

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

September 15, 2010

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

1. Roll Call by City Clerk:

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

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2. The invocation was offered by Mayor Armstrong.

The Pledge of Allegiance followed.

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ITEMS SUBMITTED BY THE MAYOR

Resolution No. 11010

3. **RESOLUTION** of Appreciation to Barbara Moore for 22 years of dedicated service to the City of Plantation.

Motion by Councilman Tingom, seconded by Councilwoman Uria, to approve Resolution No. 11010. Motion carried on the following roll call vote:

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

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Resolution No. 11011

4. **RESOLUTION** of Appreciation to Donald L. Sullivan for 24 years of dedicated service to the City of Plantation.

*Motion by Councilwoman Bendekovic, seconded by Councilman Fadgen, to approve Resolution No. 11011.
Motion carried on the following roll call vote:*

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

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Mayor Armstrong read a Proclamation designating September 20 – 24, 2010 as *Choose Peace Stop Violence Week* in the City of Plantation and September 22, 2010 as *Stand Up For Peace Across Broward County Day*.

The Proclamation was accepted by Maureen Dinnen, Broward County School Board member.

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Mayor Armstrong welcomed Jose Lopez from South Florida Water Management District and Bob Iams (sic) with Carrollo Engineers. Mr. Lopez and Mr. Iams presented an Appreciation Award to Hank Breitenkam, Utilities Director.

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Mayor Armstrong announced that the City of Plantation was a recipient of an additional \$1.2 million for the NSP Fund Program in order to continue expanding opportunities to deal with foreclosures and with houses in our community that are much in need of attention and repair due to the economic conditions. Not only does this program get people into homes, it represents an opportunity for us to partner in getting troubled properties off of our inventory and putting them into a position that they make great homes for families. This was the third grant that came through the Neighborhood Stabilization Program recognizing where we are in terms of dollars in this process. This was a significant award to the City of Plantation because of the fact that the program has been effectively managed in the City and it is one that has been recognized by HUD as being a pilot and leader in terms of taking stimulus dollars and putting them to work.

In response to Councilwoman Bendekovic, Mayor Armstrong advised that the first grant was \$1.9 million and out of that we expect to have about \$750,000 to roll into additional purchases. Those funds are for costs to acquire the property and to rehab the property. It is hoped that we will be able to continue to maximize our dollars. BAND, who is our partner is one of the key reasons we have been successful, because our partnership has been very constructive and productive.

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CONSENT AGENDA

As a Commissioner of the CRA, Mayor Armstrong has a voting privilege on Item No.16.

Mr. Lunny read the Consent Agenda by title.

Item No. 5 was withdrawn by applicant.

5. Approve Midwest Helicopter Airways, Inc. to land on Saturday, September 18, 2010 between 7:00 a.m. and 8:30 a.m. for the purpose of lifting a cell phone cabinet from DHL's parking lot to the top of their building.
6. Approval of flood insurance renewal policies with Travelers Insurance Company in the amount of \$61,343.
7. Award contract for architectural services for Energy Efficiency Team Center to Cartaya & Associates in the amount of \$145,000 subject to final evaluation and review by Administration and Legal Departments. (Budgeted – Dept. of Energy Grant and Utilities Capital).
8. Request for authorization to participate in the Southeast Florida Co-Operative Bid to supply Water Meter Boxes and Parts from HD Supply Waterworks Ltd., and A & B Pipe & Supply, Inc. from August 17, 2010 through August 16, 2011. (Budgeted – Utilities).
9. Request for authorization to exercise the second of two (2) one (1) year renewal options with GenaPure Analytical Service Inc. d/b/a Florida Testing Service, LLC contract for laboratory testing services. (Budgeted – Utilities).
10. Award bid for parking lot replacement at City Library to Charlie Frymyer Paving in the amount of \$51,161.65. (Budgeted – Designated Capital).

