

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

January 7, 2015

The meeting was called to order by Councilmember Lynn Stoner, President of the City Council.

1. Roll Call by City Clerk:

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 Fadgen.

The Pledge of Allegiance followed.

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ITEMS SUBMITTED BY THE MAYOR

Mayor Bendekovic congratulated Councilmember Stoner on her re-election to City Council.

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Mayor Bendekovic made the following comments:

- The City of Plantation was recognized as a 2015 Healthy Weight Community Champion. This recognition is through the Department of Health, Healthiest Weight Florida Initiative. This is a public/private collaboration bringing State agencies, not-for-profit organizations, businesses and community to help Florida children and adults make consistent, informed choices about healthy eating and active living. A presentation will be made at a later date.
- The 19th Annual Martin Luther King Day and the Interfaith Celebration of Plantation multicultural communities' theme is "Celebrate the Dream" and will be held Sunday, January 18, 2015 at 3:00 p.m. at Plantation United Methodist Church.
- Doggie Palooza will be on Saturday, January 31, 2015 at Happy Tails Dog Park.
- Share-A-Pony Equestrian Kids' Day Off for ages 4-12 years old will be held January 19, 2015 from 9:00 a.m. until 4:30 p.m.

- Plantation High School 50th Anniversary Celebration is coming up in 2015. They are having a 50th Celebration on Saturday, February 21, 2015.
- Friends of the Library will be holding lectures every Wednesday from 2:00 to 4:00 p.m.
- The Plantation Farmer's Market is every Saturday at Volunteer Park between 8:00 a.m. and 2:00 p.m.

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Mayor Bendekovic wished everyone a Happy New Year.

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Councilmember Stoner noted Florida First Responder Appreciation Week is January 5 - 9, 2015. She thanked the men and women who protect and serve our community every minute of the day.

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CONSENT AGENDA

Item No. 7 was removed by Staff.

As a Commissioner of the CRA, Mayor Bendekovic has a voting privilege on Item No. 12.

Mr. Lunny read the Consent Agenda by title.

3. Request for authorization to exercise/execute the second of two 1-Year renewal options for closed circuit TV (CCTV) security system maintenance with ATCI Communications, Inc. at the RWWTP and the Central and EWTP, expiring December 31, 2015 (Budgeted – Utilities).
4. Request to approve a purchase order to Flanders Electric Motors SVC in the amount of \$46,247.50 furnish and install one (1) variable frequency drive with passive filter and one (1) passive filter for existing Dan Foss variable frequency drive for the RWWTP (Budgeted – Utilities)
5. Request to approve the purchase of the NetMotion yearly maintenance from NetMotion Insight in the amount of \$22,085.00. (Budgeted – IT)
6. Request to approve the purchase of 26 replacement sets of Globe Bunker Gear for the Firefighters from Bennett Fire Products Company in the amount of \$42,900.00. (Budgeted – Fire).
8. Request to approve the purchase of a software upgrade and implementation/configuration services for the City's Intergraph (Public Safety CAD 911) software (Budgeted – IT)

Resolution No. 12003

9. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period December 11, 2014 through December 31, 2014 for the Plantation Gateway Development District.

Resolution No. 12004

10. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period December 11, 2014 through December 31, 2014 for the Plantation Midtown Development District.

Resolution No. 12005

11. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditures Report for the period December 11, 2014 through December 31, 2014.

Resolution No. 12006

12. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period December 11, 2014 through December 31, 2014 for the City of Plantation's Community Redevelopment Agency.

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

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

Mayor Bendekovic voted affirmatively on Item No. 12.

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ADMINISTRATIVE ITEMS

Mr. Lunny read Item No. 13.

Resolution No. 12007

13. **RESOLUTION** APPROVING AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF PLANTATION AND SLAVIN MANAGEMENT CONSULTANTS IN FORM ATTACHED HERETO AS EXHIBIT "A"; HAVING THE APPROPRIATE CITY OFFICIALS EXECUTE SAME AND AUTHORIZING THE CITY ADMINISTRATION OR CITY ATTORNEY TO MAKE MINOR REVISIONS THERETO; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

A memorandum from Daniel W. Keefe, Interim Chief Administrative Officer, to Mayor and Members of City Council dated, January 7, 2015 regarding the Executive Search Firm for Chief Administrative Officer, follows:

REQUEST: Approve Slavin Management Consultants as the firm to conduct an executive search for the next Chief Administrative Officer for the City of Plantation.

