

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

December 11, 2013

The meeting was called to order by Councilmember Robert A. Levy, President of the City Council.

1. Roll Call by City Clerk:

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|----------------|-------------------------|
| Councilmember: | Jerry Fadgen |
| | Ron Jacobs |
| | Robert A. Levy |
| | Lynn Stoner |
| | Chris P. Zimmerman |
| Mayor: | Diane Veltri Bendekovic |
| City Attorney: | Donald J. Lunny, Jr. |

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2. The invocation was offered by Councilmember Jacobs.

The Pledge of Allegiance followed.

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ITEMS SUBMITTED BY THE MAYOR

Resolution No. 11804

3. **RESOLUTION** of Appreciation to Jan Geerlings for 31 years of dedicated service to the City of Plantation.

Motion by Councilmember Fadgen, seconded by Councilmember Zimmerman, to approve Resolution No. 11804 as presented. Motion carried on the following roll call vote:

Ayes: Stoner, Zimmerman, Fadgen, Jacobs, Levy
Nays: None

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Resolution No. 11805

4. **RESOLUTION** of Appreciation to Officer Robert Wilkins, Jr. for 17 years of dedicated service to the City of Plantation.

Motion by Councilmember Fadgen, seconded by Councilmember Zimmerman, to approve Resolution No. 11805 as presented. Motion carried on the following roll call vote:

Ayes: Stoner, Zimmerman, Fadgen, Jacobs, Levy
Nays: None

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Mayor Bendekovic read a Proclamation designating Wednesday, December 11, 2013, as ***Rick Case Bicycle for Kids Day*** in the City of Plantation.

Rick and Rita Case accepted the proclamation.

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Mayor Bendekovic introduced Pat Hines with the Plantation Women's Club.

Mayor Bendekovic also introduced John Feeney (sic), the Curator of the Plantation Historical Museum; Shirley Schuler has retired at the age of 85.

Ms. Hines and Ms. Grayson presented a check to the Plantation Historical Museum in the amount of \$3,500.

Mr. Feeney accepted the check.

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Fire Chief Laney Stearns and Joel Gordon, Fire/Rescue Battalion Chief, made the following presentations:

Mr. Gordon called the following names:

Coral Springs Fire Rescue, Division Chief Mike McNally (sic)
Nurse Simona Dilusha (sic)
Nurse Erica Elkins (sic)
Lieutenant Jorge Gonzalez (sic)
Paramedic Joe Bornstein (sic)
EMT Todd Simpkin

Westside Regional, Dr. Jerry Parkala (sic)
Nurse Gia Anderson

Mr. Gordon introduced Mr. Ansley (sic) Johnson and his wife, Paige.

Mr. Gordon recognized Erica Elkins, Simona Dilusha and Chief Mike McNally for their life saving efforts and willingness to help a stranger in need of the Plantation Fire Department and presented them with the Plantation Fire Department's Life Saving Awards.

For the quick action and effective patient care, the Plantation Fire Department recognizes the Rescue Crew, Lieutenant George Gonzalez, Paramedic Joe Bornstein, and EMT Todd Simpkin, for their live saving efforts.

Additionally, they would like to acknowledge the teamwork and efficiency of the Westside Regional Emergency Department and the Cardiac Care Unit for also being part of this successful effort.

Life saving is an organized, well sequenced and carefully rehearsed process that involves solid teamwork from early citizens CPR, to rapid Rescue response, to early Emergency Department intervention, we are proud to illustrate that here in Plantation we not only have a system designed to save lives, we have a system that does save lives.

Mr. Johnson indicated that he is retired and met previous co-workers for dinner. He thanked Rescue for getting him from the restaurant to Westside Regional and everyone who provided assistance. He stated that staff at Westside Regional Medical Center was very professional.

Fire Chief Stearns recognized Joel Gordon, who has been involved with an organization, "The Wonderful Safe Haven". He was awarded a recognition award for his work with saving newborns. He has been with the program when it began about ten years ago. When he is there he always wears our badge and carries our flag.

Mr. Gordon advised that he has been with Safe Haven for Newborns since its inception ten years ago. This September they were proud to say that they saved their 200th baby in Florida. The hero is a man named Nick Silvario (sic), who actually developed this program in his wife's memory; it is the Gloria M. Silvario Foundation. Mr. Gordon has been credited with making Fire Stations throughout Florida accessible as drop off points for babies just through is connections with the Florida Fire Chiefs. He thanked everyone for acknowledging him and the program.

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Jim Romano, Director of Parks and Recreation, made the following announcements:

- Last week started the USTA Orange Bowl Tennis Tournament. Semi Finals begin Saturday, December 14, 2013 and the Finals will be on Sunday, December 15, 2013. The new telephone number for the tennis court is 954-513-3540.
- Winter Camp programs are coming up; the Winter Wonderland Holiday Camp, the Winter Break Tennis Camp at the Frank Veltri Tennis Center, and the Share A Pony Winter Equestrian Camp.
- Tuesday, December 24, 2013 is Christmas Eve, which is our Santa's Visit program. If anyone is interested in volunteering call 954-452-2514. Students earn community service hours by participating in this event.

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Mayor Bendekovic made the following announcements:

- The Winter Wonderland at Plantation Historical Museum will run through Saturday, January 4, 2014. Upcoming Open House dates are Thursday, December 12 and 19, 2013 between 6:30 p.m. and 8:30 p.m.; Children's Day with Santa is Saturday, December 14 and 21, 2013 between 10:00 a.m. and 3:00 p.m.
- Plantation Elementary School has a new magnet program called "Stem". It is a magnet school that is Science, Technology, Engineering and Mathematics. The School's Choice Application window is open now. They will have a Community Workshop on January 28, 2014.
- The Plantation Farmers Market is every Saturday between 8:00 a.m. and 2:00 p.m. at Volunteer Park.

