

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

MARCH 25, 2009

The meeting was called to order by Councilwoman Bendekovic, President pro tem of the City Council.

1. Roll call by the City Clerk:

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

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2. The invocation was offered by Councilman Fadgen.

The Pledge of Allegiance followed.

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

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ITEMS SUBMITTED BY THE MAYOR

4. Election of City Council Officers.

Motion by Councilman Fadgen, seconded by Councilwoman Uria, to nominate Councilwoman Bendekovic as President of the City Council. Motion carried on the following roll call vote:

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

Motion by Councilman Levy, seconded by Councilwoman Bendekovic, to nominate Councilwoman Uria as President Pro tem of the City Council. No action was taken on this motion.

Discussion continued with regard to rotation.

Councilman Levy withdrew his motion.

Motion by Councilwoman Uria, seconded by Councilwoman Bendekovic, to nominate Councilman Fadgen as President Pro tem of the City Council. Motion carried on the following roll call vote:

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

Mayor Armstrong extended congratulations to Councilwoman Bendekovic, Councilman Levy and Councilman Tingom on their election, and advised she is looking forward to serving with them.

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Mayor Armstrong introduced Jayne Flanagan from the Plantation Acres Woman's Club who presented a donation for \$1,500 to be used for the Summer Camp Scholarship Program.

The donation was accepted by Phil Goodrich with the Parks and Recreation Department.

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Mayor Armstrong presented Service Awards to the following City Employees:

Marlene Terziu	Fire Department	25 years
Melinda Belanger	Police Department	20 years
James Campbell, Jr.	Police Department	10 years
Officer Beverly Dailey	Police Department	10 years
Carlos Hernandez	C/S Public Works	5 years
Deloris Lewis	Police Department	5 years
Timothy Sherlock	C/S Public Works	5 years
Lisa Zelch	Planning Department	5 years

Congratulations were offered.

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Resolution No. 10512

5. **RESOLUTION** of Appreciation to Lawrence Fay for 24 years of dedicated service to the City of Plantation.

Motion by Councilman Fadgen, seconded by Councilwoman Uria, that Resolution No 10512 be approved and adopted. Motion carried on the following roll call vote:

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

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Mayor Armstrong announced the *Mayor's Interfaith Prayer Breakfast* is scheduled for May 20, 2009 at the Renaissance Hotel. She expressed appreciation to the Plantation Chamber of Commerce and Plantation's Clergy Association for their support.

Mayor Armstrong reminded residents that the *Plantation Relay for Life for 2009* will be held April 17, 2009 at Plantation Central Park beginning at 6:00 p.m. She invited every to attend.

Mayor Armstrong announced the Plantation Preserve would be holding an Easter Sunday Buffet from 10:00 a.m. to 3:00 p.m.

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CONSENT AGENDA

As a Commissioner of the CRA, Mayor Armstrong had a voting privilege on Items 13, 21 and 22.

Item #20 was removed from the Consent Agenda and placed under Administrative items.

Mr. Lunny read the Consent Agenda by title.

6. Approve request to temporarily erect one 40 x 80 canopy on Praise Tabernacle's property for church services to be held on March 28, 2009 from noon until 4:00 p.m.
7. Approve purchase order in favor of Reynolds Inliner, LLC for \$15,295 piggybacking Broward County Contract #L505149B2 to install sanitary sewer liner at 4400 NW 4th Court. (Budgeted – Utilities)
8. Approve purchase of polymer from Fort Bend Services, Inc. for \$0.16/lb. delivered through February 27, 2010. (Budgeted – Utilities)
9. Approve continued purchase of meters from Badger Meters, Inc., piggybacking the Sarasota County, Florida Contract #6145GE through February 3, 2010. (Budgeted – Utilities)
10. Approve a purchase order in favor of Delta Control Engineering, Inc. to provide and install 18 valves and actuators at the East Water Treatment Plant for \$42,046.10. (Budgeted – Utilities)
11. Approve request for temporary road closing/special use of State Road for Fourth of July Parade.
12. Approve Pyro Engineering (dba Bay Fireworks) to provide fireworks for the Fourth of July display at a cost of \$18,000. (Budgeted – 7500 Account)
13. Council acceptance of the City of Plantation Community Redevelopment Agency Basic Financial Statements for the fiscal year ended September 30, 2008.

