in the amount of \$89,000 for the installation of a concentrate diversion to force main air-gap station at the East Water Treatment Plant. (Budgeted – Utilities)

Resolution No. 11599

9. **RESOLUTION** approving and authorizing the proper City Officials to execute an Agreement between the City of Plantation and Penn Credit Corporation, Inc. relating to specialized debt collection services; providing an effective date.

Resolution No. 11600

10. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period November 8 – November 14, 2012 for the Plantation Gateway Development District.

Resolution No. 11601

11. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period November 8 – November 14, 2012.

Resolution No. 11602

12. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period November 8 – November 14, 2012 for the City of Plantation's Community Redevelopment Agency.

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

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

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

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ADMINISTRATIVE ITEMS – None.

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LEGISLATIVE ITEMS

Mr. Lunny read Item No. 13.

Resolution No. 11603

13. **RESOLUTION** AUTHORIZING AN AMENDMENT TO THE ESTIMATED EXPENDITURES AND REVENUES FOR FISCAL YEAR 2012; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

A memorandum dated November 15, 2012, to the Honorable Diane Veltri Bendekovic, Mayor, and Members of City Council, from Kristi Caravella, Budget Manager, follows:

Pursuant to Florida Statue 166.241 requiring the adoption of budget amendments to the City of Plantation’s FY 2011/12 Budget by City Council, this resolution approves the budget amendments and the amended budget for FY2012 that are included as Exhibit A. The resolution amends the budgets of the General Fund, Community Redevelopment Agency (CRA) Fund, Neighborhood Stabilization Program (NSP) 1 Fund, Neighborhood Stabilization Program (NSP) 3 Fund, Community Development Block Grant Fund, Special Programs Fund, Library Board Fund, Road and Traffic Control Fund, State Housing Initiatives Partnership (SHIP) Fund, State Forfeitures Fund, Federal Forfeitures Fund, Plantation Midtown Development District Fund, Plantation Gateway Development District Fund, Plantation Gateway Development District Construction Fund, Plantation Midtown Development District Construction Fund, 2003 Bond Sinking Fund, 2003 Bond Reserve Fund, 2005 CRA Escrow fund, 2002 Dredging Note Fund, CRA Designated Capital Improvements Fund, Designated Capital Improvements Fund and Reserves, and the 2003 Bond Construction Fund.

The proposed budget amendment decreases the entire City of Plantation budget by \$8,238,912.

A summary of the budget amendment’s components for each fund is provided below. A detailed list of expenditures by department and fund and revenues by line item is provided in Exhibit B.

GENERAL FUND

The resolution increases the General Fund by \$847,673. The budget increase is due primarily to operating expenditures in excess of budgeted amounts in several departments and compounded by unrealized revenues primarily from building permit fees and stormwater assessment fees (\$359,504). This budget increase in the General Fund will be funded from Unassigned Reserves Fund Balance (\$1,207,177). This leaves \$54,233 in General Fund Unassigned Reserves Fund Balance.

SPECIAL DISTRICT FUNDS

The resolution decreases the Plantation Midtown Development District Fund by \$225,717; the resolution decreases the Plantation Midtown Development District Construction Fund by \$3,168,746; the resolution decreases the Plantation Gateway Development district Fund by \$256,717; and the resolution decreases the Plantation Gateway Development District Construction Fund by \$150,924.

SPECIAL REVENUE FUNDS

The resolution decreases the Neighborhood Stabilization Program (NSP) 3 Fund by \$39,900; the resolution decreases the Neighborhood Stabilization Program (NSP) 1 Fund by \$54,900; the resolution decreases the Special Programs Fund by \$35,650; the resolution increases the Library Board Fund by \$18,300; the resolution decreases the Community Redevelopment Agency (CRA) Fund by \$241,105; the resolution decreases the Road and Traffic Control Fund by \$21,832; the resolution increases the State Housing Initiatives Partnership (SHIP) Fund by \$7,825; the resolution decreases the Community Development Block Grant Fund by \$290,400; the resolution increases the State Forfeitures Fund by \$40,050; and the resolution decreases the Federal Forfeitures Fund by \$36,750.

DEBT SERVICE FUNDS

The resolution decreases the 2003 Bond Sinking Fund by \$2,750; the resolution increases the 2003 Bond Reserve Fund by \$42,390; the resolution decreases the 2005 CRA Escrow Fund by \$385,893; the resolution increases the 2002 Dredging Note Fund by \$26.

FIRE/RESCUE FUND

The resolution increases the Fire Rescue Fund by \$574,981 which was appropriated from the General Fund.

CAPITAL PROJECTS FUNDS

The resolution decreases the CRA Designated Capital Improvements Fund by \$2,678,639; the resolution increases the Designated Capital Improvements Fund and Reserves by \$730,175; and the resolution decreases the 2003 Bond Construction Fund by \$2,910,489.

In response to Councilperson Stoner, Mr. Leeds clarified that the NSP funds are federal funds. Usually federal funds are decreased because the Government HUD has reduced their allocation to the cities. He does not know if that is the situation in this case. He stated that the funds are recirculated and if they are decreased they are decreased by HUD.

Mr. Shimun advised that they initially anticipated a certain amount to come in and that is what gets budgeted. The budget reflects the fact that less funds came in than we thought and consequently, we reduced the budget at the end.

Councilperson Stoner noted that we started off with an NSP1 of \$2 million and now we have an NSP3 fund.

Mr. Shimun indicated that each program is labeled individually, depending on the funding source that it comes from. We had an original budget for the NSP3 fund in the amount of \$440,000 and it came in \$39,000 less, for a total of \$400,100. The budget is made well in advance of receiving the funds and an estimate is made as to how much we will get in for the year. The estimate was high.

