MEETING OF THE CITY COUNCIL
PLANTATION, FLORIDA

APRIL 1, 2009

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

1. Roll call by the City Clerk:

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

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2. The invocation was offered by Councilman Tingom.

The Pledge of Allegiance followed.

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ITEMS SUBMITTED BY THE MAYOR

Jim Romano, Director of Parks and Recreation, announced April Pools Day has been rescheduled to Thursday, April 9, 2009, from 10:00 a.m. to 12:00 p.m. at the Plantation Aquatic Complex. The event is sponsored by the Plantation Fire and Police Departments, along with Broward County Swim Central and the American Red Cross. There will be demonstrations by dive rescue teams, a mock drowning and rescue, and the use of a 911 simulator. He was looking forward to a great turnout.

Mr. Romano noted Spring Break would be held April 6 through April 10, 2009 at Plantation Central Park for children ages 5 through 10. The cost is $125 plus a $10 nonrefundable registration fee.

Mr. Romano also advised that the Annual Royal Egg Hunt would be held on Saturday, April 11, 2009 at 10:00 a.m. at Pop Travers Field. This free event is sponsored by the City of Plantation and the Plantation Woman's Club.

Summer Camp will begin on June 8, 2009 and run through July 31, 2009. Registration forms will be available on Friday, April 3, 2009. The lottery will begin on Monday, April 27, 2009.

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Mayor Armstrong read a Proclamation designating the month of April as ***Water Conservation Month*** in the City of Plantation.

The Proclamation was accepted by Jose Lopez from South Florida Water Management District.

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CONSENT AGENDA

As a Commissioner of the CRA, Mayor Armstrong had a voting privilege on Item No. 11.

Mr. Lunny read the Consent Agenda by title.

3. Approve request for Broward County Waste and Recycling Services to host an electronics recycling event in the parking lot of Best Buy at 12301 W Sunrise Boulevard on April 17-18, 2009 from 10:00 a.m.-4:00 p.m.

4. Approve purchase of Dell/EMC Archival System for the negotiated State Contract price of $85,248. (Budgeted – IT)

Resolution No. 10521

5. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 9834 Fairway Cove. (Indik)

Resolution No. 10522

6. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 722 NW 132 Terrace #312. (Reilly)

Resolution No. 10523

7. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 1201 SW 51 Ave. (Maull)

Resolution No. 10524

8. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 925 SW 49 Ave. (Lanford)

Resolution No. 10525

9. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 1146 N University Dr. (Curtiss)

Resolution No. 10526

10. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 700 Azalea Court. (McDonald)

Resolution No. 10527

11. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period March 20, 2009 – March 25, 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: Fadgen, Tingom, Uria, Bendekovic
Nays: None

Note: Mayor Armstrong voted affirmatively on Item #11.

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ADMINISTRATIVE ITEMS – None

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LEGISLATIVE ITEMS

12. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE PERTAINING TO THE SUBJECT OF CODE ENFORCEMENT; AMENDING AND CLARIFYING THE PROCEDURES FOR THE SUSPENSION AND REDUCTION OF CODE ENFORCEMENT FINES AND AUTHORIZING APPLICATIONS AND APPLICATION FEES IN CONNECTION THEREWITH; PROVIDING AMENDMENTS TO THE HEARING PROCEDURES THAT APPLY TO CODE ENFORCEMENT CASES; PROVIDING CLARIFICATIONS TO AUTHORIZED RELEASES AND SATISFACTIONS OF CLAIMS AND LIENS AND JUDGMENTS RELATED TO CODE ENFORCEMENT; PROVIDING GENERAL UPDATES AND AMENDMENTS TO IMPLEMENT THE FOREGOING, PROVIDING A SAVINGS CLAUSE AND PROVIDING AN EFFECTIVE DATE THEREFOR.

Mr. Lunny read the Ordinance by title.

A memorandum dated March 27, 2009 to Mayor and Members of City Council from Donald J. Lunny, Jr., City Attorney, follows:

As the elected officers may recall, two workshops have been held regarding the code enforcement process. Exhibit "1" draft Ordinance ("Draft") incorporates the discussion at both workshops, and provides for the following highlighted amendments:

1. Codifies the practice of allowing the Board or Special Magistrate to conduct hearings upon motions for extensions of time or for suspensions of the accrual of the fine or for case status conferences prior to the issuance of the Supplemental Order Claim of Lien. As was requested at the second workshop, additional language has been added to explain to the reader what these are, and that the City will accept such "motions" in the form of a letter submitted to the Code Enforcement officer.