Ordinance No. 2427

14. Second and Final 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.

Resolution No. 15013

15. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 860 Orchid Drive. (Charo)

Resolution No. 10514

16. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 291 S Hibiscus Court. (Barnes)

Resolution No. 10515

17. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 8082 NW 15 Manor. (McCarville)

Resolution No.10516

18. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 1641 SW 55 Avenue. (Lear)

Resolution No. 10517

19. **RESOLUTION** to support the City of Sunrise's application for FY 2009 Transportation Enhancement Funding.

Resolution No. 10518

21. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period March 6, 2009 through March 11, 2009.

Resolution No.10519

22. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period March 13, 2009 through March 18, 2009.

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

Ayes: Levy, Uria, Fadgen, Tingom, Bendekovic

Nays: None

Note: Mayor Armstrong voted affirmatively on Items #13, 21, and 22.

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ADMINISTRATIVE ITEMS

Resolution No. 10520

20. **RESOLUTION** approving agreement with Broward Alliance for Neighborhood Development (BAND) to partner with the City of Plantation to implement the Neighborhood Stabilization Program (NSP), having the appropriate City Officials execute same and authorizing the City Administration or City Attorney to make minor revisions thereto; and providing an effective date therefor.

Mr. Lunny read Resolution No. 10520 by title.

A memorandum dated March 18, 2009 to Mayor and Members of City Council from Daniel W. Keefe, Assistant to the Mayor, follows:

Request for Proposal (RFP) was advertised on January 28th and 29th, 2009. Ten non-profit firms were represented at the February 11, 2009 mandatory pre-submittal meeting. Two firms submitted proposals on March 3, 2009. The Professional Services Committee reviewed the qualifications of the two firms. Then the proposals were evaluated.

The committee ranked the two firms in the following order:

Broward Alliance for Neighborhood Development (BAND)
Once Stop Solution, Inc.

Based on qualifications and cost, the committee recommends BAND be the firm to administer the Neighborhood Stabilization Program for the City.

BAND has engaged the following non-profit partners who will assist in delivering the required services:

- Urban League of Broward County
- Neighborhood Housing Services of South Florida
- Housing Foundation of America
- H. O. M.E S., Inc.

BAND is proposing to provide the following:

- Funding to be committed within 18 months of contract
- Homeownership Units with initial funding (8-10)
- Rental Units (3-4)
- Additional Units developed with Program Income (8-12)
- Marketing Program
- Tenant Selection
- Insurance
- Counseling Services
- NSP Outreach
- First Time Homebuyer Training
- Post Purchase Counseling

Representatives of BAND will be in attendance at the City Council meeting to answer questions.

If you have any questions prior to the Council meeting please contact Dan Keefe at 954-797-2212.

Mayor Armstrong advised this item was moved to Administrative items in order to have some conversation about the program. Representatives from BAND were present for discussion.

Mayor Armstrong explained the City has received over \$2 million to start this portion of the neighborhood stabilization program that will take foreclosures that have been abandoned and reposition them into ownership so that an impact can be made on the neighborhoods and foreclosed properties will not be a detriment to the neighborhood. She expressed the importance of having some professional assistance from a group that has experience in doing the kind of work associated with property acquisitions.

Mayor Armstrong felt that BAND would be able to manage all the elements of the program and effectively meet the deadlines which are critical to being able to use these funds appropriately so they are maintained in this community.

Mr. Keefe advised the selection committee is very enthusiastically recommending BAND to partner with the City for this very important program. He emphasized it is important for the City to perform well with this program and there is an opportunity for additional funding on a competitive grant program for additional NSP dollars for which the City would like to apply in the future.

Patricia Stephenson, executive director for BAND, was present.