Ordinance No. 2449

12. Second and Final Public Hearing of **ORDINANCE** pertaining to the subject of offenses, amending Chapter 17 of the Code of the City of Plantation, entitled "Offenses," to create Article III, to be entitled "Sexual Offenders" and creating Section 17-35, entitled "Definitions" and creating Section 17-36 entitled "Sexual Offender Residence Prohibition; Penalties; Exceptions", providing for a prohibition for sexual offenders convicted of crimes under certain Florida Statutes from living within 2,500 feet of specified locations within the City of Plantation; providing for codification, repealer, and severability; providing a sunset on September 30, 2012; and providing an effective date October 1, 2010.

Resolution No. 11012

13. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period August 26 – September 8, 2010 for the Plantation Gateway Development District.

Resolution No. 11013

14. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period August 26 – September 8, 2010 for the Plantation Midtown Development District.

Resolution No. 11014

15. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period August 26 – September 8, 2010.

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

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

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Ordinance No. 2450

11. Second and Final Public Hearing of **ORDINANCE** relating to the subject of Traffic; authorizing the use of traffic infraction detectors for red light infractions in accordance with State law; authorizing City Administration to take all steps necessary to implement and operate the enforcement program pursuant to the requirements of State law; authorizing fines in accordance with State law; providing for the location of traffic infraction detectors within the City; providing for severability; and providing an effective date therefor.

Councilman Fadgen believes the red light cameras would improve safety and decrease accidents; however, he is not in support until the potential legal costs are settled with other cities.

Dennis Conklin, resident, commented that studies were presented in the Plantation Journal regarding the red light cameras. Each of the studies presented showed the opposite. He personally is not for the red light cameras.

Councilwoman Uria believed that the ordinance was being passed so that we could start working towards this. We may want to put cameras in a few locations and conduct our own studies. She did not have a problem passing the ordinance.

Councilwoman Bendekovic has confidence in the Chief of Police to steer us in the right direction.

Chief Harrison explained that he was in support of the red light camera program. He has attempted to speak with the author of the report in the Plantation Journal; however, he has not yet been able to contact him. The average accident statistics are 252 accidents per month in the City of Plantation and if we can avoid one crash then we have done our job. The other value to the cameras is that the video can be used in cases of violent criminal acts, as there is a description of the vehicle.

In response to Councilwoman Bendekovic, Chief Harrison state that the State of Florida has indicated that municipalities are permitted to have the red light cameras at red lights. We have looked at this for several years. We waited for the State to pass this prior to acting. This was not brought before City Council prematurely.

Mayor Armstrong commented that there are always advocates on both sides of the issue and the answer is somewhere in the middle. She encouraged Council to move forward.

In response to Mr. Conklin, Mayor Armstrong advised that there is no cost.

Motion by Councilman Tingom, seconded by Councilwoman Bendekovic, to approve Ordinance No. 2450. Motion carried on the following roll call vote:

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

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Mr. Lunny read the resolution.

Resolution No.11015

16. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period August 26 – September 8, 2010 for the City of Plantation’s Community Redevelopment Agency.

Dennis Conklin, resident, commented that while reviewing backup for this item he saw a cost of \$128,139.74, which made a reference to a 2005 Note for the Community Redevelopment Agency.

Mayor Armstrong explained that this is the Grove East loan that was part of a financial incentive that was put in place for the development of that project. Basically this is a tax increment and the expectation was that the tax revenue generated by the Grove East development would pay off that portion of the incentive that was provided. If it is from the CRA, which it is, it is funded by the TIFT.

Mr. Lunny stated that the page numbers are slightly off. We now have one resolution for multiple payment periods; it is on the second payment period and that is why the numbers are redone. This is the payment on the Wachovia loan.

Motion by Councilwoman Bendekovic, seconded by Councilman Fadgen, to approve Resolution No. 11015 as presented. Motion carried on the following roll call vote:

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

NOTE: Mayor Armstrong voted affirmatively for Item #16.

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ADMINISTRATIVE ITEMS - None.

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LEGISLATIVE ITEMS

Mr. Lunny read the resolutions and noted that there will be a public budget hearing and second hearing on September 22, 2010 at 7:30 p.m.

