

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

September 23, 2009

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

1. Roll call by the City Clerk:

Councilmember:	Diane Veltri Bendekovic Jerry Fadgen 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 Councilwoman Bendekovic.

The Pledge of Allegiance followed.

3. The City Council minutes for June 30, 2009 were approved as printed.

4. The City Council minutes for July 28, 2009 were approved as printed.

5. The City Council minutes for July 29, 2009 were approved as printed.

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ITEMS SUBMITTED BY THE MAYOR

Mayor Armstrong made the following announcements:

- The Halloween and Safety Festival will be held on Saturday, October 17, 2009 between the hours of 10:00 a.m. and 2:00 p.m. at the Kennedy Community Center.
- Flu shots will be offered on Thursday, October 22, 2009 between the hours of 9:00 a.m. and 12:00 p.m. for residents 55 years old and over at Plantation Central Park.

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CONSENT AGENDA

Mr. Lunny read the Consent Agenda by title.

- 6. Approve car wash at TGI Friday’s located at 80 SW 84th Avenue on Sunday, September 27, 2009 to benefit the Make a Wish Foundation.
- 7. Approve request to piggyback the renewed City of Pembroke Pines bio-solids disposal bid until June 30, 2011. (Budgeted – Utilities).

Resolution No. 10692

- 8. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period September 10 – September 16, 2009 for the Plantation Gateway Development District.

Resolution No. 10693

- 9. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period September 10 – September 16, 2009 for the Plantation Midtown Development District.

Resolution No. 10694

- 10. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period September 10 – September 16, 2009.

Resolution No. 10695

- 11. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period September 10 – September 16, 2009 for the City of Plantation’s Community Redevelopment Agency.

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

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

NOTE: Mayor Armstrong voted affirmatively on Item #11.

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ADMINISTRATIVE ITEMS – None.

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LEGISLATIVE ITEMS

Resolution No. 10696

12. **RESOLUTION** adopting the final millage rate for the City of Plantation of 4.5142 mills for the operating fiscal year October 1, 2009 through September 30, 2010 identifying the City only rolled-back millage rate, the aggregate millage and aggregate rolled-back rate; and the percentage decrease from the aggregate rolled-back rate; providing findings; providing a savings clause; and providing an effective date therefor.

Resolution No. 10697

13. **RESOLUTION** adopting the final millage rate for Plantation Gateway Development District of 1.2461 mills for the operating fiscal year October 1, 2009 through September 30, 2010 identifying the computed rolled-back millage rate; providing findings; providing a savings clause; and providing an effective date therefor.

Resolution No. 10698

14. **RESOLUTION** adopting the final millage rate for Plantation Midtown Development District of 0.4072 mills for the operating fiscal year October 1, 2009 through September 30, 2010 identifying the computed rolled-back millage rate, providing findings; providing a savings clause; and providing an effective date therefor.

Resolution No. 10699

15. **RESOLUTION** providing for the adoption and approval of the final consolidated revenue and appropriation budget of the City of Plantation for the operating fiscal year October 1, 2009 through September 30, 2010 providing findings; budgeted compensation of elected officials; providing a savings clause and providing an effective date therefor.

Resolution No. 10700

16. **RESOLUTION** providing for the adoption and approval of the final revenue and appropriation budgets of the Dependent Taxing District of Plantation Gateway Development District for the operating fiscal year October 1, 2009 through September 30, 2010 providing findings; providing a savings clause and providing an effective date therefor.

Resolution No. 10701

17. **RESOLUTION** providing for the adoption and approval of the final revenue and appropriation budgets of the Dependent Taxing District of Plantation Midtown Development District for the operating fiscal year October 1, 2009 through September 30, 2010 providing findings; providing a savings clause and providing an effective date therefor.

Resolution No. 10702

18. **RESOLUTION** providing for the adoption and approval of the final revenue and appropriation budget of the Plantation Community Redevelopment Agency for the operating fiscal year October 1, 2009 through September 30, 2010 providing findings; providing a savings clause and providing an effective date therefor.

