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
                    Robert A. Levy
                    Peter S. Tingom
                    Sharon Moody Uria
   Mayor:           Rae Carole Armstrong
   City Attorney:   Donald J. Lunny, Jr.

2. The invocation was offered by Councilwoman Bendekovic.

   The Pledge of Allegiance followed.

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ITEMS SUBMITTED BY THE MAYOR

Mayor Armstrong did not have anything to report.

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CONSENT AGENDA

Items #4, #7, and #9 were removed from the Consent Agenda and discussed separately.

As a Commissioner of the CRA, Mayor Armstrong has a voting privilege on Items #22 & #25.

Mr. Lunny read the Consent Agenda by title.

3. Approve purchase of (29) AR-15 rifles, .223 caliber, from Phoenix Wholesale Distributors PA, for $31,610.65 (Non-budgeted – Police).
5. Award bid for purchase of liquid ferric sulfate to Kemira Water Solutions, Inc. in the amount of $3.17 per gallon. (Budgeted – Utilities).

6. Approve diesel fuel remediation and tank removal at Lift Station 103 by Water Restoration, Inc. in the amount of $18,910. (Budgeted – Utilities).

8. Award a Design-Build contract to Precast Wall Systems, Inc. in the amount of $958,048 for Jacaranda Lakes Buffer Wall. (Budgeted – Designated Capital).

**Resolution No. 10607**

10. **RESOLUTION** to apply for the 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) local grant through the Broward Sheriff’s Office.

**Resolution No. 10608**

11. **RESOLUTION** to apply for an Office for Domestic Preparedness, Department of Homeland Security Competitive Grant.

**Resolution No. 10609**

12. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charge for 291 SW 62nd Terrace. (Trzeciak).

**Resolution No. 10610**

13. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charge for 1144 NW 83rd Avenue. (Triolo).

**Resolution No. 10611**

14. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charge for 8 NW 42nd Terrace. (Chong).

**Resolution No. 10612**

15. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charge for 11029 West Broward Boulevard. (Blanco).

**Resolution No. 10613**

16. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charge for 5691 SW 1st Street. (Hirst).

**Resolution No. 10614**

17. **RESOLUTION** adopting the City’s Community Development Block Grant (CDBG) FY 2009-2010 Action Plan; providing for severability; and providing for an effective date.

**Resolution No. 10615**

18. **RESOLUTION** for the appointment of an Inspector II for the City of Plantation’s Building Department. (Durham).

**Resolution No. 10616**

19. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period June 25 – July 1, 2009 for the Plantation Gateway Development District.
Resolution No. 10617
20. RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period June 25 – July 1, 2009 for the Plantation Midtown Development District.

Resolution No. 10618

Resolution No. 10619
22. RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period June 25 – July 1, 2009 for the City of Plantation’s Community Redevelopment Agency.

Resolution No. 10620
23. RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period July 2 – July 8, 2009 for the Plantation Gateway Development District.

Resolution No. 10621
24. RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period July 2 – July 8, 2009.

Resolution No. 10622
25. RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period July 2 – July 8, 2009 for the City of Plantation’s Community Redevelopment Agency.

NOTE: Mayor Armstrong voted affirmatively on Items #22 and #25.

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

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Mr. Lunny read Item #4.

4. Request for authorization to continue purchasing scale inhibitor PC 1850T from Nalco Company at a price of $1.19 per pound for the Central and East Water Treatment Plants through December 31, 2009. (Budgeted – Utilities).
A memorandum dated July 9, 2009 to Mayor and Members of City Council from Hank Breitenkam, Director of Utilities, follows:

The existing City of Plantation agreement with Nalco company to purchase scale inhibitor PC 1850PC expired on June 30, 2009. Scale Inhibitor PC 1850T is a chemical used in the water treatment process of our water plants to protect against membrane fouling. The water treatment plants use approximately 75,000 lbs./year.

Nalco has offered to renew their agreement with the City of Plantation with an 11% price increase. (Stated by Nalco Company: “this increase was necessary due to the volatility of the cost of raw material that is used in this chemical”). Nalco Company is a sole source for the PC 1850T scale inhibitor.

The Utilities Department submits this information for your review and approval for the continued purchase of scale inhibitor PC 1850 T from Nalco Company through December 31, 2009.

Councilman Fadgen indicated that the rate represents an 11% increase. He questioned whether there were any alternatives that could be done in place of this product.

Mr. Breitenkam advised the City of Plantation was the first utility to start membrane in 1992 and Nalco has been used since that time with great success. There is a large investment in the membranes at both water treatment plants and it is extremely important that scale does not build up on the membranes. There are a couple of other products available; however, a large scale testing would be required on the membranes and there has never been a need to do so. There has been discussion with regard to the increase over the past few years; however, we need to realize this is going to be an increase in cost.

Councilman Fadgen commented that he would not vote for approval and recommended that tests be conducted in order to find an alternative that will work.

In response to Councilman Levy, Mr. Breitenkam stated the tests would cost approximately $10,000. He noted that 75,000 pounds a year are used at $1.19 per pound. With the 11% increase the cost would be about $8,000 or $9,000.

Councilman Levy indicated it would be a whitewash as far as doing the tests or spending the extra for the material we know will work. Since Plantation’s water is of the best quality he does not feel it is prudent to do the tests; therefore, he would speak against Councilman Fadgen’s recommendation.

Mayor Armstrong encouraged that Nalco be maintained. She advised every department director or supervisor placing pricing for services has the task of coming back with the best discount and prices that can be obtained.

Councilman Levy pointed out that the current product being used is an environmentally better product than acid.

Councilman Tingom commented that Plantation does have a very high standard for water. He concurred with trying to negotiate; however, he did not believe there should be a switch from the Nalco product at this time.
Motion by Councilman Tingom, seconded by Councilwoman Bendekovic, to approve Item #4. Motion carried on the following roll call vote:

   Ayes:  Levy, Tingom, Uria, Bendekovic  
   Nays:  Fadgen

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7. Award bid to paint the Central Water Treatment Plant structures to lowest responsive bidder, Sun Art Painting Corp. in the amount of $98,020. (Budgeted – Utilities).  

A memorandum dated July 9, 2009 to Mayor and Members of City Council from Hank Breitenkam, Director of Utilities, follows:  

The Central Water Treatment Plant was last painted over 10 years ago and now requires painting. Water treatment plant hygiene and appearance are an important part of meeting the professional and industry standards for water treatment facilities.

Sealed bids were received from eight contractors and are summarized as follows:

Fleisher’s Inc.  $ 64,000.00  
Thousand & One Painting  $ 64,300.00  
Gulf Coast Contracting  $ 78,400.00  
Sun Art Painting Corp.  $ 98,020.00  
Prime Tech Coating  $139,989.00  
Southland Painting Corp.  $168,450.00  
Universal Painting Corp.  $196,941.00  
H.A. Contracting Corp.  $227,000.00

A review of the received bids revealed that Sun Art provided the lowest responsive bid to the project specifications. The Utilities purchasing section has verified Sun Art’s references and recommends awarding the work to Sun Art Painting Corp.

This information is provided for your review and approval to award a contract to Sun Art Painting Corp. to paint the structures at the Central Water Treatment Plant in the amount of $98,020.00.

 Councilman Fadgen questioned why the other three that were considerably less expensive were not responsive.

Mr. Breitenkam advised there were several different factors on each one; some were small issues and others could be termed fatal flaws in a bidding situation; failure to provide a bid bond, failure to provide a Schedule of Values, failure to confirm that they received addenda to the specifications as well as failure to write out the bid price, which is a minor issue.
Motion by Councilman Fadgen, seconded by Councilman Levy, to approve Item #7. Motion carried on the following roll call vote:

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

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A memorandum dated July 15, 2009 to Mayor and Members of City Council from Herbert V. Herriman, Finance Director, follows:

Council acceptance of the City of Plantation basic financial statements and other schedules for the fiscal year ended September 30, 2008.

Mr. William G. Benson, CPA, Partner will represent our auditors, Keefe, Mcullough & Co., LLP at the City Council meeting to answer any question pursuant to this subject audit report.

If any City Council members have questions pertaining to, or want clarification to these reports prior to the City Council meeting of July 15, 2009, please do not hesitate to contact me at your convenience.

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Councilman Fadgen noted the original report was signed June 12, 2009 and it was received almost a month later. He would like to defer this item to the next meeting so that he could have time to review it prior to approving.

In response to Mayor Armstrong, Mr. Herriman advised the actual date of issuance of the audit report was June 29, 2009. It was bifurcated between the financial statements and the compliance of the single audit report, which was done approximately a week to ten days later. There was an obligation to get certain information to certain agencies and that is why the report was signed on June 29, 2009. This report may be deferred in its entirety; there is an obligation 45 days after issuance in which the report must be distributed. Normally the report would have been presented in March; however, because of the implementation of the new software system, there were some areas that needed attention.

Motion by Councilman Fadgen, seconded by Councilwoman Uria, to defer Item #9 to July 29, 2009.

Councilman Levy concurred with the financial advisors with regard to the deadline. He did not see any reason to defer and spoke against the motion. He believed the item should move forward administratively while still reserving the right to ask any questions in the future if needed.

Councilman Fadgen withdrew the motion.

Councilman Tingom referenced page 13 of the report and questioned whether the problems with the Microsoft Great Plains have been corrected. He also expressed concern with the 3,200 invoices that did not have customer identification.
Mr. Herriman advised there are some program problems that are being corrected. These problems will not occur next year and the customer identifications will be allocated to the appropriate accounts.

Motion by Councilman Levy, seconded by Councilwoman Bendekovic, to approve Item #9 while reserving the right to ask questions if needed. Motion carried on the following roll call vote:

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

Dennis Conklin, resident, encouraged Councilman Fadgen to keep his motion, as he believes the report should be read prior to approving.

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ADMINISTRATIVE ITEMS - None

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LEGISLATIVE ITEMS

Resolution No. 10623

26. RESOLUTION adopting the proposed maximum millage of 4.5142 mills, which the City of Plantation can assess during the next ensuing tax year; establishing a time and place for a public hearing to consider such proposed millage and the tentative budget; and otherwise directing the transmittal of certain information to the Broward County Property Appraiser by August 4, 2009; providing findings, providing a savings clause; and providing an effective date therefore.