2. Codifies the current practice of allowing the Mayor or Assistant to Mayor to suspend fines. The Draft requires an application, and indicates that the Mayor or Assistant to Mayor may suspend a fine's accrual only after the Code Enforcement Board or Special Magistrate is finished with the case (prior to this time, a request to suspend a fine should be considered by the Board or Magistrate). As requested at the second workshop, in the event the application for a suspension by the Administration is not affirmatively granted or denied within the 30-day period following the application being filed, it will be deemed denied and the review fee will be refunded.

3. Provides a code reference for the fine reduction guideline score sheet, and clarifies the application fee and opportunities for judicial review of these decisions.

4. Provides the following clarifications to the fine reduction process:

   a. An application will still be required.

   b. If, after scoring, the application falls within the authority specified for the Mayor to reduce the fine, the Mayor has the discretion to approve a reduction; however, if the application is not resolved by the Mayor, it will be presented to the Code Enforcement Board or Special Magistrate.

   c. After the application has been considered by the Code Enforcement Board or Special Magistrate, the fine may be further reduced by the City Council, provided:

      i. a timely request for City Council review is made.

      ii. the fine as adjusted by the Code Enforcement Board or Special Magistrate remains more than a greater of $5,000 or 5% of the original amount of the fine.

      The governing body of Plantation may vary the procedures in this paragraph "c" by adopting a Resolution in any particular instance.

   d. Provides a special automatic fine adjustment in certain mortgage foreclosure cases that does not require an application of review. The formula used will adjust and limit the fines as of case commencement to (i) 20% of the property appraiser's most recent determination of just value (If the value of the mortgages on the parcel exceed 80% of such value), or (ii) just value less 80% of mortgaged debt (if the value of the mortgages on the parcel do not exceed *0% of the parcels just value). An automatic suspension will also occur for 45 days such that if the violation is corrected within such period, no further fine will accrue, and if the violation is not corrected, the fine will recommence after the 45-day period expires. This is designed to encourage the mortgagee to correct the violation. If time permits, the mortgagee may also apply for fine reduction in the usual manner, or the case can be disposed of pursuant to the Mayor's Charger authority. In any event, this adjustment is proposed as being reasonable and would be a faster method of adjusting these fines in this type of litigation.

5. Exhibit "2" is a draft Resolution approving the scoring methodology. This methodology provides that the City will subtract from all fine reduction scoring calculations a six (6) month period of time for fine accruals commencing the date a complete application is filed for a development order or for a building permit if either is needed for compliance.

6. Exhibit "3" is a copy of the Q&A sheet considered at the first workshop. As requested, we have amplified the language suggesting that respondents stay in constant communication and attend all hearings concerning their cases.

The Ordinance is now ready for consideration at First Reading. Any desired revisions to the scoring methodology or any desired changes to the Questions and Answers will be made for the Second Reading.

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Mr. Lunny presented a brief overview as outlined in the aforementioned memorandum. He noted the significant difference between this draft and the last draft is that he eliminated the super majority vote concept concerning the Council's actions in deciding to settle fines and liens. He felt that to create a super majority concept would be difficult to monitor because every other vote of the Council is by majority vote. Additionally, it is more consistent with the way Council normally does business and more consistent with Charter powers. The biggest change is in the discussions concerning foreclosures. He is proposing that there be an automatic fine adjustment which in most cases will make sure that the lender typically takes 80% of their secured value so that the fines are not so large that they discourage the lender from trying to come into compliance. There will be an automatic suspension of 45 days so that if a lender chooses to self help and correct the violation in the first 45 days of the case, any further fines will be forgiven. If they did not correct within 45 days, the fine would then continue and the case would still be subject to resolution pursuant to the Mayor's litigation powers. In most cases this should assist in expediting and also reducing the dialogue that has to go back and forth between the Mayor's office and the City Attorney's office on cases.

Mr. Lunny noted that Councilman Fadgen asked him to amplify the concept of emphasizing the importance of people who have been cited to stay in touch, go to the hearings, and do whatever they can to avoid a fine from starting. He noted that was done in the proposed questions and answers they would like to add to the pamphlet on Code Enforcement in order to educate people on the process. He also reviewed the scoring sheet as well as the questions and answers, in hopes of meeting all of Council's collective concerns. On the scoring sheet, Council wanted an automatic subtraction of up to six months for any time period that ran on violation with someone was in the permitting process, and it has been included in the scoring methodology. He recommended Council adopt this Ordinance.