ANALYSIS: Letters of Interest (LOI's) were sent to seven executive search firms that specialize in recruitment of upper level municipal managers on November 10, 2014. The LOI was also published on Demand Star. Four respondents submitted proposals on November 25, 2014. The selection committee, consisting of Mayor Bendekovic, Human Resources Coordinator Arlette Steinberger and Interim Chief Administrative Officer Dan Keefe reviewed the proposals on December 4, 2014 and ranked Slavin Management Consultants as the number one most qualified and responsive proposer. The committee would recommend

Slavin Management Consultants be approved as the executive search firm to recruit the position of Chief Administrative Officer with a fee not to exceed \$22,769.50. (Budgeted 001-110-512-3102 – Consultants)

RECOMMENDATION: Approve the Resolution to authorize an agreement with Slavin Management Consultants to provide executive search services for the city of Plantation to recruit the Chief Administrative Officer.

Motion by Councilmember Jacobs, seconded by Councilmember Fadgen, to approve Item No. 13 as presented. Motion carried on the following roll call vote:

Ayes: Jacobs, Zimmerman, Fadgen, Levy, Stoner

Nays: None

After the vote was taken, Interim Chief Administrative Officer Dan Keefe provided the following dates and introduced Bob Slavin, President, Slavin Management Consultants:

- Individual meetings are being proposed for January 16, 2015 with Mr. Slavin to discuss personal qualifications and recruiting guidelines Council feels are appropriate.
- Interviews will be proposed for March 25, 2015 beginning at 9:00 a.m. with the recommended candidates. It is anticipated that there will be 4-5 candidates and the timeframe would be approximately 1 to 1 ½ hours for each interview during the day. This will be advertised according to Sunshine requirements.

Mayor Bendekovic noted the Council meeting dates will be changed to March 11 and 18, 2015. There will be no Council meeting on March 25, 2015. Sample discussion questions can be provided; however, each candidate must be asked the same questions.

Councilmember Fadgen expressed his belief he would like to interview candidates separately rather than a group interview with all Councilmembers.

Councilmember Stoner felt it was important that everyone who is interviewing the candidates hear the same answers and make the personal decision based upon that information.

Discussion ensued with regard to parameters for interviews.

Mr. Slavin suggested Council consider applicants nationwide verses local applicants since there is no additional expense incurred for a nationwide search. Once the search is done, consideration can be given to local applicants depending on the search results. Searches include the Professional Municipal Executives Associations; ICMA, Florida League of Cities, ASPA, personal candidates and their data base.

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LEGISLATIVE ITEMS – None.

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Councilmember Stoner referred to the guidelines for those addressing the Council as witnesses having been sworn in.

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

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QUASI-JUDICIAL CONSENT AGENDA - None.

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QUASI-JUDICIAL ITEMS

Mr. Lunny read Item No. 14.

14. REQUEST FOR SIGN SPECIAL EXCEPTION FOR PLANET FITNESS AT JACARANDA PLAZA, LOCATED AT 8219 W. SUNRISE BOULEVARD, PROPERTY DESCRIBED AS FOLLOWS: JACARANDA PLAZA 84-38B B TR A W 1182, AS MEAS ALG N/L THEREOF LESS A POR OF TR A DESC AS COMM AT SWLY COR SAID TR A NE 602.20 ALONG S BOUNDARY TR A, N 87 TO POB CONT N 175, W 180, A 175, W 180 TO POB PROPERTY IS ZONED B-2P (CENTRAL BUSINESS DISTRICT). SCOTT LINSKY, REPRESENTATIVE/JACARANDA PLAZA PARTNERS LLC, OWNER.

The Planning and Zoning comments follow:

SUBJECT: PP14-0031: Sign Special Exception – Planet Fitness

APPLICANT: Scott Linsky representative/Jacaranda Plaza Partners, LLC

ADDRESS: 8219 West Sunrise Boulevard

LOCATION: Located on the north side of Sunrise Blvd approximately 750' west of University Drive

LAND USE/ZONING: Commercial/B2-P (Central Business District)

SPECIAL EXCEPTION REQUEST:

1. From: Section 22-35, which limits overall sign area to a total of 60 square feet.
To: Increase the allowable sign area from 60 square feet to 143.02 square feet (95.52 square foot "planet fitness" lettering, plus a 47.5 square foot logo).
2. From: Section 22-20(g), which limits the size of the logo to a maximum of 6 square feet (10% of the allowable sign area).
To: Increase the maximum logo size from 6-square feet to 47.5-square feet (79.2% of the allowable sign area).

