

**City of Sunrise and City of Plantation
CONFLICT ASSESSMENT MEETING
RELATING TO INTERGOVERNMENTAL COORDINATION**

WEDNESDAY, JANUARY 21, 2009

The meeting was held at Sunrise City Hall in the City Commission Chambers.

The meeting was called to order by Mayor Rae Carole Armstrong of Plantation and Mayor Roger Wishner of Sunrise.

1. Roll call by the City Clerks:

City of Sunrise: Roger B. Wishner, Mayor
Donald R. Rosen,
Assistant Deputy Mayor
Bruce J. Moeller, City Manager
Mark Lubelski,
Planning & Development Director
Stuart R. Michelson, City Attorney

City of Plantation: Rae Carole Armstrong, Mayor
Rico Petrocelli, Councilman
Daniel Keefe, Assistant to Mayor
Larry Leeds,
Planning, Zoning & Economic
Development Director
Donald Lunny, City Attorney

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I. CALL TO ORDER AND OPENING REMARKS

Mayor Armstrong: First of all I want to thank all of you for taking the time to be here and to sit at the table with us in order to have this conversation about some of the local issues that have been identified between the City of Plantation and the City of Sunrise. Also want to say, thank you so very much, I am so pleased to sit across the table from Sunrise's new Mayor, Mayor Wishner and to have had the opportunity to meet their new City Manager, Bruce Moeller. I am and Roger and I met a while ago and had some conversations about relationships between the City of Sunrise and the City of Plantation and am extremely excited and very optimistic about where we can and where we plan to see these relationships build up in the future. We are here today talking about development and we know that in the process of building relationships there are a lot of other topics that we are going to share going forward including schools, and how we can support transportation and be sure that we get the appropriate access to and from and through the City of Plantation to the City of Sunrise. So I anticipate and expect that this conversation will lead to very good things for all of us and that is my expectation as we move this forward.

I think that when we had an opportunity to share some thoughts with some of you individually, is that you know that from Plantation's position it's not a matter of objecting to what the vision is that is being created in Sunrise for a new Downtown West. I think that each of us individually as a municipality has the obligation and the responsibility to define for each of us what it is that works best for our community and I have a tremendous respect for that. This conversation as far as part of the planning process is being brought forward in order to recognize that in the process of doing that we also have a responsibility to share those commitments and share those visions in a way that we don't create unnecessary impacts on our neighboring communities. We have identified three or four things here that are on the table that I think we can talk about very specifically but more importantly with this conversation I am hopeful that we can establish not only for ourselves but also as a bright light for other municipalities who also are also going through conversations about development in neighboring cities that if we can have a positive good solid constructive conversation that that will be a model for other cities that also are going to face this same thing as they continue to develop out. We thank you for coming to the table and we'll start with those comments and put that into context as far as what we hope to accomplish.

Mayor Wishner: Well, on behalf of the City Commission and the employees and residents we want to welcome you to the City of Sunrise. I think this is probably a first; that this type of event has taken place other than us meeting in social environments. I just want to echo your comments that I've always believed that when I was here and I left and went to the State House

Armstrong: And you resided in the City of Plantation during that time

Wishner: Because the rent was great, I have to say, but I want to say , our meeting that we met a little while ago that this is something that has been I think somewhat long overdue on both of our parts I think that we are neighbors and we need to make sure that we try to work together because it is not us it is the people that we represent, there are no borders in between the cities, our people come to your City and your people come to our City your people work in our City and our people work in yours and so it is always important and there is a lot of things down the road that I truly believe that we're all going to be working on together to make it the best we can on behalf of the residents of both Plantation and Sunrise so again welcome and we look forward to this being the start of the beginning of good conversations and maybe not in such a formal setting like this just more so having a meeting privately or talking about different subject matters. With that I guess we will go ahead and announce the attendees here.

All attendees are introduced as listed above.

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II. EXPLANATION OF CONFLICT RESOLUTION PROCEDURES

Lunny: This is a procedure that the City of Plantation invoked in an effort to avoid litigation. It is a statutory procedure and the purpose of the procedure is to require governmental entities in a more formal way to discuss issues with each other and we recognize a duty to

negotiate and try to come to some resolution on the matters that are before us. This meeting is a Conflict Assessment Meeting and the purpose of it is to talk about the areas of conflict and try to come to some conclusion and if there can't be a conclusion then it is our desire to have a joint governmental meeting. But we hope that we can come to a conclusion on the issues that we discuss today. It is my belief that if we do come to a conclusion we have to adopt a writing either a mutual resolution or a separate resolution that outlines how issues have been resolved and we do concur Mr. Wishner with your City Manager's suggestion that it be not formal point counter point but that it be a productive and flowing discussion. But that is my understanding of Chapter 164 and why we are here.

Michelson: Really nothing much to add to what Mr. Lunny said. Chapter 164 is pretty brief and that's what it says. There is a duty to negotiate there is no duty to come to an agreement, you just have to negotiate in good faith and as Mr. Lunny said if this meeting does not resolve the issues, there is a second meeting, I believe has been planned for February 9. That's it.

Wishner: If I could ask a question, you mentioned the word conflict which I believe is in the Statutes, I'm not sure if either one of you can maybe answer the question, is it in the Statutes defining what the conflicts are, does it say

Lunny: No, but it does contemplate an application to circumstances such as these which are disputes over permits, or disputes concerning Comprehensive Plan amendments and really and truly there is one thing that the Mayor left out that I think we would like to make clear to you. And that is that we started our conversations first with the developers because we don't as a City think of ourselves as conflicting with a sister City and only when those conversations proved unproductive did we see the need to invoke this process because unfortunately under the law and under the procedures you have in Sunrise and we have in Plantation only after development orders are approved or Comprehensive Plan amendments are approved do you then litigate administratively or judicially. So it was our desire to try to have a formal dialogue with you beforehand. But we did try and go to talk to the developers first because we perceive that the developers are creating the impacts to our mutual citizens as opposed to your City creating them or my City creating them, so

Wishner: And as for history purposes has Sunrise ever been involved in this type of process where we went to the conflict resolution statute?

Michelson: Not only has this City not been involved in this I don't know of any City in the County that's not to say that there hasn't been, But I don't know that this procedure has ever been invoked in Broward County, I don't know I don't think it has

Wishner: Can you answer that question?

Lunny: No I do not, and it is the first time we have done it hopefully the last time

Wishner: I guess that we will just go ahead into Item III, if you would just go ahead and explain each of the items, and where you have issues with it and then we will try and come to some type of response I guess, either the City Manager, the City Attorney or myself.

III. DISCUSSION OF LOCAL IMPACTS RELATING TO PROJECTS AS IDENTIFIED BY CITY OF PLANTATION

Armstrong: Collectively, I am going to let Dan speak to this too, I know that he has had some discussions with Mr. Moeller about some of these topics, the first thing that is on the agenda there is really related to a sewer service agreement that has been in place between the City of Sunrise and the City of Plantation since 1992, it was a very informal, supposed to be temporary kind of arrangement until such time as the City of Sunrise was able to pick up the responsibility for the sewerage that was being processed to the City of Plantation. We don't have a problem with that relationship except to the extent that looking at the new projects that are on the table now and those that we know are going to come down in the future the fact that there are going to be demands on both of us in order to meet new standards as far as sewer treatment and water treatment, that it is, we are of the opinion that the developers that are coming into the City of Sunrise have an obligation to you to be part of the process to construct and develop the appropriate sewer system so that when it is needed in Plantation we have the ability to be able to take that back so to speak and we didn't see that happening in the process of the conversation with these two developers and we're not sure exactly where it is on your timetable for um having the areas currently being serviced by the City of Plantation available and able to be serviced by the City of Sunrise. Dan, do you want to add to that?

Keefe: Basically, um, just looking, for like the Mayor said, a timetable or timeframe. You and I have had some brief conversations about this and I know this is something that is on your horizon, but we are just trying to look and see as to when it might be done. As the Mayor said, we looked at it as a responsibility to the developer that they before new projects come on that this area of Flamingo Key should come off of the City of Plantation system and should go on to City of Sunrise . So we just wanted to get some idea of a timeframe.

Wishner: Mr. Moeller would you please respond?