Councilwoman Uria requested that anytime an Ordinance is amended from here on, it should be stated "he/she", "his/her" or somehow gender neutral.

In response to Councilwoman Uria with regard to filing a timely request, Mr. Lunny noted the review must be filed within 30 days. He felt that 30 calendar days is a customary appeal timetable.

Councilwoman Uria commented on the filing fee of $500 and felt perhaps they may wish to consider a different fee for residential versus commercial. She suggested $250 for residential and $500 for commercial.

Councilman Fadgen supported that suggestion.

Councilman Tingom was not in favor of the suggestion.

Mayor Armstrong felt that if they consider any adjustment, it should be for single family and not residential which could be multi-family and considered commercial. She noted that $500 is not significant in light of what the savings will be off the usual Code Enforcement lien. When the liens are abated, they usually amount to a savings of thousands of dollars. The City has significant costs associated with these cases and she did not believe this fee is out of line.

Councilman Fadgen referenced the memo from Mr. Lunny and indicated the public has a right to petition their government. He felt the threshold of $5,000 or 5% of the original fine might be too high for certain people. He felt perhaps it should be tied to the household income for a residential homeowner.

Mr. Lunny indicated that there is relief valve because the governing body of Plantation can adopt a Resolution in any particular case regarding circumstances that may make the case different. He expressed concern about selecting an income level or trying to define this further. He noted there will always be an outlying case which departs from whatever rule has been set. The desire as previously approved in the prior hearings was to establish that level so as to give a buffer to whether a person having obtained this much relief still can go to the City Council to petition the case. He advised if Council wants to drop the threshold, they can certainly do so. However, he wanted them to recognize it is there for their protection. A relief valve was provided without specifying any circumstances that have to be met in order for Council to grant that relief, other than adopt a written resolution after which they can hear the matter.

Councilman Fadgen felt the Ordinance improves on what was previously in place by building in the ability to suspend the accrual of fines.

Councilwoman Bendekovic advised she was not in favor of lowering the threshold. She would like it to remain at $500.

Councilman Tingom advised it has been his experience after talking with several people who received violations that none of them were upset. They believed this is something the City should do with Code Enforcement to maintain the standards of the City. When he attended a Code Enforcement meeting at the City, he found that the Code Enforcement officers work very much with the residents or owners who are in violation. They significantly interact to make it work. It appears there is ample opportunity prior to getting to City Council for a vote. He reiterated he is not in favor of reducing the fee.

In response to Councilman Fadgen, Mr. Lunny advised the respondent does not have a choice as to the forum. It is the City's policy that if the case starts with the Code Enforcement Board, it ends with the Code Enforcement Board, and the citizen cannot elect to have the Magistrate hear the fine reduction.

Councilman Fadgen suggested that perhaps they should be allowed to do so in order to achieve a cost savings. The Code Enforcement Board is a volunteer Board and the Special Magistrate is a paid position. If more of the cases were heard by the Code Enforcement, there may be an even better resolution and they might be able to eliminate some of the time that the Magistrate is in session.

It was Mr. Lunny's perception that Magistrate cases are more efficiently handled in terms of time. To take a case that would involve Department Head testimony or a more formal presentation to the Code Enforcement Board would involve more staff time and more time on behalf of the resident than if the same thing were done at the Magistrate. In his view, they have done a fairly good job in determining what cases are appropriate for a professional and what cases are better handled through the Code Enforcement Board. He felt that the balance is right. This is an efficiency issue with staff time as well as technical issues.

Councilman Fadgen suggested developing a notification to the residents about their rights as taxpayers and citizens before appearing at the Code Enforcement Board. This information would be distributed as part of the packet to those who are going through this process. It would help them realize they have the right to ask for case status, extensions, and suspension of fines. He felt they should be urged to keep a detailed diary of every contact and the progress they have against the issue that is before them.

Councilman Fadgen also recommended developing a small group of people, perhaps retired attorneys who could volunteer and who could make this a fair process. They would be called resident advocates who could advise the pitfalls of this process caused by miscommunication and lack of knowledge.

