

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

August 26, 2015

The meeting was called to order by Councilmember Chris Zimmerman, President of the City Council.

1. Roll Call by City Clerk:

Councilmember:	Ron Jacobs
	Robert A. Levy
	Lynn Stoner
	Peter S. Tingom
	Chris P. Zimmerman
Mayor:	Diane Veltri Bendekovic
Asst. City Attorney:	Quentin Morgan
City Clerk:	Susan K. Slattery

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2. The invocation was offered by Councilmember Zimmerman.

The Pledge of Allegiance followed.

ITEMS SUBMITTED BY THE MAYOR

3. **Resolution #12131**

RESOLUTION of Appreciation to Kevin R. Swan for 22 years of dedicated service to the City of Plantation.

Motion by Councilmember Jacobs, seconded by Councilmember Tingom to adopt the Resolution. Motion carried on the following roll call vote:

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

Mayor Bendekovic presented the following employee service awards:

Lt. Joseph Galignani	Police Department	25 years
Cheryl Greenberg	Parks and Recreation	25 years
Diana Berichelli	Design and Construction	20 years
Brett Butler	Engineering	15 years
Steven Natora	Utilities Department	10 years
Charles Reaz	Parks and Recreation	10 years

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James Romano, Parks and Recreation Director made the following announcements:

- PAL Soccer registration is open
- Visual Art Competition for the Art Search Program
- Boys and Girls Hot Shot Basketball Contest

Mayor Bendekovic made the following announcements:

- Economic Development Summit – September 10
- Broward County United Way Mayor’s Gala – October 24
- Historical Museum is seeking volunteers for the gift shop during special programs
- Band Day Kick Off at the Museum – August 29
- Kids Day Off at Central Park – September 14
- Share a Pony at the Equestrian Center – September 14
- Farmers Market every Saturday 8am – 2pm at Volunteer Park

Chief Stearns provided an update on Tropical Storm Ericka.

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CONSENT AGENDA

As a Commissioner of the CRA, Mayor Bendekovic has a voting privilege on Item No. 14.

4. Request to approve the purchase of one 2015 Ford Transit Van from Plantation Ford at a cost of \$27,487.92. (Budgeted - Public Works Capital).
5. Request to approve budgeted funds and authorize the payment of \$22,922.08 to Dell Leasing for the needed computers. (Budgeted - IT).
6. Request for authorization to issue payment to Board of County Commissioners, Broward County, Florida, in the amount of \$34,172.54, for Plantation's participation in the Broward Water Partnership rebate program (Budgeted-Utilities).
7. Waiver request to permit Decorative Street Signage - Isla Del Sol Estates Neighborhood - private roadways.
8. Waiver request to permit Decorative Street Signage - Willow Pond Estates Neighborhood - private roadways.
9. **Resolution #12132**
RESOLUTION approving 2015 Code Enforcement Fine Reduction Score Sheet.
10. **Resolution #12133**
RESOLUTION approving to extend Construction & Demolition contracts for one year until September 30, 2016 (Waste Management).

11. **Resolution #12134**
RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period August 06, 2015 through August 19, 2015 for the Plantation Gateway Development District.
12. **Resolution #12135**
RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period August 06, 2015 through August 19, 2015 for the Plantation Midtown Development District.
13. **Resolution #12136**
RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period August 06, 2015 through August 19, 2015.
14. **Resolution #12137**
RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period August 06, 2015 through August 19, 2015 for the City of Plantation's Community Redevelopment Agency.

Motion by Councilmember Jacobs, seconded by Councilmember Tingom, to approve the Consent Agenda as presented. Motion carried on the following roll call vote:

Ayes: Jacobs, Levy, Stoner, Tingom, Zimmerman
Nays: None
Mayor Bendekovic voted affirmatively on Item No. 14.

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ADMINISTRATIVE ITEMS

15. **Presentation of Salary Compensatory Study.**

A memo dated August 26, 2015, to the City Council from Horace McHugh, Chief Administrative Officer, follows:

Due to salary competitiveness among municipalities Plantation has experienced difficulties in recruiting and retaining qualified candidates in many positions. On March 25, 2015, Administration received a consensus from the Council to issue a Request for Proposal (RFP) to perform a long overdue employee salary study.