A memorandum dated July 15, 2009 to Mayor and Members of City Council from Herbert V. Herriman, Director of Finance, follows:

Pursuant to Florida Statutes requiring the scheduling of public hearings for the adoption of the City of Plantation’s FY 2009/10 Budget by City Council, I have viewed the 2009 calendar for potential conflicts with holidays, County Commission hearings, School Board hearings and City Council meetings.

Accordingly, my recommended meeting dates for your consideration are as follows:

July 15, 2009 Council set Maximum Millage Rates at Regular Council Meeting, 7:30 PM
August 27, 2009 Council Workshop/Dinner, Thursday at 5:00 PM (Mayor, Council and Staff)
(Public not invited to address Mayor, Council and Staff)
September 9, 2009 1st Public Hearing at Regular Council Meeting, 7:30 PM (Public invited)
September 23, 2009 2nd Public Hearing at Regular Council Meeting, 7:30 PM (Public invited)

Florida Statute 200.065(e)2 requires that “hearing dates scheduled by the County Commission and School Board shall not be utilized by any Taxing Authority within the County for its public hearings”. The Property Appraiser’s Office has notified the City that the School Board and Broward County Commission have confirmed the following dates for their public hearings:
A memorandum dated July 15, 2009 to Mayor and Members of City Council from Herbert V. Herriman, Finance Director and Dan Keefe, Assistant to the Mayor; follows:

The preliminary budget containing the tentative revenues and expenditures is in the process of being completed with a departmental focus on cost containment and efficiency through use of technology and skilled, cross-trained, multi-tasked personnel. This budget continues to address the continuation of current major services at the minimum level to meet the needs of our citizens. The General Fund’s recommended expenditure budget is $79.9 million, which is a reduction of $0.7 million as compared to the current budget. However, the revenues and/or expenditures will require an adjustment of $1.5 million to bring the budget into balance (see recommendations below). The budget is based on the millage rolled-back rate of 4.5142 mills with the understanding the Administration and City Council will continue to work with the budget to further reduce costs prior to the September hearings.

Property values in Plantation have decreased 8.4% from $8,163,025,733 to $7,425,930,716. This is in addition to a decrease of 7.1% in the previous FY 2009. The decrease is attributed to the economy with deteriorating home and commercial real estate property values, the January 29, 2008 Florida Constitutional Amendment 1 impact by approximately $600 million consisting of Portability (3%), Value of 2nd Homestead Exemption of $25,000 (90%) and Impact of the $25,000 Tangible Personal Property Exemption (7%). The impact to the General Fund Ad Valorem Property Tax revenues is approximately $2.2 million in FY 2009 alone and continues forward to FY 2010. Broward County property values decreased from 4.8% in 2008 (FY 2009) and an additional 10.6% in 2009 (FY 2010). The City of Plantation property values decreased in 2008 (FY 2009) and 8.4% in 2009 (FY 2010). Property taxes in the City of Plantation represent approximately 41% of the General Fund operating budget (including transfers-in). The General Fund recommended millage rate of 4.5142 mills represents the rolled-back rate without any adjustment for growth in per capita Florida personal income of 2.50% before the adjustment of the impact of Amendment 1 of January 29, 2008 and legislative imposed limitations. The rolled-back rate is not the maximum allowed pursuant to current legislation. One mill is equivalent to $7,055,000; 0.1 mills is equivalent to $705,500. The rolled-back millage rate of 4.5142 mills will generate about the same ad valorem taxes as the previous year (excluding collections from delinquent taxes), which in effect is revenue neutral. City Council may want to adopt a higher maximum millage rate in order to have the ability to fund wish list items or other programs not included in the proposed budget or close the remaining budget deficit ($1,525,150) without further cost reductions.

Additionally, the Plantation Midtown Development District’s (PMDD) millage rate of 0.4072 mills is the same as last year or millage neutral. The 0.4072 mills will generate $450,900 from Ad Valorem taxes, which is almost $46,000 less than last year. The District’s taxable value of $1,158,027,780 represents a decrease of 1.9% over the previous year.

Also, it is recommended that Plantation Gateway Development District’s (PGDD) millage rate be maintained at 1.2461 mills. The District’s taxable value of $217,961,550 represents an increase of 8.8% over the previous year.

The Community Redevelopment Agency (CRA) will receive tax revenues in the approximate amount of $1.2 million, which is a decrease of about $100,000 over the previous year.
State revenue sharing payments from sales taxes continue to weaken, which demonstrates a continued negative sign of the general economic health in the State of Florida.

While health benefits have been reduced by returning to a self-funded tier plan it also incorporates benefit reductions to its covered employees. Pension costs have experienced an increase of $1.5 million due to the faltering stock market in the last almost 2-years and increased benefits (COLA) for FOP members.

Revenues from investment income are likewise weakening to a rate below 1%. The State Board Administration Pool is currently earning interest at less than 1.0% and Money Market Funds are also less than 1.0%.

Building permits and City Business Licenses are slowing. The County Shared Recycling Bond Refund distribution of about $600,000/year culminated in FY 2009.

Fiscal year 2010 will be the sixth year that qualifying senior citizens are allowed an additional $25,000 homestead exemption on their City taxes. It is anticipated the tax revenues for the City will be impacted by about $80,000. It should likewise be noted, the City does not levy an additional millage or fee for any of our Debt Service obligations, Fire Assessment, Stormwater Utility, Crash Fees and Red Light Cameras. Still, the City’s millage continues to be one of the lowest in Broward County.

In the General Fund, ten (10) personnel positions (4 full-time and 6 part-time) have been eliminated for FY 2010, at a savings of approximately $246,500. This is in addition to 41 positions eliminated in the previous FY 2009. Exhibit C reflects the recommended position eliminations for the new budget year. This budget recommendation freezes wages for its general employees. The FOP bargaining unit is ending its 3-year contract effective September 30, 2009 and is in current contract negotiations. Pension costs, which mirror the U.S. Stock Market’s poor performance, represent an increase of $1.5 million. The City’s pension rate, as a percentage of payrolls, for Police Officers, increased from 31.0% to 40.0% (Police Officer’s member contribution rate is 9.5%). The City’s rate, as a percentage of payrolls, for General Employees, increased from 14.0% to 14.8% (General Employees contribution rate is 8.5%). Medical benefits (health insurance, prescriptions, life and long term disability) decreased $315,000 and Workers Compensation increased only $42,000.

In summary, this budget recommendation includes a rolled-back millage rate of 4.5142 (revenue neutral), freezes wages for all general employees, savings in employee health benefits and an Appropriated Fund balance in the similar amount of the previous fiscal year of $2,465,900. It is further recommended City Council consider instituting Red Light Cameras ($350,000), a Stormwater Utility fee ($250,000) and implement Cost Allocation’s for General Fund support services provided to the Pension Funds. General Fund Capital expenditures total $565,100, which is a decrease of $1.9 million from two years ago. General Fund Wish List items total almost $7.8 million for the next two years, excluding personnel because capital budgets have been slashed to below essential maintenance to meet budget limitations.

As part of the budget process, Department Directors collaborated to develop a set of goals and objectives to be utilized as a guide to formulate the budget product.

Furthermore, staff anticipates the completion of several projects that were incorporated in the 2002 and 2003 Bond Issues.
To provide a quick overview of the Recommended Budget for FY 2010, are the following:

Exhibit A  General Fund Revenues, Expenditures and Transfers-In/Out
Exhibit B  Recommended Budget Comparison – FY 2010 vs. FY 2009
Exhibit C  Personnel Changes
Exhibit D  Capital Item Summary and Detail
Exhibit E  Wish List Summary
Exhibit F  Department Goals

A memorandum dated July 15, 2009 to Mayor and Members of City Council from Herbert V. Herriman, Director of Utilities, follows:

The State requires that the City set the maximum millage rate so that the Property Appraiser can use these rates for notices that they send to the individual taxpayer. The millage rate forwarded to the Property Appraiser is the maximum millage that the City of Plantation can levy for next year’s budget without going through an expensive mailing process. City Council always has the option of lowering the amount of millage at either of the two Public Hearings in September.

The three resolutions set the maximum millage rate for the City’s funds as follows:

1. City of Plantation Operating Millage  4.5142 mills
2. Plantation Gateway Development District  1.2461 mills
3. Plantation Midtown Development District  0.4072 mills

Local governments must conform to the maximum millage limitation requirements first imposed by the Legislature in 2007. The requirements applicable to 2010 are in S.200.185(5), F.S. These requirements were further amended by a bill passed in 2008 (CS/SB 1588).

For fiscal year 2009/10, the maximum millage requirements applicable to operating millages for all local governments except school districts are:

By a majority vote (3 votes in the City of Plantation), taxing authorities may levy a maximum millage equal to their rolled-back rate adjusted for the change in per capita Florida personal income (2.50% for FY 2009/10) or 4.6271 mills for the City of Plantation.

By two-thirds vote (4 votes in the City of Plantation), taxing authorities may levy a millage equal to 110% of the majority vote maximum millage rate or 5.0898 mills for the City of Plantation.

By a unanimous vote or a referendum, taxing authorities may levy any millage up to their constitutional or statutory maximum millage (10 mills for the City of Plantation).

The General Fund recommended revenue neutral millage rate of 4.5142 mills (requiring a majority vote from City Council) represents the rolled-back rate of 4.5142 mills and does not include an adjustment for growth in per capita Florida personal income of 2.50%. Please note that the millage rate being recommended is the maximum millage rate. The maximum millage rate may be revised only downward as Council processes the budget information in the August 27, 2009 workshop with the Mayor, Administration and Department Directors and the September 9th and 23rd, 2009 Public Hearings.
The recommended maximum millage rates for Plantation Midtown and Plantation Gateway Development District’s are the same millage neutral rates as levied in the previous fiscal year 2009 and requires a City Council majority vote.

It should be noted; the City does not levy an additional millage for any of its debt service obligations and does not levy a Fire Assessment or Stormwater Utility fee. Additionally, consideration may be given to recovering indirect departmental support costs being provided the pension and certain other funds from the City General Operating Fund. Examples of these support costs are risk management, financial services, human services, and administrative services. The costs associated with these funds total approximately $600,000.