Councilperson Stoner commented that it looks like there are a lot of decreases along the way; about \$8 million worth of decreases. She questioned how an \$8 million wrong assumption is made. Accumulatively we are about \$8 million in decreases across all of the programs.

Mr. Shimun stated that as the Federal Government cuts back, programs like the Neighborhood Stabilization Funds are on the way out.

Councilperson Stoner emphasized that a budget cannot be off \$8 million if you already know that you cannot depend on the funds due to cut backs. Being \$8 million off and having a millage increase, the largest the City has had in a long time, does not sit well.

Mr. Shimun indicated that he did not make the projections for this budget because he was not here at that time; therefore, he cannot speak as to why they were that low.

In response to Councilperson Stoner, Mr. Shimun could not tell at what point in time those funds come in.

Councilman Levy noted that if Councilperson Stoner is talking about the Districts; the Midtown District, etc., a lot of times their tax revenue is estimated and; therefore, it is assumed the taxes will be a certain amount. The taxes were not forthcoming nor were the different programs that they were tapping into available and that is why the amount has decreased by how much was actually received rather than what was anticipated. He did not question the budget upon reading it because they have to tell us what they actually got in versus what was projected. He believed that the anticipated revenue was not received from the different sources, which would be Local, State and Federal taxes; therefore, the budget had to be adjusted accordingly. A final budget amendment is done because on December 1st the auditors come in and start auditing last year's budget. All of these different financial strings need to be cleaned up in order for them to do their job. All of this will be reviewed and they will tell us exactly what happened and why in their report.

Councilperson Stoner stated that the reality is that the tax base is fairly well known and the increase and/or decrease in the tax base is known when these budgets are set. We have talked about revenue that we think may be a little far reaching but this is different; you are saying these are based on the taxes.

Councilman Levy advised that these are based on anticipated evaluation. If the evaluation goes down these are automatically going to loose money; they will not be what was anticipated. This has to be done far enough in advance; therefore, you cannot truly anticipate the revenue you can only make an educated guess. In other words, the Property Assessor gives us a preliminary but that is not a final and the assessed evaluation of these properties went down. The way the CRA's budget is developed, as taxes go up those taxes come back to the CRA to the Downtown Development in Midtown and the Gateway, etc. If those taxes do not go up then they do not have that money and their budget has to be amended down.

Councilperson Stoner commented that the millage was not increased on these Districts but the property value did increase. She noted that there was a slight increase last year.

Councilman Levy noted that the property value increased this year, not last year. It went down last year. This is a total comprehensive picture.

Councilperson Stoner advised that the bottom line is that someone does not have a handle on the reality of what is really happening on these programs. If we have a department executing these programs and that department cannot answer what is going on with these programs, and it is not the first time, then she has to question what is going on.

Mr. Shimun stated that the figures are accumulative. In designated capital in the CRA he believes there is about a \$2.9 million adjustment and that is because the NW 84th Street project delayed a year so it was taken out of this budget and advanced to the next. It is not that the right amount of money was not put in; the project did not get done in that year. It is not that we have lost that money; it has just shifted from one fiscal year to another.

Councilperson Stoner understood but has some concerns.

Councilwoman Moody commented that perhaps the amended budget is due to the fact that we have a new Budget Manager.

Mr. Herriman believes that a lot of the remarks made are correct. He explained that because of statutory requirements this year at the State level, it is required that we produce amended budgets. As a consequence, we had to go through each of the revenue items and expenditure items and make it balance. In addition, because we are going to be presenting a Comprehensive Annual Financial Report this year, GASB requires that we have balanced budgets and that is why we are presenting this to Council, to be transparent. In the case of the General Fund, it was mentioned that a couple of things did not materialize as was originally budgeted. Two of the big items were Building permits; they did not come as budgeted by about \$880,000. Even in the budget for 2012 it was higher than it has ever been in the past. What is happening is being deferred, probably some of those Building permits, to 2013. The State Statute requires us to present it to Council so it is transparent and then we have the requirement from GASB when we present our financial statements that they are in sync; in other words, in sync because we presented the budget amendments to Council. It does not mean that there are \$8 million of differences between funds; it is just a total of \$8 million in revenues or expenditures so it nets out. The difference might be \$1 million, as about \$880,000 in Building permits is one big area.

Mayor Bendekovic understands that we are going to start doing amendments on a quarterly basis rather than at the end of the year so we can keep more transparency and be aware of what is going on.

Councilwoman Moody stated that her point was maybe because we have a new Budget Manager she might be seeing some things that we need to be doing. She noted that the General Fund could be increased by almost \$850,000 due to unrealized revenues from the Building permit fees. It was mentioned that those fees were unrealistic at Budget time. She has no problem amending the budget; however, this is the first time we have done this. Perhaps the next time when Council members say you should not count on it, that revenue should not be counted on.

Mr. Herriman clarified on the Building permits because this is a very volatile area. We cannot understand what the Building permits are going to be until construction season, which is usually in the summer. We are in constant contact with the Building Department asking what is realistic to these numbers and whether we are going to be able to reach and achieve the goal.

Councilwoman Moody commented that we kind of have an idea when the economy is on the down turn and our Zoning Department has no permits coming through for new buildings.

Mr. Herriman advised that they expected two of the three large projects to materialize in 2012 and the third one in 2013. What happened was that one of the projects materialized and the other one did not; therefore, it will be recognized in 2013.