Mayor Armstrong observed that if the City did not have any code violators, there would be no problems. She felt Councilman Fadgen is characterizing the system inappropriately because it is not the intent to create traps or pitfalls, and not be of ample assistance. It was her view that when staff is involved to provide the assistance in getting through the quagmire, if one appears to be there, it is the fault of the violator, not of the one looking for the violation. There are many things inherent in the changes that are extremely good and will be important to the process going forward. If there are informational documents that Council feels would be helpful, she urged Council to pass them on so they can determine if there is something within the context of enhancing the information that is going out right now that can be put in place. It is the intent to recognize there are penalties but if they are there, it is because somewhere along the line, there have been many other people who have suffered by having something in their neighborhood that was not conducive to being a good neighbor and property owner in the community. She noted one of the reasons the Magistrate program was put in place was due to the fact that the Code Enforcement Board had so many cases that they could not manage keep up. Most of the cases that are homeowner related go to the Code Enforcement Board which is the better venue because it is a group of their peers.

Councilwoman Bendekovic requested that the distribution of any pamphlets or information to the individual, be documented with a signature.

Mr. Lunny suggested the questions and answers be posted on a website.

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

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

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Councilwoman Bendekovic referred to the guidelines for those addressing the Council as witnesses having been sworn in.

All witnesses intending to testify on quasi-judicial items during tonight's meeting were sworn in by Susan Slattery, City Clerk.

QUASI-JUDICIAL CONSENT AGENDA - None

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QUASI-JUDICIAL ITEMS

13. CONSIDERATION OF A REQUEST TO APPROVE A WIRELESS TELECOMMUNICATIONS SERVICES ANTENNA TOWER FOR VOLUNTEER PARK, LOCATED AT THE SOUTHWEST CORNER OF NW 118TH AVENUE AND SUNRISE BOULEVARD.

Mr. Lunny read Item 13 by title.

The Planning, Zoning and Economic Development Department Staff Report and Recommendations follow:

REQUEST: Request for site plan, elevation and landscape plan approval to construct a 100' telecommunication monopole with equipment compound.

EXHIBITS TO BE INCLUDED: Planning and Zoning Division report; subject site map; Site plan application; and Review Committee Meeting minutes of July 22, 2008.

REVIEW COMMITTEE RECOMMENDATION: Recommendation of **APPROVAL** subject to staff comments, architectural review of tower by Zoning, Landscaping and Administration and approval of tower location by Utilities (8/0; July 22, 2008).

ANALYSIS:
The subject property is zoned S-CP and located within Volunteer Park. The adjacent zoning district and future land use designations are as follows:

	Existing Use	Current Zoning	Future Land Use
North	Commercial	B-2L	Commercial
South	Park	S-GC	Commercial Recreation
East	Park	S-GC	Commercial Recreation
West	Commercial	B-2L	Commercial

The applicant, T-Mobile, is requesting permission to erect a 100-foot telecommunication monopole within a 25-foot by 25-foot leased area at the northwest corner of the park. Three equipment cabinets, one to be installed immediately and two in the future, plus a 5-foot x 9-foot concrete pad for the installation of a 100 kW diesel emergency backup generator are being placed within the lease area. An 8-foot concrete wall with stucco finish painted to match the existing building will surround the compound. Landscaping surrounding the compound and other areas within the park, as determined by the City Landscape Architect, will be provided.

STAFF COMMENTS:
PLANNING AND ZONING:

1. Note: Noise from the generator shall not exceed 75 dBA at 23 feet or 7 meters. If the generator should exceed this noise level, the applicant shall take the necessary measures to reduce the noise to within the Code requirement. Stationary emergency generators may be operated for testing purposes 1 time for a period not to exceed 30 minutes in any 7-day period. Testing of stationary emergency generators is permitted between the hours of 11:00 a.m. through 5:00 p.m. Monday through Saturday. No testing of stationary emergency generators is permitted on Sundays or federal holidays.

TRAFFIC CONSULTANT: No comments.
ENGINEERING DEPARTMENT: No comments.
LANDSCAPE ARCHITECTURE:

1. Please note the trees will be Field Grown/Balled & Burlaped.
2. Previous comments were to provide 18 Sabal Palms 20'-25', plans submitted proposed 16'-25' Sabal palms, please adjust accordingly.

BUILDING DEPARTMENT:

1. No objections.
2. Separate permits will be required for the tower, generator and fence.
3. Building and Electrical permits are required.

FIRE DEPARTMENT:

1. Gates must have Knox Locks installed.
2. Tank shall comply with UL2085.
3. Tank and fuel shall comply with City Ordinance 8-3.

POLICE DEPARTMENT:

1. No objections as long as the generator does not create a noise issue for the community around the generator.

PUBLIC WORKS: No comments.
RECREATION DEPARTMENT: No comments.
UTILITIES: No objection to the conditional use approval, however, the following comments apply to the Site Plan.