With the recommended millage of 4.5142 mills for the General Fund millage rate, the City will struggle to continue the initiatives in public safety, developing our parks and infrastructure system, public works projects and to continue the implementation of new technology while maintaining the current level of services. The recommended millage also considers a reduction in work force, a wage freeze for all general employees and a reduction in capital improvements from $2.5 million in FY 2008 to $0.6 million in FY 2010. Additionally, the City has implemented several cost saving measures and benefit adjustments in its health insurance plans to mitigate a continuation of double digit cost increases. Budgeted revenues other than ad valorem taxes and expenditure reductions will determine the final impact on City programs and levels of service.

In addition, the City must set the date for the First Public Hearing. It is recommended that the First Public Hearing be set for the Regular Council meeting at 7:30 p.m. on Wednesday, September 9, 2009.

If you have any questions, please contact me.

Mayor Armstrong explained this is a maximum millage rate based on several factors. This millage is extremely critical to bring a sound, solid recommendation while moving forward to the Budget Workshop in August. In recommending this millage rate at 4.5142, a rollback rate, which means this rate would generate the same amount of revenue generated last year. The rollback rate represents the number needed in order to responsibly move the budget forward. This is not the most that could be done in terms of setting a millage rate; the maximum is actually 5.0898, which would be a rate that could be applied and used in lieu of what is being recommended. It is believed that within the context of the number recommended that a budget can be produced for the City of Plantation to survive. It was noted that property values have decreased by 8.4% on top of a decrease the previous year of 5.4% and that is why it is necessary to look at the millage rate in a different manner than what has been done previously. In most years past, when millage rates increase revenues also increase; however, that is no longer the case because of the nature of the decrease in the properties and the rollback the City of Plantation was required to do in 2007, which provided a new starting point in which to be able to budget. The City of Plantation’s total deficit this year was $7,115,000, which would be the deficit if the current millage rate were maintained. In order to deal with the challenges of this deficit a number of factors were proposed, the largest which is the reduction of expenses in costs that has already been put into the tentative budget. The other avenue is to look for opportunities to increase revenues, which is being reviewed through the red light camera system and possibly the stormwater assessment. Some non-recurring revenues will have to be used as medical and pension costs are reduced. In order to meet budget obligations, wages have been frozen, which will provide a $1.3 million cost avoidance that would be associated with salary increases. This is a significant part of our ability to be able to maintain at the recommended millage rate. The budget numbers were reduced by $1.4 million by eliminating vacant positions that have been frozen throughout the year. Many people are double tasking with jobs that had previously been done by two people. A significant number of part-time hours have been reduced. Last year 41 positions were eliminated and this year ten are being eliminated;
six part-time and four full-time. When this millage rate is set there will still be a budget deficit of $1.5 million. Services have been reduced by approximately $2.8 million, materials and supplies by $280,000 and the capital continues to be non-existent when compared to the normal or standard $2 million, which is what was used to carry us in previous years. The capital is down by $230,000. There are no vehicles, no police cars, or fire trucks on our wish list. The Parks and Recreation Department is considering outsourcing the camp program, which is a significant change in service delivery, on top of limiting hours that began last year. It is important to be aware as to how far the City has gone in stretching in order to meet obligations, maintain services to residents, to keep the quality where we have developed the standard and expectation, which our residents expect and demand. At the same time, we are acutely aware of how difficult the economy is and what difficulty everyone is having. We will continue to work very closely to see if the millage can be reduced as it moves forward. She encouraged Council to consider this millage for the General Fund and the other two that are presented for Gateway and Midtown.

Councilman Fadgen recommended consideration of a salary cut of perhaps 4% for everyone, doing something more drastic on benefits and also that the proposed maximum millage rate be lowered 3/10ths of 1% or roughly $2.1 million.

Mayor Armstrong advised that a list of topics have been taken under advisement in terms of reviewing salaries and benefits in an attempt to quantify a position that would keep the millage as low as possible. Wages in the City have always been mid to lower mid level; we do not have the highest paid employees in comparison with either the public or private sector. That position has been maintained for very specific reasons, as we do have a very conservative approach. It is felt that cutting salaries is not the way to balance this budget. There is no doubt that our employees are happy to have a job and freezing salaries was clearly understood that was appropriate. Furlough days have been considered, which would be better than a salary reduction. Medical benefits have been changed in a manner that has significantly reflected a positive because it is allowing the ability to immediately decrease and then control going forward. Medical and pension benefits are being reviewed. Decisions were made relative to the FOP pension, which is the largest expense increase this year in the budget at $1.2 million. The pension topics relative to opportunities to make some changes going forward; a Workshop is scheduled and different ways and opportunities will be explored. She urged Council that cutting salaries is not the preferred way to balance this budget and other areas are being reviewed.

Councilman Tingom commented that this meeting is creating the capacity to tax at the rate as recommended by Mayor Armstrong. He believes we should go forward and create the capacity and as Councilman Fadgen has said, continue to find ways to cut costs. He did not know whether cutting salaries was the appropriate way to go. He believes all of the employees in all of the departments are loyal to the City of Plantation and that may not be the best way to achieve this.

Councilwoman Uria stated that if major changes are not made, next year will be worse. Not only do municipalities need to change, all governments need to change. She has mentioned reviewing the pension plans for several years and we are at a point where several options need to be considered. Salaries are something that can be predicted and estimated; however, the health benefits and pension plans are things that cannot be controlled. She was in agreement to set the millage rate because the Workshops are coming up. With regard to furlough days, she believes that should be considered. She is certain that employees would rather take a furlough day rather than lose a job.

Councilman Fadgen believes the maximum rate will not be passed during the final hearings. He was opposed to the proposed millage rate.
Councilwoman Bendekovic advised that Plantation is doing very well as far as property appraisal values. When given the list of 32 municipalities Plantation came in 8th. By investing back into the City we have held property values even though they have gone down. She will go along with the maximum but agreed that Council needs to look at several options. She suggested finding out the difference if everyone went to the open access insurance plan rather than with the PPO plan. She questioned whether there is a renewal in the contract with Risk Management and whether the rate would be going down. She also wants to look at the recommendations from the Chief of Police. There was also some discussion as to eliminating the Code Enforcement Board and letting the Special Magistrate handle all of the items due to expenses and she would like to see the figures.

With regard to Risk Management, Mayor Armstrong indicated that preliminary estimates are that there will be some reduction in those areas. Those generally are stabilized in August and those numbers should be firm by the time of the Workshop at the end of August.

Dennis Conklin, resident, thanked Councilwoman Bendekovic with regard to possible pension changes.

In response to Councilwoman Bendekovic, Mayor Armstrong advised she would look into having the budget placed online.

**Motion by Councilman Tingom, seconded by Councilwoman Bendekovic, to approve Resolution No. 10623 adopting the proposed maximum millage for the City of Plantation of 4.5142 mills. Motion carried on the following roll call vote:**

   **Ayes:** Levy, Tingom, Uria, Bendekovic
   **Nays:** Fadgen

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27. **RESOLUTION** adopting the proposed maximum millage of 1.261 mills for Plantation Gateway Development District can assess during the next ensuing tax year; establishing a time and place for a public hearing to consider such proposed millage and the tentative budget; and otherwise directing the transmittal of certain information to the Broward County Property Appraiser by August 4, 2009; providing a savings clause; and providing an effective date therefor.

   **Motion by Councilman Fadgen, seconded by Councilman Levy, to approve the Resolution No. 10624 adopting the proposed maximum millage of 1.2461 mills for Plantation Gateway Development District. Motion carried on the following roll call vote:**

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

* * * * *
Resolution No. 10625

28. RESOLUTION adopting the proposed maximum millage of 0.4072 mills which the Plantation Midtown Development District can assess during the next ensuing tax year; establishing a time and place for a public hearing to consider such proposed millage and the tentative budget; and otherwise directing the transmittal of certain information to the Broward County Property Appraiser by August 4, 2009; providing a savings clause; and providing an effective date therefor.

Motion by Councilman Levy, seconded by Councilwoman Uria, to approve Resolution No. 10625 adopting the proposed maximum millage of 0.4072 mills for the Plantation Midtown Development District. Motion carried on the following roll call vote:

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

***

QUASI-JUDICIAL CONSENT AGENDA -None

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QUASI-JUDICIAL ITEMS

29. REQUEST FOR SIGN EXCEPTION FOR THE FOUNTAINS LOCATED AT 801 SOUTH UNIVERSITY DRIVE.

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

REQUEST #1: From: Section 22-35 which establishes sign criteria for “center establishments”; To: Utilize Section 22-30 which establishes sign criteria for “Single story multi-occupant establishments with street frontage over 500 feet”.

Wall signs are permitted based on one sq. ft. of wall sign for each lineal foot of store frontage, subject to a maximum cap of 60 sq. ft. If the request is approved, the cap would be increased to 200 sq. ft. This is equivalent to an increase of approximately 10% to 200%, depending on the tenant space building frontage.

REQUEST #2: From: Section 22-35(g) which allows two signs for corner stores; To: Allow signs on corner stores with a tower element (two on the tower and one on the rear).

Currently, corner stores are permitted two signs (one on the front and one on the rear or side). If the request is approved, each corner store with a tower element wall is allowed three signs (front, side, and rear) or an increase of 25% in sign area. Applicant has suggested this request would be limited to the approved Main Street Buildings A and B, but this is not made clear on the application.
REQUEST #3: From: Section 22-35(g) which limits the area of a side or rear sign to 50% of the allowable area of the front sign.

To: Increase the sign area of the side signs on corner stores with a tower element from 50% to equal the area of the front sign.

Currently, side wall signs on corner stores cannot exceed 50% of the area of the front sign. If approved, this request would double the size of side wall signs so that it would be the same size as the front sign. If Request No. 1 is also approved, a side wall sign could increase proportionately with an increase in the front wall sign.

REQUEST #4: From: Section 22-20(t) which requires secondary message panels (tenant panels) on existing monument signs to be of matching color, size, and font.

To: Allow major and anchor tenants to have a double sized panel and branded font (maximum of two per sign face).

Request No. 4 would allow the font size on the existing monument signs to be increased from 9 1/2” to 14” in height, an increase of 45%. Request No. 4 would also allow each tenant sign to be “branded”. Branding is not currently allowed by the Sign Code.

EXHIBITS TO BE INCLUDED: Planning and Zoning Division report; subject site map; Sign Exception application and sign exhibits.