Dennis Conklin, resident, was present. He indicated that during the budgeting time he tried to point out the total City Budget and the difference between that and the General Fund, which everyone fights over because of the millage rate. There is a big difference there and more than half of the City's funds come from other governments. At that time he said that the funds from other sources of government are drying up and this is going to happen because of the state of the economy. Because no actions are being taken to grow the economy it will continue. It was mentioned in the Citizen's Report that the total budget for this year that we are currently in, not the amended Budget of last year, is \$18.5 million less. The government really has to face the reality of this economic situation and consequences of decisions that it has made in the past, particularly with regards to pension benefits. That will have to be taken into consideration because the true and honest figures for unfunded liability in most plans is not revealed; only the actuarial unfunded liability is shown and that works only on the actuarial assumptions. He urged Council to immediately terminate the City's defined benefit plans for the pension.

Jerry Fadgen, resident, was present. His recollection was that every other month or so the Council had a Resolution to adjust the budget because of State Law. He questioned whether this is a change that we are now doing on an annual basis.

Mr. Lunny advised that the City's Charter allows the Council to do Budget Resolutions all the time. The historical way they were done was by the Weekly Bill List and Appropriation Adjustments that are made weekly. He believes that consistent with changes to accounting rules and changes to the Administration where the Administration is trying to be somewhat more transparent and a little more forthcoming about information; this will be a new process.

Mr. Fadgen commented that the summary gives the picture as to what was original versus getting it piece mill so there is an advantage to both approaches.

Mr. Lunny indicated that the prior is a rolling picture and this is more of a snap shot.

Mr. Fadgen's recommendation would be to have the original always there showing what the quarterly adjustments were and then the final adjustment.

Motion by Councilman Jacobs, seconded by Councilman Levy, to approve Resolution No. 11603. Motion carried on the following roll call vote:

Ayes: Levy, Moody, Stoner, Jacobs, Tingom

Nays: None

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Mr. Lunny read Item No. 14.

Resolution No. 11604

14. **RESOLUTION OF THE CITY OF PLANTATION PERTAINING TO THE SUBJECT OF STORM WATER MANAGEMENT; FURTHER IMPLEMENTING THE STORM WATER MANAGEMENT UTILITY FEE IN ACCORDANCE WITH SECTION 9-105(5). PLANTATION CITY CODE (AS SET FORTH IN UN-CODIFIED CITY ORDINANCE NO. 2468) AND IN ACCORDANCE WITH CITY RESOLUTION NO. 11506; DECLARING THE OFFICIAL INTENT OF THE CITY TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS AS PROVIDED IN SECTION 197.3632, FLORIDA STATUTES, FOR COLLECTING THE STORM WATER MANAGEMENT FEE; DECLARING THE OFFICIAL INTENT OF THE CITY TO COMMENCE SUCH NON-AD VALOREM ASSESSMENTS ON JANUARY 1, 2013 SO THAT SAME APPEAR ON THE 2013 AD VALOREM TAX BILL; APPROVING A DRAFT INTERLOCAL AGREEMENT WITH THE BROWARD COUNTY PROPERTY APPRAISER AND AUTHORIZING SUCH AGREEMENT'S FINALIZATION AND EXECUTION; A DRAFT INTERLOCAL AGREEMENT WITH THE BROWARD COUNTY TAX COLLECTOR AND AUTHORIZING SUCH AGREEMENT'S FINALIZATION AND EXECUTION; PROVIDING DIRECTIONS TO THE DEPARTMENT OF FINANCIAL SERVICES AND TO THE OFFICE OF THE CITY CLERK; PROVIDING FINDINGS; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.**

Mr. Lunny advised that this measure is recommended by the Administration as being consistent with the Council's last expression of will and direction to the Administration to put the Storm Water Management fee on the non ad valorem tax roll. In order to accomplish that, this Resolution had to be advertised and then it will start a process for government hearings.

Councilman Levy believes this should be Special Districts that are being improved. There are areas of the City that are being taxed that are not going to get much benefit. He definitely feels that this should be through Special Districts and not a general tax on the entire community.

Councilperson Stoner mentioned previous discussion about how the increase would be calculated and it was noted that it would be put in as a line item in the Budget for discussion. She is finding that Council does not have much say in the changing of those line items in the Budget once they are done and questioned if Council shouldn't reconsider how the adjustment of those rates are approved.

Mr. Lunny does not understand that because he thinks that the Council reviews every item of the Budget. The Storm Water Management fee is a function of a proposed operation and capital improvement budget that is reviewed by Council and evaluated on a yearly basis. That number, whatever is decided, will then be divided by the total calculation of ERU's citywide and that will result in the fee. In addition to that, there is a possibility of a cost adjustment, depending on the cpi index. For the very short period of time when this first started getting off the ground there was a calculation of \$2.50 a month and now we know by employing this process that there will be additional operating costs in terms of advertising and in terms of the Interlocal Agreements for putting it on the non ad valorem tax bill and that will be part of the operating budget that is proposed. He believes that on an annual basis, as he understands Council's direction, there will be as extensive an evaluation of storm water needs, both for operation and capital, that will be in the numerator part of the fee and cost of living; it will be as expensive as with our other Enterprise Funds. He thinks if the task is followed as directed by Council, there will be a very specific discussion about that.

Councilperson Stoner noted that the question was whether or not her colleagues had some concerns. She is asking if we want to reconsider how that is going to be calculated as a line item in the Budget.

Councilman Tingom indicated that it is his understanding that it will be a consideration when this comes forth and that we will, as a body, set that rate. There is no set fee at this point and time.

Mr. Lunny advised that initially there was a \$2.50 rate because in the last Budget we had some needs that had to be taken care of.

Councilman Levy stated that his concern is that there is no limit as to what future generations of Council members can make this fee; it can go up every year with a simple vote and there is no upper limit put in this legislation. He has some difficulties with the entire process that this then allows it to go up and up. Council has no control over the costs because we are not engineers and this has to do with a lot of variables that are beyond our control.

