

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

**MARCH 11, 2009**

The meeting was called to order by Councilman Petrocelli, President of the City Council.

1. Roll call by the City Clerk:

Councilmember:	Diane Veltri Bendekovic Jerry Fadgen Robert A. Levy Rico Petrocelli Sharon Moody Uria
Mayor:	Rae Carole Armstrong
City Attorney:	Donald J. Lunny, Jr.

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2. The invocation was offered by Councilwoman Bendekovic.

The Pledge of Allegiance followed.

3. The City Council Minutes for February 11, 2009 were approved as printed.

4. The City Council Minutes for February 25, 2009 were approved as printed.

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**ITEMS SUBMITTED BY THE MAYOR**

Mayor Armstrong extended congratulations to Councilwoman Bendekovic and Councilman Levy on their re-election, and Peter Tingom on his election to the City Council. She expressed appreciation to the new members and to those who have served in the past.

Mayor Armstrong announced the Swearing-In Ceremony would take place at 12:00 noon on Friday, March 13, 2009, at City Hall. She extended an invitation to all those who would like to attend this event.

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Mayor Armstrong read a Proclamation designating April 17 and 18, 2009 as *Relay for Life Day* in the City of Plantation.

The Proclamation was accepted by Councilwoman Uria and Liz Gassew, co-chairs for the event.

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## **CONSENT AGENDA**

As a Commissioner of the CRA, Mayor Armstrong had a voting privilege on Items No. 12 and 13.

Mr. Lunny read the Consent Agenda by title.

Items 14, 15, and 16 were added to the Consent agenda.

5. Approve Symetra as the Stop Loss Coverage vendor at an annual premium of \$554,750.
6. Award bid for asphalt work at the new Fleet Maintenance Building to low bidder, Charlie Frymyer Paving for \$32,857.
7. **Resolution No. 10502**  
**RESOLUTION** appointing a Wastewater Operations Supervisor for the Utilities Department. (Steven A. Urich)
8. **Resolution No. 10503**  
**RESOLUTION** supporting amendments to the Florida Statutes to increase mortgage holders' responsibility for delinquent condominium, cooperative, and homeowner association fees, regular assessments and special assessments on units in foreclosure and on foreclosed units.
9. **Resolution No. 10504**  
**RESOLUTION** to apply for a Florida Recreation Trails Program Grant.
10. **Resolution No. 10505**  
**RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 4330 NW 7 Ct. (Jane Ellis)
11. **Resolution No. 10506**  
**RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 7411 SW 16 St. (Melinda Mohall)
12. **Resolution No. 10507**  
**RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period February 20, 2009 – February 25, 2009.
13. **Resolution No. 10508**  
**RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period February 27, 2009 – March 4, 2009.

**Resolution No. 10509**

14. **RESOLUTION** appointing Tom Bendekovic as Acting City Clerk for the purpose of administering the Oath of Office to his wife, Diane Veltri Bendekovic, City Councilwoman-elect, Group 3.

**Resolution No. 10510**

15. **RESOLUTION** appointing Jeannie H. Tingom as Acting City Clerk for the purpose of administering the Oath of Office to her husband, Peter S. Tingom, City Councilman-elect, Group 4.

**Resolution No. 10511**

16. **RESOLUTION** appointing Eleanor Lyons as Acting City Clerk for the purpose of administering the Oath of Office to Dr. Robert A. Levy, City Councilman-elect, Group 5.

*Motion by Councilwoman Uria, seconded by Councilman Fadgen, to approve tonight's Consent Agenda as read. Motion carried on the following roll call vote:*

Ayes: Uria, Bendekovic, Fadgen, Levy, Petrocelli  
Nays: None

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**ADMINISTRATIVE ITEMS - None**

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**LEGISLATIVE ITEMS**

17. PUBLIC HEARING AND FIRST READING OF AN **ORDINANCE** OF THE CITY OF PLANTATION PERTAINING TO THE SUBJECT OF ENVIRONMENTAL CONTROL; AUTHORIZING THE ISSUANCE OF FRANCHISES FOR PRIVATE COLLECTORS OF CONSTRUCTION AND DEMOLITION; PROVIDING RULES AND REGULATIONS FOR ISSUANCE OF FRANCHISES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

**A memorandum dated March 11, 2009 to Mayor and Members of City Council from Daniel W. Keefe, Assistant to the Mayor, follows:**

**ANALYSIS:** The City no longer includes C&D in its solid waste franchise agreement with Waste Management. Currently, any private collector is able to collect C&D within the City of Plantation without paying any franchise fee. This ordinance would allow the City to solicit, through a Request for Qualifications (RFQ) procedure, three (3) to seven (7) qualified firms to collect and dispose of C&D and pay a negotiated franchise fee to the City. The RFQ was advertized last month and four qualified haulers were recommended to City Council in February 2009 to begin providing the franchised service in April 2009.