ANALYSIS:
The subject property is zoned SPI-3, approximately 26-acres in area, and part of the 65-acre master plan known as The Fountains Shoppes of Distinction. The center is occupied by retail, office, restaurant and hotel uses and is generally located south of SW 6th Street and north of SW 10th Street between University Drive and SW 78th Avenue.

The applicant received City Council approval on May 7, 2008, to demolish 153,134 square feet of the existing center which included the movie theater together with the north and central east/west wings (A and B) and to reconstruct approximately 172,209 square feet of retail space including a 2 story Kohl’s Department store located adjacent to SW 6th Street and west of Red Lobster.

Request #1: The Code applicable to center establishments limits wall signage to a maximum square footage of 60 square feet. Approval of this request will allow the applicant to utilize the criteria applicable to single story shopping centers which allows 1 square foot of sign area for each lineal foot of storefront up to a maximum of 200 square feet of sign area.

The tenants likely to benefit from approval of this request would be tenants having more than 60 feet of store frontage. The Circuit City space, if occupied by one tenant, would be allowed an estimated 175 sq. ft. sign (60 sq. ft. currently allowed). Sweet Tomatoes would be allowed an 88 – 90 sq. ft. sign. New tenants with larger building frontages would also benefit.

Request #2: The Code allows corner stores to have a front sign and an additional sign on the side or rear. The applicant is requesting to have a total of three signs when corner stores have a tower element and an area where signage is appropriate on the rear of the store. Approval of this request will allow one sign on each side of the tower and one sign on the rear of the store for a total of three.
The tenants most likely to utilize this exception, if granted, would be on the east and west ends of approved Main Street Buildings A and B (to be constructed on the north and south side of the new east/west main street just west of the main entrance). The applicant has not confirmed if this request is limited to these buildings.

**Request #3:** The side or rear sign area is limited to 50% of the allowable area of the front sign. The applicant is requesting approval to allow the side sign when corner stores have a tower element to be equal in size to the front sign. The tenants most likely to utilize this exception, if granted, would be on the east and west ends of the approved Main Street Buildings A and B, Retail C (attached to Kohl’s), and proposed Retail G. Other locations that incorporate a tower element, including but not limited to Buildings D and Retail H, could also utilize this provision.

**Request #4 (Monument Signs):** Prior to 2005, ground signs were limited to 32 square feet, 10 feet in height, and could only contain a principle message (usually the shopping center name). A special exception was granted for the site in 1988 allowing two 10’ high brick ground signs having a sign area of 430 square feet with 8 equally spaced stucco tenant panels with ground lighting.

The applicant proposes renovations to both ground signs which would change the material and increase the size of the principle message. Currently “The Fountains” is mounted to a green granite tile backdrop. The applicant proposes to install a larger painted aluminum panel as the backdrop to 14” gold vinyl letters. In addition, the applicant proposes to add a decorative metal “wave” approximately 2.7’ in diameter to the top of the sign to be used as a new branding identifier for the center.

The sign code was revised in 2005 (Ordinance No. 2357) to allow tenant panels on the lower ½ of ground signs. The code requires the tenant panels to be of matching color, size, and font to maintain a uniform and balanced appearance. The applicant requests approval to allow major tenants or anchors to modify the upper four tenant panels on each sign face to become two double sized panels and have the “branded” font specific to that tenant. The font size on the existing single tenant panels is 9 ½” in height. The font size for the double panels would be limited to 14” in height (the same size as the proposed shopping center name). All tenant panels would maintain the green lettering present on the ground signs today.

The applicant also proposes to renovate the existing knee walls (2) fronting University Drive. The brick knee wall currently has a green granite tile inset with sandblasted letters indicating “The Fountains – Shoppes of Distinction”. The applicant proposes to pin-mount gold painted formed letters in a pattern to matching the existing sandblasting.

**STAFF COMMENTS:**

**PLANNING AND ZONING:**

1) Section 22-11(b) of the Code requires the applicant to address the following certain criteria in the review of the special exceptions. Based on applicant’s failure to meet the special exception criteria (See Exhibit A below), staff does not support the requests.

If the City Council votes to grant approval of part or all of the requests, staff has additional architectural conditions that shall be included in any such approval.

a) The quality of materials (currently a green granite tile backdrop) on the ground sign principle message should be maintained in lieu of the painted aluminum panel proposed by the applicant. Revise
Specifications, Material Description, and Details 1 and 4 sheet 7.0 to indicate brass letters mounted to a green granite tile backdrop.

b) The material of the letters on the monument sign should match the material of the proposed pin-mounted letters on the kneewalls.

d) The existing materials (currently green plastic letters mounted to an off white stucco backdrop) on the ground sign secondary messages should be maintained. Correct the inconsistencies in identifying these materials on D(11) and (12) sheet 2.1 and Specifications and Detail 4 sheet 7.0 to indicate the tenant panels on the monument sign to be stucco to match existing and font to be a ¾” thick #2040 green plastic letter and that the retail shops must match the existing font type.

e) The double tenant panel should be no greater than 24” in height (double the height of a single panel) and, if approved, provided on both top panels when implemented to maintain a uniform and balanced appearance. Provide a double brick course on the bottom of the double panel to adjust the panel height. The “branded” font on the double tenant panel should be limited to 12” in height (to be slightly smaller than the principle message).

2) Correct the master sign package submittal as follows:

a) Graphically show the existing knee wall on the north side of the University Drive entrance on site plan sheets 1.0 and 1.1 and landscape plan sheet 1.2.

b) Indicate the color white for channel letters as #7328 on C(1) sheet 2.0

c) Remove the reference to Front sign: 60 square feet max and Rear sign: 30 square feet max on examples 7 and 8 sheet 3.3. Indicate the maximum front sign area as 1 square foot for each lineal foot of storefront and the maximum rear sign as 50% of the allowable front sign area.

d) Correct Detail 1 and 2, sheet 7.0 to the correct scale.

EXHIBIT “A”

Section 22-11(b) of the Code requires the applicant to address the following criteria in the review of the special exceptions:

That special conditions and circumstances exist such as, but not limited to, building orientation, vehicular circulation or vision obstructions (not to include landscaping) that are peculiar to the land, structure, or building that create a site specific justification for the exception;

Applicant’s Response: Please refer to Sign Exception document dated 21 April 2009 Special Exception No. 1, 2 and 3 describing specific conditions and circumstances along with justification for exception.

Staff’s Response: The shopping is defined as “center establishment” in the sign code. A center establishment is defined as a nonresidential property which is: (1) comprised of more than one (1) separate building; (2) developed, operated, or maintained under unified control or in a unified manner; (3) where the business sites within the property do not all have street frontage; and (4) such business sites have shared ingress and egress to the adjacent public right-of-way.

The applicant has not identified any special circumstances or site specific justification distinguishing the Fountains Shopping Center from other “center establishments” located throughout the City. There are at least ½ dozen shopping centers in Plantation that meet the center establishment criteria listed above.
1. That a literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other property of lands, structures or buildings of similar character with identical special circumstances (nonconforming signs shall not be grounds for issuing sign special exceptions), or alternatively, that a special exception from the provisions of this Chapter is warranted and justified to protect, preserve, or enhance the City’s tax base or to prevent or eradicate conditions of economic blight;

Applicant’s Response:
Please refer to Sign Exception document dated 21 April 2009 Special Exception No. 1, 2 and 3 describing specific conditions and circumstances along with justification for exception.

Staff’s Response:
The shopping is defined as “center establishment” in the sign code. A center establishment is defined as a nonresidential property which is: (1) comprised of more than one (1) separate building; (2) developed, operated, or maintained under unified control or in a unified manner; (3) where the business sites within the property do not all have street frontage; and (4) such business sites have shared ingress and egress to the adjacent public right-of-way.

The applicant has not identified any special circumstances or site specific justification distinguishing the Fountains Shopping Center from other “center establishments” located throughout the City. There are at least ½ dozen shopping centers in Plantation that meet the center establishment criteria listed above.

2. That a literal interpretation of the Code would deprive the applicant of rights commonly enjoyed by other property of lands, structures or buildings of similar character with identical special circumstances (nonconforming signs shall not be grounds for issuing sign special exceptions), or alternatively, that a special exception from the provisions of this Chapter is warranted and justified to protect, preserve, or enhance the City’s tax base or to prevent or eradicate conditions of economic blight;

Applicant’s Response:
Please refer to Sign Exception document dated 21 April 2009 Special Exception No. 1, 2 and 3 describing specific conditions and circumstances along with justification for exception.

Staff’s Response:
The applicant has not demonstrated that a literal interpretation of the Code would deprive the applicant of rights “commonly enjoyed by other properties of similar character”. Other shopping centers with similar characteristics are subject to the same center establishment requirements. These include but are not limited to:

- Distance from major roadway.
- Outparcel buildings separating major roadway from shopping center.
- Portions of shopping center located perpendicular to major roadway.
- Shared parking or cross access easements.

3. That the special conditions and circumstances do not result from the action of the applicant.

Applicant’s Response:
The applicant has not created any circumstances that resulted in the submitted Special Exceptions and is requesting exceptions as result of tenant request and current market conditions.
Staff’s Response: There are no special conditions or circumstances distinguishing this shopping center from other center establishments (See Nos. 1 and 2 above).

4. That the sign special exception to be granted is the minimum measure needed to address the special conditions and circumstances that justify the special exception;

Applicant’s Response:
The applicant has diligently worked with the Zoning Department Staff to arrive at mutually acceptable terms regarding size, configuration, design, etc. included on the Fountains Signage Criteria and Sign Special Exceptions package as submitted to the City.

Staff’s Response:
There are no special conditions or circumstances distinguishing this shopping center from other center establishments (See Nos. 1 and 2 above). Assuming for purposes of discussion that special conditions and circumstances exist, the applicant’s request far exceeds minimum measures.

Request No. 1 would allow wall signs (currently capped at 60 feet) as large as 200 sq. ft., or an increase of approximately 10% to 200%, depending on the size of the store.

For example, the recently constructed Duffy’s sign (University Drive) is 60 sq. ft. If Request No. 1 is approved, Duffy’s could replace the existing sign with an 80 - 85 sq. ft. sign equal in size to the building frontage. Sweet Tomatoes, abutting SW 10th Street, could construct an 89 sq. ft. sign versus the 60 sq. ft. sign currently permitted by code.

Request No. 2 would allow an additional wall sign (from 2 to 3 signs) on corner stores with tower features, or an increase of 25% in sign area at selected locations.