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Motion by Councilmember Jacobs, seconded by Councilmember Zimmerman, to defer Scratch Golf. Motion carried on the following roll call vote:

Ayes: Stoner, Zimmerman, Fadgen, Jacobs, Levy

Nays: None

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CONSENT AGENDA

NOTE: The Consent Agenda and the Quasi-Judicial Consent Agenda were heard in tandem.

As a Commissioner of the CRA, Mayor Bendekovic has a voting privilege on Item No. 20.

Item No.'s 12, 16, and 19 were removed and discussed separately.

Mr. Lunny read the Consent Agenda by title.

5. Request to approve the funds to purchase yearly maintenance for Microsoft Dynamics (Financial) system.
6. Request for approval of a P.O. in the amount of \$57,900 to Engineering Consulting Firm Hazen & Sawyer, P.C. to design, permit, and assist the Utilities Department with the repair of one of the RWWTP's deep well MW. (Budgeted – Utilities)
7. Request for authorization to continue to "piggyback" the Southeast Florida Co-Operative Bid (lead agency: City of Riviera Beach) for uniform rental and cleaning service with Cintas Corporation for an annual expenditure of \$18,500 for one (1) extension expiring November 17, 2014 (Budgeted – Utilities).
8. Request to approve a purchase order to Thompson Pump in the amount of \$44,654 including shipping, to purchase one six-inch emergency by-pass pump. (Budgeted – Utilities)
9. Request to approve Engineering Services in the amount of \$19,200 for Engineering Consultant Hazen and Sawyer, P.C. for the Design and Permitting of a Sanitary Sewer Lift Station at the Regional WW Treatment Plant. (Budgeted – Utilities)

10. Approve Agreement between Broward County and the City of Plantation for the Traffic Beautification for Hiatus Road to Sunrise Boulevard north to City limits.

Resolution No. 11806

11. **RESOLUTION** approving a State of Florida Department of Transportation District IV Memorandum of Agreement to facilitate the construction of sidewalk improvements within City controlled rights-of-way for Broward Boulevard, NW 70th Avenue and within an Old Plantation Water Control District canal right-of-way located adjacent to and south of Broward Boulevard by way of an Old Plantation Water Control District license, all located within the City of Plantation; authorizing the execution and delivery of a State of Florida Department of Transportation District IV Memorandum of Agreement for such purpose; giving Administration and the Legal Department the authority to make minor changes as appropriate prior to the appropriate City Officers executing the document and performing same; providing an effective date therefor.

Resolution No. 11807

13. **RESOLUTION** pertaining to the Subject of Real Property; declaring certain real property located at SW 9th Court, Davie, Florida as a surplus property; such property having ad valorem folio number 5504011010401; authorizing the disposal thereof by Quit Clam conveyant to the Town of Davie; generally authorizing the Administration to take all actions and do all things necessary to perform the transactions approved by this Resolution; providing a savings clause; and providing an effective date therefor.

Resolution No. 11808

14. **RESOLUTION** assessing a lien on 4765 NW 5th Street for the cost to the City of Plantation of its mowing and clearing said property. (Santiago)

Resolution No. 11809

15. **RESOLUTION** assessing a lien on 11980 NW 4th Court for the cost to the City of Plantation of its mowing and clearing said lot. (Foster)

Resolution No. 11810

17. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period November 14, 2013 through December 4, 2013 for the Plantation Gateway Development District.

Resolution No. 11811

18. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period November 14, 2013 through December 4, 2013 for the Plantation Midtown Development District.

Resolution No. 11812

20. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period November 14, 2013 through December 4, 2013 for the City of Plantation's Community Redevelopment Agency.

QUASI-JUDICIAL CONSENT AGENDA

Resolution No. 11815

22. **RESOLUTION** approving that certain partial release of utility easement in the form attached hereto as Exhibit "1", providing findings; having the appropriate City Officers execute same and authorizing the City Administration or City Attorney to make minor revisions thereto; and providing an effective date therefor. (Broward Mall)

AND

Resolution No. 11816

RESOLUTION approving that certain partial release of utility easement in the form attached hereto as Exhibit "1"; providing findings; having the appropriate City Officers execute same and authorizing the City Administration or City Attorney to make minor revisions thereto; and providing an effective date therefor. (J.C. Penney)

Motion by Councilmember Fadgen, seconded by Councilmember Fadgen, to approve tonight's Consent Agenda as printed. Motion carried on the following roll call vote:

Ayes: Stoner, Zimmerman, Fadgen, Jacobs, Levy
Nays: None

NOTE: Mayor Bendekovic voted on Item No. 20 affirmatively.

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Mr. Lunny read Item No. 12.

Resolution No. 11813

12. **RESOLUTION** supporting House Bill 309 which amends the smoke-free air laws in the State of Florida to provide local control over local government owned playgrounds; providing findings; providing a savings clause; and providing an effective date therefor.

Dennis Conklin, resident, was present. He encouraged Council not to approve this Resolution. This is about outside smoking and there are already laws that prohibit inside smoking in various locations. He believes we should keep the authority with Tallahassee and views it as too much interference.

Motion by Councilmember Stoner, seconded by Councilmember Zimmerman, to approve Resolution No. 11813 as presented. Motion carried on the following roll call vote:

Ayes: Stoner, Zimmerman, Jacobs, Levy
Nays: Fadgen

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16. REQUEST TO APPROVE AGREEMENT FOR FIRE ASSESSMENT FEE STUDY.

Councilmember Levy pulled this item as he promised that he would not in any way say anything at this point; I would not block a vote as some people thought I did last time.

Councilmember Stoner commented that she was disappointed that this was brought back to Council approximately 30 days after there was a 5/0 unanimous vote not to pursue this and then it is put on the Consent Agenda and for us to formally pull it is equally disappointing. Her vote has not changed.

Mayor Bendekovic indicated that the reason it was brought back was because it was tabled.