Mr. Lunny read Resolution Nos. 10696, 10697, 10698, 10699, 10700, 10701, 10702 by title.

Mayor Armstrong provided a brief presentation on the budget and explained that the Citizen's Report is available in the back of the room. The Second Public Hearing of the Budget includes the budget for not only the General Fund but also for the Utility Fund and all of the special districts within the City of Plantation. The process began in March and there were numerous meetings prior to the First Budget Hearing. We started with approximately a \$9 million dollar deficit and when this budget was put on the table it was recognized that this was not a maintenance budget, but a survival budget. Property values, both residential and commercial, have decreased by a total of 13.8% in two years. The total budget, which is \$157,332,000, is a decrease from last years' budget of \$4.5 million dollars. The total General Fund budget out of that, which is the General Operating Budget for services, Parks and Recreation and Police, is \$72,042,000, which has been reduced by \$2.238 million dollars.

The Fire Rescue Division is funded out of our General Fund Ad Valorem Revenues and even taking that Division and those numbers into affect, the budget has been significantly reduced by over \$2.5 million dollars. Salary and wages, including overtime, shift differential, all of the factors associated with salary and wages have been reduced by \$1.8 million dollars, benefits have increased in part primarily because of some increased costs in the pension funds and the number reflects some revenues that are currently being accounted for in the General Fund that were not previously there from Police and Fire Funds that come from the State in order to help offset some of the costs in pension funds.

Operating expenses and services have decreased by \$2.9 million dollars, materials and supplies by \$280,000 and capital by \$230,000. All of the numbers reflected in this budget are a significant decrease over where they were last year. In order to balance the budget wages were frozen for all employees. Over the period of the last two years 45 full time positions and 109 part time positions were decreased and the significance of that is represented in the services that are not getting the support that they previously received, which is primarily in Parks and Recreation and Public Works. Some deterioration will be seen in services due to the fact there are no part time employees to assist. Included in that number was nine police officers and administrative personnel in the public safety division. All of the employees have been cross trained and are doing double time to do tasks whenever there are peak times, vacation time and illnesses, in order to keep the overtime down and to complete the tasks that are expected by residents.

The budget was balanced by four different factors; everything was stripped to the bare bones recognizing that there are some things that cannot be taken to a point any less than where they are, which is particularly in the area of capital. The recommendation is to set the millage rate at the roll back rate in order to help offset some of the deficit. This budget has been supported with approximately \$2.5 million of non-recurring revenues, which is a number that will have to be made up at some point in the future in order to be able to support future budgets. Some programs have been put on the table for consideration such as the red light camera program and the drainage program which is needed to contain our storm water management. The recommended millage rate at 4.5142, which was set by City Council in July, is the roll back rate; that is the rate that will generate the same amount of revenue that the City had last year. It is significantly less than what the Legislature allows us to put in place based on all of the conditions that have been put into Legislation two years ago. That rate could actually be 5.08. It is far less than the 10 mills that are allowed to operate at a local level. The responsibilities for where the millage rate is set and the standards is up to City Council, to very carefully determine what we need to provide to residents in order to maintain their property values and to be able to continue to serve this community in the way it is felt are the wishes of the community. Plantation is still one of the lowest millage rates of the 31 cities in Broward County. When taking into consideration all of the other fees that we do not have with our millage rate, which is fire assessment, debt service, storm water utility; therefore, the millage rate keeps us at the bottom of the scale in reference to other municipalities. Over the last ten years the millage rate has gone up less than 9/10ths of a mill, which represents less than a tenth of a mill every year. Plantation's taxes are only 21% of

the entire tax bill; the other taxes are for Broward County, the School Board and other agencies that we serve. It is believed that most of the Broward municipalities have found that raising the millage rate and maintaining the roll back rate is the responsible position to follow at this particular time.