Councilperson Stoner does not think this should be in here; she does not know how to separate it out of the annual budget as a line item for approval of fees.

Mr. Lunny commented that staff is trying to advertise what Council has already done in terms of the last ordained measure. Perhaps, as we go through this process, we will bring the ordinance back to Council and if you wish to make a change and reduce down from where we are now, the entire process does not have to start all over again. He thinks it might be advisable to go with this, which is what Council has agreed to by the past ordinance, and if there is fine tuning either in terms of the index or in terms of how you wish to impose the fee or adjustments to increase costs the City is going to incur by putting it on the tax bill, which was advised is better than the utility bill, all of that can be discussed. He believes that Council will find, as they start this process, that there will be a lot of public hearings and a lot of input.

In response to Councilperson Stoner, Mr. Lunny advised that this will be a Resolution and will be given to the tax collector so that we can start the process of creating the data needed to put this on the non ad valorem tax bill. There will be hearings to set this number and the ordinance will be brought back to Council, which is his recommendation. If there is an issue about the index or a line item in the budget, it will be presented.

Mr. Shimun indicated that what was originally approved in the Budget was a mix of things. There are some items that come out of the Road Tax Fund that subsidize this and we want to replace those funds and put them back in the roads so that people get their roads paved and repaired on a timely basis using the appropriate funds. Another portion of that was for capital costs and there were a couple of projects we wanted to go out for a Bond for. There will be a separation with part going to routine maintenance to replace funds that come out of the General Fund and out of the Road Tax Fund and the rest would be to go for a Bond so that there is enough money to do a couple of the initial projects.

Councilman Jacobs commented that having that revenue stream makes it possible to go out for a Bond; without it we cannot.

Councilperson Stoner thought we were going to do like a bridge type loan.

Mr. Shimun advised that we were going to go out for an actual Bond based on the revenue in excess of that for which we are replacing money that comes from other places.

Mr. Lunny questioned if the concerned lines are 281 to 284 that say, "The application of the annual price adjustment will be presented to the Council annually as part of the annual budgetary process ..." If you want to change this now and say, "It will never apply unless it is specifically approved by Council", we can do that but he will have to bring back the ordinance and amend it to conform with this. That concern can be addressed now and the companion provision can be changed in the ordinance.

Councilman Jacobs and Councilwoman Moody were fine with changing it.

Councilman Tingom believed there was a consensus on that.

Mr. Lunny noted that instead of a default that says, "Unless it is denied it is approved", it just says it has to be approved. He will make that change to the final and that will guarantee that we will do as we say and bring the ordinance back to conform that change. If there is some other mechanical piece the Council wants addressed he can be advised any Wednesday and he will do so.

Dennis Conklin, resident, was present. He complimented Councilperson Stoner for the change. He was against the creation of the Storm Water utility that is basically being forced on the City by higher governments. He strongly urged the Council not to go with a default as they would have to vote not to increase it every year. He is very strongly opposed to this.

Motion by Councilman Jacobs, seconded by Councilman Tingom, to approve Resolution No. 11604. Motion carried on the following roll call vote:

Ayes: Moody, Stoner, Jacobs, Tingom

Nays: Levy

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QUASI-JUDICIAL CONSENT AGENDA – None.

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QUASI-JUDICIAL ITEMS

Mr. Lunny read Item No. 15.

15. REQUEST FOR SIGN SPECIAL EXCEPTION FOR PETSMART PLAZA LOCATED AT 11901 WEST SUNRISE BOULEVARD.

A Supplemental Staff Report dated November 28, 2012, to the City Council, from the Planning, Zoning and Economic Development Department, follows:

REQUEST: Relief from a condition of City Council approval associated with a sign special exception (Petsmart Plaza, April 2012)

This applicant was originally granted a sign special exception to allow a second monument sign at the Petsmart Shopping Center adjacent to the east parking lot entrance. Staff had recommended approval of the special exception based on special conditions necessary to justify the second monument sign (An existing monument

sign is located at the west end of the shopping center). As a condition of approval, staff also recommended the non-conforming tenant panels in the existing west monument sign be modified to comply with current sign code requirements. *Staff subsequently recommended in the prior report that this condition be deleted from the original approval, allowing the current non-conforming signs to remain until changed.*

After the report was written, the applicant contacted staff indicating his intent was to apply for a special exception to allow the existing non-conforming tenant panels to remain (staff concurs), plus, exempt all new tenant panels from significant sign code requirements (staff does not concur). If the Council approves the special exception based on applicant's "clarified intent", new tenant panels (existing west sign only) would be unregulated as to the following:

1. Tenant panel size.
2. Font type, size, and color.
3. Logos would be permitted to take up 100% of a tenant sign area.

Staff believes this degree of multi-tenant panel sign deregulations exceeds the "minimum measures" (see Section 22-122 (4), Special Exception Criteria) needed to address the special conditions that justified support of the original special exception, which was to allow a second monument sign on the east side of the property.

Attorney Emerson Allsworth was present.

Councilman Jacobs advised that the amended memo from Mr. Leeds expresses a concern that if the Council approves the Special Exception that the sign would be unregulated as to tenant, panel size, font, type, size and color and logos would be permitted up to 100% of the tenant sign area. He questioned whether the applicant would be agreeable if he crafted a motion that restricted those items but yet approved the special sign exception.