Moeller: Yes, um, and thank you Mayor also for being here today and Staff. This was an area of intergovernmental coordination and relationship that we have had with the City of Plantation for many years. Unfortunately one that I wasn't aware of before. As I am sure you are aware, that any time we undergo significant development in the community we have a responsibility and we take that seriously to look at our services that will be impacted and that we will need to provide for that future development and make sure that we have adequate capacity water and sewer among those and so when we looked at these developments we do in fact have that capacity as those projects come on line we will have in place both from a regulatory component with the licensing but also the capacity to service water and wastewater. And that was evaluated on the two projects that were probably the catalyst for us being here today. This was one I was not aware of but when we got the letter I spoke with Mr. Castro who is our Utilities Director and was made aware of the agreement, the basic framework of it and also the fact that back in August as a matter of fact that staff, respective staffs at the operational level both in Utilities for Plantation and Sunrise had met and I think it was some time in early August had met and actually looked at this issue because there was an item raised by DCA, Department of Community Affairs, when we both filed normal regulatory paperwork and DCA said hey there is a little conflict here, you have this area in Sunrise that is being serviced by

Plantation we need to resolve this. So the two departments got together and looked at that and at a staff level thought that best thing to do was, and we certainly were in that camp, to say let's just continue the relationship, we'll go back and formalize the relationship, redo the agreement and bring it to our respective commissions so that they can consider it and then we can resolve the issue with Department of Community Affairs. In the intervening period, though we received your correspondence of December indicating that the City had taken a position that they wanted to terminate that agreement. I have spoken with our Utilities folks, we looked at that briefly, we are in a position I can tell you that staff is that I recommend to the Commission that we take that area back and do so in a timely fashion. But of course this does have a significant fiscal impact on the City. The reassumption of that area that is Sunrise residents is going to be probably well over \$1 million dollars. So what we will do is I will be bringing to the Commission in our budget this year that as one of our Capital Projects and I will obviously recommend this to the Commission, my assumption is that if that gets approved we will move forward with due diligence to make that happen but I'm sure that conversations as I'm sure Dan has probably had with your staff it's not a very fast process. We have to engineer it and build it so it will take a period of time for us to get that done, but we will put it in the budget cycle for this upcoming year, fund it, at a significant cost and move forward and meet the request of the City to terminate that agreement. So we will move in that direction.

Lunny: Can I just ask a question, you know, just in the interest of having a free flowing discussion, we heard that the DCA had directed us as part of our ORK??? report to not service those areas in Sunrise and they were interested in having us no longer do that because there is not only the west Flamingo Key, but there is also some developments north of Sunrise Boulevard that are what I consider hangover issues from when our respective boundaries were adjusted over the years that we service and so it was my understanding in speaking with Mr. Breitenkam that there would be an ending of that relationship as opposed to a continuation of it, so there might be a misunderstanding on our part in terms of where we were coming from with respect to the termination of that

Wishner: That actually came from the Department, at their behest?

Lunny: The Department of Community Affairs had flagged both of our Comprehensive Plans, and was trying to, I think it came up the same what that you identified Bruce, that the service areas had overlapped and they were trying to get us to correct that and have each City service their own area

Wishner: I don't think there is any disagreement on that, I guess it is just the timetable

Lunny: What would be required?

Wishner: For us at the table it has no effect, but we are talking about citizens, I doubt that the State is going to say to Plantation at the end of the year, turn the spigot off and you no longer provide these services. I tend to doubt that they would say terminate that, I think there has to be some type of continuity of service

Lunny: Roger, what you said at the beginning of the meeting, about all our residents is sorta the way we would like to look at this, so it our desire not to have a conflict, it our desire to

solve this in connection with the rest of what we talking about today, what is required, what is physically required for Sunrise to achieve the resumption of that service to Flamingo Key? Are there lines that need to be installed somewhere, do you know what is required and how long it will take you to do it

Moeller: Mr. Castro can go into the details, but I don't think it is going to be fruitful to get the engineering, because Mr. Castro is an engineer, I just asked him to look for an email that I recall seeing and if he gets that. Just to clarify that wasn't my understanding, it was just that DCA did note an inconsistency in paperwork either submitted by Plantation and/or Sunrise and they asked for clarification and that was the reason that the respective staffs got together in a conceptual level and certainly that does not bind the elected body nor as mine would bind our Commission, but it kinda said lets go ahead and draft new agreements and clean that up. Not withstanding that, what it would take is the both allocation of dollars in the budget process and then the engineering work to be done, a little over a million dollars, 24-36 months after funding

Lunny: Do you have all the right of way that you will need, all the room to accommodate the lines? Do you need to get easements or anything?

Moeller: I don't think we have gotten to that level yet, since we just got the request from the City to terminate that agreement the end of December, I just asked for very rough estimates, but obviously we will move in the direction and do it, we would have to put funding in place first, then engineer it, then actually do construction,

Keefe: So we are looking at a 2011-2012 timeframe?

Moeller: Yes, perhaps, again we can get you a better timelines as we move forward

Lunny: I heard the same thing about getting the agreements up to snuff, because some are, I'm not even sure we have an agreement for the property north of Sunrise.

Wisher: Could you identify the area?

Keefe: Sunrise and Sunset Strip.

Armstrong: The area where Walgreens is, Sunrise and Sunset Strip east.

Moeller: Letter of December 22, referred to Flamingo Key, we will look at this other area as well as we move forward.

Wishner: We can get back to them with a response on that part once we have identified what that is and if you have stuff on that.

Lunny: We just did a very simple service memorandum for Broward County last year or the year before to continue to provide either water and/or sewer service to Broadview Park and our documents are very simplistic in that respect cause it is normally.

Wishner: I'm sure that you guys can work it out I'm sure and keep the water flowing until we can get it done.

- Lunny: We would like to recapture that capacity one day.
- Wishner: And I think that we're in agreement that we will work diligently, obviously we are in the middle of our budgets so we have to wait to formalize it in our budget, the Manager will probably bring it to us before our budgets are done, so that we can start working on the, business is slow out there for designers and engineers.
- Armstrong: Who knows you might be able to get some stimulus money to be able to do a project like this, the key on this all of us are being subjected to a different oversight I think by DCA, on any of the projects that are coming in and the determination as to how to plan for the future, to manage the capacity that you have available is really the crust that brought this conversation forward, and then the ability to be able to recognize that these are not inexpensive projects that have to be done, and its not been inexpensive in terms of maintaining the relationship for much longer than what was originally anticipated, but I think that you know there is a reasonable direction to go with this in order to be able to accommodate everybody's needs, anybody else.
- Lunny: Yes, we did ask the two developers to contribute to agree to do whatever work would be necessary to connect that system to the plan before they came out of the ground so we wouldn't have to continue to do it and they said no we're not going to do that. Not only are we not going to recognize in a meaningful way your other request, but we're also not going to recognize that one. So we felt that that just is not fair
- Wishner: So noted.
- Petrocelli: One of the other things that I would like to say and I appreciate Mayor Wishner saying about the residents, the main focus of us being here is to put the residents first. The joke about turning off the spigot on a certain time, we need to make sure that that's the most important thing in all the discussions whether it be B, C, D all the way down the line and I think we can keep it at this level and we can come to an agreement because that's going to be the thing that we bring back to our City and residents and the same thing that you Don and the City manager will bring back to your residents. The timeframe, if it is out there working already, it takes money and it takes time so we understand that at least I do and that's what I am going to be bringing back to the residents that it does take some time. Thank you so much.
- Lunny: I just feel that if Plantation gets short *inaudible* or no *inaudible* on anything on anything else and is still being asked to do this one thing, that's just not fair. So let's hope that we can come to some conclusion on the rest of the items
- Wishner: Right, we're going to give it our best shot
- Armstrong: The next item there, and the next ones in the group b,c and d represent a recognition that with the additional developments that obviously the City of Sunrise gets a tax benefit from that there are also service impacts that are generated by the increased utilization at park sites, the increased demand in terms of services by Police and EMS that are going to be associated with any significant increase in development and population and 4000 new

residents in this area obviously represent a significant increase in population. It is going to draw people to Sawgrass, which is a good thing for the economy, it is also going to necessitate the east/west through the City of Plantation for people from the increased numbers there to get east whether they are going to Fort Lauderdale or to the beach. So what we attempted to do was to quantify what those impacts would be to the adjoining City and we recognize that in this conversation it is a two way street, there obviously also are additional impacts that are generated because we are going to have more people coming to the City of Sunrise but in doing that the intent is to say to our sister City here is that because of your development we are going to pick up some additional significant expenses and because of that additional expense we are not going to be able to do some of the things that we would normally do in terms of providing a definitive service because we can't put the additional officers or EMS personnel on the street because of limitations or because of the additional impacts on the parks we're not going to be able to do the maintenance there that we would normally do in order to maintain the standards that we set for ourselves for our parks and it's a conversation that I don't think that we have an answer for today but I think it's a conversation as far as municipalities are concerned that we need to have in order to understand what and how we do have across our borders., That was the intent there the one that is particularly quantifiable though is with respect the park and the park sites. I mean I think if you count the basketball players at Volunteer Park you will probably find a lot more of them are from the City of Sunrise than they are from the City of Plantation or other areas that are playing there. I'm not sure, we don't like to charge generally for non resident participation at parks but yet there might be a necessity to do that in order to be able to share this financial responsibility in order to be able to maintain and so the area of conversation there basically goes to how do we feel about putting fees on a park, non resident fees, and such is there another mechanism for being able to offset that so that you don't have to create that kind of relationship between the two cities. As far as quantifying it, Dan I don't know if there is something there in terms of the quantification that you would like to add.