There are some projects in the works that are part of 2002 and 2003 bond project funds on State Road 7 and at the Kennedy Community Center. The business districts have been struggling and the millage requested for Plantation Midtown, which is our central business district, is .4072, which was reduced by 2.49% and in Plantation Gateway it is 1.2461, which is reduced by 1.76%.

Mayor Armstrong feels very confident with the plans put in place as a result of the analysis that has been done this year on the budget that we will be able to weather the storm next year because we clearly do have an understanding of what that need is and we clearly understand and hope that things are going to get better in the economic part of our deficit, which was \$4,000,000 this year. It is recommended that the millage rate be set at 4.5142 and to approve the budget as it has been presented.

In response to Councilman Fadgen's request last week that some information be gathered and provided, which related to two questions; one to reduce the wages for all of our City employees by 5%, which is 5% below of the frozen wages. That information was gathered and in looking at that the 5% for the General Fund and all of the enterprise funds would represent \$661,000 and the 5% for the Police officers would represent \$599,000. Mayor Armstrong issued a word of caution in doing that, as it creates an additional liability for next year, which negatively impacts plans that we have in place in order to attempt to stabilize and establish our plans for next year by creating that additional liability. Information was provided about Plantation and where we stand with our wages and salaries that are monitored on a regular basis. The information shows that our salary ranges are at the mid or slightly below. We have consistently moved in the direction of being at the very bottom slowly each year to a point of being able to feel that we have established an appropriate position and level for our wages. She sharply disagreed with the suggestion and believes it is a dis-service to all that we have accomplished and a dis-service to our employees. The other suggestion was an exit incentive. She did not disagree with the concept except for the fact that we have cut our employee pool back to the point that we do not have positions that we can vacate and leave unfilled in a significant number. Perhaps one or two might be possible as things progress throughout the year but to use that as an incentive to get people to leave would put us in a position to rehire.

A memorandum dated September 23, 2009 to Mayor and Members of City Council from Herbert V. Herriman, Finance Director, follows:

Pursuant to Florida Statutes and the City of Plantation Council, the **Second Public Budget Hearing** is scheduled for 7:30 p.m., Wednesday, September 23, 2009. Enclosed are final millage and budget resolutions for the **second public hearing** as follows:

1. Final Millage Resolution – City of Plantation
2. Final Millage Resolution – Plantation Gateway Development District
3. Final Millage Resolution – Plantation Midtown Development District
4. Final Budget Resolution – City of Plantation
5. Final Budget Resolution – Plantation Gateway Development District
6. Final Budget Resolution – Plantation Midtown Development District
7. Final Budget Resolution – Plantation Community Redevelopment Agency

The City of Plantation Budget is based on the General Fund operating millage of 4.5142 mills, which is the rolled-back millage rate of 4.5142 mills.

The Plantation Gateway Development District Budget is based on the operating fund millage of 1.2461 mills, a reduction of 1.76% from the rolled-back millage rate of 1.2684 mills.

The Plantation Midtown Development District Budget is based on the operating fund millage of 0.4072 mills, a reduction of 2.49% from the rolled-back millage rate of 0.4176 mills.

The City of Plantation Aggregate Budgets is based on the operating millage of 4.6179 mills, a reduction of 0.00% from the rolled-back millage rate of 4.6181 mills.

Mr. Herriman commented on the final millage and budget resolutions as outlined in the aforementioned memorandum.

He noted that the ad valorem tax revenue for the City General Operating Fund will provide for personnel services and capital items. The ad valorem revenues for the Plantation Gateway Development District and Plantation Midtown Development District Operating Funds will provide for capital improvements.

Councilman Fadgen distributed an analysis he did as a result of what Margie Moale, Human Resources Director and Staff has developed. In addition to those two he came up with a third potential budget impact. The first one deals with a 5% across the board cut of all personnel, which amounts to \$1.2 million dollars. If that by itself is not acceptable a 4%, 3%, 2% and 1% cut were shown instead of the full 5%.