Councilmember Jacobs stated that he was curious about one of the concerns that had been expressed in many prior discussions; that the fee would not be deductible in one's Federal Income Taxes. He did a little research and found that indeed it can probably be structured so it is deductible. He feels that if it were not deductible it would definitely be able to be used towards reducing the cost basis on your home. He found an IRS publication that said, "Service charges used to maintain and improve services such as trash collection and Police and Fire Protection are deductible as real estate taxes if the fees charged are imposed in a like rate against all property in the taxing generation, the funds collected are not earmarked but instead comingled with General Revenue Funds, and funds used to maintain and improve services are not limited to or determined by the amount of these fees a charge is collected".

Councilmember Levy questioned that. He said that if you are setting up a Fire Fee it can only be used for Fire reduction purposes. It cannot be comingled with the General Fund. That clause would deny someone taking that off of their taxes and he noted that other Cities that have this have never come up with the conclusion that it is tax deductible. We would be the only ones. He would like to say if we are going to do it let's write it so people can deduct it but that clause is wrong.

Councilmember Jacobs advised that he spoke with our Finance Director, who said that could be done that way.

Councilmember Levy disagreed. He has never heard of it in any City and since there are only two Cities that do not have it, everybody else has it and it is not tax deductible. He is saying that no one has done it.

Councilmember Jacobs reiterated that he has enough information that we might be able to do that. He believes that everyone's fee can be used towards reducing the cost basis on your home.

In response to Councilmember Levy, Mayor Bendekovic stated that there needs to be a vote.

Fire Chief Stearns advised that they are always looking for extra income to bring into the City. They are trying to identify areas that will bring in additional income that will help support the Fire Department and that will allow you to free up some funds to use for other things such as capital, which we are very short of. There are other items you can apply our budget to when this replaces our budget because you back your ad valorem taxes out of the Fire Department. It is an offset. As said earlier, all but two Cities in the State have this already and most of the State is introducing Fire Fees and other fees of this type. This way is legal, appropriate and fair across the board to everybody.

Dr. Caravella indicated that during discussions with Councilmember Jacobs they talked about the possible structuring of the fee and how that may be a way to allow residents to offset that from their taxes. At this point all that is being asked of the Council is to let them explore the fee, do a study and come back so that an

educated decision can be made. Plantation has a very unique situation; we are very proud of our Volunteer Fire Department. Other Fire Departments in other Cities run upward of \$22 to \$27 million and we have a very cost efficient department and know that this is a great way to help support that department.

Councilmember Stoner questioned why we don't have "Volunteer Fire Department" on any of our vehicles. We are so proud of the Volunteer Fire Department and it does not say Volunteer or anything.

Fire Chief Stearns commented that the Fire Department is municipal by charter. It is the Association that provides the services; the City has a Fire Department. The services are provided by the Volunteer Fire Association.

Councilmember Stoner mentioned a new Obama thing about Volunteer Firefighters having to be provided with insurance.

Fire Chief Stearns stated that is wrong.

Mayor Bendekovic advised that they got in touch with our medical providers and they got in touch with their legal and she has all of the information that they are incorrect; it will not impact our Volunteer Fire Department volunteers at all.

Fire Chief Stearns indicated that in 2011 the IRS gave an opinion about this department.

Councilmember Stoner mentioned a quote by our Council President on October 23, 2013 that said, "I believe we are asking too much and he does not believe that the people in Plantation should be burdened with another fee, another tax, in any way, shape or form and he is not inclined to spend \$30,000 on a study that is one way or another going to come back with an additional tax" so her opinion and vote is the same.

Councilmember Fadgen commented that he does not like fees and would prefer to have whatever taxing to be done to be done through the ad valorem.

Mayor Bendekovic questioned whether Councilmember Fadgen has ever voted on an increase on millage. She also questioned if she brings back a millage increase that he will vote on it.

Councilmember Fadgen stated that is why he prefers to have the taxes. He would not necessarily vote on a millage increase.

Motion by Councilmember Stoner, seconded by Councilmember Fadgen, to deny Item No. 16. Motion carried on the following roll call vote:

Ayes: Stoner, Zimmerman, Fadgen, Levy

Nays: Jacobs

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Mr. Lunny read Item No. 19.

Resolution No. 11814

19. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period November 14, 2013 through December 4, 2013.

Councilmember Zimmerman advised that he may have a conflict of interest on check no. 149064 to the Broward Alliance for Neighborhood Development. He has filled out the forms and turned them into the City Clerk.

Mayor Bendekovic commented that Councilmember Zimmerman will probably having this conflict for the next four years.

Councilmember Zimmerman stated that he does not do work in the City of Plantation; however, he works in Sunrise and other cities. Mr. Lunny has informed that he has to do this.

Motion by Councilmember Fadgen, seconded by Councilmember Jacobs, to approve Resolution No. 11814 as presented. Motion carried on the following roll call vote:

Ayes: Stoner, Zimmerman, Fadgen, Jacobs, Levy
Nays: None

NOTE: Councilmember Zimmerman abstained as to check no. 149064.

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ADMINISTRATIVE ITEMS – None.

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LEGISLATIVE ITEMS

Mr. Lunny read Item No. 21.

21. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE PERTAINING TO THE SUBJECT OF FINANCE; CODIFYING THE LIBRARY FEES FOR THE CITY OF PLANTATION; AMENDING SECTION 2-351 TO REFLECT NEW LIBRARY FEES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

A memorandum dated December 11, 2013, to Mayor and Members of the City Council, from Monika Knapp, Library Director, as follows:

SUBJECT: Increase of Non-Resident Library Card Fee

REQUEST: Consider approval of raising non-resident library card fee from \$20 to \$30 annually for adults and from \$10 to \$15 annually for children 13 and under. (Section 2-351 of the Cite Code of Ordinances related to Library fees and fines).