Request No. 3 would double the size of side wall signs so that it would be the same size as the front sign. If Request No. 1 is also approved, side wall signs could increase in size proportionately with the front wall sign. Based on the size of the front sign, sign area would increase 25% or more at selected locations.

Request No. 4 (Monument Sign) would allow the font size on the existing monument signs to be increased from 9 1/2” to 14” in height, an increase of 45%. Request No. 4 would also allow each tenant sign to be “branded”. This is not currently allowed by the Sign Code.

5. That the sign special exception will be in harmony with the general purpose and intent of this Chapter and will not be injurious to the neighborhood, or surrounding property, and will not otherwise detrimental to safe and convenient use of nearby rights-of-way;

Applicant’s Response:
The Applicant’s project location and request for Special Exceptions are such that there are no negative impacts on the neighborhood, surrounding property or nearby rights-of-way.

Staff’s Response:
This property is located immediately adjacent to the Residences at the Fountains. The proposed increases in signage detract from architectural, circulation, and open space amenities required as part of the City Council
approved site plan. Generally, excessive signage (intended to support an automobile-based travel) is counter intuitive to the pedestrian-based, neighborhood village environment of the approved site plan.

6. That all other signage on the property is in substantial compliance with this Chapter, as applied.

**Applicant’s Response:**
*Other than those conditions being requested in written Sign Special Exception document dated 21 April 2009 Special Exception No. 1, 2, and 3, all signage both existing and proposed is in substantial compliance with City Signage Code, Chapter 22.*

**Staff’s Response:**
As noted above, a special exception was granted for the site in 1988 allowing two 10’ high brick ground signs having a sign area of 430 square feet with 8 equally spaced stucco tenant panels with ground lighting.

Request for sign special exception for Westfield Broward Mall located at 8000 West Broward Boulevard.

Rachel Cardello from ADD, Inc. and Mike Davis from DDR, were present on behalf of the applicant.

**REQUEST #1:**

Ms. Cardello gave a brief presentation and noted that Kohl’s is a single store visualized as a destination on its own as opposed to a center establishment with multiple single smaller stores. They would like to allow that store to have their 200 square feet. There are possibilities for other anchors and major tenants to have a similar approach to their signage.

In response to Councilman Tingom, Ms. Cardello advised that Duffy's does comply with the 60 square feet requirement.

Councilwoman Bendekovic questioned why a blanket is being requested for the entire center. In her opinion, approving the entire center is problematic and she suggested the requests be handled for specific individuals, as each one has different needs.

Mr. Davis explained the reason for the request is that very few retailers are looking to expand at this point and those that are expanding have many opportunities put in front of them. They are in a very determined struggle with the surrounding communities. Retailers consider factors they believe have led to their success; a lot of those factors are signage, visibility, traffic counts and income levels.

Mayor Armstrong stated she understands and appreciates all of the economics and dynamics on marketing and why people have to be seen from University Drive. This property was designed to be a destination point and that is basically how the sign program has been created in the City of Plantation, which was to create destination points and not necessarily the requirement that every large retailer has to have their face visible on University Drive. She expressed concern about the quantity of signage and expressed a word of caution.

Mr. Davis advised the property is very unique. The exception being discussed is one-square-foot of signage for every front foot of building. He advised they worked with staff while considering how to approach this request and the distinction is attempting to get the best and brightest.
Mayor Armstrong suggested working with Mr. Leeds, Planning and Zoning Director, and identify those locations and tier them such that there is something in the range between 10 and 200%, looking in a more specific framework. Relative to the size of signage, she questioned whether there are any back signs that were that size or on the west side of the building. Another concern expressed was that the west side of the building faces the Residences. She wants to be very sure that an environment is created for the quality of the Residences.

Ms. Cardello advised if any of the signage is approved to be enlarged to the 200-square-foot maximum, they have always been under the assumption they would follow the guidelines of the single establishment, which says the rear sign is 50% of whatever the maximum allowed is.

Councilman Fadgen questioned how much of the existing buildings have been demolished in terms of percentage or square footage.

Mr. Davis could not quote in a percentage but stated that 156,000 square feet is being demolished; of that 170,000 square feet is being built back, which was in the plan that was approved. He noted that the plan going before Review Committee will reflect that the square footage being rebuilt is reduced by 20,000 square feet of shops.

In response to Councilman Fadgen, Ms. Cardello advised the original square footage was 420,000 square feet; a little more than one-third. The entire site of the Fountains property is 65 acres; however, that does not include the outparcels.

Councilman Fadgen commented that there are quite a number of trees obstructing the view and the signage. He concurred with Mayor Armstrong that if this one part of the request is approved that the west side of the building should be considerably restricted because of the Residences.

**Motion by Councilman Fadgen to approve Request #1, to allow the 200-square-foot signage on the east side and no more than 16 square feet on the west side; also adhering to Mr. Leeds’ comments. Justifications for allowing this exception are the acreage of the property and the volume of trees. There was no second to the motion.**

Mr. Leeds advised that the heights of the buildings in the back are about 35 feet, and he believed the signs should be in a position where they are pedestrian oriented, not for automobile traffic. There could be four or five stores on the back and he does not believe it is appropriate to have a line of signs regardless of how small they are, across the back of the shopping center.

Councilwoman Uria commented that she has always been a proponent of signs. She questioned how a blanket could be done, as the center is not complete and it is unknown what the back of the building will look like. She does not have a problem with the front sign being 200% larger.

In response to Councilwoman Uria, Mr. Lunny advised if parameters and size are being set, those issues would be accepted and the applicant would have to meet the compatible Code; therefore, it is not required to come back to Council. He would prefer the Council say, if they are talking about a specific tenant, “Without prejudice to our review of the matter, when it comes back to the City for site plan approval we are willing to grant a special exception for this tenant at this location”. This would give Mr. Davis the ability to tell the tenant to come in and get their elevations approved so he can at least sign them up. He suggested being direct and doing it.
Councilman Levy advised one of the problems with businesses is that people drive by and not know the business is there. He believes in signage on the front and on University Drive. A lot has been invested with the developers of the Residences and there has been no need for signs other than directional signs on the west side. In his opinion, residents at the Residences do not need to look at signs from their front windows and especially lighted signs on the west side. He did not feel there was a need for signs other than small directory signs on the west side because of what it will do to the aesthetics. He requested more imagination be used for the people being marketed to and what their view will be like; perhaps lower angle signs or something that will not disturb their quality of life, especially at night. He liked the idea of making individual decisions on signage and was not in favor of approving signage on the west end at this time.

Mr. Davis indicated they would not have a problem deferring the signage on the west wall.

Councilman Tingom wants this project to be successful. Kohl’s came with specific plans; however, this plan is not specific enough.

Mr. Lunny advised there were approximately eight hearings with the sign code. The problem is that no matter what kind of sign code there is; there are always special exception requests.

Councilwoman Bendekovic emphasized she is not comfortable with the request for a blanket and indicated she would prefer to see the design.

In response to Mr. Leeds, Councilman Fadgen advised that Council would have the ability to turn down the sign upon the applicant returning with G & I signs and meeting all other sign requirements. He believes the signs will be tasteful and if not, they will be turned down.

Councilman Levy indicated the applicant needs to be able to plan and design accordingly.

**Councilman Fadgen revised the motion.**

*Motion by Councilman Fadgen, seconded by Councilman Levy, to approve the square footage of the sign on Building “I” at 200 square feet, approve the 100 square feet on Building “G”, both of which will have to come back before Council for elevation and aesthetics, no signage on the west side but does not restrict applicant from coming back, and the justification for the special exception is the fact that 37% of the original square footage is being demolished and redeveloped, 65 acres and a lot of trees as well as 80 to 100 feet of buffer on the front and foliage on the site, which makes the property unique. Motion carried on the following roll call vote:*

Ayes: Fadgen, Levy, Uria

Nays: Tingom, Bendekovic

**REQUEST #2:**

Ms. Cardello advised that the conditions referred to are the architectural corner that is slightly taller and more monumental. They are referring to the corner elements and the signage currently allows one front sign at a maximum of 60-square-foot and a second sign to either be used on the side or the rear, which has to be at 50%. Because of the corner element, they are requesting a third sign equal to the primary allowed size in order to keep the architectural balance.
Mayor Armstrong believed this request was premature and questioned whether they were considering reconfiguring Buildings “A” and “B”.

Mr. Davis advised they would have to be prepared to build what is approved, as there is no guarantee that these buildings will be smaller.

Councilman Fadgen did not see the value of the back sign and noted that only tenants that have towers have a third sign.

Ms. Cardello indicated the rear signs would be reduced 50% in size.

Mr. Davis presented and discussed the orientation of the shops.

Councilwoman Bendekovic commented that she needs to see the request when it comes in; therefore, she cannot vote in favor of the motion.

Motion by Councilman Fadgen, seconded by Councilman Levy, to approve Request #2 for the same reasons as Request #1, the significant redevelopment, the size of the 65 acres of the property and the number of trees on the property. Motion FAILED on the following roll call vote:

Ayes: Fadgen, Levy
Nays: Tingom, Uria, Bendekovic

REQUEST #3:

It was Mr. Leeds’ understanding that in the event this is approved, it would apply to the areas circled on the approved Main Street stores, which was the site plan approved by the City Council with the Main Street effect that runs back all the way to the Residences; there are four locations. There was also discussion with regard to retail “C”, adjacent to Kohl’s. He understands that if this is approved those are the only five locations that would apply.

Mayor Armstrong commented that normally the back sign is 50% of whatever the front is and this is a request to have the back sign the same size as the front sign. She is of the opinion that the sign would be too large for the back of the building.

Ms. Cardello advised they are not asking for the back sign, only the side and the front are paired together of equal size. The language of the Code says the second sign, which is allowed, is side or rear.

Mayor Armstrong clarified that the two side signs could be the same size and the rear needs to be 50%.

Ms. Cardello indicated that is the request.

Motion by Councilman Fadgen, seconded by Councilman Levy, to approve Request #3 for the same reasons as Request #1 the significant redevelopment, the size of the 65 acres of the property and the number of trees on the property. Motion FAILED on the following roll call vote:

Ayes: Fadgen, Levy,
Nays: Tingom, Uria, Bendekovic
REQUEST #4:

Ms. Cardello explained there are two existing monument signs, one facing the north and the other looking at the south. They are requesting a second equal sign panel on each monument sign; therefore, there would be a total of eight of the larger panels.