**RECOMMENDATION:** Approve this ordinance on first reading.

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In response to Councilman Fadgen, Mr. Lunny explained if a contractor is using a dumpster, it would be covered by this ordinance. However, if the owner of the debris is not going to put it in a public conveyance and he is taking it to the landfill himself, he is allowed to do so.

Councilman Fadgen suggested this ordinance reflect that clarification.

Mr. Lunny advised he would add that clarification for second reading. The franchise fee amount was recommended to Council and was approved. Council authorized administration to sign but they cannot do so until the enabling law goes into effect. There will not be a second resolution.

In response to Councilman Petrocelli, Mr. Keefe explained the amount of the franchise fee is \$7,500 or 10 percent of the gross revenues annually, whichever is higher.

In response to Councilman Fadgen, Mayor Armstrong indicated if the fee needs to be revised, it will be done by resolution.

Mr. Keefe advised they are proposing a two-year franchise agreement, after which those items will be revisited.

Mr. Lunny explained the City is not regulating the fees for the service. The agreement says that out of those revenues, they will pay the City the fixed sum or the 10% number. There is not a rate regulation of the market which is proposed. So, the City would not be adjusting market fees. When those franchises need to be renewed or if the Mayor wants to go out for a new RFQ, that will be the vehicle to get a new arrangement.

***Motion by Councilman Fadgen, seconded by Councilman Levy, to approve the Ordinance as amended.  
Motion carried on the following roll call vote:***

Ayes: Uria, Bendekovic, Fadgen, Levy, Petrocelli  
Nays: None

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**QUASI-JUDICIAL CONSENT AGENDA - None**

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**QUASI-JUDICIAL ITEMS - None**

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#### **CONSIDERATION OF COUNCILMEMBERS' COMMENTS**

Mayor Armstrong advised she received a request from Commissioner Lieberman regarding the possible interest of one of the Councilmembers to serve on the Broward County Regional Planning Board. She noted the meetings are generally held on Thursday mornings at 10:00 a.m. The average meeting lasts about 1.5 hours. She felt it was very important that the City be represented on this Board. It provides access to cities promulgating major projects that the City may be interested in.

Mayor Armstrong did not believe they could have an alternate.

Councilwoman Uria expressed an interest in representing the City.

Mayor Armstrong advised she would work with Commissioner Lieberman to get the appointment.

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Councilwoman Bendekovic commented on foreclosed houses in the community and questioned whether there is anything in place that addresses them. Homeowners' Associations have wanted to help keep the places looking very nice but they have been told not to do so because of the liability. Many people are not able to sell their houses because they have an eyesore next door.

Mr. Lunny explained an amendment to the Code Enforcement procedures will be brought forward as part of the global amendment that will adjust Code Enforcement liens at the filing of the foreclosure and allow for a motion early in the case that will be designed and legally supportable to encourage banks to self-help and correct violations. It is being reviewed by Administration. Unfortunately, there is not a lot of budget room to undertake Nuisance Abatement for all of these cases because there are quite a few. The case load has gone up as a result of the foreclosures in a way that is impacting the City. In the past, when they had more resources, they had the ability to authorize Mr. DeCelles to expend money to correct a nuisance and then try to recover it through a Special Assessment. Eventually, the City would get paid. However, if the City did that each and every time, it would take too long and the City does not have the funds. The City is now trying to adjust how they are handling these cases. Administration and Legal Department are in much closer contact with respect to issues that they become aware of. Mr. Lunny advised that sometimes he may not know how bad a situation is, and it is important for residents to have a line of communication open. They are looking at ways to work quickly and to stay on top of these once they are through the Code Enforcement process.

Councilwoman Bendekovic advised the neighbors who are abutting these properties said they would do the lawn maintenance, but they have been told that there is a liability and not to go on the property.

Mr. Lunny clarified he has not given that advice to anyone. He noted the bank has a contractual right to go on to the property and protect their security and they are trying to incent them do so.