Mr. Leeds stated that Mr. Allsworth applied for a Special Exception to add a second monument sign to the shopping center, which he supported because of some unique visual issues going on. One of the things asked was that the existing monument sign, which does not meet the sign code, comply. Mr. Leeds does not think that should be done and he noted that the existing signs on the existing panels do not comply with the sign code that says, "Fonts shall be the same script, the same color, and the same size". He is all right with keeping them as long as they are there. Under the sign code, if there is a replacement due to one of the stores going out and something new coming in, they must comply. Mr. Allsworth's concern is that they will then have a black and white sign. The intent of the sign code is that eventually when different panels come in over time there will be a consistent looking sign; there will not be a lot of colors. Mr. Allsworth said that he would like to have certain things waived as part of the Special Exception so that every new tenant does not have to come in for a Special Exception. He is really asking for three items mentioned in the staff report. The first item is the tenant panel size. Mr. Leeds told Mr. Allsworth that he has no objection to four to six tenant panels. The second item is #3. Mr. Leeds told Mr. Allsworth that 100% was too much for a logo; that would allow the entire sign to be a logo. After discussion, they both agreed on 25%. With regard to item #2, Mr. Allsworth is requesting that there is no regulation on font size, font color or font type, and these are all requirements of the sign code. Mr. Leeds' concern is that this basically deregulates fonts, which we have not done with other signs in the City. Several small adjustments have been made; however, there is uniformity in colors. Special Exceptions were granted in the area of Sunrise Boulevard and Flamingo Road but there is consistency. Mr. Allsworth really wants to do this in perpetuity and the only thing they disagree on is #2. Mr. Leeds believes that #2 goes too far. He does not know if it sets a legal precedent but he thinks it will set a practical precedent from the standpoint of other signage on Sunrise Boulevard in the immediate area that may be similar. When looking at sign Special Exceptions he is

given specific criteria in the code and he thinks that #2 exceeds the minimum measures. When looking at a request he looks at the whole City and has to be cognizant of what is being done in terms of the criteria. He likes to apply the code equally to everyone. Mr. Allsworth says that he would like to have that ability and Mr. Leeds cannot support it in this case.

Councilman Jacobs commented that the font and type faces are varied on the existing sign and there are also logos. The proposed sign is more standardized in that the type faces are pretty much the same. Even though there are no logos it was agreed that a logo could be put on as well except for the PetSmart sign. He questioned whether the code requires that every sign in that sign have those same kinds of type faces; black and block letters.

Mr. Leeds indicated that is what the code requires. There is a third sign and that is what Mr. Allsworth said he wants to do currently but he also said that several years down the road he wants the same deregulation of the fonts to apply indefinitely.

Councilman Jacobs stated that the existing sign is non-conforming because the type faces are not black, block letters. The code says that the signs should be black, block letters and they should all be the same.

Mr. Lunny advised that once the owner chooses the font it has to be uniform.

Councilman Jacobs noted that the Party City's type face is clearly different from PetSmart's type face. The question to Mr. Allsworth is, "How important is the type face?"

Mr. Allsworth stated that this sign was approved many years ago as a colored sign and it has evolved into what is there today. He thinks it is very attractive. The only reason they are here tonight is because six months ago they came to Council and said that they needed a second sign 400 feet east for visibility purposes and it was granted. That sign has to comply with the current code, which is the ugly black and white. The sign has not yet been permitted and has been held up; they cannot get a permit until the issue is resolved of the existing sign, whether it has to be changed and taken down. They had to come up with a Special Exception request to retain the colored sign. The owners have asked that if the jewelry store moves out and a gift shop moves in that they do not have to keep coming back to City Council to change from the jewelry store blue sign or the gift shop green sign. They would like to be able to do it within the pervue of the panel size and use their own color and logo with the logo being no more than 25%. He does not think the Council really cares to judge every new merchant that comes in. Councilman Jacobs would like to keep it and see if we can get this done. He questioned Mr. Leeds as to whether Mr. Allsworth's characterization is correct that he will have to come back to City Council every time they get a new tenant and need a new little sign up on the sign.

Mr. Leeds indicated that if they comply with the sign code, black and white, they just come in and apply for a permit.

Councilman Jacobs commented that Mr. Lunny did not say black and white, he said consistent.

Mr. Leeds advised that they can talk about a different color but they have not had a discussion; it has to be consistent. The other sign is not erected yet so this is a great opportunity for both signs to identify the font color, the background, the script and the size. Mr. Allsworth wants the ability to deviate from that based on each client and the code does not allow that.

Councilman Jacobs questioned whether the Council likes the idea of consistency in each of these signs or whether they prefer the variety.

Mr. Allsworth questioned how to make a new business be consistent with the colors and logos of another business.

Councilman Jacobs indicated that they would have the same type face but he questioned whether a logo of 25% of the sign is appropriate for that particular tenant.

Councilwoman Moody stated that businesses come in and whether it is a font, a color or a logo, that is how they identify themselves. These signs do not bother her; she does not have a problem with it. She would have a problem if there were 20 signs but there is a limitation on the tenant signs too. There will be two different signs and that will look worse.

Mr. Leeds explained that if the Special Exception is denied, each new sign would be required in the existing monument sign on the west side to comply with a consistent color, font and font size. The new sign would have to have the same color scheme and script scene. If the Special Exception is approved, there would still be consistency with the monument sign and the new sign because it has not been addressed. Mr. Allsworth's client would not be subject to the font regulations. This code was adopted in 2004.

Councilwoman Moody believes that our sign code is too restrictive and that is why Special Exceptions are always requested. The tenant panel size is not oversized. Businesses brand themselves with font and colors and Mr. Allsworth has agreed with 25% of the logo.

Motion by Councilwoman Moody, seconded by Councilman Jacobs, to approve the Special Exception with the understanding that there will be four to six tenant panels, logos will be no larger than 25% and there is no regulation with regard to font, type, size and color. Motion carried on the following roll call vote:

Ayes: Levy, Moody, Stoner, Jacobs, Tingom

Nays: None

Mr. Leeds clarified that the number of tenant panels will be four to six. PetSmart is not a tenant; it is a shopping center identification.