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

ANALYSIS:

The shopping center, Jacaranda Plaza, is zoned B-2P (Central Business District) and contains approximately 175,000 sq. ft., excluding the Chase Bank outparcel. The master plan consists of four buildings including a grocery store, department store, retail shops, offices, and restaurants. The shopping center elevations were recently upgraded with exterior improvements (PM12-0052).

On June 25, 2014, City Council granted conditional use approval for a 17,500 square foot sportcenter (Planet Fitness). The applicant also received an 89 space-parking waiver.

The applicant is now requesting a sign special exception to allow:

- An increase in the maximum total sign area from 60 square feet to 143.02 square feet (includes the 95.52 square foot “planet fitness” and the 47.5 square foot logo)
- An increase in the maximum logo size from 6 square feet to 47.5 square feet.

Section 22-35 of the City Code allows for one square foot for each lineal foot of storefront, with a maximum of 60 square feet. The overall storefront width of Planet Fitness is approximately 219 feet.

SPECIAL EXCEPTION CRITERIA: Staff has reviewed Section 22-11 of the Land Development Code and determined the application does not meet the special exception criteria. *However, staff is cognizant of the difficulty in leasing this tenant space since the recession and the length of this tenant space (219 feet). Staff will support a 96 square foot sign (1.6x permitted size) plus a 10 square foot logo (six feet permitted) adjacent to the sign, for a total of 106 square feet.*

STAFF COMMENTS:

PLANNING AND ZONING:

1. Staff has no objection to the 95.52 feet of the lettering “planet fitness”. However, the proposed logo size and location is out of proportion with the rest of the sign. The logo is currently proposed at 47.5 square feet and located on a tower element, separate from the rest of the sign. Staff recommends:
 - a. To reduce the size of the logo to approximately 10 square feet to be approximately 10% of the proposed overall sign area, and
 - b. To move the logo from the tower element, to lower sign band adjacent to the lettering “planet fitness”.
2. Per the shopping center’s uniform sign agreement:
 - a. Trim caps shall be white, not black.
 - b. Returns shall be dark bronze, not black.
3. Per Section 22-4 (Wall Sign definition) the maximum distance from the face of the wall to the letters is 8-inches. Provide dimensions of the raceway.
4. The raceway must be painted to match the building.
5. No electric shall be visible.
6. The tenant will obtain a business tax license from the City Clerk’s office prior to final inspections of the commercial interior permit B14-03275.

EXHIBIT "A"

Sec. 22-11 Sign special exceptions

- (a) A special exception from the terms of this Chapter shall not be granted by the City governing Body unless and until a written request for a sign special exception has been submitted demonstrating:
 - (1) That special conditions and circumstances exist such as, but not limited to, building orientation, vehicular circulation or vision obstructions (not to include landscaping) that are peculiar to the land, structure, or building that create a site specific justification for the exception:
 - Permitted vehicular speed along Sunrise Blvd. is too fast to enable residents to clearly see our sign at 60 square feet.
 - No street front pylon exists at this center.
 - A 60 square foot sign does not adequately demonstrate the size and scale of our 17,000 square foot facility.
 - This strip center has had difficulty maintaining successful retail; visibility of this signage will drive traffic to all tenants.
 - Our location within the strip center is more typical of small shop retail, a larger sign will help highlight the store as the third largest tenant in the center (Junior Anchor).

STAFF RESPONSE:

- In terms of Sunrise Boulevard travel speed, visibility, and monument sign exposure, the proposed Planet Fitness sign does not present unique conditions when compared to other retail tenants in back wing of the shopping center.
 - Planet Fitness, at 17,000 sq. ft. does not justify a larger sign when compared to Publix (36,000 sq.ft.) and SteinMart (32,000 sq.ft.)
 - Staff is cognizant of the difficulty in leasing this tenant space since the recession and the length of this tenant space (219 feet). Staff will support a 96 square foot sign (1.6x permitted size) plus a 10 square foot logo (six square feet permitted) adjacent to the sign, for a total of 106 square feet.
- (2) That a literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other property of lands, structures or buildings of similar character with identical special circumstances (nonconforming signs shall not be grounds for issuing sign special exceptions), or alternatively that a special exception from the provisions of this Chapter is warranted and justified to protect, preserve, or enhance the City's tax base or to prevent or eradicate conditions of economic blight;

Being the third fitness club to the market we face stiff competition from those located just to the north in Sunrise. By granting this enlarged sign we will better be able to draw customers from neighboring towns to this center.