Keefe:

Just basically, we did a brief, I think it was over a couple weekends, survey at Volunteer Park looking at, asking, surveying people who came to use the facility what City they were from, whether they were from Plantation, Sunrise, Davie, surprisingly we did have quite a few residents from Sunrise that are using these facilities and that is how we came up with the figures that we did. You know, as the Mayor said, we understand it is a two-way street particularly with police and EMS, the difference being I think we were looking for some recognition that there is maybe a little bit of an imbalance there as far as Sunrise is creating these venues, whether it be the arena or the Sawgrass with these developments and inviting people in there and you have the tax base to support it, where in Plantation, as the Mayor said, we have people traveling through there without creating the tax base but we still have to provide those services. And again, it's tough to quantify, and we did provide some figures but it is a difficult thing to do. And we recognize there is some value that our residents in Plantation have going to those venues, going to do the shopping and the restaurants. As Mayor Wishner said, as far as being employed in the City of Sunrise there may be some residents who have employment there. But again, I think it is a philosophical look to see if there is not some agreement that there might be some additional burden on the City of Plantation with some of the development that happens in a sister city being that close to a semi rural area. So I think that was the intent.

Wishner:

You know, that was when I was reading through the letters and the issues that have been brought up, I'm just trying to figure out. For example, I live next to Flamingo Park. Flamingo Park, I can assure you, is utilized by Plantation residents; it's right across the street from Plantation. So I never thought about the idea that I'm going to ask for identification from somebody to say, "You know, you don't live in our city and you're taking up our basketball courts, you need to leave so my residents can use it" because I have one of the largest residential areas in that area, which is right next to Sawgrass, which has 10 or 15,000 homes that are in there. I never took it to that level even though I think we all participate in the FRDAP dollars. I believe that Volunteer Park, and I think I was the State rep, when you asked me to go up there and get FRDAP money from the State to help build Volunteer Park and I believe the Equestrian Park as well was built with State dollars. I think the problem we are going to have there is if we utilize other people's money how do we; we can't do that. For example, our Senior Center with the library was built with Broward County money; we can't just say, we are Sunrise residents; we have to have everybody use it. The other issue is how do we, at this point and time, now say these two developments are now the sort of not hostage but they are the roadblock that is now created these questions about usage of roads and usage of our parks and other issues when all this development is taking place already between the two cities. Think about it, you guys developed the corner of Sunrise and Flamingo Road to the east all the way to the Denny's on the south side and the Chick Fil A or whatever it is or the only one I know is the Edwin Watts where the Pet Supermarket or Party Supermarket as well.

Armstrong:

Party Supermarket.

Wishner:

So we never, I don't think we ever even thought about ever saying, "Well, you know, that corner has a great impact on the other side and we have the majority of the side somewhat of the commercial business that is there". I agree with you, it is very tough for us to really put a number and quantify but my biggest issue is why are these two projects the ones that, Metropica and Westerra, the ones that have triggered this questioning of how we both now impact each other.

Armstrong:

I think there are probably several things Roger that predicated at this particular time. Number one, it's not only those two projects but the anticipation of what's coming in the future as far as future development all around the County, it's not just the City of Sunrise, I think it's other adjoining cities. And then, I think too, because of the economy and economic conditions and where we all find ourselves with our budgets, particularly those municipalities who are you know kind of built out, is that you are having to reexamine where you are on a lot of topics that never were really brought forward to be considered previously. So you are getting more of that kind of conversation that is going to come forward. I think that the conversation goes to a recognition that those impacts do exist and that opens the door for the other part of the conversation to your developer, whoever it is, is how much are they going to contribute to your utility costs for this work that needs to be done, how much are they going to contribute to road improvements or other things you know that potentially have already been on the table embedded. These happen to be some very localized topics that have not been and that's we are here today with this discussion. But, I think the important thing is for us to recognize that if we do do something in the City of Plantation in terms of development it's going to impact our adjoining cities in different ways and to quantify those dollars is a methodology that maybe our planners can

have some conversation about at some point going forward to see if truly there is a opportunity there to better provide through intergovernmental coordination between adjoining cities and understanding of how impacts are developed and find some methodology for mitigating them. I don't think we're going to find an answer to that today, I think it's a matter of, you know, if there is a recognition there that this is a valid discussion for us to pass for our planners to have is that there might be something there that can better materialize and formalize a process for conversations like this going forward.

Rosen: Just a quick question Mayor to either you or Mr. Keefe. I noticed that we specifically focused on the informal survey you did on your parks. Have you however looked at the impact to your EMS employee system and seen an increase in cause recently relating to, let's see, Sunrise residents or ...

Armstrong: It's not necessarily directed, and this is the other part of the conversations any one municipalities residences. Obviously the people that are coming to Sawgrass Mills are from multiple areas east; Oakland Park, Fort Lauderdale and the same thing is true for those from the west that are going east. So you can't say that it is definitively tied to the City of Sunrise; what it is definitively tied to is the increase of usage on your road system that creates the additional accidents at the intersection or the calls for service because of that. Yes, obviously, as the traffic on the roads increases, it doesn't matter whether it's your roads or Plantation's roads, you're going to have additional calls for service.

Rosen: Let's say as compared to last year, have you seen, let's see, a 5% increase, an 8% increase, 10% over your call of volume from last year that would impact the City of Plantation?

Keefe: We didn't analyze it that way, what we did was just took patient and for EMS we just put patient contacts over the past year that were Sunrise residents or contacts with law enforcement so whether they got a speeding ticket, involved in an accident, whatever in the report we were able to track where the residents came from. So it wasn't comparing one period of time to another, it was just taking a snap shot over the last twelve months.

Wishner: We had conversations about the one issue, but each of our receptive cities charge for those services so if you do have a call for EMS you are charging whoever you are treating.

Keefe: Transport.

Wishner: If you are writing a ticket you guys are going to get the revenue from that, you don't share it with us and we don't share it with you as well because it's the cost of just doing business. Obviously our taxpayers subsidize both systems because we know how expensive it is to provide public safety to both of our cities. You guys found out recently when you added your EMS systems to control more services as the growth has happened. That was one of the things we were just looking at trying; because we both respectively charge for these services in most cases. But chances are there is going to be an increase no matter what. I mean, the arena obviously is a huge draw and as the conversation you and I had, one good thing is there was forethought a long time ago by past leaders as well as leaders of those areas, which was Joe Moeller at that time and I believe someone from Plantation Acres was the lead on those issues of making sure the infrastructures were put

in place, which today I think we both agree have; we've got probably the best infrastructure in that area of anywhere in Broward County when you think about it. We have the second world's largest outlet mall, during the holidays there are arena events. I don't think any of us can say that we've ever had a problem being stuck in traffic in those areas out there during the peak hours and which these operations will be during peak hours and non-peak hours as well. The good thing about both these projects is they are closer to Sawgrass and 75 and 595 than they are to our internal streets, such as Sunrise Boulevard going east and Oakland Park Boulevard as well as Broward Boulevard for those people who are going to be living in these structures of these new projects, that is one of the things that we looked at is where do we think the traffic is going to flow. We believe it is going to flow to the fastest moving area, which would be going west towards the Sawgrass and those highways there. Mr. Moeller, you want to add ...

Moeller: Yeah, I appreciate the comments and I know Mr. Keefe talked about the methodology and the struggle a little bit and Mayor, you have kind of eluded to it as well. And as I read what you shared with us and I started the map but my analytical side started; were there just Sunrise residents in Volunteer Park or were there people from maybe Davie and other places, there probably were.

Armstrong: Yeah, I understand.