1. Water and Sewer plans were not provided with this submission.
2. Show all existing water and wastewater facilities on site plan
3. Contact: Danny Pollio if you have any questions, 954.797.2159

O.P.W.C.D.: No comments.
WASTE MANAGEMENT: No comments.

Mr. Lunny presented a brief overview as outlined in the aforementioned memorandum and noted this application appears to have met with Administration's approval.

Amelia De Jesus, representing T-Mobile, clarified that the structure will not be a monopole but, rather, it will be a multi-carrier flagless flagpole which will allow for additional collocations at the park. The structure allows for the antennas to be internal rather than on the outside. The compound itself will be concrete with landscaping so it blends into the park.

In response to Councilwoman Uria, Ms. De Jesus advised that typically the structures are about 100 feet if they want to facilitate a multi-carrier. The proposed structure will be a three-carrier pole.

It was Mr. Keefe's belief the structure at Sunset Park is 100 feet. He felt that by not putting a flag on the pole, it would be less noticeable and less intrusive. The fee has been developed over the years and the contract calls for a 4 percent increase annually.

In response to Mr. Tingom, Ms. De Jesus advised the City will receive additional revenue with the addition of other sources at that location.

Motion by Councilman Fadgen, seconded by Councilman Tingom, to approve the request for site plan, elevation and landscape plan to construct a 100 foot telecommunication monopole with equipment compound. Motion carried on the following roll call vote. Motion carried on the following roll call vote:

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

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CONSIDERATION OF COUNCILMEMBERS' COMMENTS

Mayor Armstrong reminded Councilmembers that there would not be a meeting on April 8, 2009 in recognition of Passover and Easter. She extended happy holiday wishes to everyone. The next City Council meeting is scheduled for April 15, 2009.

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Councilman Tingom reiterated he is contacting the people who are presently serving as members of the advisory boards and committees within the City for Group 4. Anyone who wishes to apply for an advisory board position may request a form from the City Clerk and she will forward them to him. He will be considering applications during the month of April and making appointments shortly thereafter.

Mr. Tingom also advised that if any homeowners' groups or associations wish him to attend, please e-mail him at the City or call him and he would be happy to do so.

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In response to Councilwoman Uria, Mayor Armstrong advised they are still in the due diligence process on the acquisition of the piece of property by the mall. An easement is required and there is a necessity to have a signoff by the Westfield Mall in order to release their right of first refusal to qualify that they would be able to use the property for something other than residential. There have been several meetings on the matter but no resolutions have been reached.

Mr. Lunny commented that the due diligence period expires April 20, 2009 and he advised the Counsel for the seller that in order to meet the deadline for the Council hearing, the issues needed to be resolved as of today. He noted that one week ago, they agreed to an extension of the due diligence. Mr. Lunny prepared an extension agreement and it was signed by Mayor Armstrong yesterday. It was submitted today. The City has done all it can to extend the due diligence period and the deal is not satisfactory to Administration at this time. It will have to be renegotiated or abandoned.

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Councilman Fadgen extended holiday greetings for Passover and Easter to all the residents.

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Councilwoman Bendekovic also extended best wishes for a happy Easter and Passover.

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ATTORNEY/CLIENT SESSION

An Attorney/Client will be held pursuant to Fla. Stat. 286.011(8), between Mayor Rae Carole Armstrong, Council President Diane Veltri Bendekovic, Council President Pro tem Jerry Fadgen, and Councilmembers Dr. Robert Levy, Peter S. Tingom, and Sharon Moody Uria, and City Labor and Employment Counsel Jim Crosland, Esq., and Denise Heeken, Esq., to discuss settlement negotiations and strategy related to litigation expenditures for pending judicial litigation in connection with:

Michael Hanlon, Philip Toman, Joseph Mercogliano, Brian Kendall and Christopher Stilwell, individually and on behalf of all similarly situated, Plaintiffs, vs. the CITY OF PLANTATION, a political subdivision of the State of Florida, Defendant.

United Stated District Court, Southern District of Florida, Case No.: 09-CV-60460-Gold-McAliley.