We will spend in excess of \$150,000 annually advertising this location to consumers within a 5 mile radius. This will drive traffic to the center and all of the tenants will enjoy the benefits.

The addition of a state-of-the-art health club will enhance the lives of residents throughout Plantation.

STAFF RESPONSE: Competition is not a basis to justify increased sign size. Potential health club customers are typically notified by direct mail advertising of a new health club. However, staff is cognizant of the difficulty in leasing this tenant space since the recession and the length of this tenant space (219 feet). Staff will support a 96 square foot sign (1.6x permitted size) plus a 10 square foot logo (six square feet permitted) adjacent to the sign, for a total of 106 square feet.

- (3) That the special conditions and circumstances do not result from the action of the applicant:

We have not created the condition, we are merely asking for the same advantages that other business of the same scale in the local area enjoy.

STAFF RESPONSE: By requesting a sign 2.4X the permitted size, the applicant is asking for a special benefit not conferred upon other similarly situated businesses. However, staff is cognizant of the difficulty in leasing this tenant space since the recession and the length of this tenant space (219 feet). Staff will support a 96 square foot sign (1.6x permitted size) plus a 10 square foot logo (six square feet permitted) adjacent to the sign, for a total of 106 square feet.

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

Our requested sign measurements are consistent with those from the code in place from 2005 and as can be seen from the renderings they are proportionate, tasteful and keep to the high standard of the City of Plantation.

STAFF RESPONSE: Applicant's request is not consistent with the 2005 sign code, the same code in place today. Staff is cognizant of the difficulty in leasing this tenant space since the recession and the length of this tenant space (219 feet). Staff will support a 96 square foot sign (1.6X permitted size) plus a 10 square foot logo (six square feet permitted) adjacent to the sign, for a total of 106 square feet.

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

The fabrication and installation of this sign will be code compliant and will be best-in-class production. Only high quality materials will be used.

Proportionality will be maintained so that there are no detrimental impacts to the area.

STAFF RESPONSE: By proposing a sign 2.4X times the allowable size, the request is not consistent with the general purpose and intent of the sign code. Staff is cognizant of the difficulty in leasing this tenant space since the recession and the length of this tenant space (219 feet). Staff will support a 96 square foot sign (1.6X permitted size) plus a 10 square foot logo (six square feet permitted) adjacent to the sign for a total of 106 square feet.

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

From best of our knowledge all other signage on this site is compliant with code. Additionally, it is of similar proportionality and quality of appearance.

STAFF RESPONSE: By proposing a sign 2.4X times the allowable size and including a logo not located adjacent to the sign, the request does not comply with the sign code. Staff will support a 96 square foot sign (1.6X permitted size) plus a 10 square foot logo (six square feet permitted) adjacent to the sign, for a total of 106 square feet.

Lawrence Leeds, Planning, Zoning, Economic Development Director, presented an overview of the staff report. He advised he was sworn in and understood the rules governing the procedure. Mr. Leeds noted a compromised solution was proposed yesterday which was to allow a 96 square foot sign plus a 10 foot logo for a total square footage of 106 feet. The proposal is a larger sign of the one that was submitted as part of the backup material. The applicant advised yesterday he would like to propose a different solution which includes a different sign with no logo on one of the portions of the building protruding outward. There are other tenants in the shopping center that have erected their signs on that area. The applicant would like to dispense with the logo and erect a 106 square foot sign that states "Planet Fitness".

Councilmember Stoner expressed her belief the application should be brought back at a later meeting so that Council has time to review the information. She questioned whether the sign height would be aesthetically pleasing and consistent with the shopping center.