Resolution No. 11016

17. **RESOLUTION** adopting the tentative millage rate for the City of Plantation of 4.5142 mills for the operating fiscal year October 1, 2010 through September 30, 2011, identifying the City only rolled-back millage rate, the aggregate millage and aggregate rolled-back rate; and otherwise, directing the City Clerk to advertise the tentative aggregate millage rate, the aggregate rolled-back millage rate and the date of the

public hearing for finalizing of such millages and budgets; providing findings; providing a savings clause; and providing an effective date therefor.

Resolution No. 11017

18. **RESOLUTION** adopting the tentative millage rate for Plantation Gateway Development District of 1.2461 mills for the operating fiscal year October 1, 2010 through September 30, 2011; identifying the computed rolled-back millage rate; providing findings; providing for a hearing on September 22, 2010 commencing at 7:30 p.m. in the City Council Chambers to finalize this millage rate; providing a savings clause; and providing an effective date therefor.

Resolution No. 11018

19. **RESOLUTION** adopting the tentative millage rate for Plantation Midtown of 0.4072 mills for the operating fiscal year October 1, 2010 through September 30, 2011; identifying the computed rolled-back millage rate; providing findings; providing for a hearing on September 22, 2010 commencing at 7:30 p.m. in the City Council Chambers to finalize this millage rate; providing a savings clause; and providing an effective date therefor.

Resolution No. 11019

20. **RESOLUTION** providing for the adoption and approval of the tentative consolidated estimated revenue and appropriation budget for the City of Plantation, for the operating fiscal year October 1, 2010 through September 30, 2011; providing findings; providing for a hearing on September 22, 2010 commencing at 7:30 p.m. in the City Council Chambers to finalize this budget; providing a savings clause and providing an effective date therefor.

Resolution No. 11020

21. **RESOLUTION** providing for the adoption and approval of the tentative estimated revenue and appropriation budgets of the dependent taxing district of Plantation Gateway Development District for the operating fiscal year October 1, 2010 through September 30, 2011; providing findings; providing for a hearing on September 22, 2010 commencing at 7:30 p.m. in the City Council Chambers to finalize this budget; providing a savings clause, and providing an effective date therefor.

Resolution No. 11021

22. **RESOLUTION** providing for the adoption and approval of the tentative estimated revenue and appropriation budgets of the dependent taxing district of Plantation Midtown Development District for the operating fiscal year October 1, 2010 through September 30, 2011; providing findings; providing for a hearing on September 22, 2010 commencing at 7:30 p.m. in the City Council Chambers to finalize this budget; providing a savings clause, and providing an effective date therefor.

Resolution No. 11022

23. **RESOLUTION** providing for the adoption and approval of the tentative estimated revenue and appropriation budgets of the Plantation Community Redevelopment Agency for the operating fiscal year October 1, 2010 through September 30, 2011; providing findings; providing for a hearing on September

22, 2010 commencing at 7:30 p.m. in the City Council Chambers to finalize this budget; providing a savings clause, and providing an effective date therefor.

Mr. Lunny requested that after Mayor Armstrong makes introductory remarks she allow Mr. Herriman to make some legally required comments for this process.

Mayor Armstrong provided a brief Power Point presentation and advised that a citizens report is available, which has some background information regarding the budget. The budget is also online at Plantation.org. She acknowledged the City Council and the time that has been put into developing this budget. There was a budget conference on June 24, 2010, a Workshop on July 21, 2010, and another Workshop on July 26, 2010. Mayor Armstrong also acknowledged Dan Keefe, Herb Herriman, and Susan DiLaura for putting the presentation together. Mayor Armstrong advised that our total budget for this year is \$163 million including all of the utilities and several miscellaneous budgets and funds. The one that will be focused on this evening and most directly affects the residents and is driven by the property taxes is the General Fund. The General Fund, including all of the transfers and the transfers noted in the budget are the transfers to fund the Fire Rescue system and to pay for debt service; it is \$77,901,707. This budget provides us with the blueprint that will be followed in order to provide quality services for our residents; it is \$611,000 less than it was last year. Our millage rate for fiscal year 2011 is 4.512, which is less than the roll-back rate which would have been 4.9. This millage rate that City Council adopted generates \$3.3 million less than what the roll-back would have generated in order to match the revenues that were generated last year. This budget as it was presented and the millage rate as it was adopted by City Council was prepared to make it very clear that this Council and this City understands the economic conditions of today that all of our residents are facing. By not increasing the millage rate this will put back \$3.3 million somewhere back in our community, which hopefully will be helpful in order to assist our residents. This choice was made by the City Council in lieu of going to the roll-back rate which would have generated the current revenues. It is important that we recognize that there are many success factors contained in this budget; one is associated with our CRA in order to redevelop and reposition State Road 7 in Plantation's jurisdiction and also to place it in a position that it would influence the County as a whole, which that District has done. The funds that are currently generated, \$1.2 million, are what is used to support that District and to continue to allow it to grow and to revitalize through business investments and infrastructure investments. This has been a significant and a very productive and positive ingredient of success in Plantation because our eastern boundary stabilized everything that is there and the neighborhoods immediately adjacent and everything to the west.