In response to Councilwoman Bendekovic, Mr. Keefe advised they had an RFP process which was advertised in late January. A pre-proposal meeting was held with ten non-profit firms to explain the program. Subsequently, two proposals were submitted and, after reviewing them, the selection committee recommended BAND.

Pat Stephenson, Director of the Broward Alliance for Neighborhood Development, spoke briefly on the process they went through in determining their response to the City's RFP. She underscored that BAND is a non-profit 501C3 organization. They are actually a coalition of non-profit organizations who do housing and other related community development activities throughout Broward County. The official mission of BAND is to foster non-profits that create quality housing and strong neighborhoods to work collaboratively to create decent housing that is affordable to low and moderate income people in a nondiscriminatory manner. They strongly believe that collaboration is the most effective way to deliver services. For the Plantation project, they put together a partnership of other non-profit organizations, developers, and HUD-approved housing counselors.

Ms. Stephenson introduced Suzanne Weiss representing of NHS of South Florida, Catherine Berry representing Homes, Inc., Monica Navarro representing the Urban League of Broward County, and Chester Bishop representing the Housing Foundation of America. She noted the key staff has extensive knowledge of using local, state and federal government funding and they bring some level of professionalism in how to appropriately manage these kinds of funds in a way that will be most effective for the City. Their housing development experiences range from new construction to rehabilitation of existing housing. She advised they carefully analyzed their capacity to respond to those RFPs because they understand the importance of the deadlines that go with this funding. She further noted that before any RFPs came out, they met with other organizations, lenders, Fannie Mae, and other potential partners to get a feel for how they could move forward with a strategic Plan.

With that information, they created the Strategic Plan that is being proposed. She underscored the real success of this program will be its effect on the community and well-prepared homeowners who occupy these homes once they are completed. The proposal places a great deal of emphasis on buyer preparation and they created a homeowner process model that will begin with an NSP Outreach Workshop so the potential buyers can understand the program. It will also include homebuyer education classes, financial literacy classes, credit counseling, and post purchase counseling. BAND's goal is to manage the acquisition rehab and resale of these units in a manner that allows the program to generate income so that additional houses can be developed during the almost 5-year reinvestment period. They projected that they will be able fund 8 to 10 houses initially and when those houses are sold, the program income is regenerated and will be able to do another 8 to 12 houses. There is also 25 percent set aside for very low income people and they intend to manage that part through the acquisition and development of at least three rental units.

In addition to getting the properties in compliance with Zoning and Code Ordinances, they want to pay special attention to curb appeal and the impact the property will have on the neighborhood in which it is located so people can clearly see this is an NSP project. She felt this NSP Contract is a great opportunity to demonstrate the effectiveness of a true public/private partnership.

In response to Councilwoman Uria, Ms. Stephenson advised that BAND is not part of Broward Alliance. She clarified the money has to be committed to properties within the 18-month period. They would certainly be happy to include any kind of outreach to small businesses during the renovation process, particularly women and minority businesses, or any small business that would be appropriate.

Mayor Armstrong advised this program comes under Patrick Haggerty who manages the CDBG and SHIP programs, as well as Dan Keefe and Priscilla Richards who have been part of the committee. She indicated that whenever possible, they would like to use the resources in Plantation.

Mr. Keefe commented that Mr. Haggerty has maintained a list of local contractors. The Building Department has also compiled a list of contractors who have contacted them. In addition, the City has met with realtors in the area to explain the program. Others include people interested in the SHIP Program as well as City employees.

In response to Councilwoman Uria, Mr. Lunny explained this is a program contract and it could be anticipated that there could be a number of assets that are affected at any one time by the program. Any termination that the City does, if the City wishes to do so, will likely be as work finishes so that they do not end up with an incomplete structure and timetables that could jeopardize the completion of the structure. The termination privilege that the City enjoys could be tailored to any specific exit strategy in a way that is not disadvantageous to the community or the overall program. He further noted a bid bond is typically a bond which a contractor puts up so that if they do not do the contract for the bid amount, or if they walk away from the bid amount, then the City can recover the difference between the bid amount and the next highest bidder. Therefore, a bid bond would not be appropriate for this type of procurement. He indicated they have a termination right and he does not know whether there is any other type of performance guarantee but this type of program is evolving. There are strings attached, and the people in Administration that have been assigned to this project will watch it. The requirement is that they perform the program as opposed to executing these specific items on these specific assets. If there was such an issue, the City could ask for a performance going forward.