The City received (3) proposals ranging from \$24,950 to \$60,000. Administration accepted Evergreen Solutions, LLC who submitted the lowest most responsive proposal of \$24,950. The study is complete and Evergreen is now ready to present their assessment and implementation options to the Council.

Attached, for the Council's review, is the consultant's report. We have also attached copies of the recommended salary ranges, organized by department order and organized by "percentage change required to bring the range to midpoint."

The consultant will be making a presentation at the August 26, 2015 meeting, after which we look forward to the Council's input, question, and feedback.

After discussion, consensus was reached to delay implementing the recommendations suggested by Evergreen Solutions until additional information is provided to the Council.

16. **Resolution #12138**

RESOLUTION of the City of Plantation approving that certain First Amendment to Agreement between the City of Plantation and the Plantation Athletic League, Inc.; providing a savings clause; and providing an effective date therefor.

A memo dated July 22, 2015, to the City Council from Jim Romano, Parks and Recreation Director, follows:

The agreement between the City of Plantation ("City") and the Plantation Athletic League, Inc. ("PAL") was signed in 2010. The Parks and Recreation department has reviewed the Agreement with PAL with the thought of updating same. As the Council may remember, material changes to the Agreement need to be reviewed and approved by the City Council

Attached, please find a Resolution approving a First Amendment to Agreement. The high points are:

1. Specific provision have been added concerning the maximum number of travel team expected by the parties, with a provision that allows exceptions to the maximums which can be approved the Administration. (Lines 25-41).
2. To the extent reasonably possible, PAL programs will need to be affiliated with an accredited League affiliation. This will promote uniformity, assist in ensuring that League safety and equipment protocol are followed and assist PAL in its obligation to complete certain background checks. (Lines 43-65 and Lines 77-83).
3. The PAL program review has been streamlined. Previously, the PAL Sports Commissioners and Athletic Supervisor were required to submit program reviews four (4) times a year. This was too burdensome to the PAL volunteers and to Staff. The program review will now be completed by the Athletic Supervisor annually. (Lines 103-120).
4. Provisions have been added which clearly state the parties intent that the City has liability to PAL except for making refunds, in the event the Broward County School Board or another third party vendor determines to cancel or amend any of the leases or other arrangements enjoyed by the City and used by PAL. (Lines 192-211).
5. The provisions concerning travel league special championships, and PAL special events, have clarified. (Pages 6 and 7).

This matter is now ready to be considered as an Administrative Item.

Motion by Councilmember Jacobs, seconded by Councilmember Tingom to approve the aforementioned appointments and adopt the resolution. Motion carried on the following roll call vote:

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

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LEGISLATIVE ITEMS

17. Second and Final Reading of **ORDINANCE #2536** pertaining to animals by amending the Plantation Code of Ordinances to create regulations for the retail sale of dogs and cats; providing severability; providing for inclusion in the Code; and providing an effective date therefor.

A memo dated August 4, 2015, to the City Council from Quentin Morgan, Assistant City Attorney, follows:

As the City Council may remember from 2014, consideration was given to this Ordinance. At that time it was decided, due pending lawsuits across the country and in particular the lawsuit involving the City of Sunrise, that this Ordinance would be held in abeyance until such time as the Courts weighed in on the matter. In June, the Federal Court for the Southern District of Florida granted the City of Sunrise's Motion for Summary Judgment rejecting all of the constitutional claims of the pet shop plaintiff in that case. Similar results have been made across the country with the most recent notable as being the City of Phoenix.

Attached for the City Council's Consideration is a revised regulatory Ordinance concerning Pet Shops. The significant changes to the Ordinance from First Reading are highlighted in yellow. Since First Reading, the Administration has learned that certain nationally recognized/entities "accredit" dog and cat breeders for resale. Some accrediting association/entities have been mentioned by name in the Ordinance and others may be approved by City Resolution (Lines 191-207). The other significant change to the regulation is to allow Pet Shops to acquire dogs and cats from Hobby Breeders subsequent retail sale by the Pet Shop (Line178). Finally, Pet Hops are being given until January 31, 2015 to sell their inventory and the word "inventory" has been defined for practical expedience (Lines 165-174). The Legal Department and Administration believes that the revised regulation utilizes a narrower regulatory focus, and may address the alleged negative secondary effects of young animals sourced from "puppy mills" or "kitten mills" in a more practical manner.