Councilwoman Bendekovic questioned whether they were cutting down on the signage for other retailers.

Mr. Davis advised the philosophy is that people come into the larger anchor stores and the smaller stores feed off of the larger retailers.

In response to Councilwoman Bendekovic, Ms. Cardello indicated they are withdrawing the request for the decorative metal cap.

Councilwoman Bendekovic believed the double panels are a marketing issue. In her opinion, they would be marketing fewer businesses in the center rather than more.

Mr. Davis advised the typical shop is 2,500 to 5,000 square feet and too many signs get confusing.

Councilman Levy commented the area of the existing monument signs is not increasing. His concern is that people riding by need to know what is there. He questioned whether there was another way of informing the public that the smaller retailers are there if they are not on the front sign.

Ms. Cardello indicated there are several directory signs once you enter the center.

In response to Councilman Fadgen, Mr. Davis advised there is an inducement to major anchor stores that are necessary to anchor the center, which allows the small shops to be leased.

In response to Councilman Tingom, Mr. Leeds indicated that the sign was originally approved subject to a special exception many years ago. It may or may not meet Code but it was approved. The only change to the sign would be to the facing. The applicant has commented that they want the option of building a larger sign for anchor stores and larger stores; however, those terms are not defined. There could be four larger signs instead of eight smaller signs. The way the motion is made and the way the application was submitted, it is unrestricted. When they come in for permits there will be a discussion to determine whether the avenue is a large store and none of that has been established. If there is no concern about the size of the panels and how many large panels that will be there this is not an issue.

If Council would rather regulate how many panels can be large there must be conversation with the application as to what they consider a large store or an anchor store.

Councilwoman Bendekovic questioned whether the green granite should be mentioned in the motion.

Mayor Armstrong referenced the green granite on the knee wall and noted that it is poorly maintained. She questioned whether they would consider maintaining the granite and having the gold lettering redefined.

Ms. Cardello advised they would clean up the green granite and install pin letters that would match the size of the existing granite letters that set on top. The monument sign would be an aluminum panel with vinyl letters.
Mr. Leeds noted there is a discrepancy between what is being looked at and what the applicant has requested. The applicant has requested permission for the anchor tenants and the major stores, which staff will determine in the absence of direction from the Council. The applicant cannot make the determination unless they provide criteria to staff.

Ms. Cardello clarified they are specifically requesting that the definition of a major and an anchor tenant is a store with a width of more than 100 linear feet, which is the cut off for who would be eligible to get the double size sign. They are also specifically stating that the font applied to the monument sign, regardless of major anchor or the smaller tenants, would all be green. When referring to branding, they are requesting that the major anchor tenant be allowed to use their font style, still in green and still on the white stucco to match all the others.

In response to Councilman Fadgen, Mr. Davis clarified there would only be two anchors on the front of each monument.

Motion by Councilman Levy, seconded by Councilwoman Uria, to approve Request #4 with the knee walls in green granite and subject to staff comments. Motion carried on the following roll call vote:

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

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30. REQUEST FOR SIGN SPECIAL EXCEPTION FOR WESTFIELD BROXARD MALL LOCATED AT 8000 WEST BROXARD BOULEVARD.

SPECIAL EXCEPTION REQUESTS:

1) From Section 22-20(p) to increase the height of the two large entry monument signs from 9 feet to 12.7 feet. Please note the height of the sign is measured from grade to the top of sign copy lettering.

The two existing large entry monument signs are located at the SW corner of University Drive and Broward Blvd. and the NW corner of University Drive and Federated Road. The existing “Broward Mall” sign is five feet above grade. The proposed “Westfield Broward” sign is 12 feet above grade.

If approved, Request 1 would allow the following:

- An increase in sign height from 9.0 feet to 12.7 feet, or a 41% increase above the existing Broward Mall sign copy.
- An increase in sign height from the 5.0 feet code maximum to 12.7 feet above grade, or a 154% increase above code.
2) From Section 22-34 to increase the size of the two large entry monument signs from 64 square feet to 128 square feet (existing sign is 89.3 square feet). Please note sign area is determined by drawing “rectangular box” around the sign copy.

The two existing large entry monument signs are located at the SW corner of University Drive and Broward Blvd. and the NW corner of University Drive and Federated Road. The applicant proposes to remove the existing painted aluminum panel and sculpture and replace it with a pierced aluminum sign panel with “Broward” in black, add a concrete wall at the back of the existing sign with tile finish, and mount a “Westfield” illuminated channel letter sign (tomato red) to the new wall. The current sign letter colors change from black in the daytime to white in the night time with ground lighting. The proposed sign would be internally illuminated red letters.

If approved, Request 2 would allow the following:

- An increase in sign area from 89.3 sq. ft. to 128 sq. ft, or a 43\% increase above the existing Broward Mall Sign
- An increase in sign area from the code maximum of 64 sq. ft. to 128 sq. ft, or a 100\% increase above code.

3) Section 22-34(b) to increase the number of ground signs from 4 to 5 sign (5 signs existing):

Five ground signs currently exist at the Mall. These include:

- Two entry monument signs referenced in requests No. 1 and 2,
- Two primary monument signs located adjacent to Mall Entry Driveways adjacent to University Drive (midway between Broward Blvd. and Federated Road), and,
- One primary monument sign located at the southwest corner of Federated Roadway and Broward Boulevard.

The applicant proposes to replace the pierced “Broward Mall” aluminum sign panel with a larger pierced aluminum sign panel with “Westfield” in tomato red letters and “Broward” in black letters on the primary monument signs. If approved, Request 3 would allow five ground signs (four signs allowed by Code; five signs currently exist on the site).

4) Section 22-20(x) to increase the size of 5 directory signs from 8 square feet to 9.4 square feet.

5) From Section 22-20(x) to increase the height of 5 directory signs from 4 feet to 4.8 feet.

For each of these signs, the applicant proposes to reface the tenant panels and increase the cabinet height by 8”. In addition, the applicant proposes an 8” high fabricated “Westfield” aluminum formed-letter sign in tomato red.

Based on these changes, the sign area increases from 8 square feet to 9.4 square feet and the sign height from 4 feet to 4.8 feet. The current code would limit the sign to 8 square feet in area and 4 feet in height.

If approved:

- Request 4 allows an increase in sign area from 8 sq. ft. to 9.4 sq. ft, or an increase of 17.5\%.
• Request 5 allows an increase in sign height from 4 feet to 4.8 feet, or an increase of 20%.

6) Section 22-34(d) to increase the size of three wall signs from 15 sq. ft. to 27 sq. ft and to increase a fourth from 15 sq. ft. to 35 sq. ft. (Currently, there are three Broward Mall and one Food Court building entrance identification signs. Please note these existing signs are not permitted by current code).

If approved, Request 6 would allow the existing aluminum panel signs to be replaced with beige painted metal panels with an internally illuminated “Westfield” sign in tomato red channel letters. The new signs would represent an 80% to 166% increase in size over what exists today.

EXHIBITS TO BE INCLUDED: Planning and Zoning Division report; subject site map; and Sign Exception application and sign exhibits.

ANALYSIS:
The sign code in effect prior to 2005 required Regional Malls to seek City Council approval of all signage proposed on the mall exterior. Signage for the Broward Mall was approved in April 2002 and allowed 2 entry ground signs, 3 primary ground signs, 5 directional signs, and 4 entrance ID wall signs.

The current sign code limits the size of ground signs to 64 square feet in area, limits the number of ground signs to four, and limits directional signs to 8 square feet with a maximum height of 4 feet. Wall signs are only permitted for anchor tenants. Upon removal or substantial renovations to the existing non-conforming (“grandfathered in”) signs, the current code requirements must be met unless deviations are authorized through the granting of a special exception.

The applicant is requesting approval of a new master sign plan for mall identification signage which includes the following:

1) Two Entry Monuments – located at the northeast and southeast corners of the site fronting University Drive (Waivers #1 & 2)
   • The applicant proposes to remove the painted aluminum panel and sculpted “b” and replace it with a pierced aluminum sign panel with “Broward” in black, add an 11 feet high concrete wall at the back of the existing sign with tile finish, and mount “Westfield” in red illuminated channel letters to the new wall at a height of 12.7 feet. The current sign letter colors change from black in the daytime to white in the night time with ground lighting. The sign area increases from 89.3 square feet to 128 square feet and the sign structure height increases from 8.5 feet (not including the sculpted “b”) to 11 feet with lettering mounted at 12.7 feet. The current code would limit the sign to 64 square feet in area and 9 feet in height.

2) Three Primary Monument signs – 1 located at the southwest corner of Federated Roadway and Broward Boulevard and 2 located towards the center of the site fronting University Drive (Waiver #3)
   • The applicant proposes to remove the pierced “Broward Mall” aluminum sign panel with sculpted “b” and provide a larger pierced aluminum sign panel with “Westfield” in red letters and “Broward” in black letters.
   Five ground signs (two entry monuments and 3 primary monuments) exist on the property today. The current code allows one ground sign for each abutting roadway over 70 feet in width or a total of 4.
3) Five Site Directional Signs – 1 located on Federated Roadway at SW 3rd Street and 4 located on the mall’s interior loop road (Waivers #4 and 5)
   • The applicant proposes to reface the tenant panels, increase the cabinet height by 8” and add an 8” high fabricated aluminum “Westfield” to the top of each directional sign. The sign area increases from 8 square feet to 9.4 square feet and the sign height from 4 feet to 4.8 feet. The current code would limit the sign to 8 square feet in area and 4 feet in height.

4) Four Building Entrance ID wall signs - located above the four main entrances to the center corridor of the mall.
   • The applicant proposes to remove the finished aluminum panel with sculpted “b” and provide a beige painted metal panel with “Westfield” in red channel letters. Four building entrance id wall signs exist on the property today. The current code only allows wall signs for anchor stores within the mall.