Ms. Stephenson advised the City has a list of realtors who have expressed an interest in working with them on this project, particularly on selling the houses after they are completed. The acquisition will be slightly different because these have to be *real estate owned by a lender*. Therefore, some of the initial acquisitions could go through someone like Fannie Mae who has a particular program. As far as realtors listing and/or working with clients that could be eligible for this program, she expected the City to provide a list of realtors who are familiar with how this will work and they will be used as appropriate.

In response to Councilman Fadgen regarding the target properties the group would acquire, Ms. Stephenson indicated that there are guidelines built into this law and this program. For example, these homes must be purchased by someone making less than 120 percent of the median income. They must be discounted on front end by the bank or the lender who owns it and they must be discounted on the back end as they are sold. They did some projections on expecting that final costs could be anywhere up to \$250,000 which would require greater subsidy. The less they have to subsidize the buyer, the more program income there will be to buy additional houses, fix them up and resell them. The price is driven by the program guidelines. She did not believe they would be able to do high-end housing with this money.

Councilman Fadgen observed that the most they would be able to do during the 18-months is 10 houses. If the target buyer of the house is particularly skillful, it could be sold to them in less than perfect condition.

Ms. Stephenson explained the program would allow them to sell the houses in less than perfect condition; however, she would really want to see some demonstrated skills on behalf of that person. She felt it is important to get a new buyer into affordable housing but it is also important that they have housing of quality when they are done. She suggested that should be discussed with City staff on a case by case basis. She noted one of the challenges they will have in the City of Plantation is single family houses versus condos but there is certainly more than an adequate number of foreclosed properties.

Mayor Armstrong commented that there were 203 foreclosed houses in the City of Plantation and 167 condos, certainly an adequate pool from which to draw resources.

In response to Councilman Tingom, Ms. Stephenson advised that local contractors will be given a preference over those outside the City through outreach and a list that will be provided by City staff. The commission for realtors who sell the properties is set by the program itself and it is the typical 6 percent.

Councilman Levy questioned whether they would be doing any outreach to those people who were usurped in this program to see if they might be interested in coming back. Although not through this program because the money is set for a certain goal, but as they work in their travels and meet with others who may set policies, perhaps there could be funds available to help people stay in their homes and counsel them appropriately on the method and means by which they can come out from under the financial burden and remain in the neighborhood.

Ms. Stephenson advised they would make every effort to work with the people who are displaced by foreclosure. Those who work with foreclosed families would like to eventually be able to develop a pool of rentals that could be set aside for those people while they work with financial literacy and other classes to mainstream back in. The outreach will be geared quite specifically to the City of Plantation. She underscored that it is important that they are outreaching people who are already in Plantation, want to stay in Plantation, work in Plantation, or have a desire to live in Plantation. She was hopeful some of the new Stimulus money coming down would be able to keep people in their homes. That is certainly a priority of NHS of South Florida.

Suzanne Weiss with the Neighborhood Housing Services of South Florida felt it is a great match to put people who are displaced back into the community from which they came. Obviously they were committed to Plantation. Unfortunately, their credit is damaged if they have a foreclosure. She was hopeful that with the Stimulus Round 2, there will be some credit enhancement or funding that could go to the lenders for lease option to purchase.

In response to Dennis Conklin, Councilwoman Bendekovic advised the NSP was in addition to the CDBG funds.

Mr. Keefe further advised this is not SHIP money, but existing SHIP money within this program can be used to supplement funds through the NSP.

Ms. Weiss noted it is difficult to use public dollars for foreclosure rescue because of the stringent requirements.

Ms. Stephenson explained the \$2.1 million must be committed within 18 months. However, after it is committed, when those initial houses are sold, that program income can be used for a reinvestment period of about 3.5 years for a total of 5 years. At the end of that time, any NSP money that a municipality has left would go back to the Federal Government.