ANALYSIS:

The Friends of the Library have donated funds to replace the public access computers at the library. They have suggested that a library card be required to use the computers. This has not been a policy in the past because the computers had been purchased with grant funds and grant agreement restrictions required that all library users have access regardless of residency or library membership.

Library Cards for Plantation residents are free, thus all residents can join the library at no cost and check out materials and use the computers.

Library staff has done a comparison of non-resident card fees and computer access policies with other municipal libraries in the area and recommends that non-residents (who have always needed to purchase membership to check out materials) join the library to use the computers. Staff also recommends the increase in the membership fee at this time.

The topic has also been brought to the Library Advisory Board. The Board also recommends that a library card be required to use the public access computers and the fee for non-residents to be raised.

Section 2-421 of the City Code of Ordinances related to Authorized administration adjustments to the City's various fees and charges requires Council to approve a Resolution of fee increases of more than ten (10%) percent.

RECOMMENDATION:

Approve Ordinance raising non-resident library card fee from \$20 to \$30 annually for adults and from \$10 to \$15 annually for children 13 and under on First Reading.

Motion by Councilman Jacobs, seconded by Councilman Fadgen, to approve Item No. 21. Motion carried on the following roll call vote:

Ayes: Stoner, Zimmerman, Fadgen, Jacobs, Levy
Nays: None

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QUASI-JUDICIAL ITEMS

Mr. Lunny read Item No. 22 and the waivers.

- 23. A REQUEST FOR SIGN SPECIAL EXCEPTION FOR WESTFIELD BROWARD MALL (BRAVO RESTAURANT) AT 8000 WEST BROWARD BOULEVARD. PROPERTY DESCRIBED AS BROWARD MALL AT PLANTATION 91-24B TR 1, 2, 3, 4 AND 5 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. PROPERTY IS ZONED SPI-3 (MIDTOWN). (BRAVO RESTAURANT)

A Staff Report dated December 11, 2013, to the City Council, from the Planning, Zoning and Economic Development Department, follows:

REQUEST:

1. From: Section 22-35(g), which limits the number of wall signs to two.
To: Increase the allowable number of signs to three.

2. From: Section 22-35(g), which limits wall sign area to one-square-foot for each lineal foot of establishment's storefront (not to exceed 60 square feet) and one (1) side or rear wall sign (not to exceed 30 square feet).
To: Increase the allowable sign area from a total of 90 square feet to a total of 291.23 square feet. (107.38 square feet to be located on the east elevation, 56 square feet to be located on the west elevation, 48.38 square feet on the north elevation, and 79.47 square feet to be located on the south elevation).

3. From: Section 22-20(f), which limits subordinate messages to 15% of the allowable sign area (nine square feet).
To: Increase the subordinate sign area from nine square feet to 56 square feet to be located solely on the west elevation.

4. From: Section 22-20(b), which establishes a uniform sign criteria, and dictates the approved colors and letter styles as being white, brown, blue and red channel letters; and solid black reverse channel letters.
To: Allow the application to deviate from the uniform sign agreement and install day/night (black during the day and while illuminated at night) channel letters with black trim caps and returns.

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

ANALYSIS:

The subject property is zoned SPI-3, generally located on the northwest corner of University Drive and Perimeter Road.

City Council approved a site plan for this property on October 23, 2013 for an 8,600-square-foot low turnover restaurant.

The applicant (Bravo Cucina Italiana) is now requesting three sign special exceptions:

Request #1: The sign code allows one-square-foot of wall signage for each lineal foot of storefront subject to a maximum area of 60 square feet (for the east sign). The applicant requests approval of a 107.38-square-foot wall sign on the east elevation of the proposed restaurant facing University Drive in lieu of the 60-square-foot maximum sign area allowed by code. Bravo Cucina Italiana has 110.75 lineal feet of building on the east elevation.

The side or rear wall sign area is limited to 50% of the allowable area of the front sign (60 square feet). Therefore, the side or rear sign area will be limited to 30 square feet. The applicant is requesting approval of a 48.38-square-foot wall sign on the north elevation, located on the entry tower above the entrance of the proposed restaurant. Bravo Cucina Italiana has 78 linear feet of storefront on the north elevation.

Request #2: Section 22-35(g) limits stores with front and sides facing a public right-of-way or off street parking area to two (2) wall signs, one facing the front and a second facing the side or rear. The applicant requests approval of a third sign, 79.47-square-foot in size on the south elevation of the proposed restaurant facing Perimeter Road. Bravo Cucina Italiana has 78 linear feet of storefront on the south elevation.

Request #3: Section 22-20(f), which limits subordinate messages to 15% of the allowable sign area (nine square feet). The code does not require the subordinate message to be located on the same side as the allowable sign. The applicant is proposing 14-square-foot plaques, totaling 56 square feet of subordinate message on the west elevation, where this will be the only signage.

Request #4: The proposed wall signs will have black/white (day/night) channel letters with black returns and trim caps, which is a deviation from the mall's uniform sign agreement regarding color.

The proposal results in signage on all four sides of the proposed building.

Where applicable, the review of a Special Exception request should include consideration of the criteria noted in Section 22-11 of the Land Development Code, attached hereto as Exhibit "A".

STAFF COMMENTS:
PLANNING AND ZONING:

Requests #1 (Front 107.38-square-foot sign on the east elevation facing University Drive): No objection to the proposed signs. The building has 110.75 linear feet on the east elevation. The sign is broken down into two signs in different areas of the building. The letters "Bravo" are four-feet in height with a proposed area of 48.38 square feet above the entrance of the restaurant. The letters "Cucina Italiana", two feet in height with a proposed area of 59 square feet, are located above the outdoor dining patio, and set back from the main face of the building by 16 feet.

Request #1 (Side-North elevation): No objection to the increase in size. The allowable sign area by code is 30 square feet, and the proposed sign area is 48.38 square feet. The building has 78 linear feet on the north elevation. The letters "Bravo" are four feet in height.