STAFF COMMENTS:
PLANNING AND ZONING:
1. Section 22-11(b) of the Code requires the applicant to address certain criteria in the review of the special exceptions. Based on applicant’s failure to meet the special exception criteria, staff does not support the requests. The only exceptions are Requests 4 and 5 which are minimal increases of 20% or less. If the City Council votes to grant approval of part or all of the requests, staff recommends the following additional zoning and landscape conditions are included in any such approval.
   a. Staff is concerned that the proposed sign materials and colors are not compatible with the natural earthen materials currently existing on the existing sign structures and most of the buildings. Staff recommends the applicant add “Westfield Broward” branding that compliments the existing sign framework, materials, and motif.
   b. Entry Monument signs (Requests 1 and 2): The proposed 41% increase in the sign height (over the code requirement), and increase in sign area (double the code allowance) will create a significantly larger sign in bulk and scale. The proposed illuminated red channel letters with red trim caps and returns are not in keeping with the warm earthen tones and soft lighting currently existing on the entry monuments. If red channel letters are approved, staff recommends the trim caps and returns on the channel letters be changed to bronze and the red be changed from “tomato” red to a deeper warm red (such as “Walgreen Red” #2793). Staff also recommends the tile proposed on the new rear wall compliment the existing sign materials in lieu of matching the existing tile on the sign base.
   c. Primary Monument signs (excluding two entry monument signs addressed in Requests 1 and 2): The proposed increase in the sign area from approximately 15.7 square feet to 30.5, while consistent with code, will create a 94% larger sign compared to what exists today. Existing sign letter colors change from black in the daytime to white in the night time. The proposed sign is aluminum with routed out letters in red (Westfield) and black (Broward).
   d. Site Directional signs (Request 5): These are relatively small directory signs located on the interior of the property. Based on the location of the signs and the 20% or less increase in sign height and area, the granting of this request generally meets the special exception criteria.
   e. Building Entrance ID wall signs (4): The proposed increase in the sign area from approximately 15 square feet to 27 square feet for three of the four signs and 35 square feet for the fourth sign will create a significantly larger sign in bulk and scale. The proposed red channel letters with red trim caps and returns mounted on a beige painted metal panel is not in keeping with the warm brushed aluminum finishes and black/white day/night lettering currently existing on the entrance id wall signs. Staff recommends a pierced brushed aluminum box be provided in lieu of the proposed red channel letters. If channel letters are approved, staff recommends the trim caps and returns on the channel letters be
changed to bronze and the red be changed from “tomato red” to a deeper warm red (such as “Walgreen Red” #2793 – See Example B).

LANDSCAPE DEPARTMENT:
1. Please indicate on submitted plans plant material to upgrade/replace plant material, bring to code, filled in, mulched, etc. on all existing monument signs.
2. Please use the City of Plantation Tree Planting Detail in lieu of those submitted; they are available online: www.plantation.org/landscape/details-notes.html.
3. Do not use “Arbor tape” for the staking of trees.
4. Please use the City of Plantation Notes in addition to contractors “General Notes”; they are available online: www.plantation.org/landscape/details-notes.html.
5. Under submitted “General Notes” please replace “…plants shall be planted with the top of their rootballs no deeper that the final grade…” with “first order roots and root flair must be equal to or slightly above the final grade and visible”.
6. Note that all trees will be field grown/balled and burlapped under planting specifications.
7. Tighten up the spacing of the Juniper.
8. Include spacing on the Podocarpus hedge.
9. Include on plans the heights, condition, and reason for removal on the 6 Queen palms. City staff will need to verify the removal of these palms. The removal of the 6 Queen palms require mitigation for canopy lost.
10. Note on plans that tree removal permits directly through the Department of Landscape Architecture prior to the removal of any tree or palm.
11. Over the years the existing landscape throughout the property had significantly deteriorated; City staff has discussed concerns regarding this matter on several occasions. To date no attempt has been made restore the canopy lost. Please contact Diana Berchielli @ 954-797-2750 or dberchielli@plantation.org to discuss this matter.

EXHIBIT “A”

Section 22-11(b) of the Code requires the applicant to address the following criteria in the review of the special exceptions:

1. That special conditions and circumstances exist such as, but not limited to, building orientation, vehicular circulation or vision obstructions (not to include landscaping) that are peculiar to the land, structure, or building that create a site specific justification for the exception;

Applicant’s Response:
The special exception request primarily involves refurbishment of existing signs at Broward Mall to reflect the change in ownership and brand the mall as “Westfield Broward”. Because of the special circumstances that all of the signs already exist (e.g., no new exterior sites are being added), the sign designers have attempted to work largely with the existing sign structures to incorporate the new branding while maintaining proportions and scale. Maintaining scale and proportion while adding the branding has meant a slight increase in height of the monuments (from 12 feet to 13 feet). However, the increase in the sign height is minimal relative to the substantial size of the mall property and would be largely imperceptible when viewed from the major roadways of University and Broward. In order to be consistent with Westfield international brand, the “Westfield” lettering is proposed to be the same red that exists on its 117 other shopping centers.
Staff’s Response:
Applicant’s reference to a “slight increase” in monument height is incorrect. The Entry Monument Signs (Requests 1 and 2) height increases are not minimal at 41% above the existing sign and 154% above code. There are no special circumstances that necessitate the substantial increases in sign area (42% to 166%) of the ground and wall signs associated with this request.

2. That a literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other property of lands, structures or buildings of similar character with identical special circumstances (nonconforming signs shall not be grounds for issuing sign special exceptions), or alternatively, that a special exception from the provisions of this Chapter is warranted and justified to protect, preserve, or enhance the City's tax base or to prevent or eradicate conditions of economic blight;

Applicant’s Response:
The special exception is warranted to preserve and enhance the City’s tax base. Although a newcomer to Plantation, Westfield is a recognized premier brand nationally and prominently branding the Broward Mall as a Westfield property will attract customers that are familiar with the quality of Westfield based on experiences in other markets. Strong economic performances of the mall will provide a buffer against deterioration and allow Westfield to continue to upgrade the property which will enhance the tax base.

Staff’s Response:
Applicant has not provided any evidence that failure to grant the special exceptions would deprive the property applicant of rights commonly enjoyed by other properties of or buildings of similar character with identical special circumstances.

The issue is not the use of the Westfield Brand. The issue is the increased size of the signs (42% - 166%) and the lack of compatibility of the proposed sign materials with existing sign structures and building materials that are predominant throughout the mall. The applicant has provided no documentation that substantially larger monument and wall signs will improve the City’s tax base.

The applicant has also provided no documentation of its efforts to upgrade the mall. The Applicant has not demonstrated that requests for certain tenants (amusement enterprise, tattoo parlor, and car wash) constitute an upgrade to the mall.

3. That the special conditions and circumstances do not result from the action of the applicant.

Applicant’s Response:
The applicant purchased the property with the existing signs in their existing locations and seek to brand them with its long established “Westfield” brand.

Staff’s Response:
The applicant has provided no documentation that special circumstances and events exist justifying the special exception. Applicant has not met the criteria.
4. That the sign special exception to be granted is the minimum measure needed to address the special conditions and circumstances that justify the special exception:

**Applicant’s Response:**
*The special exception requested is the minimum measure needed to allow the property owner to refurbish the existing signs with its brand and maintain scale and proportion to the signs.*

**Staff’s Response:**
The applicant proposes, with the exception of the directional signs, a 42% to 166% increase in sign area. Assuming, for purposes of discussion only, that special conditions applied in this case, the proposed 42% - 166% increase well exceeds “minimum measures”.

5. That the sign special exception will be in harmony with the general purpose and intent of this Chapter and will not be injurious to the neighborhood, or surrounding property, and will not otherwise detrimental to safe and convenient use of nearby rights-of-way;

**Applicant’s Response:**
The special exception will be in harmony with the general purpose and intent of the sign code given their quality and only slight deviation from previously approved size. The proposed signs will not be injurious to the neighborhood or surrounding property. While the addition of red lettering consistent with Westfield’s brand will perhaps make the signs more prominent, they will be no more detrimental to the Midtown District than was the addition of red signage for the recently constructed Walgreens on University. Since the signs already exist in their locations, refurbishing them as proposed will not be detrimental to the safe and convenient use of the nearby rights of way. It should be noted that the applicant met with City staff and based on feedback from staff, the applicant revised the initial concept plans and incorporated suggestions regarding lettering type and finishes for consistency with the character of the area.

**Staff’s Response:**
Staff is concerned that the proposed sign sizes, materials and colors will make the signs potentially distracting to vehicular traffic on Broward Boulevard and University Drive. At the same time, the scale and material utilized in the sign plan are incompatible with existing sign structures and most of the Mall exterior.

6. That all other signage on the property is in substantial compliance with this Chapter, as applied.

**Applicant’s Response:**
The existing signage on the property was previously approved under a special exception and to the best of applicant’s knowledge complies with all other approvals.

**Staff’s Response:**
Staff concurs.

Attorney Paul D’Arelli, Matt Erie (sic), Regional Vice President for Westfield, and Matt Barry, General Manager, were present on behalf of the applicant.

Mr. Barry provided a brief Power Point presentation regarding Westfield.
REQUEST #1:

Mr. D’Arelli commented that the property was acquired because of the expansion potential. He made visual comparisons on the signs. He referenced a staff comment that says it is an increase in height from the five-foot Code maximum to 12.7 feet above grade or 154% increase above Code. That measurement is actually comparing the top of the Broward Mall logo to the top of their “W” on the Westfield. He considers the top of the lowercase logo in the middle, which is actually at 14 and the top of the “W” is at 12 feet 8 inches. With regard to the 41% increase in the sign height, although there is a different configuration they are working with the existing base of the sign, which is driving a lot of the need for some relief. They are attempting to keep as much of the structure as possible and work off that to rebrand. In doing so, a certain portion is needed. There is a 60-foot base and going slightly under the existing “B” keeps that proportion.

In response to Councilwoman Bendekovic, Mr. D’Arelli advised the Westfield sign will be positioned just off of center. It strives to keep a lot of the sign structure and branding.

Mr. D’Arelli indicated that the second staff comment talks about an increase in the sign area from 89 feet to 128 square feet or a 43% increase. Basically the only thing being calculated is the Broward Mall in brown and not including the large “B” logo that is above. Based on his discussion with Mr. Leeds, staff treats the “B” not as part of the sign. He believes, from an aesthetic standpoint, the monuments are consistent in size and scale and a little shorter in actual physical height than what is currently present.

In response to Councilwoman Uria, Mr. D’Arelli advised the Broward will remain under the Westfield but it will be a lot smaller and will be a pierced aluminum, as per staff’s request. The Westfield will be red.