Representative Scott Linsky was present on behalf of the applicant. He was sworn in and understood the rules governing the procedure. He thanked Council for the opportunity to present his proposal at tonight's meeting. In response to Councilmember Stoner he advised his lease is for 10 years with two 5-year options to renew. It was his desire to bring customers back to Plantation and have a better facility. He expressed concern with the size of the bay and that a 60 foot sign would not be adequate advertising for the length of the bay. He felt the size of the sign is important and proposed changes to the sign including the color and deletion of the logo. Photographs of other signs hung in the parapet in the same shopping center were presented to Council. It was noted the current sign is temporary showing the membership office.

Councilmember Fadgen felt the applicant has compromised with the sign height and the compromise seems to be acceptable to staff. It was his belief the City needs to be business friendly and he is supportive of 104 square feet.

Mr. Leeds noted the hardships with the shopping centers and the economic development. It was his belief the 60 square foot requirement is too low, but that the 106 square foot proposal may be too big. He suggested consideration be given to the height of the letters. He clarified the sign was calculated with two triangles.

Councilmember Jacobs concurred that the sign should not be out of scale for the center; however, he does not object to approving the 106 square foot sign with the condition that the applicant works with staff.

Councilmember Zimmerman felt the compromise would clean up the space rather than having several different tenant signs for the square footage. He felt it was a positive improvement and would help support the other businesses in the plaza.

Motion by Councilmember Jacobs, seconded by Councilmember Zimmerman, to approve Item No. 14 and granting a special exception request to increase the allowable sign area from 60 square feet to 104 square feet. There will be no logo. The red color will be consistent with the shopping center. Motion carried on the following roll call vote:

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

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COUNCILMEMBERS' COMMENTS

Councilmember Jacobs questioned whether Council had any input on the direction of the Metropolitan Planning Council for the City of Plantation. A copy of Councilmember Fadgen's comments are on file in the City Clerk's Office. A presentation will be made at an upcoming meeting.

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Councilmember Fadgen noted he received an email regarding the possibility of malnourished and abused horses being kept in the Plantation Acres area. He noted there are no City regulations.

Police Chief Howard Harrison advised the citizen who made the complaint is working with Police officials. As of today, two horses have been removed. Five of the horses belong to the property owner. Evidence is being collected with regard to possible animal abuse. Several law enforcement agencies are involved in this matter. Other animals on the property have been addressed for proper care.

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Councilmember Zimmerman requested an update regarding the Plantation Community Center.

Danny Ezzedine, Director of Design, Landscape and Construction Management, advised permits have been submitted to the Building Department. The consultants will be requested to meet next week regarding the plan review comments. Once corrections are made, the permit will be finalized. In order to avoid change orders, a permit is pulled under his name and is changed to the contractor's name once the contractor is selected.

After discussion, it was clarified the finalized construction drawings will be presented to Council in a couple of weeks. Once this is finalized, bid documents will be drawn for construction.

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Councilmember Levy reiterated the roadways in Country Club Estates are in poor shape. He requested those improvements be considered in any roadway improvement plans.

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Mayor Bendekovic noted the next Council meeting will be held on January 21, 2015 at 7:30 p.m.

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Councilmember Stoner commented because she did not have to run a campaign, she is afforded the time to look at the day-to-day activities of the City and she is grateful for the opportunity.

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PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS

Peter Jehlen, 4300 NW 8 Street, was present. He expressed his frustration with the lack of Code Enforcement in the Plantation Business Park.

Mayor Bendekovic noted staff is working with the new owner who has been in transition.

Police Chief Harrison explained there have been several violations for 4350 W. Sunrise Boulevard. He reiterated the policy for the Code Enforcement Department has been to seek compliance rather than to go directly to a code enforcement proceeding. He discussed with the previous owner the violations on NW 8 Street and the violations were in compliance for a length of time. The Landscape Department has contacted the new owner and noted the owner is in the process of obtaining a new landscape design for the entire property and would eliminate some of Mr. Jehlen’s concern. Chief Harrison acknowledged the landscape has declined from the previous owner to the new owner. The owner has brought into compliance the grass and debris violations.

Danny Ezzedine noted staff has been working with both the previous and new owners. A meeting was held yesterday with the new owner who is in the process of removing the hedge and addressing the health of trees.

Councilmember Jacobs requested a report brought back to the next meeting as to the status.

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SEALED COMPETITIVE SOLICITATIONS – None.

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WORKSHOPS – None.

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Meeting adjourned at 9:00 p.m.

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Councilmember Lynn Stoner, 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 _____, 2015.

Susan Slattery, City Clerk