Moeller: Mayor Wishner already alluded to the fact that there are some revenues but there are a couple of other components that I want to mention. One is the synergy. The mall, these developments. It's impact allegedly traffic tickets because police officers stop them in the City of Plantation or medical calls if they are transferred to revenue but it's beyond that. It is also; I live in the City of Sunrise obviously, but I shop at the Borders; one of my favorite restaurants, I'll admit it even on the record, is LaBamba, which is in the City of Plantation. These developments also create demands that are synergy and that synergy benefits; obviously when we have it in western Sunrise benefits western Sunrise but because only a mile down the road is the City of Plantation it drives development, it drives a new tax base for the City of Plantation as well and that development occurs because of the synergy so I think that's an important piece. But in a large urban area, here is my problem, like the analytical side I also wanted to get into methodology, and Mayor you said maybe that's a fair question for the planners to look at methodology, I'll respectfully say I think that's the second question but you have to get the first question first, which is is it good policy, what's the basis of the policy? My concern is taken to its logical conclusion, perhaps illogical conclusion, is at what point do we say that living in an urban area that we need to start counting tips going back and forth across boundaries and saying that there is an impact for something that Plantation does; therefore, we should capture that. If taken to its logical conclusion, it almost becomes a point where I'm concerned about xenophobia. I am concerned about the fact that we say that the development will create in Sunrise employment opportunities for people in the City of Plantation, that people in the City of Sunrise shop in the City of Plantation and that has a benefit. As we go back and forth I am concerned about how putting aside enough logical problems that they could be resolved. Is it good policy? Is it that government, at the local level, recognizing that we are in a regional area of South Florida? Is it good policy for governments to try to keep count of that and to say okay, at the end of the fiscal year let's tally up; Sunrise you owe me this, I owe you that, Davie, Tamarac, Lauderhill, whatever,

should we start doing that? I think that's the bigger public policy question and I can't get past that one; that's my concern. I certainly understand the impacts that you outlined, they way that you made the case, but I think the other half of that equation that wasn't made is the positives that occur for the City of Plantation with regard to the synergy with the development. Recognizing that is the other half of that equation but more important, how do we do that from a public policy prospective? How do we, as neighbors, sit there and say let us be concerned about people moving from your side of the street to our side of the street and back and forth? I find that a very tough policy question, which I think has to be answered first before we get into methodology. I think that's the bigger question and I'm concerned about what that leads us to.

Keefe:

If I could respond on public policy, I think the other thing you kind of hit on is you talk about an urban area which is what Sunrise is developing; you are developing it right next to a semi rural area and that's where we are having the issue. Plantation Acres is acre lots and horse farms and agriculture and things like that and you have this very intense development that is very urban in nature right next to it so again, that is also a public policy issue that we have to address and look at.

Lunny:

I think there are two things; one issue is compatibility, which is what Dan was saying, and the other issue is a policy issue about whether one City should develop or change its development scheme in a way that causes another City to incur costs. And so, typically it's our collective view I think that growth has to pay its own way and that existing taxpayers of our respective cities should not incur costs associated with growth. So from our standpoint, as Roger said, the police tickets and the ambulance charges don't cover the cost of those services and there should be a methodology, not for settling up every year because we don't want to do that either, but looking at a substantial project, either a development of regional impact or a substantial change to an existing development of regional impact where we measure what fiscal impact that might have to a neighbor and credit, which we did not do in the resolution, but we have since discussed this, and credit that with a benefit, if you will, for jobs created. Maybe a model for the credit might be a formula that's used for tax incentivizing target business industries where we could use that basis to say okay, here's jobs that we know that this project will create and so while Plantation's costs are going up in this area it's going to be credited by the fiscal positives that this project will bring. So it is our desire to long term develop a model where we can, one time at the beginning of a major project, assess pluses and minuses and just make sure we're not saying no, you can't build obviously, but if you do wish to develop your City in a major way or change an existing scheme that you are not hurting us too much. And so that's the issue that we saw in this project, is you can build out your City as you desire right now, build it out under the existing development scheme under the existing DRI, no changes in land use, we don't have any problem at all with that, but if you're trying to change that and we perceive the change is hurting us fiscally, our Council and our Mayor are saying to us as staffers, you guys need to be responsible for this and figure out a way to try to deal with this and that's why we're here. So I don't want to have and I don't think my City wants to have a continued, you know, tallying up, but we do want to develop some sort of model where we can make sure that we are coming out okay, that we're not burdened financially with whatever it is that you all desire to do; the compatibility issue is a separate issue which is a totally separate discussion than the financial one.

Wishner:

The only concern I have with that, and I know the philosophies of both cities because I've spent so much time working with both, is the issue; I want to make sure we have a very good understanding on our end. The problem that you have is that you are talking about taking a non-reoccurring money and spending on a reoccurring event and that creates a big problem, especially budgetary. If we could zap every developer, we do, you zap them with impact fees I would imagine, you have an impact fee ordinance I would imagine, it's a one-time shot, you have probably a sewage connection fee; it's a one-time shot but that doesn't cover the long term expenses which you're anticipating are going to possibly deal with down the road, which we're going to deal with the same thing because we're going to end up the same way, we're going to have to put more cops on the street when these projects come online to manage these people that are coming here or that are going to live here but we can't continuously ask them for money other than through the ad valorem tax revenues. The other thing is this kind of reminds me when I was in Legislature we were dealing with cities that wanted to ban cell phones; usage. Our problem that we had as Legislatures is how does anyone know that that city is now I enter it and I'm not allowed to be on my cell phone. So we actually had to pass legislation to preempt that from happening because there were cities that were about to institute ordinances that would make it illegal. This is kind of the same situation we are having here trying to figure out how do we; certainly the bottom line is we want to work together, there is no question that if we can make our sister city as good as everyone else's and work together, that's what our goal is. The issue of compatibility, and this is something also I've been looking into, and that is, Plantation Acres is not what Plantation Acres was ten-fifteen years ago, it's changed dramatically; there's been additional commercial or other usages. A lot of the horse farms have now been turned into residential parcels so it's kind of taken a different direction from just being a Plantation Acres that we all knew 20-25 years ago because there's been a lot of rezoning that you guys have done in order to add the residential homes in there instead of the horse farms. So, that's another part of it and I agree with you; there should be some compatibility but the problem that we have is should other cities have, and again I believe this is more of a legislative approach that needs to be taken so it's uniform throughout the State of Florida and it's not just the City of Sunrise and the City of Plantation trying to figure out how to deal with projects or rezoning areas that are compatible with each other, it's a much bigger, I think a much bigger painting than just us trying to put a few breast strokes on it. It's something if we are going to try to do this we need to work together to try to work towards legislation that will be the model that you guys are looking for to deal with these issues when it comes to other cities changing of zoning and other impacts that they are going to have. There's a lot there and I apologize for throwing a lot out there but I'm just using my legislative mind at this point besides my local government mind.

Moeller:

Just something Mr. Lunny said and I appreciate the acknowledgements, it's probably not a good idea to try to come up with a way to tally up but maybe on large projects like DRI's we could try to address those things at the beginning. Maybe I misunderstood at the County Commission meeting last week but I thought I heard something a little bit different. But staying with what ...

Lunny:

From me?

Moeller: No, from Plantation in general. I thought the comment was more that you recognized that DRI process is where you address those sort of issues but you were talking about total impacts. I thought I heard that from ...

Lunny: There's a; our view is that it is appropriate and contemplated that at the DRI level that before a government approves a DRI it needs to take into consideration local impacts on adjacent cities. I think that is also contemplated in the comprehensive plan of growth management. Again, if we're thinking about how to; I don't know if we can actually come up with an answer, but I think that we can commit to work together on seeing if a model can be formulated and put in our respective comprehensive plans. If the Legislature legislates on this issue then we can repeal it and forget about it.

Moeller: And I think that's the point I was getting to, that Mayor Wishner made a comment to; perhaps it's a Legislative issue, I would suggest probably not one for 164 meeting because these are issues that are regional, as you indicated. The regional are probably more properly addressed even through the Legislative or State Legislatures or through the DRI process, which is the process that we took at least on the two developments to date and the reason we have kind of gone through what we have. Now, they may not have adequately addressed the issues, some of the issues that the City raised prior or perhaps that still remain, but I think that's the forum for those kinds of issues if they are in fact driven by large development and need to be addressed at the beginning. That is my point.

Wishner: I guess Item #F.

Armstrong: Item #E. There was a discussion that we brought forward with the developers for a concern in the City of Plantation because of the increased traffic and I think we all acknowledged the fact that the need of a traffic signal of some form does exist between Flamingo and 1118th in order to appropriately manage the traffic that is coming from the south to the west and from the north to go east. I know there was a question about being able to justify the warrants was our conversation with the developer for that particular signalization. My opinion on warrants, if you look around you see a lot of locations where you would not perceive that the warrants would ever totally exist to the extent that it is usually calculated in terms of numbers but you do end up with a light there because of the fact that the conditions that are inherent at the locations and the intersections are problematic.