Councilman Jacobs commented that if we do this it might be advisable for us to look at the sign code.

Councilman Tingom stated that this particular space is very long. In his opinion, this property would look better if consistency between the two signs was maintained on the long stretch of Sunrise Boulevard. He tends to agree with Councilwoman Moody and Councilman Jacobs that we grant this Special Exception.

Mr. Leeds noted that it is a long space and it is a different situation. Right now the Special Exception can be approved but if you change the code you will not have the opportunity to pick and choose between differently situated properties. He advised that there would not be consistency. If the motion is granted as stated by Councilwoman Moody, basically anything goes in terms of font, color, and font height.

Councilman Jacobs believes that the Chair is saying consistency between the two signs. The two signs will look similar.

Mr. Lunny indicated that they will not look the same because there is an older monument sign that does not comply with the uniform requirements. Granting a second monument sign to the property giving them double the allowance by Special Exception and the requirement that was imposed was that the new sign had to comply with the uniform standards, which is why it looks the way it looks. With regard to the old sign, the existing panels could remain according to staff and as new panels get substituted it was believed that that they should be more consistent with the current code and the new sign. If you are going to allow the old sign to remain as is with all existing panels and as tenants come in they can substitute anything goes with those panels they will never be consistent with the other monument sign, the new sign, which is code compliant and which was the subject of the last Special Exception. If the desire is to not have a uniform panel in terms of font and color on these monument signs and if the desire is to have both of them look similarly, the Special Exception will have to spread to both.

In response to Councilman Jacobs, Mr. Allsworth advised that there will be different tenants on both signs.

Councilman Jacobs stated that the signs will look different but will be similar in that they are varied and colorful as opposed to the same type face.

Councilwoman Moody explained that her motion is for the second sign to be able to have the tenant signs that do not have to have similar font, size, and color, with the logo at 25%.

In response to Mr. Lunny, Mr. Leeds believes that Councilwoman Moody is talking about the existing sign.

In response to Councilwoman Moody, Mr. Lunny advised that the existing sign is before Council because the applicant is requesting an expansion of the ability to substitute because as tenants come and go they will have to come in with a new sign for the panel. They will not have to come before Council as long as it meets the uniformity requirements of the second sign, which has been approved by Special Exception but not yet built. The special exception requirement was that it had to be more consistent with the current code as to uniformity. Relief was requested as to the existing sign and substituting new tenant panels and if that relief is granted it will not be the same because of past approval unless the motion is changed.

Councilwoman Moody thinks that the new and existing signs look fine and that the new sign can look like the old sign. When a new tenant comes in she believes that the shopping center owner has the right to exchange that name to whatever font and color they choose with a logo of 25% and four to six panels.

Mr. Lunny stated that if that is what everyone would like then they need to vote.

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COMMENTS BY COUNCIL MEMBERS

Councilperson Stoner appointed Louis Reinstein the Educational Advisory Board.

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Mayor Bendekovic announced that the Economic Summit will be held on Wednesday, December 5, 2012, at 11:00 a.m. at the Renaissance Hotel. Tickets can be purchased at the Chamber of Commerce.

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Councilman Tingom advised that Ethics Training will be held on Friday, December 7, 2012, at Deicke Auditorium.

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PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS – None.

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SEALED COMPETITIVE SOLICITATIONS – None.

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WORKSHOPS

Mr. Lunny read Item No. 16.

16. DISCUSSION CONCERNING DISPOSITION OF FLEX AND RESERVE UNITS TO ALLOW FUTURE MULTI-FAMILY RESIDENTIAL DEVELOPMENT WITHIN FLEX ZONE 75.

A memorandum dated November 28, 2012, to Mayor and Members of City Council, from Laurence Leeds, AICP, Director, follows:

EXECUTIVE SUMMARY

228 flex and reserve units remain in the Midtown Development District (“Midtown”). 228 units will allow the construction of one mid or high-rise apartment building. Additional flex/reserve units are needed if the City Council wishes to continue approving more multi-family residential in Flex Zone 75, specifically Midtown. Flex Zone 75 is indicated as “crosshatched” in the attached map. The Midtown District is located in the southeast portion of Flex Zone 75.

1. Rescind ½ of the 321 North Flex and Reserve Unit Allocation (590 units):

This would increase the Flex Zone 75 unit pool to an estimated 520 units. If approved by City Council, further review by the City Attorney is required.

2. Modification of Flex Zone Boundaries: The City Council can submit an application to the Broward County Planning Council to combine Flex Zone 75 and Flex Zone 74. Flex Zone 74 is located to the east of Flex Zone 75, north of Broward Boulevard. If approved by the City and County, the combined Flex Zone 74/75 unit pool would increase to an estimated 750+ units.

3. Flex Zone Consolidation: The City Council can submit an application to the Broward County Planning Council to transfer unused flex/reserve units citywide into Flex Zone 75. If approved by the City and County, the Flex Zone 75 unit pool would increase to an estimated 900-1,000 units.

ANALYSIS

Option 1: Rescind ½ of the 321 North Flex and Reserve Unit Allocation:

Ordinance No. 2423 authorized the allocation 79-flex units and 511 reserve units for 590 units for 321 North.

Subject to review by the City Attorney, the City has the option of taking back one-half or 295 units. By freeing up 295 units, the Flex Zone 75 (includes Midtown) balance would contain approximately 520 units.