Councilman Tingom has some difficulty with the Westfield dominating over Broward. He likes the proposal because it is simple and clean; however, he does not see Westfield as being the prominent feature. The mall is known as the Broward Mall and if it were called anything else people would ask where it is. He questioned what is expected marketing wise that will make people come to this mall more because it has Westfield rather than Broward Mall.

Mr. Barry advised that brand is synonymous with quality. There are a lot of transients in Florida and they will recognize Westfield as meaning something and that will pull them into the mall. The existing shoppers know the mall is there and will not be attracted by the name.

In response to Councilman Tingom, Mr. Leeds indicated that it is staff’s position that Council define the size of the sign by drawing a box or rectangle around the letters. When that analysis was done he did not include what he considers to be an architectural feature. He believes the feature is too abstract to call it a sign. The Broward Mall lettering is currently close to the ground and can actually be higher as per Code; it can be as high as nine feet. Westfield wants to elevate the lettering for their sign so that the top is almost 13 feet. The letters in Westfield, the “W”, will be six feet in height. Not only is the lettering being moved up much higher, the size of the rectangle that is drawn around both Westfield and Broward is an increase in size. With regard to the sign changing the corner, Mr. Leeds noted that is a matter of opinion. He does not consider the “B” to be signage and he would not calculate it as so.

In response to Councilman Fadgen, Mr. Barry advised the property of the mall is 90 acres.
Sherry Dillard with Art Sign Company was present. She explained that in order to make Broward larger it would have to either be put in channel letters on the face of the tile wall where Broward Mall currently appears or increase the overall height of their sign from 12 feet 8 inches in order to increase the Broward Mall because it is actually on a tier that is placed behind the existing tile wall. In order to be visible the entire signage would have to be taller.

Councilman Fadgen suggested making the Westfield sign smaller and the Broward sign larger.

In response to Mayor Armstrong, Ms. Dillard advised that there will be channel letters with neon inside each letter, which illuminates very similar to Target or Walgreens. The only ground lighting will be the existing landscape lighting. As far as she knows, there is no plan to alter the landscape lighting.

Mayor Armstrong expressed concern with the lighted sign, as that location is a main intersection directly in the middle of Broward County. She understood red if they were the marquis letters that might be lit from the ground. It would seem that you would be able to see if the structure was red but not lit, as it could be read very clearly day and night with the proper lighting on the ground and the landscape. She suggested the letters not be lit; however, the letters on the building are fine.

Ms. Dillard noted that the current Broward Mall lettering light up.

Mr. D’Arelli commented they are creating a live, work, play environment, which is a place that becomes more active at night.

Councilman Levy remembered the excitement when the Broward Mall opened; however, it is no longer a hip hop place to shop. In his opinion, the mall needs a new face and new branding. Everyone needs to think outside the box from now on so that Plantation can be made the viable community that it was. He would have loved to have had input from the Midtown Advisory Board because this is such an anchor of our community and the Midtown area. He urged the Council members to give the applicant the benefit of the doubt that they know what they are doing.

Councilwoman Bendekovic stated she is not happy with what is going on in the Westfield Mall and believes we have lost some viable occupants. She is disappointed with the kiosk people and the type of stores that are being marketed.

Motion by Councilwoman Uria, seconded by Councilman Fadgen, to approve Request #1, to increase the height of the monument sign from 9 feet to 12.7 feet and the lighting. Motion carried on the following roll call vote:

Ayes: Fadgen, Levy, Tingom, Uria
Nays: Bendekovic

REQUEST #2

Mr. D’Arelli advised this is the same request, the first request referred to the size of the overall sign and this request discusses drawing a box around the Westfield.
Motion by Councilwoman Uria, seconded by Councilman Fadgen, to approve Request #2. Motion carried on the following roll call vote:

  Ayes: Fadgen, Levy, Tingom, Uria
  Nays: Bendekovic

REQUEST #3:

Mr. D’Arelli commented that there are currently five signs on the ground and the modification they are requesting is to place the Westfield on top of the existing sign cabinet. The sign requested is eight inches and two feet across.

Motion by Councilman Fadgen, seconded by Councilwoman Uria, to approve Request #3. Motion carried on the following roll call vote:

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

REQUEST #4:

Mr. D’Arelli indicated there is no difference in the structure; it is the same base height.

Motion by Councilman Fadgen, seconded by Councilwoman Uria, to approve Request #4. Motion carried on the following roll call vote:

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

REQUEST #5:

Mr. D’Arelli advised they are increasing by eight inches.

Motion by Councilman Fadgen, seconded by Councilwoman Uria, to approve Request #5. Motion carried on the following roll call vote:

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

REQUEST #6:

Mr. D’Arelli indicated there are four different entries on the building. The measurement taken did not include the “B” logo; a more fair comparison is to take the logo into consideration.

In response to Councilwoman Bendekovic, Mr. D’Arelli advised there were no issues with the landscape comments.
Councilman Tingom noted that the exterior landscaping of the mall has not been very well kept over the last couple of years. He questioned what commitment Westfield has to make sure the grounds and landscaping are better kept. He encouraged flowers and other plantings.

Mr. Barry stated they have already spent $90,000 on landscaping; therefore, there is a commitment. He also wants to redo the landscaping by the monuments along with the signs. Construction on the southwest corner of Broward Boulevard will be tied in with the water sewer project.

Mr. Breitenkam advised that project is the off site utility work by the Residences at the Fountains, which is in conjunction with their lift station improvements that should be complete in approximately four months.

Councilman Levy suggested that landscaping comments be part of the motion.

*Motion by Councilman Fadgen, seconded by Councilwoman Uria, to approve Request #6 subject to incorporating the landscape comments. Motion carried on the following roll call vote:*

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

Mr. D’Arelli referenced the three primary monument signs in the analysis, which does not refer to them needing any particular exceptions.

Mr. Barry advised that the three monument signs are located at the northwest corner of Federated Road and the corner of Broward Boulevard and two towards the center of the site fronting University Drive, which is noted as waiver #3. All of the same structure will be used. The three noted in the analysis are not the three that were listed in the waiver request sequencing.

*Motion by Councilwoman Uria, seconded by Councilman Fadgen, to approve the three monument signs for Westfield Broward. Motion carried on the following roll call vote:*

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

* * * * *

**CONSIDERATION OF COUNCILMEMBERS’ COMMENTS**

Councilman Levy reiterated the City is going through a major review process and if anyone has any comments or suggestions please contact Dan Keefe, Assistant to the Mayor.

In response to Councilman Fadgen with regard to canals in Plantation Isles, Frank DeCelles, Public Works Director, explained that heat produces more algae. The canals the City are responsible to maintain are on a maintenance program for spraying. He referred to a section of the plat for Plantation Isles that says, “The owner of each existing properties that abut the waterways also share the submerged land that extends out from their property lines.” Canals in Plantation Isles are title canals and belong to the homeowners; they are private; therefore, the City would not go onto private property. He has also received calls from residents residing elsewhere in the community with regard to algae. The Public Works Department is limited in what can be done by the State of Florida; they cannot over treat any water bodies in fear of the fact that it could
create fish kills or any other kind of effect on wildlife if constantly using chemicals to curb a problem that is common in South Florida. The problem will not be as bad once the weather changes. As far as sprinkling lawns, if the suctioning lines in the canals are placed far enough into the water it can be drawn for irrigation.

In response to Councilman Fadgen, Mr. DeCelless advised that if the residents get the debris out of the canal and place it in black bags Public Works will make arrangements to haul it away. There are services that can spray the canals and it was his suggestion that Plantation Isles get their residents together and have the canals sprayed as a maintenance program during the entire year. This has been discussed in the past and title waterways are very rarely sprayed because the water is constantly moving and it is not very effective.

Councilman Tingom provided an interim report on the PAL Task Force. He thanked Councilwoman Bendekovic and Councilwoman Uria for attending the meetings and providing their input. There have been three meetings so far and the spirit of cooperation has been evident at all of the meetings. All sports are up and running and fields are available to all of the teams. This will identify that one of the significant positive relationships that the sports commissioners have with Sam Metott, the Athletics Supervisor in the Recreation Department, which is overseen by Mr. Romano. Progress has been made and the next meeting is scheduled for Monday, July 20, 2009 at 7:00 p.m. at Central Park on the second floor in conference room #1. Recommendations will be made to City Council and PAL within the next few weeks.

Councilwoman Bendekovic referenced foreclosures and noted the banks are not cooperating. This is a matter of Code Enforcement; she has received approximately four e-mails regarding vacant property within a few days. The properties are not being kept up and the realtors are having problems selling the properties because they do not look pristine.

Mr. Lunny explained there is a resource issue; Code Enforcement is a negative remedy. The person who is being cited is either absent or is a lender who does not care; therefore, the negative remedy is not effective in dealing with these properties. In order to get to the point of a fine there is a lot of staff time involved and before it gets to his office, it either has to be specially assigned by Mayor Armstrong or it has to reach a certain number of terms of dollar amount. The City does not have the resources to affect a positive remedy. In the past a crew would be sent to maintain the property and an assessment lien would be placed on the property; however, we no longer have the budget for that.

Councilwoman Bendekovic suggested putting a bid out for someone to do the homes because we are paying a bigger price by not maintaining the properties.

Mayor Armstrong advised there are currently five houses under contract. The numbers, access and availability to be able to get those homes under contract and get them rehabbled has been extremely difficult for everyone in the County. Code Enforcement has been reasonably successful in getting the banks to cooperate and if they attend the Code Enforcement hearings it is up to the Board to assess the fines.

In response to Councilwoman Uria, Mayor Armstrong provided an update on BAND. Those have been for down payments and for houses in progress of acquiring. One contract closed and three homes are under contract. There are 91 homes on MLS and bids have been placed on 10% of those. The second program we are going to try is to partner with Broward County to focus on condos and townhouses.

Councilwoman Uria commented that real estate sales are more foreclosures and short sales; not good sales.

* * * * *
PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS

Mr. Conklin made the following comments:

- He thanked Council for denying the housing project that was proposed for Park East.
- He questioned when Councilman Tingom’s photo would be placed in Council Chambers.
- He would like to see the millage rates decrease once property values come back up.

* * * * *

WORKSHOP - None

* * * * *

Meeting adjourned at 11:46 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.

______________________________
City Clerk