Request #2 (Additional sign-South elevation): This additional signage is located on the south elevation facing Perimeter Road, totaling 79.47 square feet. The code does not permit signage on this elevation. Based on staff support for the special exceptions to allow larger signage, and additional signage, on the east (front), north (side), and the west (subordinate signage) elevations, staff cannot support allowing an additional sign on the south elevation.

Request #3 (Subordinate Signage-West elevation): The subordinate signages are the names of Italian cities and are decorative in nature. The code does not require the subordinate signage to be located on the same side as the allowable sign (the east elevation). In this case, the applicant is proposing 14-square-foot plaques, totaling 56 square feet. Two decorative sconce lights are located above each of the four plaques. Staff has no objection.

Request #4 (Color deviation from the Uniform Sign Agreement) – No objection.

Mr. Leeds explained that the applicant has requested four waivers. He/she wishes to construct signs on all four sides of the building. It was never recommended in favor of signs on all four signs of a building, especially

when they are only permitted on two sides. We have done what we think is very fair; we have supported the special exception on the side of the building that faces University Drive to go from 60 square feet to 107 square feet. We have supported the special exception on the north elevation to go from 30 square feet to 48 square feet. We have supported the subordinate sign special exception that faces west and we have supported the change in the color green. The only thing we have not supported is signs on the south elevation. It is believed that three elevations are enough. We look at the specific circumstances of the site but also at what is consistent with what we have done in the past. He thinks this is a very fair approach. We cannot support a sign on the south elevation; he believes it would be setting a precedent. He thinks the other three sides are fine. The Council's role is to approve the sign with or without conditions. All of the signs can be approved at once but if any conditions are added he requested that it be made part of the motion so what the applicant's have been authorized to do is clear so the permits can be reviewed very quickly.

Councilmember Stoner mentioned the consistency of the other restaurants in the eastern most parcels of the Fountains; Red Lobster, Smokey Bones, Olive Garden, and Chili's. She questioned how many sides those restaurants have signs on.

Mr. Leeds did not have that information. Most of those signs were erected prior to his tenure with the City. The only one that came up may have been Duffy's. He does not know if Duffy's has signs on all four sides; he would be surprised.

In response to Councilmember Stoner, Mr. Leeds clarified that they are supporting signs on two sides of the building that are larger than normal, which is allowed by code, and then the subordinate sign on the third side. It is believed that this is reasonable based on the location of the restaurant and based on some of the tree cover.

Councilmember Stoner questioned if we would let the applicant pick which sides if we said two and the subordinate or would we say which sides.

Mr. Leeds thought the sides would have to be noted. Currently they have primary signs facing north and east and Council has the ability to say that you agree with the two signs but not with the elevations. The other option is to move the sign on the north and put it on the south because that is Perimeter Road and that is a logical place. The idea of having two signs per corner establishment is that there is a sign on each of the roadways. It is not required but that is the concept.

Councilmember Fadgen questioned if an example of another location was given where an approval was allowed up to 100 feet.

Mr. Leeds indicated that a standard in the Fountains was started for some of the anchors. The large anchor, 50,000 square feet, was allowed 197 square feet. LA Fitness is about 50,000 and they are in the 200-square-foot range. Something similar was allowed for Kohl's but on two sides. Total Wine is 25,000-square-foot and is classified as a junior anchor. We supported a 100-square-foot sign at that location based on the size. Total Wine is located in the back of the shopping center and they have no sign facing the interior east/west spine road; they are not allowed one back there. The difference with this sign is that the signs in the back of the building are subordinate and are not significant enough to be a concern as deviating too much from the intent of the ordinance. The sign that is 100 square feet is not actually one sign; it is the sign that faces east on University Drive. The plan shows that it is not one big sign but it is Bravo with four-foot letters but then there is Cocina Italiana, which is separate; it is not all one huge sign. That is the reason we were able to justify the 100 or so square feet; it is broken up.

Councilman Fadgen mentioned the value of each elevation. He noted that people are already coming into the property on Federated Road so the value of that one would be the least important of the four. He agreed with the recommendations.

Motion by Councilmember Fadgen, seconded by Councilmember Stoner, to approve Item No. 23 with staff recommendations. No vote was taken.

Donna Copp, Senior Project Manager, and John Burdick (sic), architect, were present on behalf of the applicant.

Ms. Copp advised that they would like to see some sort of signage on the south elevation and are prepared to ask that they use the word "Bravo" instead of the "Cocina Italiana", reducing the sign in size so there is some visual signage while coming in on Federated Road. The subordinate signs are not illuminated and many cities classify them differently and they are not counted as signage.

In response to Councilmember Levy, Ms. Copp advised that the sign on the south would be illuminated.

Councilmember Zimmerman commented that the smaller signs on the west elevations have lights over top of them. Actually, the small signs with the lights over them, in his opinion, would look good on the south elevation. He is in favor of Mr. Leeds' recommendation with the exception of that might be an architectural element and might help break up that linear look of the south elevation; however, he is not in favor of the two larger signs.

Mr. Burdick stated that he had the opportunity to take the northbound side of University Drive this evening and while approaching he noticed a lot of construction activity with the staging area. As he approached Federated Road, the cross street, with Westfield's monument sign at that particular intersection, takes a lot of the presence of being able to see what is going on. He believes the intent is that once you are on Federated Road you need to know where the restaurant is, which takes time. On the short term they look at trying to identify that particular property as Bravo. They have had numerous conversations with staff and they have diminished substantially. At one time they were in excess of over 500 square feet and they have it down to what is believed to be reasonable. As far as the Federated Road side, it is more of the approach. Once you get onto Federated Road there is a vista where you can see the building. One of his recommendations is to get rid of the "Cocina Italiana" and put the smaller version of the Bravo on that side.