Option 2: Modification of Flex Zone Boundaries: The City Council can submit an application to the Broward County Planning Council to combine Flex Zone 75 (includes Midtown – see map) with Flex Zone 74. The new combined flex zone would extend:

1. From the Florida Turnpike to University Drive between Broward Boulevard and the north city limit, and
2. From University Drive to Hiatus, between I-595 and the north city limit.

If approved by the Broward County Commission, the combined Flex Zone 74/75 would contain a balance of approximately 700 – 750+ units.

Flex Zone Consolidation will take approximately four months and requires the approval of both the City and County. While there is no application fee, the County will require a school impact report. Staff is investigating if this report can be completed in-house.

The City Council will retain the ability to assign the flex/reserve units to “commercially planned” properties anywhere in Flex Zone 75, including outside of Midtown. The City Council shall advise staff if they wish to prohibit or limit allocation of Flex Zone 74/75 units outside of the Midtown District.

Option 3: Flex Zone Consolidation: The City Council can submit an application to the Broward County Planning Council to transfer all unused flex/reserve citywide into Flex Zone 75, which includes Midtown. If approved by the Broward County Commission, this Flex Zone Consolidation would increase the Flex Zone 75 flex/reserve unit pool to approximately 900-1,000 units.

Flex Zone Consolidation takes an estimated four-six months and requires City and County approval. While there is no application fee, the County will require a traffic study and school impact report. Further discussion between the City Engineer and Planning Council staff is needed to determine if the traffic study can be completed in-house.

If Flex Zone Consolidation were approved, flex/reserve unit allocation outside of Flex Zone 75 would no longer be an option. Any request for additional units would require a City/County land use plan amendment. This is because the unused flex/reserve units in these areas would have been transmitted to Flex Zone 75.

As with Option 2, the City Council will retain the ability to assign the flex/reserve units to “commercially planned” properties anywhere in Flex Zone 75, including outside of Midtown. The City Council shall advise staff if they wish to prohibit or limit allocation of Flex Zone 75 units outside of the Midtown District.

REQUEST

Staff recommends the City Council first determine if it wishes to allow additional residential development in Flex Zone 75, specifically Midtown. If the answer is yes, staff requests the City Council (1) identify a preferred option, and (2) determine if the allocation of the flex/reserve units outside of Midtown should be prohibited or limited.

In response to Councilman Levy, Mr. Leeds explained that in 1977, when the Broward County Land Use Plan was adopted, there was concern that the plan might be too rigid and cities would not have flexibility to deal with specific projects. The Planning Council decided to create this concept called flex units. These are units that are development rights. If you own a piece of land that has a commercial zoning district the owner, developer or applicant can spend a year or year and a half going through a protracted State County process or they can apply to the City for the units. If the units are granted by Council, the developer can build the building. It is a simple procedure. The units are not granted arbitrarily, they are granted based on meeting certain requirements as to the quality of the apartment building; how it looks, the appearance, etc. We are out of flex units in the Midtown District; there are currently 228 units left, which allows basically one more medium size apartment building. Once the flex units are gone no more apartment buildings can be built in Central Plantation in Midtown unless the applicant goes through a protracted amendment. The first question is from a policy standpoint, "Does Council want to allow more apartment buildings in Midtown?" If the answer is yes, "How many more do you want to allow?" There are a couple of options. The first option is that there was a provision with 321 North that allowed the City to take back roughly 41% of the units. Mr. Lunny will explain that as there is an issue relating to the status of the bankruptcy.

Mr. Lunny advised that it is in bankruptcy and you have to apply for the Court to do that.

Mr. Leeds indicated that the second option is basically combining two flex units. In flex zone 74 we do not anticipate any new additional residential; there are close to 560 units. If flex zone 75 and flex zone 74 were combined it would add approximately 700 units to the mix that can be used anywhere in that area. Currently, most of those units can be used anywhere in flex zone 74 but there is not a lot of activity in flex zone 74. The philosophy of the City has been to take all of our intense residential development, keep it out of residential single family areas, and move it into Midtown. The other is called flex zone consolidation. That means that flex zones are established that will be donating units and flex zones that would be non-donating units. Designate flex zone as a non-donating or a receiving flex zone. Every other flex zone in the City would be donating. Those areas would no longer have the ability to apply for residential by assigning flex units, they would have to go through the County and the State. That is the other option and would produce around 900 to 1,000 units. Mr. Leeds reiterated the question, "How many more apartment buildings do you want in flex zone 75?" If you want more, "Do you want to assign those locally and limit them to Midtown and not allow them to be used outside of Midtown?" Midtown is a subset of flex zone 75. Mr. Leeds stated that the Midtown plan is premised generally on reserving a certain amount of property for office and a certain amount of property for residential. The idea is that you do not want all residential or all office because you want some diversity in case one sector does not do well. He would not be supportive of any desire to apply flex units to the area currently occupied by the Cornerstone Office Park; he thinks that should remain office. He would be concerned about further delusion in the north end of Midtown. The second concern is that Council can regulate the appearance of the buildings; apartment buildings and offices. The most important thing, if you were going to allow more units, is to require a quality product. These buildings will have a life expectancy of 40 to 50 years. When approving something it is going to last a long time. He suggested that Council be very careful how the number is applied if approved because once it is there it is there. Originally, when we had a Midtown plan, Veranda 1 was under construction. There were larger units and things that the City does not regulate such as marble countertops. The new type of unit is a rental unit. Some of the units will be smaller, require waivers and probably not have the same extent of finishing that are associated with a condominium. It is important that these buildings look good because in terms of practical life expectancy, they are there forever.

Councilman Jacobs questioned whether it is possible to consolidate all of the flex units and make it citywide so they could be applied anywhere in the City instead of the current model.