Councilwoman Bendekovic was not agreeable to any of the percentage cuts. This analysis was received from Ms. Moale and it indicated that there was a survey on comparable cities throughout the County and that survey indicated that the average of our department heads were in the average 51 percentile, the Police officers were in the 96 percentile, etc. The rest on the average range is 51 percent, which means they are 49 percent ahead of us and we are getting a bargain because we have 16 specialists that she feels make up our team. As a specialist, she goes to them and is not presumptuous that she has the knowledge they have.

Motion by Councilman Fadgen that we have across the board cut of 5% for all employees of the City that are above the minimum wage.

There was no second to the motion. Motion failed.

Councilman Fadgen referenced Item 2, an incentive to have employees leave. The incentive was if the City offered employees to depart and if they decided to do so prior to November 1st they would get a three-month bonus for departing. If they gave notice and departed by December 1st they would get a two-month bonus and if they departed by January 1st they would get a one-month bonus. The City did not give any particular numbers; however, he made an assumption that ten employees throughout the City would accept the incentive and he selected groups of salary ranges, basically two from the \$25,000 range, two from the \$35,000 range, two from the \$45,000 range, two from the \$55,000 range and two from the \$65,000 range. The incentive would represent about \$81,000 but would free up a number of months where payroll would not be paid for the remainder of the fiscal year. The difference between the incentives paid for these employees exiting would be a \$300,000 impact.

Motion by Councilman Fadgen that an incentive for leaving be instituted for the fiscal year and to make the appropriate adjustment in the millage rate.

There was no second to the motion. Motion failed.

Councilman Fadgen referenced the third suggestion was to propose a furlough of six days per year for all employees. The impact on the General Fund would be about \$747,000 and the impact across the City would be \$859,000. That is one day every two months for every employee.

Motion by Councilman Fadgen to implement six furlough days per year and make the appropriate adjustment to our millage rate.

There was no second to the motion. Motion failed.

Mayor Armstrong emphasized that government are stepping up to the plate to make changes. This City has addressed the situation through payroll reductions that are clear and significant; they are not insignificant numbers, \$1.8 million dollars, those are major numbers. The numbers have been reduced by reducing employees but the biggest thing is that we have reduced it for a year by freezing wages, which is a significant position for government, the City, and the people who work for government to take. She does not want any impression left that government has not stepped up to the plate and that this City and everybody that is represented here has not stepped up to the plate to be part of the changing times and to be part of the conditions in meeting them proactively and positively.

Councilwoman Uria thanked Councilman Fadgen for the aforementioned information, which may be used next year if the economy does not turn around. She feels Special districts such as Old Plantation Water Control and Plantation Acres should be on the millage slide. The slide needs to be clarified and all of the water districts need to be included.

Mr. Keefe indicated that none of the water districts or special lighting districts are included throughout the County.

Councilwoman Uria referenced the First Public Hearing and noted there are other ways to look at the budget; therefore, she cannot support the budget.

Councilwoman Bendekovic advised there have been two workshops and two public hearings on the budget at which time Council was requested to give input. Her input was an amnesty for Code Enforcement liens, which would be a savings and would also generate revenue; she also requested to transfer some of the Code Enforcement over to the Special Magistrate, which would also be a savings; she requested to sunset a few positions, which would have been a savings; and she also said that Council members should enroll in the Open Access instead of the PPO, as it is much more expensive for the City, which would also be a savings. Government should be run as a business and corporations do invest back into their business and Plantation is no different; we have invested back in our City in the form of our park system, Midtown, Gateway, etc. This budget has been researched to make sure that the vote this evening is what needs to be done. We have cut to the barest necessities. Councilwoman Bendekovic assured residents that all of her votes cast in the last nine years have been filled with researching, educating herself and meeting with department heads. To her, a fiscally responsible vote is funding services and funding the needs, not the wants. She indicated that she would support the roll back rate.