Mr. Herriman stated that pursuant to Florida Statutes and the City of Plantation City Council, our tentative resolutions for the first public hearing for the fiscal year 2011 are as follows:

- Tentative millage resolution City of Plantation General Operating Fund.
- Tentative millage resolution Plantation Gateway Development District.
- Tentative millage resolution Plantation Midtown District.
- Tentative millage resolution for the City of Plantation Aggregate.

For the City of the Plantation General Operating Fund the proposed tentative millage rate is 4.5142. The roll-back millage rate is 5.0579 which is a reduction of 10.75%.

For the Plantation Gateway Development District the proposed tentative millage rate is 1.2461. The roll-back millage rate is 1.3168 which is a reduction of 5.37%.

For the Plantation Midtown Development District the proposed tentative millage rate is 0.4072. The roll-back millage rate is .4480 which is a reduction of 9.11%.

For the City of Plantation Aggregate millage rate the proposed tentative millage rate is 4.6250. The roll-back millage rate is 5.1749 for a reduction of 10.63%.

The ad valorem tax revenue for the City of Plantation General Operating Fund will provide for personnel costs and capital items for the Plantation Gateway Development District, Plantation Midtown Development District, and Operating Funds. The ad valorem tax revenue will provide for capital improvements.

Motion by Councilman Tingom, seconded by Councilwoman Bendekovic, to approve the City of Plantation tentative millage of 4.5142 mills. Motion carried on the following roll call vote:

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

Motion by Councilwoman Uria, seconded by Councilman Tingom, to approve the Plantation Gateway Development District tentative millage of 1.2461 mills. Motion carried on the following roll call vote:

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

Motion by Councilman Tingom, seconded by Councilwoman Uria, to approve the Plantation Midtown District tentative millage of 0.4072 mills. Motion carried on the following roll call vote:

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

Motion by Councilman Tingom, seconded by Councilman Fadgen, to approve the tentative City Budget for the operating fiscal year October 1, 2010 through September 30, 2011. Motion carried on the following roll call vote:

Councilwoman Uria commented that in reviewing the 2011 Fiscal Citizen's Report there is a statement that says, "Plantation, like every other municipality in Broward County, is hovering on the edge of the cliff trying to maintain service levels so that we can continue to provide quick response for debris removal, etc." She believes that the City of Plantation has been proactive in looking at the pension costs. Whenever payroll is increased pension costs are increased. Also increased are FICA, Social Security, and Workers' Compensation. Keep in mind we are continuing to be unsustainable if we keep going the way we are going because we will have to raise the millage unless we keep going in our reserves.

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

Motion by Councilwoman Bendekovic, seconded by Councilman Tingom, to approve the tentative Plantation Gateway Development District Budget for the operating fiscal year October 1, 2010 through September 30, 2011. Motion carried on the following roll call vote:

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

Motion by Councilwoman Uria, seconded by Councilman Levy, to approve the tentative Plantation Midtown District Budget for the operating fiscal year October 1, 2010 through September 30, 2011. Motion carried on the following roll call vote:

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

Motion by Councilwoman Uria, seconded by Councilwoman Bendekovic, to approve the tentative CRA Budget for the operating fiscal year October 1, 2010 through September 30, 2011. Motion carried on the following roll call vote:

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

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QUASI-JUDICIAL CONSENT AGENDA - None.