This Attorney/Client session shall commence at, or as soon as possible after, 3:00 p.m. on Monday, April 6, 2009 in the Mayor's Conference Room which is located in the Mayor's executive offices, 2nd Floor, Plantation City Hall, 400 NW 73rd Avenue, Plantation, Florida, 33317 (954-797-2210). This Attorney/Client session shall last an estimated 2 hours. The only persons authorized to attend this Attorney/Client session pursuant to above referenced law are Mayor Rae Carole Armstrong, Council President Diane Veltri Bendekovic, City Council President Pro tem Jerry Fadgen, Councilmembers Dr. Robert Levy, Peter S. Tingom, and Sharon Moody Uria, and City Labor and Employment Counsel Jim Crosland, Esq. and Denise Heeken, Esq., and the certified transcribing court reporter.

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Mr. Lunny advised there was no need for him to attend this hearing.

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PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS

Sim Jacobs, resident of NW 7th Street, commented on the issue of the proposed traffic pattern for NW 74th and NW 7th Street.

He noted he is the homeowner on the corner where the new traffic pattern will be and he has received no information or notification of any meetings.

Councilwoman Bendekovic advised they have received many phone calls regarding this matter and she had a discussion with Mr. Butler regarding that matter.

Mr. Butler, City Engineer, advised he took the liberty of providing Council with an update so they could understand some measures the City is trying to undertake to address the concerns that are circulating throughout this portion of the neighborhood. He wanted the residents to understand that when a road closure is performed, they will run into some obstacles and challenges to mitigate when traffic patterns will be altered.

Mr. Butler advised he offered to structure a meeting with a group of residents, giving them an opportunity to express concerns from their perspective, and sharing his perspective on how the City is trying to manage this issue. He felt that through this kind of conversation, they can be more productive in working through solutions that will be for the greater benefit of everyone. He suggested the residents could e-mail their contact information so Mr. Butler can extend the invitation when a date and time for the meeting are determined. From the preliminary discussions with the residents, Mr. Butler feels he has a good understanding of their concerns. It was his belief that bringing the group together to have some productive discussion would help to work through this issue. He questioned whether the folks from the representative roadways would be willing to act as spokespersons for each of the respective areas or whether they could have a few residents from each of the areas in order to have a more manageable meeting. However, he advised he will do his best to accommodate as many as he can to have a productive dialogue.

Councilwoman Uria suggested the meeting be held in Council Chambers.

Bruce Bursch, resident of NW 74th Terrace, reiterated they were never informed of the road closure. He agreed that a meeting with the residents would be fair.

Bito Pimenta, resident of NW 8th Court, expressed concern that when the park was being expanded and NW 74th Avenue was going to be closed, there was never a plan for the traffic flow in this neighborhood. The traffic has been flowing very heavily on NW 73rd Avenue which is a dangerous intersection that does not have traffic lights for NW 5th Street. The fact that the road was closed for the park is understood but no one was ever informed properly that NW 74th Avenue would be closed.

Councilwoman Bendekovic recalled attending several meetings on the conceptual plan for Liberty Tree Park.

Mr. Romano advised two meetings were held in Council Chambers, as well as several meetings with the Parks and Recreation Department, and the Parks and Recreation Advisory Board to review the matter. It was also advertised in the newspaper.

In response to Mr. Pimenta, Mr. Butler advised he was not in attendance at the meetings, but it was his understanding that concern was voiced by several residents regarding the ramifications. The residents were assured that this matter would be studied before and after the closure. Information was collected to ascertain factual based data to know where volumes are occurring in order to make decisions. More information will be provided at a structured meeting.

Kevin Miller, resident of NW 74th Avenue, advised he is directly affected by the road closure, which would restrict his access to NW 5th Street. He was in favor of a forum on the matter.

David Stitch, resident of NW 73rd Avenue, commented on the traffic flow. He suggested having traffic counts performed prior to the proposed meetings.

Mr. Butler advised they would curtail moving forward with anything until they have an opportunity to have the meeting and work through the concerns.

Councilwoman Bendekovic questioned whether there is some kind of traffic calming that could be put in place.

Mr. Butler advised the City has a traffic calming program, but he would not commit to anything until the matter is discussed. He underscored he has a responsibility to protect the vested interest of the Fire Department and the

Police Department. They have public safety priority in the program and the City needs to confer with them when it comes to any traffic engineering matters. He advised traffic calming is not a science. It is an effort to try to mitigate and resolve in the best way possible the traffic volumes and speeding. Driver behavior is a key element and that is difficult to control. He underscored they will approach this as intelligently as they can with the resources they have at their disposal.

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WORKSHOP - None

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Meeting adjourned at 9:00 p.m.

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Diane Veltri Bendekovic, 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.

_____
Susan Slattery, City Clerk