Councilmember Jacobs indicated that he does not understand what is being mentioned. If the preference is to discuss the amendment he wants to be sure that Mr. Leeds understands the suggestion. He stated that he would offer, once everyone understands the alternative, asking the application which alternative they prefer. Based upon his experience he would go with staff recommendations.

Councilmember Zimmerman believes that the architectural elevation needs a little and those smaller white signs on the west elevation between the arches should be allowed to go on the south elevation as well. He thinks it adds a little character to that side of the elevation.

Councilmember Jacobs mentioned removing them from the west.

Councilmember Zimmerman did not think that would be good. He would like the lights and the signs. They are not lit signs; there are decorative light fixtures that light those signs. It adds a little something and keeps consistency with the building.

In response to Councilmember Stoner, Mr. Leeds stated that he understands that Councilmember Zimmerman is suggesting is to take what is on the west elevation, which is the small signs with the lighting, and move them to the south.

Councilmember Zimmerman noted that they would be added to the south, not moved to the south. It is signage but it is more decorative than a large name brand sign.

Councilmember Levy thought that would be reasonable.

Mr. Burdick stated that subordinate signs are usually names of either cities or products. He questioned if that could be on the south elevation to say the restaurant with the Bravo name coming off on the tower and the Cocina Italiana coming off.

Councilmember Zimmerman commented that it is up to the applicant.

Mr. Burdick advised that in speaking with Ms. Easterling of the Zoning Department, something was needed to balance that side. He thinks the plaques would be a good alternative.

Mr. Leeds concurred with Councilmember Zimmerman's amendment to the motion. It does not have the name of the restaurant but it is an attention getting device and it is a little more tasteful and architecturally interesting.

Mr. Burdick questioned if that would be a total of three of those as it is on the west elevation.

Councilmember Zimmerman replied that would be correct.

Amended motion by Councilmember Jacobs, seconded by Councilmember Stoner, to approve Item No. 23, adding the subordinate signage to the south elevation that is basically the same as the west elevation and all other staff recommendations. Motion carried on the following roll call vote:

Ayes: Stoner, Zimmerman, Fadgen, Jacobs, Levy

Nays: None

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COUNCILMEMBERS' COMMENTS

Councilmember Fadgen commented that every time we have a meeting we approve the expenditures and those approvals cover anywhere from about \$3 million to \$8 million each meeting. Today we approved about 1,000 expenditures and nine of them were less than \$20. For a number of years we used to approve all Administrative and Executive positions; \$30,000 to \$50,000 per year, and in recent months we have not done that. He believes it stopped when Councilmember Stoner raised the issue about a Public Works Electrician who was going to be promoted to the Inspector position. He believes it is important that Council review those resumes for a number of reasons. A few months ago there was a vacancy in two departments and he suggested that they should be left vacant for a while and found out that both were filled. He understands there will be a vacancy in the Deputy Chief position and he would like to make a motion that the vacancy not be filled that until we have had an opportunity to study whether the current structure is appropriate and the most efficient approach for that department. As mentioned before, he never liked that structure.

Motion by Councilmember Fadgen, seconded by Councilmember Stoner, to leave the Deputy Chief vacancy coming up vacant until we have an opportunity to study whether that is the appropriate structure for our Police Department.

Councilmember Stoner withdrew her second to the motion; therefore, the motion failed.

Councilmember Stoner questioned how we prove that a position is necessary other than conversations, meetings and input.

Councilmember Fadgen indicated that for many years each department had one back up; an Assistant Director or Deputy Chief, and a number of years ago that was changed. He believes that we should study this. He would also like to resume having this Council approve all of these positions.

Councilmember Stoner mentioned the position she brought up from the Public Works Department her issue was qualifications even though the information was attached. She did not question filling the position so much as making sure that the individual was qualified for the position. She recalled in reading the Charter that Council has an opportunity to review and interview with Department Heads but not the subordinate staff. That has always been considered a little bit of micromanagement. It seems to work as it exists and she questioned the change.

Councilmember Fadgen stated that up until that particular position was discussed Council was getting the Administrative positions brought before them. Council used to get a resume and an initial starting salary and it gave us an opportunity to know the qualifications of the people taking the positions. We approve expenditures; payroll is an expenditure.

Councilmember Stoner questioned if the process has concerned Councilmember Jacobs and Councilmember Levy.

Councilmember Levy advised that they were given the information when someone was hired or if there was a change of status. He has always been under the impression that personnel hiring and firing up to a certain level is within the Mayor's purview and not ours. We can review it and make recommendations but below a certain level it is definitely within the Mayor's purview.

Councilmember Stoner commented that it is anything below the Department Heads.

Councilmember Levy noted that he has not had a problem with that at all.

Councilmember Jacobs stated that he has not had a problem with it. He understands Councilmember Fadgen's frustration but he is not sure what the correct mechanism would be to try to get that done.

Mayor Bendekovic indicated that she does follow the Charter so she does bring the Directors. She also has the option of three appointments; the City Clerk, the Chief of Police and the City Attorney. She advised that there are 11 budgeted positions at the Police Department and we have only filled nine of those positions. No one would be added personnel; in other words, we will shift individuals from one position to another. As far as Councilmember Fadgen, it has been offered many times at City Council meetings that he could go in and meet with the Chief so he could discuss the organization chart as anyone of you can do with any of the departments. Councilmember Fadgen has not done that and she believes if he were to discuss this with the Chief he would have a better understanding. He is not in law enforcement and she thinks we need to defer to the experts.

Councilmember Levy assumed that those nine are taking on additional responsibilities to cover the two that are not being hired.