Rosen: Are you proposing a light between Flamingo and 118th?

Armstrong: And 118th in order to be able to manage the traffic that is now going across those intersections that are extremely dangerous.

Rosen: Aren't both those properties in the City of Plantation?

Armstrong: Yes they are.

Rosen: And you're anticipating an increase, and if what I'm hearing correctly, you are anticipating a significant increase in traffic?

- Armstrong: Increase in traffic, yes.
- Wishner: Because you and I talked about this ...
- Armstrong: We did.
- Wishner: The light we're talking about is the one right in front of Volunteer Park, the exit there.
- Armstrong: The intersection that was identified as appropriate for a signalized intersection was at the entrance to Volunteer Park and the exit of the shopping center on the north side. That does two things, it takes care of the traffic on the north side going east but it also creates a condition that is such that traffic on the south side going north has a better opportunity to exit and get into the traffic lane on Sunrise Boulevard. So I'm of the opinion that over a period of time, if not today, the amount of traffic there is going to be similar to what you see in other old communities, what you see on Broward Boulevard in the City of Plantation, actually between University Drive and Pine Island Road. You're going to find the necessity for a traffic light at that location so the conversation basically with your developers was like this and we have done this in the City of Plantation consistently is that it is extremely expensive for one project to assume the responsibility, unless it is a large project, which these two projects that you've got on the table are significantly large, to bond those monies over a period of time until such time that the light can be warranted and then you have a collective ability to be able to put it in as it is warranted. So that was our request, that as you have projects that are coming in, because the impacts and additional traffic that is being created there is being created by the new developments on the west, is that you look at that in terms of creating a condition whether it's through the DRI process or through the site planning process to recognize that there is a problem there.
- Rosen: Mayor, have you already done a traffic study which evaluates that information because some of the information that I have been able to ascertain is with these new projects are coming or potentially coming online is a northbound entrance off of Pat Salerno Drive to the Sawgrass, which would help move traffic more efficiently and some additional entrances and exits on the western side, which once again, would help facilitate moving traffic. I'm trying to understand from a traffic study standpoint where the additional traffic comes from.
- Armstrong: The conditions that are there today are very dangerous; the conditions that are there today are dangerous. If you put ten more cars on the road you have only augmented a very difficult situation.
- Wishner: I don't think there is anybody going to doubt that, I mean he's a Borders guy and like I said, I'm a Best Buy shopping center guy.
- Armstrong: Leaving Borders and going to LaBamba?
- Moeller: No I don't, it is the other way Mayor.

Wishner:

But I also, being a person who lives there, you know, not far away and I frequent that intersection a lot or use Sunrise Boulevard to get to the City of Sunrise, there is no doubt about it that there is a heavy traffic situation there and cars dodging in front of other cars trying to beat each other or making u-turns to try to avoid the intersection there. So there's no doubt the problem exists today but two things that also come to light and that is the intersections between the Turnpike overpass in Lauderhill, the flyover, and Inverrary Boulevard, where I believe there are five or six traffic lights that are there. Not only are there traffic lights, but also a pedestrian light that used to be for the Publix which is no longer there, but there is a crosswalk in the middle of there as well. You know, my, as I told you, we have no problem supporting you wanting traffic lights in your city. If you believe they are good for your people and they're good for our people as well, I don't think we have a problem with that. The question is who is going to fund it and who is going to pay for it. I don't think we have a problem supporting you with the County in putting a traffic signal there if you believe it is necessary or your warrants believe it is necessary. The question is whether or not these two projects that are not adjacent to where these would go. I mean, when we were talking; when the Home Depot, what was the Home Depot before it was the Home Depot? Builders Square, that's what it was. Someone asked me, what was the Home Depot. It was actually a Builders Square before they went out of business because there was one also in Tamarac on Rock Island, was it Rock Island or somewhere out there west and McNab. So, the shopping centers actually are for collective shopping centers if you look at the Publix on our side, the Best Buy and Circuit City. Really, that's when we should have gone after the traffic signals. The problem that we're trying to figure out is how do we approach, which you've already done, and ask them to pony up the dollars for a traffic signal or signals that really we don't know what the impact is going to be. It could be none; again, it goes back to where are you coming from? Where is your license? Where is your residence, is it going to be Westerra or is going to be Metropica.

Armstrong:

There's 4,000 more people; there's 4,000 more people.

Wishner:

But the question is how do we ask them to come up with the dollars when we really can't prove to them, which I think you have to, I think if you're going to ask people for money you have to have some kind of evidence or proof that you are creating the problem so you need to add the dollars to it. Now, this is just something that just popped in my head; the City of Sunrise could ask them to put that money aside and again, it's negotiable and they don't have to if they don't want to, we could ask them to put up some kind of bond that we would have and then obviously we would have to have a time certain that we would say, "Well, at this point, if the County doesn't say you need it", you and I know the County is very difficult to deal with when it comes to traffic signals and we know when we ask for stop signs or we ask for any of those they are very very hesitant to put any type of device in place that is going to stop the movement of traffic. So you know, we can go back and sit down with the developers and ask them if they could do that and that money would be designated or the bond would be designated for that purpose, we could work on something like that, I don't think we should have a problem with that.

Moeller:

Just in anticipation for the benefit of everybody at the table and Mr. Lubelski can address it more clearly if need be. When we do the DRI reviews are the traffic impact analysis looked at and those were done with those projects Mr. Lubelski?

Lubelski: That's correct. As part of both DRI's the traffic impacts were actually looked at in conjunction with each other. Westerra took into account the traffic and likewise. I believe that the studies, the methodologies were drafted up and the analysis went on Sunrise Boulevard I believe as far east down to Nob Hill Road. I don't believe there was an improvement that was identified at the entrance of Volunteer Park based upon the impact associated with these projects. If there is other additional data that we haven't looked at then I think the bottom line is you're going to have to prove it to the County in terms of whether they are going to support having a signal there and improvements. As the Mayor mentioned, we have had situations too where we felt that a signal is warranted where the County has come back and said you have to have the warrants there before they will even entertain the idea.

Armstrong: I think, you know, again, with this is looking a bit to the future. Obviously this is looking at the projects today but knowing where we're going down the line in the future, you know, with this, is that if we don't take the steps now, the time to take them one at a time and plan for it, then we're going to, again, somewhere down the line face the fact that there is a \$250,000 deficit there for somebody that is going to have to be picked up at that point and we're going to get a lot more resistance.

Wishner: If you would allow us to meet with the appropriate people and obviously, you know, looking at the data and everything, if you'd allow us the opportunity to meet with them and talk to them about the issue I would appreciate that, as not being, obviously, the road block for the projects themselves.

Keefe: And I would like to check with our City Engineer too because what Mark is saying is different from what I've been told that there was no local impact on Sunrise, it was completed in the DRI process. Maybe that's different information I have so I would like to check on that.

Lunny: I would say that when the Regional Planning Council asks for additional traffic information from both these developments you can ask for it a certain number of times then you either have to stop the process or keep going. Both developers indicated they would not be submitting any additional information. I think we would also like you to ask the developers to contribute in some way towards the operational costs that we talked about in terms of parks, law enforcement, EMS, even if it's a number of 10% of what was identified, thinking that there would be some other benefit. We would ask you to ask them for that as well.

Lubelski: I guess the question is how does Sunrise collect the impact fee and then transfer the dollars to you guys?

Lunny: You have a, you know, in your review of these developments there were certain commitments. For example, they are paying a fee to Sunrise that will offset your future police costs. I don't know which one it was but my memory is it was some number over \$100,000 and we are thinking that if you could consider as well, because I didn't want to leave the parks, law enforcement and EMS discussion and just go right past that. Those

numbers we've calculated are about 2.159 million dollars and we would ask you to ask them to contribute 10% towards those costs.

Wishner: I guess, I'm not sure if the horse is out of the boomer, or whatever that term is, you have two projects that certainly, we're talking about impact, that certainly are going to impact the City of Sunrise. When you talk about not just us, you've got the rezoning of the trailer park on 136th and State Road 84 that's going to impact the City of Sunrise and I don't even think we've even looked at that. Those people are going to end up on 8th Street no matter what and they are going to end up at the corner of either Flamingo or the corner of 136th and I happen to live on 8th Street right there 50 yards; my entrance to my development is 50 yards to the west of Commodore Drive, which, because you have no access onto 136th people are going to naturally come down 8th Street, not Commodore, and end up on 8th Street. You also have the corner of Broward and Flamingo, which they have recently cleared and I am not sure of the status of the project; the project at this point, because the signs keep changing every time I drive way. So, it's kind of like, you know, ...