This revised Ordinance is now ready to be considered as a Legislative Item as Second Reading.

The following people spoke in favor of the Ordinance that passed on First Reading at the April 9, 2014 Council Meeting:

1. Judith Ware – read an email into the record from Dale Bartlett, Public Policy Director of the Stop Puppy Mills Campaign for the Humane Society.
2. Michelle Lazaro
3. Carlos

4. Jerry Fadgen
5. Louis Reinstein

The following people spoke in opposition of the Ordinance:

1. Don Anthony
2. Scott First
3. Vicki Siegel
4. Robert Siegel

Motion by Councilmember Levy, seconded by Councilmember Tingom to adopt the Ordinance on Second Reading as it was presented on First Reading with the addition of hobby breeders. Motion carried on the following roll call vote:

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

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QUASI-JUDICIAL ITEMS

18. **Resolution # 12139**

RESOLUTION approving a 1,560 square foot coin operated laundry establishment as a conditional use and the request for a site plan modification to allow a 1,560 square foot coin operated laundry establishment in a B-2P zoning District located on the SW corner of Cypress Rd. and NW 69th Ave.

The following staff report was submitted by the Planning and Zoning Department:

REQUEST: Conditional use approval to allow a 1,560 square foot coin operated laundry in a B-2P zoning district.

WAIVER REQUESTS:

- 1) From: Section 27-720(27)(c), which limits self-service laundries to a total rated capacity of five hundred (500) pounds (for all washing units combined);
To: Increase the total rated capacity from five hundred (500) pounds (for all washing units combined) to of six hundred and thirty-four (634) pounds.

- 2) From: Section 27-720(27)(c), which limits self-service laundries to a maximum machine rated capacity of twenty-five hundred (25) pounds;
To: Increase the maximum machine rated capacity from twenty-five (25) pounds to a range of thirty (30) to eighty (80) pounds.

EXHIBITS TO BE INCLUDED: Planning and Zoning Division report; subject site map; and Conditional use application.

ANALYSIS: The subject site is a 2.2 acre parcel and currently developed with an 18,979 square foot single story multi-tenant commercial building with surface parking lot. The plaza is bound by Cypress Road to the north; commercial uses to the south and west; and NW 69th Avenue to the east. The closest residential unit

(mid-rise condominium on north side of Cypress Road) is located approximately 230 feet from the laundromat entrance.

The applicant is requesting conditional use approval to allow a 1,560 square foot coin operated laundromat in the tenant space previously occupied by Cypress Square Laundromat. The proposed hours of operation are 7:00 a.m. to 12:00 midnight, seven days a week. The applicant proposes to staff the laundromat with an attendant during operating hours.

Section 27-720(27)(c), which limits self-service laundries to a maximum machine rated capacity of twenty-five hundred (25) pounds. The applicant is requesting a waiver to allow:

- 28 dryers with a 30 pound capacity;
- 4 dryers with a 50 pound capacity;
- 5 washers with a 30 pound capacity;
- 5 washers with a 40 pound capacity;
- 2 washers with a 60 pound capacity; and
- 1 washer with an 80 pound capacity

Overall, coin-operated laundries are limited to a total rated capacity of five hundred (500) pounds (for all washing units combined). The applicant is requesting a waiver to allow a total rated capacity for all washing machines of six hundred and thirty-four (634) pounds.

Because the previous laundromat has been closed for more than 6 months, Section 27-768 requires a new conditional use approval be granted for the proposed coin operated laundry use. The review of a conditional use request should include consideration of the criteria noted in Section 27-768 of the Land Development Code, which is attached hereto as Exhibit "A".

STAFF COMMENTS:

PLANNING AND ZONING: No objection to the conditional use request and washing machine size waiver subject to conditions.

1. Hours of operation - Monday to Sunday from 7:00 a.m. – 12:00 a.m. (as proposed by the applicant in the July 24, 2015 letter of intent).
2. The development must be consistent with the floor plans stamped received AUG 13, 2015 and attached hereto as Exhibit "B".
3. An attendant shall be present on the premises at all times that the facility is in operation.
4. Outdoor vehicle or material storage is prohibited.
5. Occupational license approval is subject to the conditions of this approval.
6. Signage is not part of this review.