Police Chief Harrison advised that the structure has always been there. In 1976 we had 80 police officers and 11 staff members and today with 158 police officers we have 11 staff members of which he only has nine right now. He is also short three Sergeants and over 12 police officers. He hopes that Council would have the confidence in him to know that he is putting these individuals in the most productive and efficient positions so that we can do business for the Police Department. He stated that Mayor Bendekovic was correct; he is moving out of the nine staff members because he cannot pull from the bottom when he needs to put more people on the street; therefore, he is short two Lieutenants. By moving these people around he is putting them in the most productive positions to benefit the agency. There are two Deputy Chiefs; there will be four Captains and two Lieutenants where he should have four Lieutenants. In the make up of the Police Department that is the most productive way to do this. In 1976 they were called Captains but they took the form of a Deputy Chief. We have doubled the amount of police officers we have and yet we have the same amount of staff members.

In response to Mayor Bendekovic, Chief Harrison explained that people do not understand the hiring process; the background checks; and what someone has to go through to be a police officer. It takes quite a while to get everything done and then they have to go to the Police Academy, which is 22 weeks. After the Academy they have to pass a State exam, which takes time process before getting the results. After the State exam there is about a two-week in-house orientation and then you start with your Field Training Officer. It can take months to get someone up to speed so they can go out on their own. There are only three Academies a year so he has to time it to get these people through the process and ready to be hired to go into the Academy. He assured that he is doing everything possible to hire the best people that he can. He is not going to lower our standards just to fill space.

Councilmember Levy commented that Broward County seems to be reversing back to what we had years ago because the new Sheriff has changed all of his District Chiefs to Captains.

Chief Harrison stated that the titles can be changed but they are doing the same job.

Mayor Bendekovic advised that there should not be a motion; this is just comments.

Mr. Lunny indicated that any person can ask to call the question and if the person that seconded the motion for discussion no longer wishes to support the motion he or she can withdraw the second.

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Councilmember Stoner commented that for her this has been a really good year. She wished everyone the best of holidays and thanked them all for being a part of her life.

* * * * *

Councilmember Jacobs voiced his support for Mayor Bendekovic with regard to her handling the Hyatt Extreme Christmas. Referring to the fact that there is a safety issue is the focus. He believes she is handling the situation properly; it is a public safety issue.

Mayor Bendekovic advised that the Police Chief makes the decisions because of the public safety. Thanks should go to the ones doing the work.

Chief Harrison indicated that he evaluates this on a nightly basis. The gates are not open Monday through Wednesday, but Thursday through Sunday they do. The media is drawing more attention and attraction to this particular site. There may be a point that the Police Department will have to take further action. It truly comes down to what is best for the community and the safety of everyone who participates.

In response to Councilmember Levy, Mayor Bendekovic stated that ABC already filmed.

Chief Harrison commented that they already filmed and it is airing on December 23, 2013. They did have an episode this previous Monday on four homes.

Councilmember Levy noted that each of the homes had people from the community standing and cheering when the judge came. He questioned if people from the community were doing that here too.

Chief Harrison stated that there was a panel of judges. We had detail out there but there was not a large crowd; it was early.

Mayor Bendekovic advised that a production company came and asked for a special events permission because they needed to park on Hiatus Road and were going to be filming. They did two or three days. The production company hired a detail and there was not one problem; there was no traffic or crowd problem. It was filmed before Thanksgiving.

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Mayor Bendekovic requested Council direction with regard to changing annual and sick leave. It was stated that it would cost a certain sum of money with our ADP system. She thanked everyone for giving them that direction. When Mr. Castro went to ADP and indicated that we were going to pursue this all of a sudden there was no charge. She would like a hold on the RFP because there is \$500,000 invested in this software right now.

There was a consensus to put a hold on the RFP.

Mr. Castro explained that two things happened. At about the same time we were about to take a software upgrade in the ADP software. That gave us other tools and a little more robust platform to work with, which allows us to do more on our own without having to have them do it for us. The other thing was that it gave us a little leverage with them because when the word RFP was mentioned all of a sudden things changed and we were told that they can do this at no cost at this point and time.

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PUBLIC REQUESTS OF THE CITY COUNCIL CONCERNING MUNICIPAL AFFAIRS

Mr. Lunny read Item No. 24.

24. COUNCIL REVIEW OF CODE ENFORCEMENT REDUCTION OF FINES ON CASE CE11-00137 PROPERTY LOCATED AT 4801 NW 1ST COURT.

A memo dated December 11, 2013, to Mayor Bendekovic and City Council Members, from Susan Slattery, City Clerk, follows:

The attached Request for a Council Review of fine reduction was received in the City Clerk's Office on Friday, November 22, 2013.

The first decision that the Council will need to make is if they wish to hear the item. If you choose to hear the item, you would only be reviewing CE11-00137.

I have attached the required information stated by the Code. If you have any questions, please feel free to contact me.

In response to Councilmember Levy, Mr. Lunny did not have any recommendations on the matter. He indicated that they instituted, at the Council's direction and with the Council's review, a uniform method of trying to score citations so that the system would not be arbitrary. The scoring mechanism and scoring tool was shown to the Council and all requests for fine reductions, once they are in compliance, are scored in the same way with the scoring tool. Then it gets presented to the Mayor, as Council has given her the authority to reduce fines up to 25% of the principal with the caveat that all costs be recovered. If the Mayor chooses not to do so or if the applicant wishes to have a greater reduction they go to the Special Magistrate. In this case, the fine as of October 22, 2013, was \$84,300. It was scored to \$25,290 and then it was reduced by the Special Magistrate to \$12,645 plus costs of \$902 for a total of \$13,547. At the time the Council set up this procedure it indicated that it would not wish to review appeals from the Code Enforcement Special Magistrate unless the fine was reduced below \$5,000 or 5% of the fine. As a point of fact, this reduction is within the number so the Council, by its ordinance, can choose to consider it or not consider it. Procedurally, the vote should be first whether the Council wishes to hear the matter and if that motion passes then the Council can proceed to consider the matter.

Mayor Bendkeovic commented that there is a choice to either go the Special Magistrate or come to the Mayor; it was never brought to her because it would have been reduced 25% and this has been reduced down to 16%. The Special Magistrate did it lower than what she would have been able to do.