Lunny: Respectively, those are; neither one of those, sir, are of the size and scale of these two projects.

Wishner: But there was a trailer park and now it's going to turn, I believe, into multi family homes. So you're going to have and Westerra and both of those are not just residential but they are also commercial, these are strictly residential, which are going to have an impact on the schools, an impact on our roads and everything else.

Armstrong: There are far less units in the multi family ...

Wishner: An impact is an impact.

Armstrong: And I agree with you.

Wishner: So is it a large impact, a small impact; any impact has an impact on another city, which we never thought about ever coming to you guys and saying, you know, listen, we're concerned about the traffic and all the other things that are going to be associated with these changes in the demographics of those areas. So getting back to Don's question, I don't think it's ...

Moeller: I know we talked before about methodological problems and a number of other issues and policy but I acknowledge the request and I will discuss it with our staff and will get back to you ...

Wishner: We can talk to them about it; I just want to figure out how you get it; I don't want to be, I don't think we should be in the position of saying either pony it up or you're going to have trouble getting through with your project. I think both of us agree that right now when we start out the conversation with economic development is critical to our cities right now, both our cities, and that is getting shovels in the ground, people back to work and creating an economic base; it's critical to both of our budgets and operating. So that's kind of like, we don't want them to be the stumbling block for moving forward.

Lunny: I don't think ...

Dick Coker: Can I ask for a clarification please on the State Code; I represent the Westerra project. I would like clarification of what you're going to do on the traffic signal; I'm just confused.

Moeller: On the traffic signal?

Coker: Yeah.

Moeller: We were going to sit down and talk to you guys about possibly coming up with some kind of bond to put a traffic signal, if it warrants it, at I believe the Volunteer Park or the shopping center.

Armstrong: The shopping center on the north side.

Moeller: Staff is going to get together first and if there is clarification, because there are two different informations that are being given to each city.

Coker: Is it possible for me to explain to you the traffic analysis that was required by the Regional Planning Council and Broward County with respect to that issue? I will take about ...

Armstrong: Not at ...

Moeller: My suggestion is to come back ...

Wishner: There will be far more discussions, I believe, in the future on these things.

Lunny: Our request of you is to consider 10% as a recognized impact to our city.

Wishner: All right, I understand. Item #F.

Armstrong: Item #F. The Flamingo berm. That is the continuation of the buffer along Flamingo Road from 8th Street south to 2nd Street that had been a Melaleuca stand that obviously went wayside with Hurricane Wilma. Again, recognizing that this buffering is an important part of what we do on both sides. Number one, obviously the residents in Plantation Acres are left in a position of great concern because of the lack of buffering from the road, that is a City of Sunrise Road, which is Flamingo Road, and the need to be able to also create a good condition there as far as those that are trafficking on Flamingo Road from the south to the north to get to Sawgrass Mills is that we would like to see that buffer continued from 8th Street south. We did approach the developers again with a contribution because we feel like, again, impacts that are being created there today, those that will be coming down the road in the future, that there is a responsibility there for the development community to share that financial responsibility with you in being able to create that buffer.

Wishner: And we talked about this ...

- Armstrong: We had a conversation about that one and ...
- Wishner: Let me tell you out of that conversation, within two hours the City Manager and I drove up and down Flamingo Road and I identified with him the problems that we have that exist with the current berm and the dead vegetation that has not been replaced and I believe we are working on that as we speak, to fix those gaps. As I directed him, when the little ones grow up we are going to put the ones, as tall as we can get, to replace those so we don't have to wait years for them to grow up and become mature and fill in. We are going to move forward with that. I think the Manager has allocated or found some dollars available.
- Moeller: Yes, actually the City will probably remember after the storm, Wilma, that we went in and replaced a number of those trees along there ...
- Armstrong: Big trees; big trees.
- Moeller: Yeah, Oaks, recognizing that issue. So we did that and some of those are still framed up so we'll look at that and as the Mayor said, we are evaluating that and going in there replacing the planting and trying to restore it to something I think you will be much happier with.
- Wishner: Now, as far as the extension from 8th Street to the south and I don't believe it goes all the way to Broward Boulevard I believe it goes up to where the townhouses are, right, 1st Street or whatever that is back there, because the old Flamingo Road is on the back side. As we talked, you or I'm not sure who, planted I guess some Ficus back there, which is now grown tall, I mean, surprisingly in a short period of time it has grown up, so there is some buffer there now within your right-of-way. I believe you have an easement and then there's a separation and that's where our setback is there. We've been talking about the issue, I don't think there's a problem with us looking at this and trying to find the dollars. You know, and certainly I can tell you, we did a major replanting on Flamingo Road and as a matter of fact, Mr. Rosen was the one that just raised his hand and said, "You're spending a lot of money", I think it was \$3,000,000 if I'm not mistaken was the dollar amount. Certainly if we would have had this discussion prior to us approving this I'm sure that we would have talked about; figured out a way to find the dollars out of that whole thing to continue that. Our biggest problem now is just being strapped for the dollars to allocate for that. In discussions, I think we can continue the discussions and see if there is a possibility we can, down the road, come up with a solution to that berm, putting a new berm and hedge in.
- Lubelski: In actuality, I thought we stopped at 8th Street because that whole side was bad, but in discussion with the City Manager this morning, I found out that I was incorrect in that and that it does; the berm does continue ...
- Wishner: And there's an old agreement by the way, I don't know if you're aware of this, the old agreement between I believe the Plantation Acres District and the cities; it was a tri-county agreement that ended it actually there and for some reason, don't know why.

Armstrong: It was primarily because of the Melaleuca stand that existed there at that particular time and that was deemed to be a complete and appropriate buffer at that particular time; unfortunately, the Melaleucas are now gone so we are now dealing collectively with a different condition there. The residents in Plantation Acres have been adamant about the responsibility for that being a permanent wall, which is similar to what Sunrise did recognize and put in north of 28th Street against the residences.

Wishner: A permanent wall in that gap that's there?

Armstrong: In; well, the whole length from 28th to Broward Boulevard. Obviously that is a topic of significant financial impact in order to be able to put a wall section in there. That's what has brought, again, around to the discussion of the really importance of being able to create a better buffer there than we can create in the City of Plantation with the limited land that we have available. I think I told you Roger, I had made the approach previously, probably before you spent the \$3,000,000 in the City of Sunrise to try to structure a solution there that was multi faceted in nature in terms of being able to get some theme of money at that time that was available to do that. We couldn't do it in the City of Plantation because it wasn't in the City of Plantation, it was in the City of Sunrise and the conversation was basically rejected. With that said, that's that, so let's go forward. I think that it is extremely critical to us that you take a look at that section and that we come to some kind of understanding as to the cost to put that berm in place in a form that we create the appropriate buffer. We had done some estimates on it previously, at the time I had referenced and anticipated with smaller trees, which were what were being considered at that time, that that cost was somewhere around \$660,000 in order to be able to do that project. So we have a pretty good idea of what to expect if you're going to put in 18-foot trees, obviously, that cost is going to increase by another \$200,000. It is a part of this continuing development because of the fact of the impact on Plantation Acres that is extremely critical to this discussion, that we have a timeframe when we can anticipate, we can address this and recognition of some kind of financial, you know, commitment to be able to get it done. Now, I got you guys \$250,000 towards this project out of the County and the refund on the noise walls on Hiatus Road, which you should be able to get because the County is not going to pay for noise walls going forward. So let's say we found the first \$250,000, let's see where we can go to find the rest of it.

Wishner: I think what we should do at this point is try, I guess, can we do this in-house, get a preliminary idea of the cost to ...

Moeller: Yeah, we can put together some ...

Armstrong: Our City Engineer did put together some figures between our City Engineer and our Landscape Department and they put some new figures together based on what they anticipate the fill cost to be today and we would be glad to share those with you and that is almost to \$800,000 if you are going to put in 18-foot trees along that area. That was the updated estimate.

Moeller: We'll get our staffs together and ask them to share that information with Mr. Lubelski and then we can take a look at it. Obviously, as the manager puts together the budget for next year this will be something that I think we can talk about during the budget process.

Obviously again, it's, I don't know what this year; we don't know what this year is going to look like for any of us and I think we take it on the chin if we decided that we were going to cut some services, which we've already cut back on some services, but we move forward with spending that kind of money on landscaping. You know, that's where the biggest problem is, you know, what is the highest and best use of spending taxpayers money and I don't know ...