Councilman Levy responded to Councilwoman Uria's question in reference to special districts. The problem lies with what types of districts are being referred to. The rate was determined by where the majority of the people live, which is the third lowest. There are many special districts throughout the County. It would be difficult to handle every special district. Reviewing the budget is very tough and in the past five years our budget has gone down 14% and 45 positions have been eliminated; Administration has done what has been requested. He believes the City of Plantation has been conservative and he believes this is a very tight budget. He applauded Mayor Armstrong and Administration for the budget presented.

Councilwoman Uria clarified that she finds it hard that during an economic downturn to increase the millage.

Councilwoman Bendekovic opened discussion to the public. There being no discussion, the discussion was closed to the public.

The Budget Resolution Motions are as follows:

Motion by Councilman Tingom, seconded by Councilman Levy, to approve the General Fund millage rate of 4.5142 mills. Motion carried on the following roll call vote:

Ayes: Levy, Tingom, Bendekovic

Nays: Uria, Fadgen

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

Ayes: Uria, Fadgen, Levy, Tingom, Bendekovic

Nays: None

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

Ayes: Uria, Fadgen, Levy, Tingom, Bendekovic

Nays: None

Motion by Councilman Tingom, seconded by Councilwoman Bendekovic, to approve the Final Consolidated Revenue and Appropriation Budget for the City of Plantation. Motion carried on the following roll call vote:

Ayes: Levy, Tingom, Bendekovic

Nays: Uria, Fadgen

Motion by Councilwoman Uria, seconded by Councilman Fadgen, to approve the Final Revenue and Appropriation Budget of the Dependent Taxing District of Plantation Gateway Development District. Motion carried on the following roll call vote:

Ayes: Uria, Fadgen, Levy, Tingom, Bendekovic

Nays: None

Motion by Councilwoman Uria, seconded by Councilman Fadgen, to approve the Final Revenue and Appropriation Budget of the Dependent Taxing District of Plantation Midtown Development District. Motion carried on the following roll call vote:

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

Motion by Councilman Fadgen, seconded by Councilwoman Uria, to approve the Final Revenue and Appropriation Budget of the Plantation Community Redevelopment Agency. Motion carried on the following roll call vote:

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

In response to Councilman Fadgen, Mayor Armstrong noted the item with regard to Police Officers' pension benefits is on the agenda for September 30, 2009.

Councilman Fadgen understands that if a pension change is proposed in a year the actuarial considerations would be based on the September 30th report that comes out sometime in the summer of next year. He questioned whether another resolution should be considered dealing with the General Employees Pension.

Mayor Armstrong advised there would have to be an ordinance and first reading, which would be on the report in April or May. She indicated that we do not have any position to put forward between now and next week on any of the pension items that have been put under discussion up to this point for this year. We do have an extensive agenda of pension points to discuss with both our General Board and our Police Board as we go through this next year, which we think will have a positive effect on where we are going with our pension discussions and funds and where they will be next year in order to be able to provide some of the margin that we know we are going to need as far as our budget. There are not any actions we could take at the moment because we have not had any real discussion on what they might be or what they might look like.

Councilman Fadgen commented that we have a legal obligation based on the actuarial report based on last September's report.

Councilwoman Uria noted that the minutes were just approved for July 28, 2009 and they state Council is supposed to be getting spreadsheets in order to make a determination.

Mayor Armstrong advised that the spreadsheets are in progress and some potential elements have been identified to blend together in order to create some understanding of what the financial impacts would be.

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QUASI JUDICIAL CONSENT AGENDA – None.

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QUASI JUDICIAL ITEMS – None.

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COUNCILMEMBERS' COMMENTS

Mayor Armstrong acknowledged the International Baccalaureate Program that is being put into Plantation Middle School because in large part, the advocacy by Councilwoman Bendekovic over a long period of time to see that that it is accomplished. This is a major accomplishment and a great enhancement for Plantation Middle School.