Mr. Keefe advised the first round of the NSP Program was a formula base. The second round will be a Competitive Grant Program. It will be several weeks before the guidance will be available on how to apply for the second round of the NSP funds.

Lynn Stoner, General Contractor and resident, advised she has been on the Broward County Small Business Advisory Board for the last 5 years and its chairperson for the last 3 years. She observed the County's program at this point is race and gender neutral. When this NSP Project was initially brought into the County, there were no goals assigned and small businesses worked very hard to finally get 40 percent small business participation to the County's contract. In speaking with some of the various cities, she noted that each city has requested that small businesses specifically be identified. Some cities have their own small business programs and others will pull from the County's certified directory because there are specific guidelines as to how small businesses qualify. She indicated there are many of those businesses in Plantation. Some of the nonprofit partners have also submitted on the County project so they are aware of how the goal process works. She advised she spoke with Ms. Stephenson and extended an opportunity to work with them on their outreach to the small businesses and was assured that was something they wanted to do. She urged the City and BAND to understand that since this will be a revolving thing over a period of time and up to five years, the small business participation in this is very important to the community.

In response to Councilman Fadgen relative to the timeframe for acquiring those first ten properties, Ms. Stephenson explained that when their contract is approved, they will immediately go to work on the acquisition of foreclosed properties. She was hopeful some properties could be ready by August 1st. Before the property is determined, there will be a feasibility inspection and the City's Building Department will work with them. She was hopeful it would be a 60 to 90 day rehab period.

Ms. Stephenson advised they have only responded to the home ownership portion of one other RFQ for Broward County. A sub-portion would go to a community land trust. She further noted they have been in discussion with one other city that may or may not do an RFQ. She advised they have been careful and strategic about their capacity to do this since they want to do it well and right.

Motion by Councilwoman Uria, seconded by Councilman Levy, that Resolution No. 10520 be approved and adopted. Motion carried on the following roll call vote:

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

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LEGISLATIVE ITEMS

23. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE PERTAINING TO THE SUBJECT OF ZONING, AMENDING THE CITY CODE REGULATIONS; AMUSEMENTS; CREATING DEFINITIONS FOR AMUSEMENT ARCADES AND AMUSEMENT ENTERPRISES.; CREATING ZONING REGULATIONS APPLICABLE TO AMUSEMENT ARCADES AND AMUSEMENT ENTERPRISES ; AMENDING THE CITY’S ZONING USE REGULATIONS SO AS TO ONLY ALLOW AMUSEMENT ENTERPRISES IN THE CITY’S SPI-3 (PLANTATION MIDTOWN) ZONING DISTRICT; AMENDING THE CITY’S ZONING USE REGULATIONS SO AS TO ONLY ALLOW AMUSEMENT ARCADES IN THE CITY’S HYBRID COMMERCIAL, FOUR CORNERS COMMERCIAL, B-2P, B-3P, and SPI-3 ZONING DISTRICTS; AMENDING AND CREATING BUSINESS REGULATIONS APPLICABLE TO AMUSEMENT ENTERPRISES AND AMUSEMENT ARCADES; CLARIFYING THE LOCAL BUSINESS TAXES THAT MUST BE PAID FOR AMUSEMENT DEVICES, AMUSEMENT ARCADES, AND AMUSEMENT ENTERPRISES; CLARIFYING THE CITY’S REGULATIONS FOR CARNIVALS, BAZAARS, FESTIVALS, ETC. AND DANCE HALLS, BOXING, FIGHTING, AND WRESTLING EXHIBITIONS; PROVIDING OTHER MISCELLANEOUS AMENDMENTS TO THE CITY CODE TO IMPLEMENT THE FORGOING; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

Mr. Lunny read the Ordinance by title.

A memorandum dated March 5, 2009 to Mayor and Members of City Council from the Legal Department follows:

This matter was last considered by the City Council at its February 11, 2009 Workshop. At such Workshop, the draft Ordinance for the regulation of amusement arcades and amusement enterprises was discussed. A copy of our February 5, 2009 memorandum which addressed in detail the “highpoints” of the Ordinance was provided for your reference.