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QUASI-JUDICIAL ITEMS - None.

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COUNCILMEMBERS' COMMENTS

Councilman Levy concurred with Councilwoman Uria and expressed that we need to be diligent in the future, especially when it comes to hidden costs. He noted that whoever came up with the Tier Two plan should be commended. What is done today will have an effect on the future.

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Councilwoman Uria mentioned that after the last Budget Workshop she contacted someone at Granicus at which time she was told that they could broadcast our Council meetings for \$480. She had a meeting with Susan Slattery, City Clerk, and the gentleman from Granicus, who confirmed the cost of webstreaming as \$480. She suggested that this be considered some day.

Mayor Armstrong advised that webstreaming is included in this years' budget.

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Councilwoman Uria referenced the red light cameras and suggested that we also consider speeding cameras.

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Councilman Tingom announced that there is a vacancy on the Code Enforcement Board and if any citizens are interested they should either call him or email him.

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Councilwoman Bendekovic advised that the Chamber of Commerce golf tournament fundraiser is on September 23, 2010,

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Councilwoman Bendekovic thanked Mayor Armstrong for the update on the summary of the Jacaranda Golf Course situation. She questioned whether there has been any response to a letter sent to Scratch Golf.

Mayor Armstrong stated that she had a meeting with Scratch Golf and she is waiting for a response based on the letter.

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Councilman Fadgen commented on budget issues and commended all of the employees for the cultural changes over the past three years.

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PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS

Dennis Conklin, resident, announced that Saturday, September 18, 2010 is Constitution Day. He also commented about the City pension. The Citizen's Report mentions that the cost of the pension went up \$982,454 this year. When those costs are exceeded they have to be made up by the General Fund. It has been mentioned that the pensions are sustainable and actuarial sound; however, they are only actuarial sound and must come out of the taxpayers' in the General Fund. It has also been mentioned that there is a possibility of transition. He believes that the defined benefit plan is causing the problem and strongly urged Council to struggle with the Federal Government to allow the taxpayers' freedom from that liability.

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Councilman Levy questioned whether any additional information has been obtained with regard to getting an artifact from the World Trade Center. He requested that the City of Plantation make a formal request for this from New York. Councilman Levy feels this is very important to our community and does not want to lose touch. He would like Council to make a formal request for something to commemorate.

Mr. Conklin indicated that he has not received any information on getting an artifact from the Twin Towers for the City. It seems that Mr. Miller has not been able to perform even though they have had conversations and emails have been received saying that we should have it by now. Apparently there is a document that has to be filled out by the City; as it cannot be given to private citizens.

Mayor Armstrong requested that Mr. Conklin get the information to her because she has never received it.

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Robert Boler, resident, requested permission to hold garage sales every weekend for the rest of the year. A few weeks ago he requested that he be granted 12 Saturdays; however, Council granted six. The first sale was on September 3, 2010. He then tried the sale on a Sunday and again, it was a very low turnout. A day or two later he received a call that a story was going to be done on garage sales by the Sun Sentinel. Upon calling the Mayor's office he was advised that he used his two garage sales days and had expended his two days for the month of September. That is not true, according to the document it says that a weekend represents one day. As a result of that conversation, no sale was done last Saturday. He didn't do an ad for this coming Saturday because he was told he could not have anymore sales in September. He questioned whether Council would correct what he was told; that he can have sales as initially planned. He requested that he be allowed an additional 11 days, as he actually did one day.

Mayor Armstrong advised that anyone answering the call with the question of how many garage sales can be had in a month, would have said two. She believes the information was relayed correctly, that two is the appropriate number of garage sales that were committed to. She understands that sometimes garage sales do run Saturday and Sunday and if that is the Council's intent, then that is fine. The question is whether a garage sale is considered an event that happens on one day or two days.

Mr. Lunny believed a garage sale is worded in the ordinance as one day.

Councilwoman Bendekovic saw the article mentioned on channel 10 and also saw it in the Sun Sentinel. She understands that he has been contacted by the media and noted that he should do very well with that advertisement. She did not vote for the garage sales because she felt that a precedence would be set. She feels that there are other avenues that can be taken and believes that her colleagues have been very generous.