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Councilman Levy noted that he was present at the Workshops held on June 30 and July 28, 2009.

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Councilman Fadgen previously indicated that he received a number of complaints from business owners with regard to fire inspection fees. At that time he suggested if we have an owner/occupant of a commercial property and the square footage is less than 50,000 square feet that the owner/occupant of one of the tenant spaces would be waived. He did not know whether anything was being done or whether direction was required from Council to do something along those lines.

Mr. Lunny advised that if Councilman Fadgen was looking for a change to the ordinance he would have to be directed to advertise and do that. If this is about the business he wrote to Chief Pudney, he would need an ordinance amendment.

Chief Pudney explained that the ordinance was reviewed and is based primarily on occupant licensing as well as the owner of the building. In this particular case the owner of the building is charged for the common areas, which in many cases include the sprinkler system for the entire building, the elevator inspections, and fire alarms that are common to the building. If the owner of the building happens to have a business in the building as a separate occupant, as many do, they are inspected separately under the ordinance and they also receive a fire inspection fee for that inspection.

Councilman Fadgen indicated the reaction he is getting from a number of people is if the owner of the building is also a tenant but has vacant spaces; he also pays for the vacant spaces. To the extent that there is a property owner at a relatively small property, less than 50,000 square feet or whatever square footage makes sense, that we would waive one of the inspection fees. The complaint is that the inspector was on the property for five minutes. He did not feel that it would amount to any significant dollars to the City by waiving the second inspection for the smaller property owner, if anything, it would be symbolic.

Councilwoman Bendekovic questioned whether we are comparable with other cities. She could not support an ordinance without reviewing any data.

Councilman Fadgen suggested a Workshop to determine whether there is a consensus from Council to look at some data.

Councilwoman Uria advised she would prefer to review the data and not have a Workshop.

There was a consensus to review the data and then decide whether a Workshop would be necessary.

Chief Pudney clarified that he can provide the data of comparable municipalities and their fees as well as the breakdown of the number of buildings believed to have an owner/occupant. He will check previous minutes to see what was suggested with regard to square footage.

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Councilwoman Uria commented that Officer Kimbo, one of the K9's, was put down today. She offered condolences to Officer Daryl Radziwon.

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Councilman Tingom announced that a PAL progress report would be provided at the next meeting to be held on October 14, 2009.

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Councilwoman Bendekovic commented she attended the School Board meeting. The International Baccalaureate Program cannot be implemented until there is a final vote. Everyone was very supportive of the transfer of one magnet to another magnet. It will be cost neutral and will feed into the Plantation High School IB Program, which is a five-year program; it starts in the sixth grade. Plantation now has a very strong feeder pattern in both I-Zones and strong magnets; the Decal at Seminole Middle, which goes into the Everglades Environmental at South Plantation High School and now there will be a magnet at Plantation Middle, which will feed into Plantation High School.

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PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS

Councilman Fadgen referenced a mailing from Bit By Bit concerning the Therapeutic Riding Program we also have in the City of Plantation.

Dr. Helen Ackerman, resident, requested that Council consider Bit By Bit Therapeutic Riding Program, which is a wonderful program. It is currently being run in Parkland and Pompano Beach. This is a program for ages 2 to 102. This program would bring money into the Equestrian Center, as they would pay a percentage. The first estimate given was \$63,000. It is believed there is a need for this type of a program. The program uses a very state of the art security system and staff is present between the hours of 6:00 a.m. and 10:00 p.m. and the security program goes on between the hours of 10:00 p.m. and 6:00 a.m.

Kathleen Laguese (sic), founder and president of the program, was present.