Following the discussion by City Council at the Workshop, we have revised the Ordinance to address the concerns raised during the discussion. The revisions are summarized as follows:

1. Law Enforcement responses that do not occur during the hours of operation will not be included in the determination that the amusement devises are creating law enforcement problems or constitute a public nuisance.

2. Should the City revoke an Amusement Certificate or Local Business Tax Receipt, the City will not remove the devices; however, it may apply for an injunction requiring the operation to remove them. The business would not be allowed to re-apply for a Certificate for one year.
3. The penalties for allowing truants to patronize the business during school hours have been limited to a monetary fine of \$100 and shall apply only to Broward County students. In addition, the Ordinance sets forth a simple business practice that the business may adopt to comply with the no truancy policy. If the simple business practice is not adopted, the business also has an affirmative defense to the no truancy policy if the defendant reasonably believes that the individual was of age.

The Ordinance is ready for first reading.

Mr. Lunny presented a brief overview of the changes as outlined in the aforementioned memorandum. He recommended the adoption of this ordinance.

In response to Councilwoman Uria's concern regarding the restriction of school children under the age of 16 years from operating machines between the hours of 8:00 a.m. and 3:00 p.m. on school days, Mr. Lunny proposed instead a sign and a sign-in sheet. If the individual student attests that he is not enrolled in the school system here or is of a certain age, it will be a defense to the City taking action. He indicated the idea is to have some reasonable regulation to more carefully limit the regulation of amusement enterprise and amusement arcades where they are not currently defined.

Councilman Tingom felt this is relatively unenforceable. He had a bigger concern that the problems do not usually occur during school time but, rather, on Friday and Saturday nights when large groups congregate in these arcade-type establishments.

It was Councilwoman Uria's understanding that this Ordinance only deals with ten amusement devices or more.

Mr. Lunny explained they could have one or two amusement devices within any premises and not be considered an arcade or an enterprise. If they had between three and ten, it would be considered an arcade and an arcade must be used in conjunction with a primary leisure time activity. There can be an arcade within a movie theater but an amusement enterprise, however, is a stand alone use which is entirely devoted to these devices and that cannot be operated in conjunction with a theater because it has to be its own establishment such as the one proposed by Tilt. An amusement arcade must be located in a mall building in the SPI district.

Councilwoman Uria believed that the student restriction would be hard to enforce but she had no problem leaving it in the Ordinance. She suggested that night times may present more problems.

Motion by Councilman Fadgen, seconded by Councilwoman Uria, that the Ordinance be adopted on first reading as presented. Motion carried on the following roll call vote:

Ayes: Levy, Uria, Fadgen, Tingom, Bendekovic
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 commented on an inquiry that was put forward relative to finding a strategy for a foreclosed property that has a lien and must come into compliance to get through the process expeditiously. She advised those cases are being handled on an individual basis with an expedited format to get those properties into the hands of someone who will live there.

Pete Worthy was present, along with a representative from the bank that owns the property he is trying to acquire.

Mayor Armstrong was uncertain whether Council could assist Mr. Worthy at this time. She noted they did have a conversation and they need to get a request from the bank in order to mitigate the fine. With regard to the roof inspection and the permits, she noted they need to have the bank or Mr. Worthy make a request.

Mr. Worthy advised they cannot get the closing documents because there are two liens against the property. He explained the bank will not let him buy the house unless the liens are totally cleared up. The Building Department will not relieve or remove the defect unless they have a new roof and new doors in place.

Mayor Armstrong explained that they had discussed the possibility of either Mr. Worthy or the bank escrowing that money for completion of the work. He also needed an understanding of the cost of that work.

Mr. Worthy explained the roof was ready to be redone after Hurricane Wilma in Aril of 2006. He got an inspection and got approved. No more work was done after that time. It now needs have inspection on the existing membrane. The roofers will not take responsibility until the City approves it or denies it.