Mr. Lunny read the Code regarding garage sales and advised that it says, "No more than two garage sales without a conditional use permit of the City Council." It also says, "That each successive day that personal property is offered for sale shall be deemed an additional sale, so as to be limited to four days per year the offering of personal property for sale by the occupant of residentially zoned property without the approval of City Council." He interprets this to mean that you get two two-day, four days total. Anything beyond that needs approval by the Council. The ordinance implies that beyond the two each additional day is a sale. If six are granted, unless you say something to the contrary, staff would conclude that that would be six days, not twelve. You may want to clarify the intent because this particular code section is somewhat confusing and has never been an issue before.

Councilman Levy questioned whether one day could be added in early December because of the holiday season.

Councilman Tingom was all right with the six additional days but believed that two days each weekend is too much.

Mr. Boler believes if he is limited to one day he will not be able to dispose of everything. He stated that the City should review the garage sale ordinance.

In response to Councilman Tingom, Mr. Boler advised that he is working with two different auction houses and they do not want the things that are being put in the garage sale. Every week he takes things to the Dania Auction House.

Councilwoman Uria commented on the article in the paper and noted there are two quotes, one from Mr. Boler which says, "It is obvious that no one on the Council ever had a garage sale." The article continues to say, "I

have cancer.” She stated that Conner, his partner, has had cancer. Councilwoman Uria did not appreciate the inference about herself and her colleagues and indicated that everyone here has had cancer in their family.

Motion by Councilwoman Uria, seconded by Councilman Levy, to allow five more garage sales, one in September, two in October, two in November, with the last one on the first weekend in December; they are two-day events, Saturday and Sunday. Motion carried on the following roll call vote:

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

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Larry Ebbert, resident, questioned whether the report for the dam openings in Plantation Isles has been received. He also questioned the ownership of the canals and requested help.

Councilman Fadgen stated that he received an email from the South Florida Water Management District stating that the report is in West Palm Beach. He requested that they send the report; however, no response has been received.

Mr. Ebbert indicated at that time Council had requested a meeting and in speaking with Mayor Armstrong she stated that it is being planned for some time in October; however, he does not have a date.

Mayor Armstrong advised that no date is set because there has been some difficulty in coordinating all of the different players to get a date that works due to vacations and work schedules. The target is for the second week in October.

Mr. Ebbert has been told by representatives of the South Florida Water Management District that if they owned it they could clear it up but in checking, it was found that South Florida Water Management District does not own the canals. The question of ownership keeps coming up. There are at least five different subdivisions in Plantation Isles. The legal description on his deed indicates that he owns 1/31 of the abutting waterways. Evidently there are 31 homes in Waterway Estates on those canals. Some of the homeowners’ legal descriptions in Plantation Isles indicate that they own the north ½ of the abutting canals or the south ½ of the abutting canals; however, the majority of the deeds have no mention of owning any canals; it is just the lot and the section. In Cove Home Sites they indicate that they own ½ of the abutting canals. Plantation Harbor has no reference as to anyone owning any of the canals. Sali Del Mar, which is on SW 18th Street, has no reference in the legal descriptions of owning canals. Every time ownership comes up we are told that we own the canals and that we are totally responsible for them. There is a lot of confusion and he is asking for help.

Mr. Lunny advised that the majority of the canals are owned by private citizens. The City, in most cases, has control by virtue of an easement for navigation and in a few rare instances the City does own a portion of the canal. There has never been any maintenance program conducted by the City with the sole exception of the dredge, which was done with the interest of navigability in the exercise of the public rights of navigation. The canals are private and it would not be unlike maintaining land that is subject to as easement for land or for a telephone. Notwithstanding that, if the City wants to conduct a weed control program, it has enough of a legal interest to support such a program. The staff concern was how it would be funded. A permitting system could be adopted as discussed or residents can take the other approach that it is time for the City to be more active and the City will provide an enhanced level of service in this area but the concern would be how to pay for it. Ownership is not an issue to the City deciding they want to do it because they have enough of an interest to do it.