Councilwoman Bendekovic indicated this is an unbelievable program; the concern is the request for 12 stalls to permanently house the horses. When the Equestrian Center was built, Council said there would be no boarding in the stalls. The other concern is that some of the aisles will be locked for the horses so the public cannot get in, which will in turn change the dynamics of our stalls and the pathway. There are horse shows three out of four weekends and the horses are brought in on Thursday. If 12 stalls are taken, that means people at the shows would have to rent tents, which are very expensive, and that would diminish the amount of horse people that can come in for shows. The other thing is that there is no guarantee that \$63,000 will be given to the Equestrian Center and no financial statements have been provided. In addition, the horses have to be exercised and it was

questioned where they would be pastured. From what she understands, the Equestrian Center will be closed on Tuesdays and Wednesdays, beginning October 1, 2009 for budget reasons; therefore, no one would be able to be there on Tuesdays, Wednesdays, or Thursdays. She believed the City of Plantation had a Horses for the Handicap Program in the past.

Councilwoman Uria advised that was the Dynamites Riding Program and the Plantation Equestrian Foundation sponsored it.

Jim Romano, Parks and Recreation Director, indicated that the program ran for the Dynamites for a year through PAL. The horses were trailered in and out on Thursdays.

Ms. Laguese advised that there are many structural requirements for a hurricane rescue facility, which is completely different. There is an emergency plan in place where they take the horses out of the area. With regard to boarding and locking gates, this was discussed in detail with the Equestrian director and some logistical plans were discussed as how to best keep the public out of the aisles and keep the horses away from the public. A very simple plan was to put a lock on the aisle. They have already contractually released the City of Plantation from any and all liability regarding the horses and have named the City of Plantation as an additional insured under their Markel Therapeutic Riding policy, which is the top policy you can get because they are a NARRA accredited program. Because they exist under all their professional and safety guidelines they were able to purchase this very comprehensive insurance policy. As far as liability, she believes they have done everything possible.

Mr. Lunny stated he was not aware of the contract.

Mayor Armstrong advised the contract was not signed to board horses, the contract was signed to accommodate the program at the Equestrian Center; there is a very distinct difference. There is no question that the program itself and what it represents as far a community service is something that was explored by the Parks and Recreation Department. The only issue here is tied to the boarding of the horses and she believed everyone would agree that the program, based on the preliminary information submitted, is excellent and is the kind of service the City of Plantation has always supported. There are other issues associated with the boarding. The program can be part of the programming in the City as long as it is not tied to the boarding.

Ms. Laguese concurred and indicated that part of the contract was signed; however, and not the addendum, which basically obligated the City to provide boarding. They have requested a copy of the written policy regarding boarding and so far have not been provided such.

Mayor Armstrong stated from the beginning, when the stable programming was put into place it was with a clear understanding that there was no boarding and that was part of the bond documentation.

Councilwoman Bendekovic questioned whether this request should come back at another time so everyone can have the background information in front of them; as a judgment call should not be made without the information.

Mr. Lunny noted that the issue with public financing is whether you can have a licensed or business arrangement with a business or entity to have possessory use over some portion of your public property, which was financed with tax exempt financing. When the other arrangement was done it was a combination of City, State and County tax exempt financing and was a very long and expensive process prior to being approved. He suggested that Council first decide whether they want to consider the concept of boarding prior to him doing any legal

work because it would be a better expenditure of legal dollars to make the business decision prior to determining whether it can legally be done. There is a legal concern; he believes it can be worked out but there is a question of how the compensation works, how long the arrangement is and there is a revenue ruling that is followed prior to discussion with Bond Counsel. The first issue is whether Council wants to have the stalls used for any boarding of horses at any time. He recalled that part of the concern last time was that once people saw horses being boarded there would be calls questioning why not me or why not the next business, which was a significant concern.

In response to Councilman Tingom, Mr. Romano advised the stalls are used in the summer during the day by a Share A Pony Program who goes in there and runs a summer camp program. The horses are brought in on Monday and someone stays with the horses all week until Friday. The camp is run during the day and on Friday the horses are taken home and return again the following Monday. The only other time horses are there is when the horses are brought in on Thursday for shows and they leave on Sunday. Again, during all those times, there is supervision inside the stalls for those horses. Typically the stalls are empty. He understands that the Bit By Bit Therapeutic Riding Program is requesting 12 stalls year around.