DESIGN, LANDSCAPE & CONSTRUCTION MANAGAMENT: Staff has no objection to the conditional use request.

1. This property was brought up to City landscape codes within the past 6 month and been well maintained.

BUILDING DEPARTMENT: No objection to the conditional use.

ENGINEERING: No objection.

FIRE DEPARTMENT: No objection to the conditional use request.

POLICE DEPARTMENT: No objection to the conditional use request.

1. Police inspection of property recommends:

- a) Follow through with security cameras and full staffing as stated in the letter of intent.
- b) The property has signs that the parking lot is under surveillance 24 hours 7 days a week by security cameras. No cameras were seen during inspection.
- c) Replace all parking lot lights from the current high pressure sodium bulb to a LED fixture.

UTILITIES: No objection.

EXHIBIT "A"

Where applicable, the review of a Conditional Use request should include consideration of the criteria noted in Section 27-768 of the Land Development Code, attached hereto. The applicant is required to identify the following:

1. A binding and buildable site plan that allows the Council to determine the architectural features and buffering needed to protect the surrounding property.

See attached example exhibit A.

2. The proposed conditional use will be consistent with the general plan for the physical development of the district including any master plan or portion thereof adopted by the Council.

Coin-operated laundries are permitted in the B-2p zoning district as a conditional use, meeting the regulations of ordinance Sec. 27-721 (Regulations to The Master List of Businesses). In addition, a coin operated laundry business had been present in this space of the shopping center for greater than 20 years.

3. The proposed conditional use will be in harmony with the general character of the neighborhood, considering population density, scale and bulk of any proposed structures, intensity and character of activity, traffic and parking conditions, and number of similar uses. A present need for the conditional use must be demonstrated.

The re-approval of this conditional use will have a positive effect on the shopping center, and the community at large. When the business was first closed by the previous owner, many local residents were in question of where to wash their garments. We believe based on the surrounding residential units, there is sufficient demand and need for this business to be present and provide service. The business will be self contained, and air conditioned with closed doors. Parking in both the front and rear of the store will provide ease of access allow traffic of the center to flow freely. At approximately 1,560 SF / 300 SF = 5.2 spaces which are readily available.

4. The proposed conditional use will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding property, or the neighborhood, and will cause no objectionable noise, vibration, fumes, odor, dust glare of physical activity.

The store will contain all new style equipment that will run at a much higher efficiency, and will operate much quieter than any equipment that had been in use prior. With the doors closed, there will be no noise exhibited from the exterior.

See attached example exhibit B.

5. The proposed conditional use will not adversely affect the health, safety, security, morals, or general welfare of residents, visitors, or workers in the neighborhood.

The store will be fully attended, secured with security cameras, and cooled via air conditioning and have competitive pricing.

6. The proposed conditional use will not, in conjunction with existing development in the area and permitted development under existing zoning, overburden existing public services and facilities.

Re-opening the facility will not overburden public services and facilities as we will be operating with new style and high efficiency machines that will have a higher efficiency rate and lower consumption rate.

7. The proposed conditional use shall meet all other specific standards that may be set forth elsewhere in the Code of Ordinances.

Yes, however a use variance request regarding the size of laundry machines has been submitted in conjunction with this application.

8. The proposed conditional use shall disclose the square feet of use sought for approval so that an adequate evaluation may be made.

Approximately 1,560 SF.

Motion by Councilmember Tingom, seconded by Councilmember Jacobs to adopt the Resolution, conditional use, and site plan amendment subject to staff comments. Motion carried on the following roll call vote:

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

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Lobbyist Report

Dave Ericks, Lobbyist for the City provided an update on past and upcoming legislative sessions.

Councilmember Comments:

Councilmember Stoner – requested the creation of a foreclosure Ordinance and increase Code Enforcement personnel.

Public Requests of the Council Concerning Municipal Affairs:

Carla Breyers-Davis, she spoke about the Code Enforcement violations she received for the custom wrapping on her family vehicle that was deemed a commercial vehicle. She requested the code be amended to allow for a vehicle cover to be used.

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Meeting adjourned at 10:30 p.m.

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Councilmember Chris Zimmerman, 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