Councilmember Stoner noted that this name is very familiar and she believes this was a house that she may have done some work on with Rebuilding Together. She recalled that the woman was ill at the time they worked on the house and they tried to remedy some of the situation. She did not know whether she could participate in a vote.

Mr. Lunny advised that if she was uncertain as to whether she could vote that she should abstain just to avoid an appearance of impropriety.

Motion by Councilmember Jacobs, seconded by Councilmember Fadgen, to hear this item. Motion carried on the following roll call vote:

Ayes: Zimmerman, Fadgen, Jacobs, Levy

Nays: None

Abstained: Stoner

Mr. Lunny indicated that the next step would be to consider the comments of the individual as to why he or she feels that further reduction is appropriate.

In response to Councilmember Levy, Mr. Lunny did not know if there were any staff comments because he was not informed. He believes that the material is in front of the Council.

Councilmember Levy requested that in the future there be a staff person present in case the applicant says something that may or may not be something that needs to be confirmed.

Mayor Bendekovic suggested deferring the discussion and she could have a staff member from Code Enforcement at the December 28, 2013 meeting.

Councilmember Jacobs believed we should hear this tonight since the applicant is present and if there is an issue where we need to defer it then we can. He agreed that in the future staff should be present.

Anna Marie Rosinski, applicant, was present. She stated that her mother, Diana Frenzel, was a long time resident and volunteer of Plantation. She improved a home next door and purchased that house in 2007 with the intentions of moving into it at the peak of the real estate values. The following year she pulled permits to put in impact windows and for some reason there were fines because permits had expired. For some reason the door she had put in was not included on the permit. The permit had been renewed a number of times. Her mother passed away in 2010 and she recently became the executor of the estate. Her mother had an illness that was equivalent to having Leukemia and it was after she passed away that the fines started accruing. The work was already done and it was up to Code. When she found out about it she had a window and door company look at everything to make sure it was properly done and she was given an okay on everything. As soon as she could she called for the permit to have it inspected so the fines could stop and then she moved ahead to reduce the fines. She is trying to do what she believes is the right thing and ask for consideration to have the fines further reduced because she does not believe the City incurred a lot of expenses. She understands that there are some expenses but not \$15,000 worth of expenses. It would be a hardship for them to have to come up with that money. She is a widow and does not have a lot of money to put into this. The work was done properly and it improved the neighborhood; the house looks great.

Mayor Bendekovic commented that it could be taken down to the 5% to \$4,700 and half of the \$13,000.

Councilmember Jacobs stated that in his experience, especially in situations like this, the City is not out to assess fines. It has been cured; let us recover the costs to have it cured.

Mayor Bendekovic confirmed that the total is \$902.17.

Councilmember Stoner questioned how long the applicant has to pay the fine.

Mr. Lunny agreed with Councilmember Stoner that the timeframe should not be left open. The Special Magistrate's customary order is 30 days.

Motion by Councilmember Jacobs, seconded by Councilmember Fadgen, to reduce the fine to the staff time and attorney's fees that the City has incurred, which in backup is at \$902.17, to be payable within 30 days. Motion carried on the following roll call vote:

Ayes: Zimmerman, Fadgen, Jacobs, Levy

Nays: None

Abstained: Stoner

Mayor Bendekovic requested that Ms. Rosinski get in touch with the Finance Department so they will have the correct address to mail an invoice to after tabulating the cost.

In response to Councilmember Fadgen, Ms. Rosinski confirmed that her address is 425 Farmington Drive, Plantation, Florida 33317.

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Councilmember Stoner questioned when someone is selling the property whether it is feasible to have an agreement where the City places a lien on the property and recorded so it will be paid. She questioned if it is feasible to ask for the payment to become a recorded lien on the property versus having them pay.

Mr. Lunny indicated that it his understanding that there is already a recorded supplemental order Claim of Lien on the property for the full amount.

Councilmember Stoner questioned if it were structured differently and we said we would file a supplement to the Lien.

Mr. Lunny stated that we could execute a partial release and reduce the principal amount of the fine to \$902 and if that is not paid that would continue.

Councilmember Levy clarified that the question is if we have the \$84,000 lien, the lien has to be paid before the house can sell normally. He questioned if there can be a caveat that says it has to be paid from proceeds of the sale. They do not have the \$84,000 until they sell the house and if they sell the house that money would have to be paid back.

Mr. Lunny advised that is normally the way that all liens are satisfied; all liens are monetized by a sale and paid off by escrow. In this case, provided it is non-Homestead property, we would be paid after the sale.

Councilmember Stoner questioned that for future discussion if we have a variety of options as to how we choose to structure payments.

Mr. Lunny replied yes.

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Dennis Conklin, resident, was present. He provided a map that shows some re-precincts in Broward County to the City Clerk.

Mr. Conklin mentioned the Mount Vernon Assembly and Obama Care.

With regard to the Mount Vernon Assembly, he requested that the Council encourage the Representatives representing Plantation to look into this process and promote it within our State.

Councilmember Jacobs suggested that the City find out if the Florida League of Cities is planning to come up with any discussion and whether they are going to get involved or not.

In response to Councilmember Levy, Mr. Conklin stated that the people who were at the Mount Vernon Assembly were assigned by various States. He reiterated that he is requesting that the Council urge the State Representatives and State Senators representing Plantation to support this process at Tallahassee.

Councilmember Jacobs questioned what the Florida process is.

Mr. Conklin is encouraging the Representatives to develop the State of Florida's process.

In response to Councilmember Jacobs, Mr. Conklin stated that this is a Convention of the States to create amendments to the United States Constitution. It is not a Constitutional Convention.

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SEALED COMPETITIVE SOLICITATIONS – None.

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WORKSHOP – None.

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Meeting adjourned at 9:45 p.m.

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Councilmember Robert A. Levy, 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 _____, 2014.

Susan Slattery, City Clerk