Mayor Armstrong had on many occasions advised people to mow the neighbor's yard if they are willing to do so. It is a question of whether the individual or the homeowners' association wants to accept that responsibility once they know what it is. At the same time, Code Enforcement has been very aggressive with banks and owners of property in terms of having them remediate and take care of property. In most cases, you can get somebody to take care of it. She emphasized they are assertively working in that direction.

Mayor Armstrong advised she is extremely sensitive and concerned about what a derelict or nuisance property does to adjacent property values. She noted that they have been proactive in trying to use the foreclosure money in a specific way. There are some significant steps being taken. She urged people that have property of specific concern to let Code Enforcement know.

Mr. Keefe advised at the Council Meeting of March 25, 2009, they will have a recommendation relative to the nonprofit partner to work on the Neighborhood Stabilization Program. They have reviewed some of the particulars in advance and they are excited about getting started. He advised that as they go forward, part of the stimulus money coming down is for neighborhood stabilization in the form of a competitive grant. Therefore, they feel they are out in front of other cities as far as initiating the program. If they get this established in the next few months, they will have an opportunity for some additional funds for the properties. Unfortunately when they received the figures from the property appraiser, the number of foreclosed properties as of March has increased since the last report in November, so there are properties they believe they can positively affect.

Mr. Keefe advised on the next Council agenda there will be a resolution asking for Council's support of legislation on the State level that would require banks to take over some of the properties sooner and pay the association fees.

In response to Councilman Levy, Mayor Armstrong indicated at the last count, there were about 131 single family residences in foreclosure and the balance were condos for an approximate total of 235.

Councilman Levy commented that part of the Neighborhood Stabilization Program is to counsel people before they lose their homes.

Mr. Keefe advised the funds can only be used for properties that have been foreclosed and abandoned. People who have been qualified would have to go through a counseling program prior to purchasing and occupying the property. The funds are not intended to be an advance of people in foreclosure.

Councilman Levy believed the City has to find a way to keep people in their homes. It was his hope the neighborhood stabilization program would do that but, if it is only for homes that have already been abandoned, it really does not solve anyone's problem. He emphasized they need to help the people before they get into that abandonment mode. This is becoming a major problem. He suggested that if the City can get funds to provide housing counseling for people prior to it becoming a crisis, he would like to do so.

Mayor Armstrong advised the agency that was putting the information together with Fort Lauderdale and Sunrise was working in advance of foreclosures to assist people on where to go.

Mr. Keefe indicated there are some programs like that and some cities have joined together to bring in counseling. He reiterated the NSP funds cannot be used for that purpose. The City has not identified funds necessarily to pay for that program but they will be working with some other agencies to see if they can bring together some of those programs in advance of foreclosure.

Councilman Levy advised they are not stabilizing a neighborhood if they are letting people move out and then strangers move in.

Mayor Armstrong advised there may be funds in other programs that are coming down through the Stabilization Act. The municipalities that have housing agencies and housing authorities larger than Plantation are putting together more programs of a broader scale and the City may be able to piggyback on those wherever they can in order to refer the residents to those resources. It was her belief there would be some additional programs that are still being formulated.

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Councilwoman Uria congratulated Councilwoman Bendekovic and Mr. Tingom on their success in the election.

She also expressed best wishes to Councilman Petrocelli.

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Councilman Fadgen commented on the bad news during the last few months but observed that January's consumer spending was up compared to a year ago. He noted consumer spending represents  $\frac{2}{3}$  of the economy.

He further noted that Plantation permits were up dramatically in February, equal to those in June of last year,

Councilman Fadgen indicated that several months ago, he suggested that they attempt to have certain spending from the City directed to local business people. This evening, he renewed that request. Many of them have indicated that there are opportunities that they might have if some portion of the City's spending, roughly \$2 million per week, be spent in that direction. He requested Mayor Armstrong encourage the Department Heads to explore that possibility.

Councilman Fadgen welcomed Councilman-elect Pete Tingom and wished him a great period of success on the Council. He looked forward to working with Mr. Tingom on the important issues of the City.

He also wished Councilman Petrocelli good luck into the future and thanked him for his service.

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Councilman Petrocelli advised he is so proud to have been elected to serve the City. He expressed appreciation to all his supporters and indicated he would still be involved in the community.

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**PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS – None.**

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**WORKSHOP - None**

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Meeting adjourned at 8:15 p.m.

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Rico Petrocelli, President  
City Council

**ATTEST:**

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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.

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Susan Slattery, City Clerk