Mayor Armstrong explained the process, noting if he can get a certified engineer or someone to inspect that roof, Mr. Sabouri can accept that inspection and that will allow Mr. Worthy to get the work completed.

Mr. Lunny explained there is really no problem. The City can accept an application for lien reduction under these circumstances without the violation being cured. If it is an active piece of litigation, Mayor Armstrong is acting pursuant to the Charter powers and has flexibility beyond Chapter 6, Lien Reduction Techniques, to try to address situations. If the City is not in litigation, either enforcing its lien or being sued in a foreclosure and the item is passive, then they adhere entirely through the lien reduction process as established by Council. There is not a problem in trying to address a reasonable collection on the outstanding fine and costs. He further noted the Building Department of the City cannot go out to a piece of property and advise a property owner that the roof is safe or unsafe, nor can they do something that is not strictly in accordance with its governmental responsibility because the City is not insured for and cannot accept any special duty to a landowner.

The Building Department is allowed upon an appropriate request or permit application to inspect work that has been done and to determine, based on their observation of the property, that it does or does not meet code. As long as they do not do anything out of the ordinary, the City has no exposure and is immune under the case law today for the enforcement of the Florida Building Code. He cautioned that Mr. Sabouri should not go to a piece of property and inspect it for the purpose of trying to establish a preclosing escrow of what is a reasonable sum to fix this roof. Instead, the property owner should engage an appropriate engineering firm to do that inspection and give them that advice. The Bank can do that now. The Bank has a right of inspection under the Bank documents so there is no need for the Building Official to try to do something that is not within the scope of his official duties as a City Safety Officer.

In response to Councilman Fadgen, Mr. Lunny advised the Building Department does not have to accept the opinion given by a private engineer as to the quality of the roof to handle the tile he wishes to install. If there was a valid permit issued that is now outstanding, Mr. Sabouri has the ability to designate a private sector type special inspector and he can choose to rely on a report that is certified to him so that he does not have to do an inspection himself. The City cannot have the Building Official do a pre-closing examination for the purpose of advising a perspective buyer whether the roof is safe because it is not within the course and scope of their official duties. There must be a permit issued before the Chief Building Official gets involved.

With regard to reducing the fine, Mr. Lunny explained the individual must file an application with the City Clerk for the lien reduction, after which the file is reviewed and a conclusion is reached on an amount.

Councilman Fadgen suggested an emergency resolution be passed to suspend at the Mayor's discretion all normal applications of procedures and implement expedited special procedures in the case of tax sales, short sales, and foreclosures to deal with settling this problem. He proposed making a motion to that effect.

Mayor Armstrong advised the City already has that authority.

Mr. Lunny advised they would be bringing back to Council a revision to the Code Enforcement Ordinance which has been under administrative study for the last two weeks. He explained there is one mechanism that he is using to try to encourage banks to be more proactive in solving problems. Almost always, unless something is absolutely an emergency, they are still requiring, even in the context of litigation, applications and file review. The process is being expedited and it is not under the normal process. He underscored they do need to have some consistent procedures. He noted they are collecting funds from banks when the property owners have not been responsible. The banks typically have the power to pay to protect their secured interest. The City is trying to be flexible and there will be some relief in terms of this next Ordinance. It was his view it is being handled and when the Ordinance comes up, if Council has any further ideas, they can be discussed at that time.

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Councilman Levy indicated he is involved with Hollydogs Greyhounds Adoption which is a "no-kill" adoption program. They raise funds all year for a farm that is near Bonita Springs in Collier County. If the dogs are not adopted within 30 days in Hollywood, they are sent to the farm to live out their natural lives. He advised they are continuously raising money for that purpose. He noted there is a Hollydogs Adopt-A-Greyhound Picnic on April 5, 2009 from 11:00 a.m. to 2:00 p.m. at TY Park, and all breeds of dogs and their owners are invited.

Councilman Levy also commented on the *Relay for Life* with Councilwoman Uria as one of the co-sponsors and host on April 17, 2009. He read a letter from Debbie Wasserman Schultz who was diagnosed with breast cancer last year. He underscored that *Relay for Life* and all such events are most important in getting the message out about breast self –exam and early detection.