If there is some cause of connection between the weeds and the navigability or the utility of the waterway for that purpose, it can be done. One of the staff concerns from the beginning is that the majority of the canals are private waterways. The City has good reason to say they are not going to do it in this case.

Mr. Ebbert clarified that they are not saying the canals are the City's responsibility. They want the City to help them fight this. Everyone who has looked at this has indicated that they are freshwater plants. These tidal canals have been blackish and saltish. South Florida Water Management District has admitted that it is their goal to put more fresh water in those canals off of the Sunrise canals going in there. Every time the threat of a hurricane ends they lower the dam bringing in more fresh water from the Everglades. Every time they strip the canals along I-595 they lower the dam and it all comes into the canals, plants get embedded due to more fresh water. They are requesting the City find the source. The I-595 project and the South Florida Water Management will not listen to individual homeowners but they may listen to City representatives.

Councilwoman Bendekovic stated that the results are necessary prior to the Council taking any action.

In response to Councilwoman Bendekovic, Councilwoman Uria indicated that when she was on PAID there was a problem because the gates where the water drains, which is gravity fed, are computerized. When lowering the gates the water only goes out when the tide goes out. The South Florida Water Management District cleans the Hiatus canal with the big machines and PAID actually did the secondary canals with manpower.

Mr. Ebbert is on the Stormwater Focus Committee and their idea is to put more stormwater into our canals, which will make them more fresh water.

Mr. Butler clarified that the focus group did not make any suggestions that we are going to introduce more water into his canals from our drainage system. They are not introducing any additional volume of run off; they were discussing water quality issues. It might have been some additional nutrient loading but not additional volume of run off.

In response to Councilman Tingom, Mr. Butler was not privy as to whether private citizens were chemically treating the canals with chemicals in Plantation Isles.

As Councilman Tingom understands, a lot of the run off from lawn fertilizer and pesticide add to the nutrient level of the water.

Mr. Butler stated that is not unique to Plantation Isles. In fairness to those residents, that is a City wide issue. The nutrients will find their way into the waters. They are waiting to find out what the outcome and implication may be for this City.

Councilman Tingom's point is that there are a lot of residents that take very good care of their lawns in that area and he was wondering if some people are individually treating things that could add to the problem.

Mr. Lunny clarified that the question is in the event of ad hoc applications without a comprehensive aquatic weed control program, could that be more detrimental? The answer is yes, according to the staff memo. One of the recommendations of staff is that you not have an ad hoc citizen driven application process where they can apply whatever they want; instead there will be studies and evaluations in some form or regulatory approach. Either the City could do that, which is one of the options, or there could be a regulatory approach, which is another option. Staff is not doing anything until the Mayor and citizens have their attempted meeting.

Mr. Ebbert referenced weed control and noted that no one in Plantation Isles is currently putting anything in the canals for weed control. It would be against the City ordinance and they would be fined \$500 and they were directed by Pat O'Quinn, who recommended that Lake Doctor was a good comparable weed specialist; therefore, they came out and gave a quote. They quoted \$1,275 for six canals for one treatment. There are actually more than six canals and it was estimated that the total cost to do that treatment would be about \$4,000 for one treatment and maybe a follow up about two weeks later. They want to find the source prior to trying to eliminate it.

In response to Mr. Ebbert, Mr. Butler stated that it is his understanding that some of the chemicals that may be used in this business may have a copper content and that is one element that is recognized as an element that would impair water in terms of the element levels they are trying to control in our waterways.

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Betty Cobb, resident, advised that today's Forum said that the museum has been closed since August and it has only been closed on Wednesdays. The museum is open on Tuesday, Thursday, Friday and Saturday.

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WORKSHOP - None.

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Meeting adjourned at 10:41 p.m.

Jerry Fadgen, President
City Council

ATTEST:

Susan Slattery
City Clerk

RECORD ENTRY:

I HEREBY CERTIFY that the Original of the foregoing signed Minutes was received by the Office of the City Clerk and entered into the Public Record this _____ day of _____, 2011.

Susan Slattery, City Clerk