Ms. Laguese clarified that they are looking to take a 12-stall aisle. Basically all of the horses can be turned out for the weekend if the stalls are required. Turned out means that the horses get put in pasture, which is done on a daily basis. The pasture is on site.

Ms. Laguese noted that barn management is something that every Equestrian facility does and perhaps Jeffrey Cannon, the Equestrian Director, could clarify all of the concerns at another meeting. He would be the one who would advise where to put the horses at what time and he would be in control.

In response to Mr. Lunny, Ms. Laguese advised the contract is for one year and it gives the City the option to decide if it is not working and pull out at any time with no penalty whatsoever. She is confident that this will be an extremely rewarding program, both financially and charitably for the citizens. She believes all of the details can be worked out. In terms of boarding, she believes Mr. Romano provided some evidence that there is some boarding currently going on Thursday through Sunday with people staying on site and also with the Share A Pony Program. They are a 501c-3 non profit organization. Instead of having an on site person at the stables, which was acceptable to Mr. Romano and Mr. Cannon, they suggested a top of the line security camera system be installed to supervise the horses at the facility instead of having the horses manned in person.

Mr. Romano clarified Ms. Laguese's point and noted that he never agreed to allow boarding without supervision. Everyone agrees this is a great program. All the City is requesting is that overnight manned security be provided, not security cameras. Even if the cameras are being monitored overnight and something happens they do not have keys to get into the facility and that is why it is important to have staff or security there in order to help the horses in case of fire, if one is in distress and to provide immediate medical attention should an emergency arise.

Councilwoman Bendekovic advised the important thing is that the current boarding going on is temporary not permanent.

It was the consensus to obtain more information in order to explore this request.

Councilman Fadgen would like to determine whether the horses could be turned out to pasture at another location when the events are occurring. Councilmen Tingom and Levy concurred.

Councilwoman Bendekovic was not in favor of exploring this because of the fact that they would be taking up 12 stalls during show time and the horse people have worked very hard to keep the shows there. Also, turning the horses out to pasture will require more maintenance on our property.

In response to Councilwoman Uria, Mr. Romano advised the name of the security system is Atlantic Security System.

Councilwoman Uria noted during shows on the weekends usually people are not permitted until noon on Friday. They were having open schooling on Thursday nights; however, she did not know whether they were still doing that. They usually come in on Friday for the shows.

Mr. Romano advised it depends on the show.

In response to Councilwoman Uria, Ms. Laguese commented that the horses range between three years old to about 15 to 16 years old.

Councilwoman Uria advised the horses could be managed with a turn out and there are probably residents in the Acres that would lease pasture on those weekends. She did not believe that would be a problem. With regard to the protection system, she would prefer manned security; however, a lot of barns have a security system.

Ms. Laguese indicated the system would have infrared trip wires that would provide auto notification or alarm and it is also internet monitored. They have the best intentions of providing a top notch system.

Councilwoman Uria questioned on a horse show weekend that would be attended by a larger number whether they would be willing to clean those stalls and let the people come in.

Ms. Laguese advised they have the best intentions of making sure this is a comfortable program for both the participants and also for the City.

Councilwoman Bendekovic indicated the consensus of the Council was to research with boarding and determine the dynamics and have further discussion on another date.

Mayor Armstrong advised they will check on the legal aspects and get a report from Parks and Recreation.

Councilwoman Bendekovic also wants to hear from the Plantation Equestrian Foundation.

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WORKSHOPS – None.

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Meeting adjourned at 9:35 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 Minutes was received by the Office of the City Clerk and entered into the Public Record this _____ day of _____, 2009.

Susan Slattery, City Clerk