Armstrong: That's why we keep going to the developers and saying ...

Wishner: These two developers; how do these two developers create that impact. Now, keep in mind, I asked to get some research done when these homes were built and we're looking at nine homes that are along Flamingo Road, that part, the ones that are affected by the removal of the Melaleuca trees. I believe only two of the houses were built in the 80's, the rest of them were built in the 90's. I believe Flamingo Road was done when?

Armstrong: About 88.

Wishner: So a lot of these homes came in after; they had the Melaleuca as their protection; who would ever thought that, you know, that mother nature would destroy mother nature at the same time and again, I think that, you know, as a commission, if we would have recognized that this was an issue during the time we were planning, the former administration was planning, this landscaping thing I believe that we probably could have somehow figured out a way to do that or at the same time we would have come to you and said that new development on the corner of Broward and Flamingo, let's ask them for some dollars from them as well, because they are going to obviously; I believe they're almost from that, not totally, but I believe Flamingo Key and that development, a quarter of it, is the new development that's there on the corner of Broward and Flamingo.

Petrocelli: Mayor, first of all I want congratulate Assistant Deputy Mayor, Don Rosen, for bringing up a red flag when it came to \$3,000,000 in landscaping because I think I would have brought up that same red flag. A lot of money when the first and most important thing to the Acres was a wall and that money could have really been contributed to a wall, which is; you don't have to worry about the long range of maintenance and staffing and all that stuff. I do want to get it on record that that's what the most important thing is to the Acres is a wall; it separates them. And you're right; the Ficus hedges on the old Flamingo part are getting better. I just don't want it on the record that the berm is the most acceptable object, you know, we're all dealing with finances and that's one of the things when people talk about \$3,000,000 that we could have had this agreement a long time ago, just a conversation that we could have got that wall all the way down and had that separation and security. I know the ages of the homes that are out there and, you know, it's like you move next to an airport and say hey listen, I want this airport to go and the airport has been there for 50 years. So, I appreciate that but I know in talking to the residents out there and we're not trying to make this just an Acres issue because it starts all the way from Sunrise Boulevard and the Turnpike, all the traffic going west. Davie's dealing with this on 595, we've all heard about them wanting to charge impact fees. Oh, as they come up to you, do you live in Davie, okay, we'll treat you differently and we don't want to get into that, we don't want to be at the basketball courts counting people that are from Sunrise and those from Plantation. This is the catalyst to get us to the point where we

could really make everybody happy and that's our goal; our residents and your residents obviously we all answer to different people but those are the most important things to our residents at that point and the impact, although you say it's a couple of miles west, how does that impact, or 136th. We have projects over the city but they're not enormous and that's just the way it is. I know you are trying to say to these developers, well how do we get to them for a traffic light, they're three miles away. And Don, you and I, we talked about this, how is this person going to say oh geez, how does that affect me? You're bringing east west traffic away from the Sawgrass so we can take traffic maybe off of 136th or Flamingo Road too. We do have impacts on the entire city which include Broward Boulevard, people who get to your area through Plantation and the side streets.

Rosen: However, Rico, if memory serves me correctly, when the project of Sawgrass Mills was really being anticipated, I would have to refer this on to my Mayor, who was probably here at the time, didn't the; wasn't the Acres as the sign off on Sawgrass Mills?

Wishner: Yeah, it was collective at that time.

Rosen: Where my difficulty is ...

Wishner: Plantation was very active in that. Don, were you around then?

Lunny: I was but not really. I was still caged.

Armstrong: We were definitely yes, most definitely here.

Lunny: It's the same kind of thing because Metropica is taking advantage of the Amerifirst DRI and so and they are changing it and so that community, you know, certainly we are not asking that P.A.I.D. and Plantation Acres have a sign off right because I don't think we can do that in the 2000's.

Rosen: What I'm trying to understand I guess to help work this out is I've got a location which draws approximately 27,000,000 visitors a year to it and I don't see or maybe I'm having a little difficulty seeing that the additional residents that are being proposed is going to cause a major impact as compared to what is already there and also with the additional roadways that are being proposed to move traffic away from Plantation, not that I'm against it, I like the idea about the traffic light by the way, I'm trying to get a better understanding of how that additional traffic will truly impact the City of Plantation from the aspect of traffic moving in the other direction. As Bruce says, we don't cross pollinator on a regular basis so ...

Lunny: I can't really give you a scientific answer sir, but I can at least say this, that when the original DRI was done there was an agreement, which Roger referenced, with Plantation Acres and Sunrise concerning the reconfiguration of new Flamingo Road and rebuilding of now what is 124th Avenue and there was a berm and landscaping component of that and at the time there was that Melaleuca hedge, for lack of a better word, which is now not present. So now that that same project, that same land is now going through a change to its DRI we think it's appropriate to ask because of that change that we go back and look at this shield that is no longer there in that missing area. So our request was to have that

missing berm reinstalled and planted missing segment and we asked the developers to contribute to that and their answer was no, because there was no science where they could say there was 40 more cars and that translates to three bushes and a mound.

Rosen: If we enter into a conversation, let's say, let's use Metropica since you already brought that one up. As a City, I'm just trying to get your thought process here, and the Manager or the Mayor approaches the developer and says we are asking you to help participate and they once again say no. What is the alternative in your thought process?

Lunny: What is the alternative? For you?

Rosen: Or for you.

Lunny: For you it might be to determine that you're not going to grant comprehensive land use plan amendment. It might be that you are not going to approve their requested DRI. For us, we hope to resolve our differences but if they're not resolved then we're going to have to continue a dialogue elsewhere, which is not our desire to do. We are trying to resolve this here. I think in all fairness our view was that it's kind of odd to say to the Acres community or Plantation you had a say when the entire DRI was developed but you don't have any say at all when a piece of that DRI changes significantly, especially where we have a changed circumstance and we don't have that Melaleuca there anymore.

Wishner: Well, there's no doubt that no one ever anticipated that that would happen, if it was I'm sure there would have been some writing in there that said in the eventuality that that vegetation is gone that someone, whoever it is at that moment and time, will now continue it on. Now we are going to put those in our agreements I would think, now that we have come up with a problem that exists there. Again, it's really just a matter of, you know, the Mayor found \$250,000, hopefully it's still there by the time someone wants to use it but again, I think the staffs need to go back and discuss it and come up with pricing. Hopefully the pricing for fill has come down, which is obviously a huge component of it. Maybe our respective cities could find a way to find the fill somewhere. Maybe there's something going on in our cities where they don't need the fill for whatever reason; within our respective cities maybe we can find it and again, that's a huge savings right there in itself. Any portion of it would be helpful. We need to think outside the box a little bit on some of these things. And certainly when they were going the corner of Broward or the one over, the trailer park, would have been maybe the opportunity for us, I don't know if they hauled away any fill at that point. Maybe we need to think outside the box and come up with some ideas of where we might be able to get it within our own communities and then we only have hauling costs that are associated with it, which would be much more less than the cost of actually digging it out of the ground and using it. So it's just something for everyone to think about on both sides.

Armstrong: Okay, can we go back then to ...

Wishner: Oh no, we have #G, #G is on your back page.

Armstrong: Okay. And to some extent I think what we have done is discussed that as it relates to intergovernmental coordination. Obviously this is part of a process we would prefer not

going to be this kind of formal process but one that's going forward on a different degree and a different level. I know that I asked my City Planner to look at several things, Bruce, really. Public policy and good public policy in terms to intergovernmental relations and also the methodology to see if there is some conversations that we can have there that would be significant between our two staffs to be able to identify for all of us maybe some direction or some thoughts along the line of being able to, particularly for the City of Plantation and the City of Sunrise and our comp plans going forward, that we don't end up with another tao on our border, which is of significant concern. And that learning from that experience that there is an opportunity to crystallize in some form, some better conditions that preclude that kind of thing from happening in the future and also to discuss the service conversation. So, Don, unless you want to add to something else on that part because we have talked about this.

Lunny:

We've had residents come to our City Council and voice concern with the height and scale of that particular project being so close to the other side of Flamingo Road and often in this business we are reactive and they cheer and darn it, all of a sudden there it is and despite all of our collective efforts you look at a blueprint and you just don't see it until all of a sudden there it is and now, wow, how did that happen? So I think is it possible and would it be something that Sunrise would consider to perhaps have a staged height restriction where if you're within a certain distance of the west boundary of Plantation, maybe the maximum height of the building would be a certain story and then that would step up as you move away the City's boundary, and perhaps we could have some collective comments either in our comprehensive plan or in the intergovernmental agreement where if there were variances to that we could have a dialogue to that because I think that the issue about height right next to the Plantation Acres community is one that we're going to deal with unless we respectively get some cooperation or recognition with our neighbor Sunrise about how that might affect this area. Both our Plantation Acres area, it is a special area under our land use plan, and none of those zonings have changed; we have not changed the RS1-EP zoning for years and those commercial projects were filled under B-2L zoning. We did have one of the corners come in, which came in as a piece of litigation, so that one I know about but I'm hopeful that if we can involve a concept of maybe limiting heights in a reasonable way, in a reasonable way, that that might go a long way towards mitigating in the future instances of complaints and friction between our cities.