Mr. Leeds replied no. You cannot create one flex zone and apply so that any residential unit entitlement can be allocated anywhere in the City. You have to designate donating flex zones or donating areas and non-donating or receiving areas. One giant flex zone that says any unit can be used anywhere would not be permitted under the County plan.

Councilman Jacobs commented that if the Council were to agree that would be a direction they want a plan would be put together and be brought back to us showing flex zones that would be recommended as donating flex zones.

Mr. Leeds advised that there is some flexibility if you want to get a little more complicated. Certain neighborhoods could be designated as donating because you do not want anymore residential development density there; however, he would not recommend that. He would go with the third option.

Councilman Jacobs stated that once we are designated as a donating zone the flex units assigned to that zone can be used in that zone.

Mr. Leeds indicated that they cannot be used.

Mr. Lunny noted that you have lost whatever has been donated.

In response to Councilman Jacobs, Mr. Leeds advised that according to option #3 there is only one receiving zone in the City and that is flex zone 75, which includes Midtown. If you do option #3 and designate flex zone 75 as the receiving District then basically every other part of the City has lost all of their units.

Councilman Tingom questioned the negative impact to losing all of those.

Mr. Leeds stated that he does not believe there is a lot of negative impact. The only negative side is if option #2 or #3 was done and someone wanted to redevelop a commercial property for apartments they could not do it because the flex units would not be available. That is the only negative side. As policy makers, Council may decide that you do not want anymore units in these areas; you want to send the units to Midtown.

In response to Councilman Jacobs, Mr. Lunny advised that there are enough flex units for everything that has been approved. There are projects on the board and if they do not exhaust what we have it is pretty close. According to the Mayor, we are 42 units short.

Mr. Leeds commented that 42 units is correct based on the one project. If the other project comes in, which is Camden, they are looking at Midtown 24. They have suggested that they would want an additional 40 to 50 units and we will be 42+ units short.

Councilman Jacobs noted that we are roughly looking at units in the pipeline that we are short. He questioned how many zones can be combined together in option #2.

Mr. Leeds indicated that only two flex zones can be combined. If you want to add more you go to option #3.

Councilperson Stoner questioned how many units are currently available in flex zones 73, 76 and 74.

Mr. Leeds advised that there are seven reserve units remaining in flex zone 73; 89 reserve units in flex zone 76; and 405 flex units plus 156 reserve units remaining in flex zone 74.

Councilperson Stoner stated that there was a master plan for State Road 7 quite some time ago, which has not been fulfilled. She hates to take everything out of State Road 7 and deplete it especially with only seven reserve units.

Mr. Leeds indicated that State Road 7 has a special land use designation noted as Local Activity Center. They have plenty potential units available for use there. They would not be affected by this.

Mr. Lunny noted that they may not need the special allowance because they get it by their underlying land use plan.

Councilperson Stoner questioned whether it serves as a buffer of any kind. She also questioned if the seven serve as anything special there.

Mr. Lunny commented that it is an extra.

Mr. Leeds advised that there are several hundred units available around State Road 7.

Councilperson Stoner stated that seven could make a huge difference for that area but collectively for the 405 and the additional ones to come into flex zone 75. In other words, putting flex zones 74 and 75 together still increases the 750.

Mr. Leeds stated that combining flex zones 74 and 75 makes a bigger pool of units available and the units can be used everywhere but it is more likely they will be used in Midtown.

Councilperson Stoner questioned whether flex zone 73 could be left out and combine flex zones 74 and 76. We could recombine some other time.

Mr. Lunny advised that only two can be combined.

Mr. Leeds indicated that one option he has not mentioned is that nothing has to be done; however, we are running out of units.

Mr. Lunny stated that once they are assigned to a piece of property then you cannot easily take them back unless you go through a re-land use process, which is part of the award that you have the ability to do but you will be spending money.

Councilperson Stoner commented that if we need to reorganize in two or three years we can go back and do that again.

Mr. Lunny noted that the observation is that the first County Comprehensive Plan was done sometime before 1977 and these flex zones have been in place for that amount of time and these units have been available for that amount of time. It is not something you want to do every couple of years.

Councilperson Stoner advised that the build out has progressed so you have to go back and do infill and sometimes you have to take things out and fill in with new things. There are other possibilities if we choose to only do flex zones 74 and 75 now.

Mr. Leeds indicated that it can be done in increments; the only concern he has is that the County Planning Council may change the rules.

Councilperson Stoner stated that she would like to see flex zones 74 and 75 combined and leave the State Road 7 corridor alone.

Councilman Tingom questioned if the 560 was taken from flex zone 74 and moved to flex zone 75 whether there is still room to build projects in flex zone 74 because of its special designation.

Mr. Leeds explained that when you combine flex zones 74 and 75 you can take that pool and apply it anywhere to a qualifying site within flex zones 74 or 75.

Mr. Lunny stated that option #2 is called consolidation of two areas of the City, which are adjacent, so that all units in flex zone 74 can be used either in flex zones 74 or in 75. The third option, which was called consolidation, is really the donation and receiving concept where whatever is donated is lost to the donating portion of the City. It would seem that option #2 gives the Council the greatest flexibility and does not necessarily hurt any property that is outside of the consolidated area.

Councilman Tingom believed that option #2 would be the way to proceed.

Councilman Jacobs agreed with flex zones 74 and 75.

There was a consensus to proceed with option #2 with flex zones 74 and 75.

* * * * *

Meeting adjourned at 9:30 p.m.

Peter S. Tingom, President
City Council

ATTEST:

Susan Slattery
City Clerk

RECORD ENTRY:

I HEREBY CERTIFY that the Original of the foregoing signed Minutes was received by the Office of the City Clerk and entered into the Public Record this _____ day of _____, 2013.

Susan Slattery, City Clerk