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Councilman Fadgen commented on the monthly billing charge on the water bill. He noted one of the residents pre-pays his water bill six or eight months in advance. Each month he receives a \$2.50 billing charge. He suggested the monthly billing be waived for anyone who pre-pays six months or more.

Hank Breitenkam, Utilities Director, advised the billing charge is the cost of doing business, reading the meters, making the bills, sending them out, and it is usually rolled into the water bill. About ten years ago, they decided to list it separately on the bill. They are revisiting the matter and will be providing recommendations within the next few months. He further noted they are changing their billing system so that they will soon be able to accept on-line payments in an attempt to do away with paper bills.

Councilman Fadgen also commented on a small property owner and tenant who was upset because the annual fire inspection fee went from \$35 to \$135. It was his belief that when it was approved, it was based on comparative cities. However, this individual pays two fees, one for his property and one for himself as a tenant. Councilman Fadgen proposed for properties less than 50,000 square feet, if the property owner is also a tenant, that they only pay one fee.

Mayor Armstrong suggested reviewing the matter to see exactly what the impact would be. Generally, if there is a property meter or a fee, there would be a major building with a common area inspection process as well as that associated with the individual tenant space. She was uncertain how that is structured.

Fire Chief Pudney indicated the fire inspection fees are based on the occupancy. If an individual owns an office building, there is a fire inspection fee for the common area of the office building. There is a business license that goes with that and there is a business license fee that is also collected by the City. He advised if the owner of the property also has a business located in that property, it is a separate occupancy and it is inspected individually. There is a fire inspection fee called for in the City Ordinance.

Councilman Fadgen felt although the ordinance does provide for that, the City ought to try to accommodate those smaller properties, less than 50,000 square feet. He felt the tenant should be considered part of the common area and should only have one fee.

Mayor Armstrong advised they review those fees on a regular basis. However, she would like him to have an understanding as to what the impacts would be and the fact that they are independently provided for in the inspection process.

Councilman Fadgen advised it would provide some relief for a small property. He indicated he would be happy to wait for impact information.

Councilman Fadgen questioned the status of the red light camera.

Mr. Lunny advised that item was shelved pending legislative action because it was something that required further legislative action. The Legislature is now undertaking special acts to do that and the City will review it again.

Mayor Armstrong felt it needs to be implemented.

Councilwoman Bendekovic agreed.

Councilwoman Uria commented that the red light cameras are very important for the public safety.

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Councilwoman Uria expressed her support for the Hollydog event on April 5.

Councilwoman Uria commented on the letter from Congresswoman Schultz and underscored the importance of *Relay for Life*.

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Councilman Tingom expressed appreciation to his wife, sons, and all his supporters for their efforts in the campaign. He observed there are a number of appointments to various Advisory Boards and Committees. He opened those positions to all the residents of the City and advised the applications are available on-line or through the City Clerk's office. He requested those who wish to serve to send a letter or e-mail expressing their interest. He indicated he would review those applications and make appointments.

He advised he intends to serve the citizens of Plantation with integrity, excitement, enthusiasm and energy, and he expressed appreciation for this opportunity.

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Councilwoman Bendekovic briefly discussed bulk pick up. She felt they need to revisit that issue relative to people who are not adhering to the 24-hour guidelines. Renters and people who are in foreclosure are putting their bulk pick up outside so early and the neighbors are calling Code Enforcement. Code Enforcement is acknowledging it but they give them 30 days notice. She suggested changing that practice, getting in touch with the owner of the property and advising them that they need to have it removed within 72 hours or they will receive a violation. Nothing is more damaging to a neighborhood than seeing large piles of bulk pick up out right after the bulk pick up has been collected.

Mr. Lunny advised Mayor Armstrong will investigate whether there is a legal issue, and she will contact him.

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PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS

Dennis Conklin, resident of Park East, commented on the Plantation Business Park and the Plantation City's Defined Benefit Plan.

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WORKSHOP - None

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Meeting adjourned at 9:45 p.m.

Diane Veltri Bendekovic, President
City Council

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