Wishner:

And I think there was a story done by I believe, I think the Sun Sentinel, the story on the issue of the height and stuff. I don't think anyone has a problem with having staff work together when it comes to those. I'm not sure and I think based on my experience with the commission that these projects like those are going to be much more scrutinized by the commission for its aesthetic look appearance and how it impacts the area. I don't think height is really the issue that we're looking at; we're looking at it all; how is it going to look when it's built, which is something that was never really asked in the past. I think that this commission is now much more diligent in doing much more scrutiny on these projects when they come to us. I think that this commission also, before it comes to us and as it's going through the process, as you know it goes through I believe the Planning and Zoning Board, after it comes out of that department some of them go to Board of Adjustment I guess in some ways, but not all of them, and then they get to us. I know that I'm looking at them before they get to the end decision making on our part. But the

problem that we have is that I don't want to stymie the development community or property owners that put restrictions on them in advance before they get an opportunity to present something, an idea. I don't think any of us should turn away any ideas, especially now. But we will certainly be cognizant of that issue and that is how the height will be associated with, and I don't know what number it is and I don't know if you have a number that you are trying to get us to put in.

Lunny: No, but its shadow, you know, we have shadowing and quite frankly the proximity of that structure to our; that particular neighborhood, has just created a lot of angst.

Wishner: I know.

Lunny: So I would like to try ...

Wishner: Well, correct me if I'm wrong, but I don't believe there is anything left on Flamingo Road or anywhere near the Acres at this point that would be; I don't think there's any land left. I know that the one piece of property that's in that area, they're looking at a liquor store, I think ABC Liquor, or somebody's looking at it.

Moeller: That's the only piece ...

Wishner: That's the only commercial thing that's right by the tao project and other than that everything is that way on the other side of the ball pretty much. There's no land left to do anything unless something's getting knocked down; an idea to knock something down and bring it up. I don't anticipate because I think everything there is pretty much new but as far as land, anymore left that's up against Flamingo Road or anywhere near Plantation Acres, I don't think we have anything left. So I think that that, unless you know something else, I don't. I mean our *inaudible* already done and maybe, but that has no bearing on you guys because it's north of Oakland Park Boulevard, what's left over there, the two pieces of land, they're not near the Acres and I don't think we could build something tall enough there that would shadow.

Leeds: There's a perception and I've only been with the City a year effective January 28th, looking forward to passing probation.

Wishner: Congratulations.

Leeds: I took a look at the; it's more a perception; even before I came to work here and I worked for Dania Beach before I got here for several years but I have lived in Plantation for many years and when the Tao was going up I would get calls from people who were friends who happened to live in the Acres because they assumed because I was City Planner in Dania Beach I could answer all their questions. One of the things that is a concern; there's a perception, and I realize, you're correct, most of that land is developed or is a retention area along Flamingo but currently the height allows; currently the City allows by right, up to 250 feet, a 25-story building, and that's true in the commercial district and I think it's also true in the planned land development. Now, the setback that is required is only about 50 to 75 feet and everybody understands there's going to be big buildings to the west, to the west. But I think it would go a long way if we could come up with some sort of

understanding or process to make sure the Tao scenario, where it's built right on top of the road, doesn't happen again. Right now under your zoning it could be duplicated tomorrow if somebody decides to redevelop a site in two or three years. We don't know what's going to happen down the road, you know, this Sawgrass Mills is evolving.

Wishner: We don't even know if we'll be here in two or three years.

Leeds: I hope I'm here two weeks.

Wishner: You're an employee, we're elected.

Leeds: I guess all that I'm looking at, because I think it would provide a comfort level for the residents, if it is some process that would determine setbacks based on the height of the building and I think just to have that process in place and not to make it, you know, so it's locked up so it never can be changed would go a long way in satisfying the residents in Plantation Acres. Plantation Acres is always going to be semi rural residential, it's one-acre or two-acre lots, it's large homes, it's people deciding to put in these little tree farms and it's not going to change that much. It's really not going to change but Sawgrass Mills will evolve and will transform into a major regional area. I don't think there's going to be anything quite like it in the region. So we're just looking for that one issue.

Wishner: Obviously it's a topic of discussion I think we need to have and obviously we need to have it with a full commission input. I would say let's go ahead and start working on some ideas and certainly as those ideas come forward we would be happy to share them with you guys and see where; let's have staff come back to us with some recommendations.

Leeds: Can I work with your staff on this?

Wishner: Yeah, absolutely, I don't think there's a problem with that. Again, that's how we started this whole thing out, we want to work together.

Leeds: Okay, thank you.

Wishner: The problem we are having with this particular two projects is it's the fourth quarter and there's less than a minute and you're down by four touchdowns and it doesn't matter how many onside kicks you get, it's going to be very difficult for us to not win the game of these two. We are willing to absolutely work with you guys on these issues. I think that; I'm sure Don feels the same way.

Rosen: Absolutely, and I think you bring up an argument, in a lot of cases we are very reactive and I'm looking at things from, as a prelude to what's coming down the hook. So I have no problem in joining the Mayor here in any discussions, whether you want to do it directly from a political level or staff level, whatever it takes because I've never had a problem working with Carole or well, Rico. In all seriousness, you know, we share a lot more than just borders, we share issues whether it be the North Broward, I mean the Northwest Council of Mayors, the Broward League of Cities, Florida League of Cities and Interlocal Agreements. We've never had a problem working and I don't expect we're ever going to have a problem working together. As I said, I love the City of Plantation just as

much as I love the City of Sunrise. We'll do whatever it takes to work with you all and get these issues resolved.

Lunny: That's something that I personally very much appreciate; those statements. Thank you for them.

Rosen: Not a problem at all.

Armstrong: Do we need to quantify in any way what the next step should be here in order to be able to; we had anticipated that there would be a meeting on February 9th; this is an assessment to try to determine where we are with these conversations. I'd like to suggest that if there's any of the information that we can put together with staffs between now and going back to the County Commission next Tuesday that maybe we, Dan ...

Keefe: Two suggestions; maybe to go ahead, I know, because we have the advertising issue, go ahead and schedule the meeting for February 9th with the joint commission and council if it's needed and then if it's not then we don't have to have it. I think we've identified at least three issues; the utilities, the traffic light and the berm. Maybe we could have a staff meeting, Bruce, between maybe next Monday even, before the County Commission meeting to give some progress and also prior to your next, I think you have a commission meeting that Tuesday also, and then we have a ...

Moeller: We meet on the 22nd.

Keefe: Then we have a council meeting that Wednesday so we could get some progress to see if this February 9th meeting would even be necessary or we need more than one meeting with staff. I think we made some progress and that we can resolve some of the issues.

Wishner: So your suggestion is to go ahead and let's go ahead and notice the meeting and then we'll try to get back together on Monday to check our schedules.

Rosen: Are we still going to look at 3:00 or ...

Keefe: This would be just staff because again, with the elected officials you've got an advertising issue.

Rosen: I'm talking about the 9th, are we still looking at 3:00?

Keefe: No, 6:30, and we do have Volunteer Park available if you'd like; we'd be happy to host it.

Wishner: That's fine, I think we can go ahead and post it for advertising for February 9th at 6:30 at Volunteer Park and then if we need to we can cancel it and we can talk about that after we get together next week.

Keefe: Okay.

Armstrong: All right, I think this is good, I think this has been productive, we really do appreciate the open door, the opportunity to, you know, have this kind of dialogue and I think it's good. Thank you very much.

Wishner: Your welcome. So I think we can adjourn.

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IV. CONTINUED NEED FOR JOINT PUBLIC MEETING PURUANT TO CHAPTER 164

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V. ADJOURNMENT

The meeting was adjourned at 3:58 p.m.

ATTEST:

Susan Slattery
City Clerk

RECORD ENTRY:

I HEREBY CERTIFY that the Original of the foregoing signed document was received by the Office of the City Clerk and entered into the Public Record this _____ day of _____, 2009.

Susan Slattery, City Clerk